

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-66

AN ORDINANCE
AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE, ORDINANCE NO.
2016-9, TO ADD A NEW SECTION 3.6 TO ESTABLISH THE EXTRATERRITORIAL
LAND USE AUTHORITY AND A NEW SECTION 3.7 TO ESTABLISH THE
EXTRATERRITORIAL LAND USE COMMISSION

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
("BOARD") OF SANTA FE COUNTY ("COUNTY"):

1. Chapter 3 of the SLDC is hereby amended to add a new section as follows:

“3.6. Extraterritorial Land Use Authority (ELUA)

3.6.1. Creation. There is created the Santa Fe Extraterritorial Land Use Authority (ELUA) as provided in NMSA 1978, § 3-21-3.2 (2003) and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008).

3.6.2. Membership. The ELUA shall consist of four County Commissioners appointed by the Board of County Commissioners and three City Councilors or two City Councilors and the Mayor appointed by the Mayor with the approval of the City Council. The remaining member of the board of county commissioners shall be appointed as an alternate to the ELUA, and the Mayor shall appoint alternates with the approval of the City Council from among the remaining City Councilors. The alternates shall be notified prior to a meeting of the ELUA if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges and powers as other appointed members.

3.6.3. Term. The term of each ELUA member shall be for two years.

3.6.4. Responsibilities. The Extraterritorial Land Use Authority shall have the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided in the Municipal Code, NMSA 1978, §3-1-1 et seq. and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008). The Extraterritorial Land Use Authority shall approve or disapprove annexation petitions brought pursuant to NMSA 1978, § 3-7-17.1 (2003) upon review and recommendation of the Extraterritorial Land Use Commission (ELUC).

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3.7 The Santa Fe Extraterritorial Land Use Commission (ELUC)

3.7.1. Creation. There is created the Santa Fe Extraterritorial Land Use Commission (ELUC) as provided in NMSA 1978, § 3-7-3.2 (2003) and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008).

3.7.2. Membership. The ELUC shall consist of five members of the County Planning Commission appointed by the Board of County Commissioners and five members of the City Planning Commission appointed by the Mayor with approval of the City Council. Alternates to the ELUC shall be appointed by the Board of County Commissioners from the remaining members of the County Planning Commission and by the Mayor with approval of the City Council from the remaining members of the City Planning Commission. Alternatives shall be notified prior to a meeting of the ELUC if an appointed member cannot attend. When replacing a member, the alternate shall have the same duties, privileges and powers as other appointed members.

3.7.3. Term. The term of each ELUC member shall be for two years.

3.7.4. Responsibilities. The ELUC shall have the authority to carry out duties and make recommendations related to planning and platting jurisdiction, subdivisions, zoning, and annexations as provided for in NMSA 1978, §§ 3-7-3, 3-7-3.2 and 3-7-4 (2003) and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008).”

- 2. Ordinance No. 2008-17 is repealed.
- 3. The effective date of this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF August, 2022.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna T. Hamilton
Anna T. Hamilton, Chairperson

ATTEST:
Katharine E. Clark
Katharine E. Clark
County Clerk



SFC CLERK RECORDED 08/10/2022

APPROVED AS TO FORM:

Roger Puccio for
Jeff Young
Santa Fe County Attorney

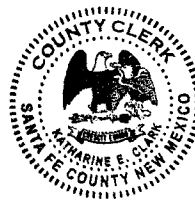
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 9

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of August, 2022 at 09:42:44 AM
And Was Duly Recorded as Instrument # 1994779
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Destiny Romero County Clerk, Santa Fe, NM



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SANTA FE NEW MEXICAN

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SF COUNTY
PO Box 276
Santa Fe, NM 875040276

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AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, Veronica Gonzalez, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 89965 a copy of which is hereto attached was published in said newspaper 2 day(s) between 07/18/2022 and 07/25/2022 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 18th day of July, 2022 and that the undersigned has personal knowledge of the matter and thngs set forth in this affidavit.

ISI 

LEGAL ADVERTISEMENT RESPRESENTATIVE

Subscribed and sworn to before me on this 25th day of July, 2022

Notary 

Commission Expires: 11/30/2024

STATE OF NEW MEXICO
NOTARY PUBLIC
SUSAN LARINE CAHOON
COMMISSION #1132046
EXPIRES: 11/20/2024

SFC CLERK RECORDED 08/10/2022

LEGAL #36286

LEGAL #89965

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY ON ORDINANCE NO. 2022-2023, AN ORDINANCE AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE ORDINANCE NO. 2016-9, TO ADD A NEW SECTION 3.6 TO ESTABLISH THE EXTRATERRITORIAL LAND USE AUTHORITY AND A NEW SECTION 3.7 TO ESTABLISH THE EXTRATERRITORIAL LAND USE COMMISSION

Notice is hereby given that the Santa Fe County (County) Planning Commission will hold a public hearing on an ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC), County Ordinance No. 2016-9, as amended, on Thursday, July 21, 2022, at 4:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Chambers of the Board of County Commissioners. And that the Board of County Commissioners (Board) of Santa Fe County (County) will hold a public hearing on the above-titled ordinance that would amend the text of the Santa Fe County Sustainable Land Development Code (SLDC), County Ordinance No. 2016-9, as amended, on Tuesday, August 9, 2022, at 5:00 p.m. at 102 Grant Ave. Santa Fe NM, in the Board's Chambers.

General Summary of Proposed Ordinance.

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The enactment of the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, created ambiguity about the status of the Santa Fe Extraterritorial Land Use Authority (ELUA) and Santa Fe Extraterritorial Land Use Commission (ELUC). The proposed ordinance would remove that ambiguity by enacting new Sections 3.6 and 3.7 to the SLDC to create those bodies.

State statute authorizes the creation of the ELUA and ELUC to exercise concurrent extraterritorial zoning jurisdiction, defined as the area within two miles of the boundary of the City (zoning) and five miles of the City's boundaries (subdivision and platting). NMSA 1978, §§ 3-20-5(A)(2), 3-21-2(B)(1), and 3-21-3.2(A)(2). In 2008, the City of Santa Fe (City) and Santa Fe County (County) agreed to create the ELUA and ELUC in (1) Section 4(A) of the Settlement Agreement and Mutual Release of Claims concerning annexation and (2) the September 10, 2008, Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (JPA).

If the subject ordinance is ultimately adopted, the ELUA and ELUC would be duly constituted as decision-making bodies under the SLDC by adding two new sections in Chapter 3. These bodies would NOT, however, hear land use cases or make independent land use regulations. Instead, under ELUA Ordinance No. 2013-01, (1) the City of Santa Fe Land Development

Code governs the regulation of zoning and planning and platting of property within the Areas to be Annexed and regulatory, enforcement, and decision-making authority over land use in the Areas to be Annexed is delegated to the City and (2) the SLDC governs the regulation of zoning and planning and platting of property outside the Presumptive City Limits and regulatory, enforcement, and decision-making authority over land use outside the Presumptive City Limits is delegated to the County.

In addition, in the case of annexation petitions that are not signed by the owners of a majority of the number of acres in the contiguous territory to be annexed, the ELUC makes recommendations concerning such petitions, and the ELUA must approve or disapprove of them.

Additionally, the Ordinance establishes the membership, term and responsibilities for both Boards. ELUA membership shall consist of four County Commissioners and three City Councilors with the remaining County Commissioners and City Councilors serving as alternates. ELUC membership consists of five County Planning Commission members and five City Planning Commission members with the remaining County and City Planning Commission members serving as alternates. Terms for all members is two years.

This is only a general summary of the proposed ordinance. In-

Interested persons must consult the proposed ordinance itself for the details of the proposed zoning and other regulations.

Time and Place of Hearing; Public Participation. Public hearings will be held at the County Administrative Building, located at 102 Grant Avenue Santa Fe NM, in the Board's Chambers on the 2nd Floor, on the 21st day of July 2022, at 4:00 p.m in front of the Santa Fe County Planning Commission and on the 9th day of August at 5:00p.m. in front of the Board of County Commissioners. Members of the public have the choice of listening and participating in this public hearing virtually or in person. Members of the public listening and participating in person will be required to comply with Santa Fe County policies concerning visitor screening and the wearing of cloth face coverings in effect on the day of the meeting. Alternatively, members of the public can listen and participate in the meeting via Webex, please see the Board's final meeting agenda and County website for details on how to participate via WebEx.

Copies of proposed ordinance. The proposed ordinance is available on the County's website, <https://www.santafecountynm.gov/>, or from the County Clerk.

All interested parties will be heard at the Public Hearing prior to the Board taking action on the proposed ordinance.

Possible Board Action

POSSIBLE BOARD ACTION
on August 9, 2022. After the public hearing on August 9, 2022, the Board may adopt the proposed ordinance, with or without changes, vote not to adopt the proposed ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the proposed ordinance until a future meeting of the Board. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the August 9, 2022, public hearing where recessing or postponement might be announced should thus inquire of the County as to whether the Board took action to recess or postpone.

Public Comment. All comments, questions, and objections concerning the proposed ordinance may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276 or via email at pen-green@santafecountynm.gov, or presented in person at the hearing. Comments, questions, and objections submitted in advance of the public hearing must be received by 1:00 p.m. on Friday, August 5, 2022, to ensure that they are provided to the Board before the public hearing.

For questions, please call the County Land Use Administration Office at (505) 986-6225.

Pub: July 18, 25, 2022

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