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2 SANTA FE COUNTY ORDINANCE #1979-1 AND AMENDMENTS
3 TO SUBDIVISION REGULATIONS
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5 AN ORDINANCE AMENDING SANTA FE COUNTY ORDINANCE #1978-2
6 (AN ORDINANCE PROHIBITING UTILITY SERVICE TO LAND WITHIN
7 UNAPPROVED SUBDIVISIONS) AND MAKING CERTAIN SECTIONS OF
8 THAT ORDINANCE A PART OF THE SANTA FE COUNTY SUBDIVISION
9 REGULATIONS.

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
11 COUNTY, NEW MEXICO: Santa Fe County Ordinance #1978-2 (An Ordinance
12 prohibiting utility service to land within unapproved subdivisions)
13 is hereby amended as follows:

14 Section 1. Section 1 of Ordinance #1978-2 is amended to read
15 as follows:

16 Section 1. FINDINGS AND PURPOSE. -- The Commission finds,
17 determines and declares that County regulation of utility installa-
18 tion on lands within subdivisions not approved by the County Com-
19 mission is in the interest of the health, safety, welfare, comfort
20 and convenience of the citizens of the County. The purpose of
21 this Ordinance is to preserve the health, provide for the safety
22 and promote the order, comfort and convenience of the inhabitants
23 of the County by prohibiting the installation of utility service
24 on lands within subdivisions which have not been approved by the
25 County Commission pursuant to the powers granted the Commission by
26 the New Mexico Subdivision Act and the Santa Fe County Subdivision
27 Regulations.

28 The Commission finds it is necessary to insure that develop-
ment of land in Santa Fe County is well planned, in conformity with

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2 the New Mexico Subdivision Act and the Santa Fe County Subdivision
3 Regulations, giving consideration to population density in the area.
4 The Commission further finds that after 5 months experience in
5 administering the provisions of Ordinance #1978-2, it is necessary
6 to adopt formal procedures relating to variance and appeal, and to
7 further specify land effected by the Ordinance.

8 Section 2. A new Section 3.D of Ordinance 1978-2 is enacted
9 to read:

10 "D. The existence of a valid building permit for a
11 structure on a parcel of land shall also be a complete defense,
12 absent a showing of fraud or misrepresentation, to any prosecution
13 under the provisions of this Ordinance."

14 Section 3. A new Section 3.1 of Ordinance #1978-2 is enacted
15 to read:

16 "Section 3.1. VARIANCE --

17 Any person may request in writing a variance from a determi-
18 nation made pursuant to Section 3 of this Ordinance. A variance
19 may be granted if it is determined that strict compliance with the
20 terms of this Ordinance would result in extraordinary hardship to
21 a person seeking utility service, as a result of non-self inflicted
22 conditions and granting the variance would not have serious adverse
23 effects on the health and welfare of the residents of the County
24 of Santa Fe. In making this determination, the County Manager or
25 his designee shall consider whether or not the person requesting
26 the variance knew or should have known that the property he purchased
27 for which he is seeking service was located in an unapproved sub-
28 division. Conditions may be imposed on the granting of any variance

1 to insure that the health and welfare of the residents of the County
2 of Santa Fe are protected and that development is well planned.
3 Such conditions may include, but are not limited to, limitation on
4 redivision of property by a land owner."

5 Section 4. A new Section 3.2 of Ordinance #1978-2 is enacted
6 to read:

7 "Section 3.2. APPEAL --

8 Any person aggrieved by a determination of the County Manager
9 or his designee pursuant to Sections 3, 3.1 or 4 of this Ordinance
10 may appeal that determination by requesting in writing a review of
11 the determination by the Board of County Commissioners. The re-
12 quest for review must be received in the Office of the Board of
13 County Commissioners within 30 days of the date of the determination."

14 Section 5. A new Section 5.1 of Ordinance #1978-2 is enacted
15 to read:

16 "Section 5.1. SUBDIVISION REGULATIONS --

17 Sections 1, 2-A (5), 3, 3.1, 3.2, 4 and 5 of this Ordinance
18 shall constitute Article XVIII of the Santa Fe County Subdivision
19 Regulations.

20 Section 5 of Ordinance #1978-2 is amended to read:

21 "Section 5. APPLICATION --

22 This Ordinance shall apply to any utility connection made,
23 construction commenced, or any service begun on land within the
24 Subdivision jurisdiction of the County of Santa Fe which has been
25 sold or leased on or after January 1, 1979."

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1 Section 6. Section 8 of Ordinance #1978-2 is amended to read:

2 "Section 8. EFFECTIVE DATE --

3 The effective date of the Subdivision Ordinance shall be 30
4 days after the Ordinance has been recorded in the County Ordinance
5 Book."

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1 PASSED, ADOPTED AND APPROVED by the Board of County
 2 Commissioners of Santa Fe County, New Mexico as Ordinance
 3 No. 197 - , this 2nd day of July, 1979.

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 5 BOARD OF COUNTY COMMISSIONERS
 6 OF SANTA FE COUNTY

7 BY

8 *John R. Sena*
 9 John R. Sena, Chairman -

10 This Ordinance was recorded in the Santa Fe County
 11 Ordinance Book on July 13 , 1979.

12 ATTEST:

13 *Carolina R. Gonzales*
 14 Santa Fe County Clerk



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442,440
 STATE OF NEW MEXICO
 COUNTY OF SANTA FE
 I hereby certify that this instrument was filed
 for record on the 13 day of July A.D.,
 1979 at 12:50 o'clock P.M.
 and was duly recorded in book 383
 page 505-509 of the records of Santa Fe County.
 CAROLINA R. GONZALES
 County Clerk, Santa Fe County, N.M.

Carolina R. Gonzales
 Deputy