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## FISCAL IMPACT REPORT

SPONSOR: Feldman DATE TYPED: 02/11/01 HB \_\_\_\_\_  
 SHORT TITLE: Amend NM Subdivision Act SB 157  
 ANALYST: Valdes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB77

### SOURCES OF INFORMATION

Attorney General

### SUMMARY

#### Synopsis of Bill

According to the Attorney General, Senate Bill 157 accomplishes two basic things. (1) It amends the Subdivision Act by deleting from the definitions section certain lands now not considered subdivisions under the Subdivision Act, and creates a new section wherein counties may exempt such lands from their subdivision definitions. It provides criteria and an exemption procedure at the initiation of the landowner. (2) It creates a new section in the Act to address the merger doctrine in subdivision law. Subsection A provides that two or more contiguous parcels shall not be merged solely by virtue of the fact that they are owned by the same person or entity. Subsection B says that counties may provide an exemption procedure in their subdivision regulations and lists certain criteria for such a county exemption regulation. It provides that where any one of the contiguous parcels does not meet the minimum lot size set forth in the county's regulations, and one or more of the listed criteria are also present [for example: no legal access, not meet water, sewer, slope, size, health, safety or zoning standards], then the county may initiate a merger procedure. The procedure provides for notice and an opportunity for the landowner to be heard with appeal rights.

#### Significant Issues

The bill shifts the determination of whether certain lands are to be considered "subdivisions" from the Subdivision Act to the counties. Counties are authorized to provide in their regulations a procedure where the landowner desiring to be exempt from the county definition of "subdivision"

may apply for a determination by the county that the lands in question meet the criteria for a finding of exemption, with appeal rights. The issue is whether this matter should be addressed in the State Act or by the counties.

The Bill also codifies the procedure for a determination of whether two parcels of land under common ownership should be considered to have merged into one larger parcel for purposes of further subdivision analysis. The Bill provides for a due process procedure at the initiation of the county. The county is to notify the landowner when it appears that the merger criteria are present and affords the landowner notice, and opportunity to be heard, with appeal rights. The issue is whether this codification of the merger doctrine is in the public interest.

**RELATIONSHIP**

HB77 addresses the merger doctrine in a different manner.

MV/ar/njw