

EDDY COUNTY ORDINANCE NO: 15EDDY COUNTY PLANNING COMMISSION

WHEREAS, the County of Eddy, acting by and through its duly elected Board of County Commissioners, hereinafter County, is authorized pursuant to Section 4-57-1, et seq, N.M.S.A., 1978 Compilation, to establish a planning commission with such powers as are necessary and proper to carry out and promote county planning; and,

WHEREAS, County desires to establish a planning and zoning commission with such authority and responsibility as shall be set forth in this Ordinance.

BE IT ORDAINED by the Board of County Commissioners, the governing body of the County of Eddy:

SECTION 1 - ESTABLISHMENT OF COMMISSION

The Board of Commissioners for the County of Eddy does hereby establish the Eddy County Planning and Zoning Commission; said Commission to assist the Board of Commissioners in carrying out their responsibilities for promoting orderly growth and development within the boundaries of Eddy County. The Eddy County Planning and Zoning Commission shall consist of a chairman and Four additional members to be appointed by the Board of Commissioners. The Eddy County Code Enforcement Officer and an Administrative Assistant from the Office of the County Manager shall be ex-officio members of the Planning and Zoning Commission but shall have no rights to vote on any matter presented to the Planning and Zoning Commission. The Chairman

RECEPTION
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of the Planning and Zoning Commission shall vote only in the case of a tie. All members of the Planning and Zoning Commission shall serve at the pleasure of the Board of County Commissioners for a term of two years.

SECTION 2 - AUTHORITY AND RESPONSIBILITY

The Eddy County Planning and Zoning Commission shall review all applications for the establishment of subdivisions within the County of Eddy to determine if the applicant meets the requirements as set forth in the Eddy County Subdivision Regulations and the New Mexico Subdivision Act, Section 47-6-1, et seq, N.M.S.A., 1978 Compilation.

A. In carrying out the responsibilities to review subdivisions, the Planning and Zoning Commission shall conduct such hearings as are necessary, receive such information from state agencies or other interested parties as is required in order to make a decision and recommendation, and shall receive reports from County staff concerning the subdivision application. Following the reviewing of all information received by the Planning and Zoning Commission as required by law and as requested by them, the Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners as to whether or not the proposed subdivision should be approved by the Board of County Commissioners.

B. The Planning and Zoning Commission shall cooperate with and work in conjunction with the Extra-Territorial Zoning Authorities for the City of Carlsbad and the City of Artesia as

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to matters affecting the orderly growth and development of Eddy County. The Planning and Zoning Commission shall recommend to the Board of County Commissioners any actions that they deem appropriate in carrying out the purpose and intents of the Extra-Territorial Zoning Agreements with the Cities of Carlsbad and Artesia.

C. The Planning and Zoning Commission shall also review and provide recommendations to the Board of County Commissioners on any and all matters referred to them by the Board of County Commissioners dealing with planning and zoning within the County of Eddy. In requesting a recommendation from the Planning and Zoning Commission, the Board of County Commissioners shall provide as much information as is available to the Planning and Zoning Commission and shall set a date at which the recommendation is to be received by the Board of County Commissioners. In conducting hearings on any issues referred to the Planning and Zoning Commission, the Planning and Zoning Commission shall have the authority to request whatever information they deem necessary and to which they are entitled by law to assist them in reaching their recommendation.

SECTION 3 - COMPENSATION

Members of the Eddy County Planning and Zoning Commission shall receive no compensation for this service. They shall be entitled to receive mileage and per diem should they be required to travel from the county seat in carrying out their responsibilities. Mileage and per diem shall be reimbursed at

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the standard rate as approved by the Board of County Commissioners for county employees. No trips from the county seat shall be undertaken without prior approval of the Board of County Commissioners authorizing the trip and the related expenses.

SECTION 4 - MEETINGS

The Eddy County Planning and Zoning Commission shall meet on a monthly basis at the Eddy County Courthouse, Carlsbad, New Mexico. The date and time of the regular monthly meeting shall be set by the Board of County Commissioners pursuant to a resolution adopted by said Board at a regular County Commission meeting. In the event that there are no subdivision requests or other matters scheduled for consideration, the Chairman of the Planning and Zoning Commission may cancel the regular monthly meeting for that particular month and notify all members of the Planning and Zoning Commission of the cancellation.

All meetings conducted by the Planning and Zoning Commission shall be open to the public unless called as a work session meeting from which no recommendations will issue. Minutes will be kept of all discussions and matters occurring within the meeting. Following the conclusion of the meeting, the minutes of that particular meeting will be typed, presented at the following meeting, reviewed by the Planning and Zoning Commission, and, following approval of the minutes by the Planning and Zoning Commission, signed by the Chairman. All minutes of the meeting of the Planning and Zoning Commission

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shall be kept in a file in the County Clerk's office available to inspection and review by the public.

SECTION 5 - COMPILATION

This Ordinance shall be compiled and made a part of the Ordinance of the County of Eddy.

SECTION 6 - SEVERABILITY CLAUSE

If any of the sections, sub-sections, sentences, clauses, phrases or words of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be affected since it is the express intention of County to pass each section, phrase, paragraph and word separately.

SECTION 7 - HEARING

On the 17th day of March, 1987, a public hearing was held by the Board of Eddy County Commissioners to consider the passage of Ordinance Number 15, "The Eddy County Planning and Zoning Commission Ordinance". All parties in interest and citizens had an opportunity to be heard. Notice of the date, time and place of the hearing, and an outline, was published in a newspaper of general circulation once at least two weeks prior to the date of the hearing.

SECTION 8 - ADOPTION

On this 17th day of March, 1987, after due consideration of the results of the public hearing described in the foregoing section, Ordinance Number 15, "The Eddy

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County Planning and Zoning Commission Ordinance", is hereby adopted.

APPROVED BY:

BOARD OF COUNTY COMMISSIONERS
EDDY COUNTY, NEW MEXICO

Bill H. Kirkes
Bill H. Kirkes, Chairman

Robert I. Hazelwood
Robert I. Hazelwood, Vice-Chairman

W. L. (Jay) Mobley
W. L. (Jay) Mobley, Member

Bill Alsop
Bill Alsop, Member

Nancy Brantley
Nancy Brantley, Member

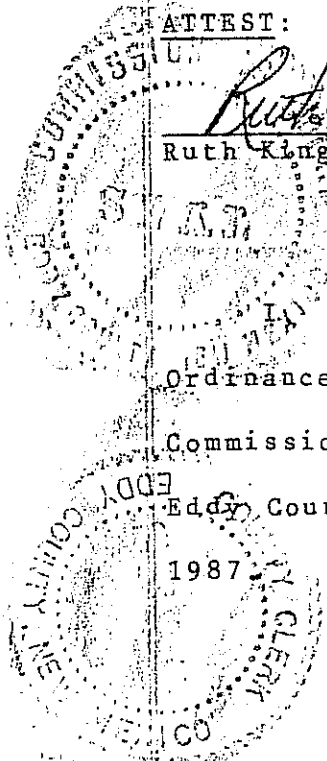
ATTEST:

Ruth A. King
Ruth King, County Clerk

SECTION 8 - CERTIFICATION

I, Ruth King, Eddy County Clerk, hereby certify that Ordinance Number 15, the "Eddy County Planning and Zoning Commission Ordinance", was passed and approved by the Board of Eddy County Commissioners on the 17th day of March, 1987.

Ruth A. King
Ruth King, Eddy County Clerk



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I certify that the requirements of Section 4-37-7, N.M.S.A., 1978 Compilation, concerning notice, public hearing and necessary coordination have been complied with and that proof of publication is included herein.

SECTION 9 - EFFECTIVE DATE

This Ordinance shall take effect on the 16th day of April, 1987, which shall be 30 days after the Ordinance has been recorded in the book kept by the County for that purpose.

STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the 17 day of March, A. D. 19 87 at 2:58 o'clock P. M., and duly recorded in BOOK 1 PAGE 97 of the Records of Ordinances of said County.

RUTH A. KING, County Clerk

By *Faron Davis* Deputy