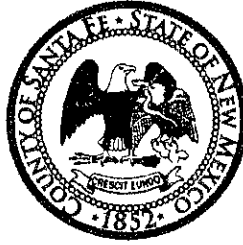


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

Date: October 11, 2011

To: Board of County Commissioners

From: Jack Kolkmeier, Director, Growth Management Department
Shelley Cobau, Building and Development Services Manager *JK*

Subject: Publish Title and General Summary of An Ordinance Suspending On A Case By Case Basis Provisions of Article V Of The Land Development Code Concerning Expiration Of Master Plans, Preliminary Plats and Final Plats Upon A Finding Of Economic Necessity. *SC*

A request has been submitted by Karl Sommer to take forward a request to publish title and general summary of an ordinance suspending code sections related to the expiration of master plans, preliminary plats and final Plats for those subdivisions whose approvals have expired.

The proposed Ordinance would allow the BCC to approve a resolution allowing this process. The proposed Ordinance and Resolution are attached for your review.

If the Ordinance and Resolution are approved by the BCC, then a Subdivider may come in front of the Board to request that this apply to them.

Requested Action

The request is to publish title and general summary of this Ordinance.

If the request is approved this Ordinance would be heard in a public hearing on November 8, 2011.

SOMMER, KARNES & ASSOCIATES, LLP

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September 30, 2011

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VIA HAND DELIVERY

Ms. Penny Ellis Green
Deputy County Manager
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

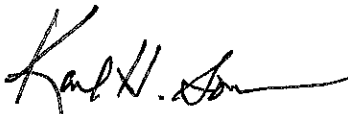
Re: Ordinance and Resolution Related to Expired Development Approvals

Dear Penny:

This letter is our request to forward to the Board of County Commissioners the enclosed Draft Ordinance for its consideration to publish title and general summary. It has been vetted by the Land Use Director and County Attorney for legal sufficiency.

Thank you for your attention to this matter.

Sincerely,


Karl H. Sommer

Summary of Ordinance Related to Expired Development Approvals

Background

During the last three to four years, Santa Fe County has suffered a severe economic downturn that has had a serious and adverse affect on the job market, personal income and the well being of the people and businesses located in Santa Fe County. As result, building activity has diminished considerably and the building trades and construction market has been among the hardest hit. The willingness and the ability of business to continue their investment and construction activities has likewise decreased significantly. Many development approvals have expired during this period of economic downturn, and the investment of firms in those approvals has been wasted because of the inability to move forward on various projects.

In an effort to spur the economic development activity in the area, the City of Santa enacted an ordinance that allowed the City Council to revive certain expired approvals by resolution. The City has twice extended their resolutions under its ordinance, and the measure has shown some success in helping firms to initiate economic investment.

The County is situated similarly to the City in that its Land Development Code has provisions for the expiration of development approvals. The County is in a good position to help provide avenues for firms with expired development approvals to restart and continue their investment in Santa Fe County, which in turn provides jobs and incomes for those employed in the building trades.

The draft ordinance is modeled on the successful enactment of the City of Santa Fe, although it has been tailored to better suit the needs of the County.

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2011-__

AN ORDINANCE SUSPENDING ON A CASE-BY-CASE BASIS PROVISIONS
OF ARTICLE V OF THE LAND DEVELOPMENT CODE CONCERNING
EXPIRATION OF MASTER PLANS, PRELIMINARY PLATS AND FINAL
PLATS UPON A FINDING OF ECONOMIC NECESSITY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANTA FE:

Section 1. Suspension of Expiration. A new paragraph of Article V of the Santa Fe County Land Development Code is enacted, as follows:

The Board of County Commissioners may approve, by resolution, temporary retroactive suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 of this Code concerning expiration of master plans, preliminary plans and final plats for any development located within the unincorporated lands of Santa Fe County and within the extraterritorial planning and platting jurisdiction as described in NMSA 1978, Sections 3-20-5 (1965) and 3-21-2 (1965), upon a finding that severe economic conditions justify such a suspension either for a particular project or for a described class of projects.

PASSED, APPROVED and ADOPTED THIS ___ DAY OF _____, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

By: _____
Virginia Vigil, Chair

ATTEST:

Valeria Espinoza, County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

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

RESOLUTION NO. 2011-___

A RESOLUTION

**FINDING THE EXISTENCE OF SEVERE ECONOMIC CONDITIONS AND
SUSPENDING ENFORCEMENT OF SPECIFIED PROVISIONS OF ARTICLE V
OF THE LAND DEVELOPMENT CODE THAT CONCERN EXPIRATION OF
MASTER PLANS, PRELIMINARY PLATS AND FINAL PLATS PURSUANT TO
ORDINANCE NO. 2011-___.**

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 former Extraterritorial Zoning Ordinance contain expiration dates for certain development approvals such as master plans, preliminary plats and final plats;

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

WHEREAS, the national, state and local economies have experienced a severe downturn in recent years which has heavily affected the housing sector, and signs of an economic recovery are ambiguous at best; and

WHEREAS, pursuant to Ordinance No. 2011-___, 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 upon a finding of economic necessity, and the Board recognizes that this is such a time and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of master plans, preliminary plats and final plats for two years pending an economic recovery.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 and related policies and procedures of the Land Use Department whereby master plans, preliminary plats and final plats expire are hereby suspended until approval of a subsequent resolution of this Board 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), *so long as* an order approving the specific suspension for the development in question is approved by the Board.
2. Any suspension of enforcement of Article V, Sections 5.2.7, 5.3.6 and 5.4.6 granted by the Board pursuant to paragraph 1 herein shall be valid for a period of two (2) years from the date suspension is authorized.

ADOPTED THIS ___ DAY OF _____, 2011.

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

By: _____
Virginia Vigil, Chair

ATTEST:

Valeria Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney