



**TAOS COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE 2020-2**

AN ORDINANCE AMENDING ORDINANCE 2005-08 TAOS COUNTY SUBDIVISION REGULATIONS, TO DECREASE THE MINIMUM LOT SIZE FROM 2 ACRES TO 1 ACRE AND TO ALLOW ANTIQUATED SUBDIVISION LOTS TO BE CONSOLIDATED

WHEREAS, the Taos County Board of County Commissioners is the duly authorized governing body of Taos County, a New Mexico political subdivision, and;

WHEREAS, § Section 4-37-1 through 4-37-9, NMSA 1978 powers granted to counties, including powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve, morals, order, comfort, and convenience of a county and its inhabitants; and

WHEREAS, Taos County Board of County Commissioners has the ability to adopt county subdivision regulations pursuant to § Section 47-6-10 County subdivision regulations; hearings; appeal, whereas in promulgating subdivision regulations, the Board of County Commissioners shall adhere to the procedures identified herein;

WHEREAS, Article 13 of Ordinance 2005-8, Subdivision Regulations, allows for amendments to be approved by Ordinance of the Board of County Commissioners; and

WHEREAS, The Board of County Commissioners finds it to be in the best interest of the residents of Taos County to amend the Taos County Subdivision Regulations, as indicated below.

IT IS HEREBY ORDAINED, Taos County Subdivision Regulations Ordinance 2005-08 is amended in the following particulars:

1. ARTICLE 2, DEFINITIONS AND WORD USAGE

SUBDIVISION – (#7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or, the alteration results in a decrease in the number of parcels, so long as the newly created parcels do not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon compliance with building codes, land use regulations and other applicable ordinances and regulations in place or as amended.

2. ARTICLE 2, DEFINITIONS AND WORD USAGE

SUBDIVISION – (#9) the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. This exemption may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land. Moreover, Exemption #13 may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land.

3. ARTICLE 2, DEFINITIONS AND WORD USAGE

SUBDIVISION (#13) the division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the

provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land;

4. ARTICLE 2, DEFINITIONS AND WORD USAGE

The addition of a new defined term is added and placed in alphabetical order as follows: Article 2 Definitions: ANTIQUATED SUBDIVISIONS also referred to as ANTIQUATED PLATS, that were recorded or approved prior to the State of New Mexico Subdivision Act of 1973, and are characterized by any one of the following:

- a. Single use development for residential single-family or manufactured homes to be developed on lots less than $\frac{3}{4}$ acre; or
- b. Has substantially failed to be built out; or
- c. Location and/or lot design that does not consider environmental features or constraints; or
- d. Inadequate infrastructure such as drainage, water and wastewater services, and developed roadways; or
- e. Non-conforming with local and state government's current regulations, comprehensive plan, land use and subdivision ordinances.

5. ARTICLE 4. PRELIMINARY PLAT REVIEW PROCEDURES

Section 4.2. Minimum Lot Sizes

Section 4.2.1.

(B) Where the average natural ground slope is from 0-10% the minimum lot size is one (1) acre.

6. ARTICLE 8. ADDITIONAL REGULATIONS

Section 8.2 Further Divisions of Previously-Approved Subdivisions

Previously approved subdivisions, including those approved under summary review procedures, may not be further divided. unless the final plat of the previously-approved subdivision or supporting documentation that is part of the previously approved subdivision includes an express provision for further division of the lots on the final plat, and the number of further divisions shall be limited to the number expressed on the plat, with the exception of Claim of Exemption (7) lot line adjustment dealing with the alteration of parcel boundaries, which exemption may be used within previously approved subdivisions.

7. ARTICLE 9, SPECIAL PROCEDURES

Section 9.2 Resubdivision

All or a portion of any final plat filed in the office of the County Clerk may be resubdivided by the same procedures prescribed in these Regulations for the subdivision of land.

8. APPENDIX I

Claim of Exemption

(#7) the division of land resulting only in the alteration of parcel boundaries where parcels are

TAOS COUNTY
ANNA MARTINEZ, CLERK
000445724
Book 1054 Page 172
2 of 4
07/22/2020 09:20:10 AM
BY DIANAD

altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or, the alteration results in a decrease in the number of parcels, so long as the newly created parcel does not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon compliance with building codes, land use regulations and other applicable ordinances and regulations in place or as amended.

9. (#9) the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give o more than one parcel per tract of land per immediate family member. This exemption may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land. Moreover, Exemption #13 may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land.
10. (#13) the division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land

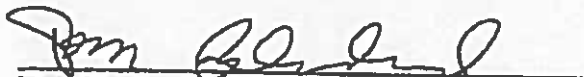
AMENDMENT – All other provisions of the Subdivision Regulations, Ordinance 2005-8 not specifically amended herein remain in full force and effect.

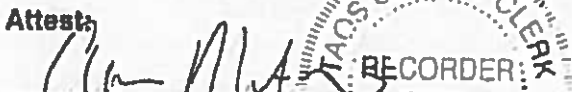
SEVERABILITY – The provisions of these regulations are severable, and if any provision, sentence, clause, section, or any part thereof, or its application to a person or in a particular circumstance, is held illegal, invalid, unconstitutional, or inapplicable provision or provisions shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or arts of these regulations and application of them.

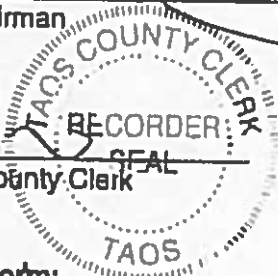
EFFECTIVE DATE, this Ordinance shall take effective thirty (30) days after the ordinance has been authenticated and recorded by the County Clerk per NMSA 1978. § 47-6-10 K..

PASSED, APPROVED AND ADOPTED, this 21 day of July 2020.

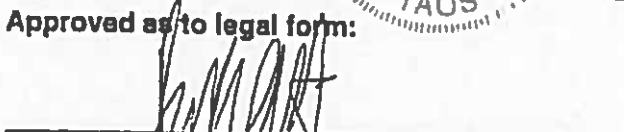
BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO


Tom Blankenhorn, Chairman

Attest:

Anna Martinez, Taos County Clerk



VOTE RECORD:			
T. Blankenhorn	<input checked="" type="radio"/> yes	no	abstain absent
C O'Donnell	<input checked="" type="radio"/> yes	no	abstain absent
J. Fambro	<input checked="" type="radio"/> yes	no	abstain absent
M. Gallegos	<input checked="" type="radio"/> yes	no	abstain absent
G J. Romero	<input checked="" type="radio"/> yes	no	abstain absent

Approved as to legal form:

Randy Aulio, Contract County Attorney

altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or, the alteration results in a decrease in the number of parcels, so long as the newly created parcel does not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon compliance with building codes, land use regulations and other applicable ordinances and regulations in place or as amended.

9. (#9) the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give o more than one parcel per tract of land per immediate family member. This exemption may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land. Moreover, Exemption #13 may not be used to further divide a lot created under this exemption within five years of the date of the division of the original tract of land.

10. (#13) the division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the county clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five years of the date of the division of the original tract of land

AMENDMENT – All other provisions of the Subdivision Regulations, Ordinance 2005-8 not specifically amended herein remain in full force and effect.

SEVERABILITY – The provisions of these regulations are severable, and if any provision, sentence, clause, section, or any part thereof, or its application to a person or in a particular circumstance, is held illegal, invalid, unconstitutional, or inapplicable provision or provisions shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or arts of these regulations and application of them.

EFFECTIVE DATE, this Ordinance shall take effective thirty (30) days after the ordinance has been authenticated and recorded by the County Clerk per NMSA 1978. § 47-6-10 K..

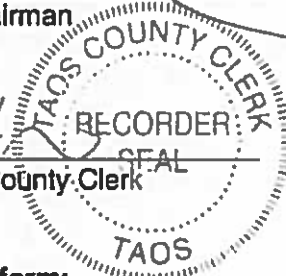
PASSED, APPROVED AND ADOPTED, this 21 day of July 2020.

**BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO**


Tom Blankenhorn, Chairman

Attest:

Anna Martinez, Taos County Clerk



VOTE RECORD:				
T. Blankenhorn	<input checked="" type="radio"/>	no	abstain	absent
C. O'Donnell	<input checked="" type="radio"/>	no	abstain	absent
J. Fambro	<input checked="" type="radio"/>	no	abstain	absent
M. Gallegos	<input checked="" type="radio"/>	no	abstain	absent
G. J. Romero	<input checked="" type="radio"/>	no	abstain	absent

Approved as to legal form:

Randy Autio, Contract County Attorney

TAOS COUNTY
ANNA MARTINEZ, CLERK
000445724
Book 1054 Page 174
4 of 4
07/22/2020 09:20:10 AM
BY DIANAD

