

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2025 - 113

**A RESOLUTION CONCERNING THE PETITION REQUESTING THE
BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW
MEXICO TO ADOPT AN ORDINANCE DECLARING “AREA 1B” TO BE
PART OF THE TRADITIONAL HISTORIC COMMUNITY OF AGUA
FRIA, OR ADOPT AN ORDINANCE HALTING PLANNED CTY [SIC]
ANNEXATION AND DECLARING “AREA 1B” TO BE RETAINED IN
SANTA FE COUNTY**

WHEREAS, on July 17, 2025, a PETITION REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO TO ADOPT AN ORDINANCE DECLARING “AREA 1B” TO BE PART OF THE TRADITIONAL HISTORIC COMMUNITY OF AGUA FRIA, OR ADOPT AN ORDINANCE HALTING PLANNED CTY [SIC] ANNEXATION AND DECLARING “AREA 1B” TO BE RETAINED IN SANTA FE COUNTY (“Petition”) was filed with the County Clerk (Instrument No. 2063051);

WHEREAS, “Area 1B” refers to that portion of land within Santa Fe County that Santa Fe County and the City of Santa Fe agreed was presumptively subject to annexation by the City of Santa Fe and, until annexation, the City of Santa Fe’s land use jurisdiction;

WHEREAS, the Petition is the latest effort by qualified electors in Area 1B to receive a traditional historic community designation under NMSA 1978, § 3-7-1.1 (2019);

WHEREAS, under a 2008 Settlement Agreement between the County of Santa Fe and the City of Santa Fe, the County and City agreed that the residents of Area 1B had the right to submit a petition or petitions to the Board seeking recognition of Area 1B as part of the adjacent Agua Fria Traditional Historic Community prior to that area’s annexation by the City;

WHEREAS, in April and May of 2023, petitions were filed with the County Clerk by qualified electors of Area 1B seeking adoption of an ordinance declaring Area 1B to be a part of the traditional historic community of Agua Fria;

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WHEREAS, the Board held a public hearing on May 1, 2023, and May 30, 2023, at which interested persons testified in support of or in opposition to the proposed ordinance;

WHEREAS, on June 13, 2023, the Board granted the petitions in part, finding that Area 1B (less certain undeveloped land that was excluded from the traditional historic community designation at the landowners' requests) was contiguous to the previously-recognized Agua Fria Traditional Historic Community, and independently met the statutory criteria for a traditional historic community designation, namely:

- Area 1B is part of an unincorporated area of Santa Fe County;
- Area 1B is an identifiable village, community, neighborhood or district that can be documented as having existed for more than one hundred years;
- Area 1B includes structures or landmarks that are associated with the identity of the specific village, community, neighborhood or district seeking designation as a traditional historic community; and
- Area 1B has a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity.

See NMSA 1978, § 3-7-1.1(A) (2019); *see also* Ordinance No. 2023-03 (June 13, 2023) (2023 Ordinance);

WHEREAS, on July 12, 2023, the City of Santa Fe appealed the 2023 Ordinance to the First Judicial District Court. *See City of Santa Fe v. Board of County Commissioners of the County of Santa Fe*, D-101-CV-2023-01555 (1st Jud. Dist.);

WHEREAS, on May 14, 2024, the First Judicial District Court entered an order finding that the 2023 Ordinance recognizing Area 1B as a traditional historic community was not supported by substantial evidence and violated the law;

WHEREAS, in pertinent part, the Court found that the petitioners had failed to present substantial evidence that Area 1B was an “identifiable village, community, neighborhood or district” because large portions of the area were composed of vacant lots, a “supermajority of homes [in the area were] built within

the last fifty years,” and there was no evidence situating the community on a continuum “from an identifiable variation appearing over 100 years ago to a similarly appearing, identifiable variation today,” *see* Order Reversing Ordinance No. 2023-03, at 17, *City of Santa Fe v. Board of County Commissioners of the County of Santa Fe*, D-101-CV-2023-01555 (1st Jud. Dist.); and

WHEREAS, the City of Santa Fe has still not sought to annex Area 1B;

NOW, THEREFORE, BE IT RESOLVED that:

- The Board remains concerned that the City of Santa Fe has taken no concrete steps to annex Area 1B after the First Judicial District Court’s decision paving the way for it to do so; nor has the City of Santa Fe sought to change the status of Area 1B through negotiation with the County. This leaves the residents and property owners of Area 1B in continued limbo, subject to the City of Santa Fe’s land use jurisdiction but without representation on the City Council.
- The First Judicial District Court’s holding that Area 1B residents failed to meet their burden of proving that the properties subject to the 2023 Ordinance met statutory requirements for recognition likely precludes recognition of the same (or a substantially similar) area as a traditional historic community, especially if Petitioners have not brought forward new evidence that was previously unavailable in support of their petition. *Cf. Southworth v. Santa Fe Services, Inc.*, 1998-NMCA-109, ¶ 14, 125 N.M. 489 (noting that issues of fact decided in quasi-judicial proceedings may not be relitigated in subsequent proceedings by a party to the earlier proceedings).
- The Board invites the petitioners to direct the Board’s attention to such evidence, and to present argument or other explanation as to why that evidence was not presented to the Board in 2023, at the Board’s meeting on January 27, 2026. If the petitioners fail to show how their petition is supported by new evidence, previously unavailable to petitioners, the Board may elect to dismiss the petition.
- As an alternative form of relief, the Petition requests that the Board “adopt[] an ordinance rejecting City annexation and declaring ‘Area 1B’ to be retained solely in Santa Fe County.” The Petition cites no legal authority for the Board to adopt such an ordinance, and the Board is currently unaware of any. Accordingly, petitioners will

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likewise be given an opportunity at the Board's meeting on January 27, 2026, to supply the Board with the legal authority authorizing the alternative ordinance requested.

- Separate and apart from any proceedings on this petition, the Board reaffirms its commitment to resolve through negotiation with the City of Santa Fe the status of Area 1B and other unresolved issues related to annexation.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER 2025.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: _____

Camilla Bustamante, Chair

ATTEST:

Katharine E. Clark
County Clerk

Katharine E. Clark
County Clerk



APPROVED AS TO FORM:

Walker Boyd
County Attorney

for

Walker Boyd
County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of October, 2025 at 10:00:19 AM
and Was Duly Recorded as Instrument # 2068517
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy _____

Katharine E. Clark
County Clerk, Santa Fe, NM

