



ORDINANCE NO. 10-1-21.9F

AN ORDINANCE PRESCRIBING THE POWERS, DUTIES, AND ORGANIZATION OF THE SANDOVAL COUNTY PLANNING AND ZONING COMMISSION

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY:

Section 1. Purpose

The purpose of this ordinance is to prescribe the powers, duties, and organization of that body of appointed officials known as the Sandoval County Planning and Zoning Commission.

Section 2. Planning & Zoning Commission

A. The Sandoval County Board of County Commissioners has appointed a County Planning and Zoning Commission (hereinafter "Planning & Zoning Commission") for the County, pursuant to the authority granted by Sections 3-21-7, 4-37-1, and 4-57-1 et. seq. NMSA 1978.

B. Membership and Terms

The Planning and Zoning Commission shall consist of seven (7) members. The members shall be appointed by the Board of County Commissioners by Commission Districts as follows:

- 1). Two (2) members from Commission District 1;
- 2). Two (2) members from Commission District 5; and
- 3). One (1) member each from Commission Districts 2, 3 and 4.

Planning & Zoning Commissioners shall be residents of the County and of the Commission District from which appointed and shall not be employees of the County. The members shall serve staggered terms of two (2) years in order that there will be an overlapping of tenures with terms of four members expiring during each even-numbered year and the terms of three members expiring during each odd-numbered year.

An incumbent member shall serve the full term unless he/she resigns or is removed for cause under the terms of this Ordinance. When a vacancy occurs due to the expiration of the term of a member, that incumbent member shall serve until re-appointed or replaced under the terms of this Section. Vacancies shall be filled by appointment of the Board of County Commissioners upon recommendation of the Commissioner within whose Commission District the vacancy occurs. If the Commissioner fails to make a recommendation within sixty (60) days after the

vacancy occurs, the Board of County Commissioners shall appoint an individual to fill that vacancy as quickly as possible. On such occasions, it is preferable the appointee(s) of the Board reside within the Commission District that has the vacancy. However, the vacancy may be filled by any suitable candidate residing in Sandoval County.

Members may be removed for cause stated in writing, including but not limited to, frequent unexcused absences. Members shall be removed by a majority vote of the Board of County Commissioners following a public hearing.

- C. The Planning & Zoning Commission shall have available to it the assistance of the staff of the County Development Division and the Sandoval County Attorney.

Section 3. Powers and Duties

- A. Delegation of Powers and Duties

The Planning & Zoning Commission shall have such powers and duties as may be delegated to it by the Board of County Commissioners, which include the following:

1. The Planning & Zoning Commission shall promote a comprehensive planning process with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County.
2. The Planning & Zoning Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future growth of the County and shall make recommendations on means of protecting and improving the environment.
3. The Planning & Zoning Commission shall review applications for approval of subdivisions of land as prescribed in the Sandoval County Subdivision Regulations.
4. The Planning & Zoning Commission may recommend to the Board of County Commissioners programs for public improvements and their financing.
5. The Planning & Zoning Commission shall have those powers and duties related to zoning and land use applications as specified in the County's Comprehensive Zoning Ordinance.
6. The Planning & Zoning Commission shall have such power, authority, jurisdiction, and duty incidental and necessary to carry out the purpose of Sections 3-21-1 through 3-21-14 NMSA 1978.

7. The Planning & Zoning Commission is authorized to confer with communities, municipalities, tribal governments, other counties, regional, state, or federal agencies as it deems necessary.
8. The Planning & Zoning Commission shall have the right to request the appointment of a regional Planning Board to assist the Planning and Zoning Commission in the development of an area plan. Such Board, when appointed shall consist of not more than seven or less than five members. When a regional Planning Board is made up of seven members, two members shall be appointed from the Planning & Zoning Commission Membership. Where a Regional Planning Board is made up of five members, one member shall be appointed from the Planning & Zoning Commission.

Section 4. Organization

- A. Officers. The Planning & Zoning Commission shall elect from its members a Chairman and a Vice-Chairman for one year terms. Officers may be re-elected for an indefinite number of terms.
- B. Conduct of Business. The Planning & Zoning Commission shall adopt and publish such rules, regulations, and procedures for the conduct of business as deemed appropriate by its members. A quorum shall be a majority of the membership of the Planning & Zoning Commission.
- C. Meetings. The Planning & Zoning Commission shall hold regularly scheduled meetings at least once a month, and such meetings will be open to the public and shall be held in accordance with the State and County Open Meetings Act. The Planning & Zoning Commission may hold Special meetings as may be called by the Chairman or Vice Chairman with at least 24 hours public notice, and in accordance with the Open Meetings Act, cited above.
- D. A public record shall be kept of all actions and considerations undertaken by the Planning & Zoning Commission and any District Planning Board. The records shall be maintained by the County Development Department and kept available for public inspection in the County Development Department during normal office hours.

Section 5. Severability

If any section, subsection, paragraph, sentence, clause, phrase or part thereof, is for any reason declared unconstitutional or invalid, the validity of the remaining portions thereof shall not be affected since it is the express intent of the Board of County Commissioners to pass such section, subsection, clause, phrase and every part thereof separately and independently of every other part.

Section 6. Repeal

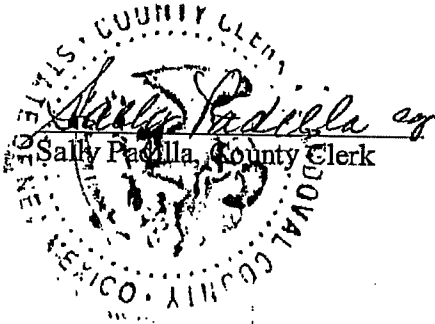
Ordinance Number 87-06-01 and all amendments thereto are hereby repealed.

Section 7. Effective Date

This Ordinance shall take effect on the 21st day of February, 2010.

PASSED AND APPROVED THIS 21st DAY OF JANUARY, 2010.

ATTEST:



APPROVED AS TO FORM:

David Mathews
David Mathews, County Attorney

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