

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

RESOLUTION NO. 2014- 129

A RESOLUTION

FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND
AUTHORIZING THE SUSPENSION OF THE ENFORCEMENT OF SPECIFIED
PROVISIONS OF ARTICLE V OF THE LAND DEVELOPMENT CODE THAT
CONCERN EXPIRATION OF MASTER PLANS AND FINAL PLATS
PURSUANT TO ORDINANCE NO. 2011-11

WHEREAS, Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Santa Fe County Land Development Code (the "Code") and the now-repealed Extraterritorial Zoning Ordinance contain expiration dates for master plans, preliminary plats, and final plats; and

WHEREAS, Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code require an applicant to apply for an extension of these approvals and precludes an extension should the approval expire; and

WHEREAS, the national, state and local economies experienced a severe downturn in recent years that has heavily affected the housing sector, and the economic recovery is not yet firmly rooted; and

WHEREAS, pursuant to Ordinance No. 2011-11, the Board of County Commissioners (the "Board") may suspend provisions of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of the Code for up to three years upon a finding that "severe economic conditions" are present, which are defined as being present when the Conference Board Leading Economic Index® (LEI) for the United States is less than 100 for any quarter, and for three years following any such event; and

WHEREAS, in Resolution No. 2011-193, the Board found severe economic conditions to exist, and suspended the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two (2) years pending an economic recovery, so long as "an order approving the specific suspension for the development in question is approved by the Board"; and

WHEREAS, pursuant to Ordinance No. 2011-11 and Resolution No. 2011-193, the Board approved for two years the suspension of the expiration provisions for several final plats, development plans, and master plans; and

WHEREAS, NMSA 1978, Sections 47-6-11.1 (1995) and 47-6-11.3 (1995) provide that expiration of an approved preliminary plat prior to preparation of a final plat shall terminate all proceedings on the subdivision, necessitating preparation of a new preliminary plat.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1. Pursuant to Ordinance No. 2011-11, the Board finds that severe economic conditions are present, in that the LEI was less than 100 during the entirety of the fourth quarter of calendar year 2013 (i.e., October to December 2013). These continuing severe economic conditions justify the additional suspension of the enforcement of expiration

2014/10/29 10:29 AM

dates for master plans and final plats (and related final development plans) until December 31, 2016.

2. The Board hereby delegates to the Land Use Administrator the authority to suspend for a specific development the enforcement of Article V, Sections 5.2.7 and 5.4.6 of the Code and related policies and procedures of the Land Use Department whereby master plans and final plats (and related final development plans) expire, subject to the following:

- a. The Land Use Administrator may approve such suspensions for those developments located within the unincorporated lands of Santa Fe County and those areas within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965) lying outside the Presumptive City Limits, as defined in that certain Settlement Agreement by and between the City of Santa Fe and County of Santa Fe, dated May 19, 2008.
- b. All expiration extensions available under Article V, Sections 5.2.7 and 5.4.6 of the Code must be requested and expire prior to requesting suspension of the enforcement of expiration provisions under Ordinance No. 2011-11 and this Resolution.
- c. Suspension of enforcement is not available for master plans and final plats expiring more than three (3) years prior to the effective date of Ordinance No. 2011-11.
- d. The Land Use Administrator may approve applications for the suspension of enforcement of master plan and final plat expirations until December 31, 2016, or until this Resolution is rescinded, whichever first occurs.
- e. For those developments requesting their first suspension after the effective date of this Resolution, the suspension shall be valid until December 31, 2016.
- f. Those developments for which the Board previously suspended the enforcement of applicable expiration provisions for master plans and final plats (and related final development plans) for two years may apply to the Land Use Administrator to extend the period of suspension until December 31, 2016.
- g. Notice of any application pursuant to Ordinance No. 2011-11 and this Resolution shall be posted in accordance with Article II, Section 2.3.1c of the Code.
- h. Article II, Section 2.3.1f and related provisions of the Code shall govern appeals from and the finality of the Land Use Administrator's decision with respect to applications pursuant to Ordinance No. 2011-11 and this Resolution.

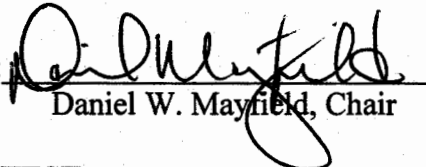
2. The authorization of a suspension for a development pursuant to Ordinance No. 2011-11 and Resolution No. 2011-193 or this Resolution does not mean

that the development does not have to comply with the Sustainable Land Development Code (SLDC). Applicability of the SLDC to a development shall be determined in accordance with the provisions of the SLDC and New Mexico law.

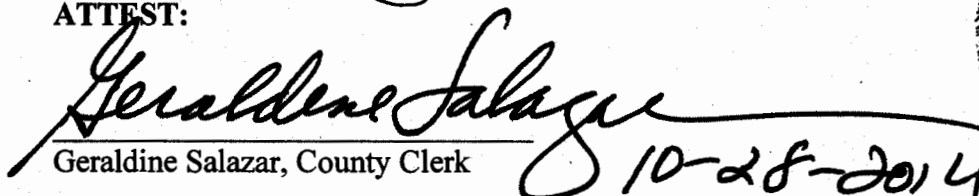
3. This Resolution supersedes and replaces Resolution No. 2011-193 with respect to any applications pursuant to Ordinance No. 2011-11 made after the date this Resolution is adopted by the Board.

PASSED, APPROVED, AND ADOPTED THIS 28TH DAY OF OCTOBER, 2013.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

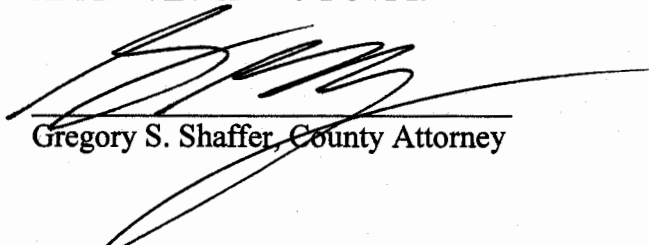
By: 
Daniel W. Mayfield, Chair

ATTEST:

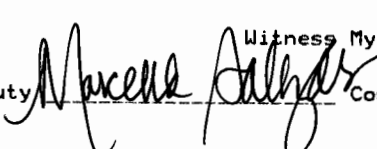

Geraldine Salazar, County Clerk *10-28-2014*



APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney



COUNTY OF SANTA FE)	BCC RESOLUTIONS
STATE OF NEW MEXICO) ss	PAGES: 3
I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of October, 2014 at 04:08:31 PM And Was Duly Recorded as Instrument # 1749606 Of The Records Of Santa Fe County	
Deputy 	Witness My Hand And Seal Of Office Geraldine Salazar County Clerk, Santa Fe, NM