



**SANTA FE COUNTY**

**STUDY SESSION**

**BOARD OF COUNTY COMMISSIONERS**

**October 9, 2012**

This special study session of the Santa Fe Board of County Commissioners was called to order at approximately 10:10 a.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**Members Present:**

Commissioner Liz Stefanics, Chair  
Commissioner Kathy Holian, Vice Chair  
Commissioner Robert Anaya  
Commissioner Danny Mayfield

**Members Excused:**

Commissioner Virginia Vigil

Chair Stefanics reviewed the items to be covered in the study session.

**I. Sustainable Land Development Code Public Review Meetings Summary and Public Comments Received [Exhibit 1]**

Ms. Ellis-Green stated the first two rounds of public meetings were completed and they were poised to embark on Series 3. She introduced Sarah Ijadi who gave a summary of the meetings and input thus far.

Ms. Ijadi listed the primary concerns as follows:

- The organization and notification of the meetings was problematic
- The seven-week public review period is too short given the missing pieces and references
- There is not enough information regarding any new costs to development
- The one-size-fits-all approach is insufficiently fine-grained

Ms. Ijadi referred to a more complete treatment of the concerns in the packet. Chair Stefanics asked to be informed in more detail of the results of the meetings.

Ms. Ijadi indicated the complaints and/or concerns fell into three categories. The first category had to do with the process itself. There were perceived inconsistencies and gaps, such as the lack of a map. There was a call for extended review, particularly after the map is published. Better communication could be achieved by examples – how an

application would go through the system, and flow charts were recommended so that the process could be viewed without having to go through the legalese in the text.

Inconsistencies cited had to do with both terminology and differing references in different chapters. There was a call for a clear accounting of how the new code differs from the old.

Ms. Ijadi said people feel they lack a sense of how much the code implementation is going to cost, in terms of additional cost to the County and increased cost of development in impact fees, new regulations, such as those pertaining to green building, and studies.

Concern was also expressed about what specifically was allowed and not allowed.

Regarding the zoning issue, there was concern that the ag/ranch provisions did not accommodate typical ag/ranch activity in the northern part of the county, since it calls for a density of one unit per 160 acres. Ms. Ijadi said utility hook-up requirements aren't clear enough in the minds of the residents. Additionally, there was concern about the fate of community plans and ordinances already in place, whether they would take precedence or whether the new code would rule. The meetings produced questions on home occupations regarding placement vis-à-vis existing land use.

Concern was expressed that conservation developments were not being accommodated. Calibration of impact fees was a worry, given the preponderance of small subdivisions.

Ms. Ijadi indicated community members are concerned how zoning will be determined – the criteria and methodology. There were questions about appeal of zoning designations. There is insufficient incentive for agricultural uses according to some participants. The review process seems to lack a mediation element. There was concern that water conservation measures were not adequate.

Referring to the packet, Ms. Ijadi stated there was a further breakdown of comments by region.

Responding to a question by Chair Stefanics, Ms. Ijadi responded the code necessarily is a legal document but it remains to be seen how it will implement the Sustainable Growth Management Plan. There was doubt whether the document would stand up as a legal framework and whether it was being communicated to the community, particularly in the areas that already have community ordinances or community plans that have yet to be codified.

Deputy Attorney Rachel Brown noted the plan does not govern; the code does. However, the plan is the underlying basis. Regarding the community ordinances, Ms. Brown said overlay districts will govern.

Commissioner Mayfield asked if written comments were included in the summary just presented and Ms. Ijadi said the summary was only on the basis of the public meetings, however, all comments have been incorporated in the database, which can be viewed on the website. Commissioner Mayfield said it would be good to get a snapshot

of all of the comments, no matter how they came in. He suggested a matrix to help clarify matters, and as an example he spoke of itinerant vendors.

Noting the quantity of work involved, Commissioner Anaya agreed with Commissioner Mayfield about including all comments. He detected from the summary a general sense of confusion and need for additional tools. He referred to the healthy open forum that took place in Stanley and offered specific points:

- Maps are helpful
- When facilities are spoken of they need not necessarily be public entities
- Improvements in the code, such as the new material on home occupations, should be accentuated
- Differences in the permit process should be obvious
- It should be easy to compare the old and new codes in relation to ag and ranch provisions
- Connections and correlations with other areas should be highlighted
- It should be made clear that there will be flexibility

Commissioner Anaya lauded a remark from Dave Gold assuring the community that they would be heard. He added adjustments will be made according to the feedback received.

Commissioner Holian asked if there had been positive feedback about the code as well. Ms. Ijadi said there was and mentioned that the summary of concerns does not imply a majority or consensus position. Overall, concerns outweighed positive comments due to the complexity and inconsistencies. In the future it should be possible to mine the database for specific comments. The public does want the code implemented although there are still parts of the plan that people want to revisit.

Commissioner Anaya noted the degree of consensus varies from community to community.

Chair Stefanics asked what recommendations staff would make about the process. Ms. Ijadi advised extending the public review process without getting bogged down. The last meeting is scheduled for October 18<sup>th</sup> with another week for public comment, at which point analysis of the comments can begin. She counseled treating the comments received the first week on an equal footing with those received the last week. She mentioned adding maps and flow charts.

Ms. Ellis-Green said there is a need to finish this round of input which will end on October 26<sup>th</sup>. Staff will then review the comments as a whole.

Robert Griego, Planning Manager, explained the three rounds of input corresponded to 1) information on the entire code; 2) administration, procedures, growth management and financing; and 3) zoning centers. As the series of meetings wraps up they will need to go back and find gaps to strengthen the code. He anticipated there will be a great deal of feedback on the zoning. After the zoning maps are available they may need to go out to the public again. Also requiring work are the development fees, levels

of service standards and the capital improvements plan. This will be facilitated once the Board's understanding of Chapter 12 is consolidated.

Dave Gold, SLDC facilitator, commended staff on their work. Going forward there will need to be more clarity about the studies (SRAs) and which are appropriate for small development. Trails and open space is still vague. He noted attendance has been sparse and many people do not understand the code, particularly because many critical pieces have not yet emerged.

Chair Stefanics alluded to an article in the Albuquerque *Journal* stating that impact fees in Albuquerque are going to be standardized. Here, the current situation is very confusing.

## **II. Significant Changes from Current Land Development Code to SLDC** *[Exhibit 2]*

Ms. Ellis-Green pointed out that both the Board and public have asked for an outline of the major changes. This is on the website. The old code will be replaced in its entirety.

Summarizing, Ms. Ellis-Green said Chapter 2 increased community participation through community and registered organizations. In addition to the hearing officer there will be a technical advisory committee consisting of representatives from various departments who will review a project prior to application submission. Table 4.1 speaks of the pre-application process including neighborhood meetings. A review for completeness will formalize and streamline the process. Noticing standards have been modified to meet state statutes. Review criteria for variances have been added. The Land Use Administrator will have a ten percent leeway on dimensional standards as a minimal easing.

As-built drawings will be required for subdivisions. Regarding studies, reports and assessments (SRAs): in addition to previous requirements such as water availability, traffic and fiscal impact there will also be reports for environmental impact and adequate public facilities and services.

Chapter 7, Design Standards: Ms. Ellis-Green gave the examples of fences, streetlights, signs, alternative parking requirements, corner setbacks, neighborhood parks, HERS 70 rating, archeological reports to conform to state norms, and consistency with FEMA requirements as to all-weather crossings.

The chapter on zoning districts is new and includes overlay zoning, supplemental zoning standards, accessory dwelling units, the three levels of home occupations, and wind energy criteria. Staff will look at making sand & gravel extraction as a DCI (development of countywide impact).

The growth management section will discuss the capital improvement plan, adequate public facilities, and development agreements and fees.

Ms. Ellis-Green said the housing section incorporates the existing affordable housing provisions and there is a reserved fair housing section.

Mr. Griego spoke of the draft zoning map [Exhibit 3] and the use table, which will appear in the appendix and shows what is allowed where.

Planner Tim Cannon discussed how the zoning map was developed, calling the process more of an art than a science. Approximately 20 factors need to be simultaneously considered to arrive at the most reasonable and defensible zoning. He characterized the underlying philosophy as a “fixed density scheme.” Only two zoning districts have two performance tiers – the traditional communities, and mixed-uses districts. A principal goal is to avoid spot zoning in a very complicated situation. He gave the Madrid Plateau as an example. Groundwater availability is still the overarching rationale in the absence of community water.

Chair Stefanics suggested that a clear delineation of incorporated cities would help the map to demonstrate areas excluded from the code.

Commissioner Anaya said this is a tool that will elicit comment, although it is only a starting point as far as density is concerned. Ms. Ellis-Green agreed, adding it was part of the upcoming zoning and standards meetings, and is just a draft.

Mr. Cannon explained aspects of the legend to Commissioner Mayfield and explained that the adopted community plans have more detailed zoning. Ms. Miller noted they can be found in Chapter 9. Mr. Griego indicated some community plans have made modifications.

A discussion ensued about which would govern, the overall plan or communities plans. Ms. Ellis-Green said they will have to back through the community plans to see if they are consistent with the growth management plan. She states she believed La Cienega and Tesuque are currently going through that process. There is no timeline for that at present. Commissioner Mayfield said Chimayo is now working on a community plan.

Mr. Griego said several are in process and some communities with plans want to get ordinances in place as well. “We have our work cut out for us.”

**IV. Public Comments**

Walter Wait, speaking for the San Marcos Neighborhood Association, thanked staff for producing a document they can “hack at.” He said San Marcos has had a plan in place for four years and was in the process of getting an ordinance approved when the Commission decided to focus on the Sustainable Growth Management Plan and the code. He said he would be very disturbed if the work done is not included in the new code. He noted they did everything required of them and he was ill disposed to waiting a year and more before it is enacted.

Mr. Wait said there are a tremendous number of problems with the code as it stands, and these will not be easily or quickly fixed so that it is a defensible legal document. The second draft, the one incorporating comments will be so different that the public will need a sufficient amount of time to review it. He cited the gravel mining example that defines the acreage that triggers a DCI. Currently, that section is “reserved” meaning there is no law.

Mr. Wait said two years ago there were many comments made on the first five chapters and these have yet to be incorporated. He said he would submit further written comments and anticipated an avalanche of further feedback.

Teresa Seemster, Los Vaqueros, said the work appeared to be close to finished. As with all legal documents it has redundancies. It has been vetted by community leaders and seems to do a good job of formalizing the intent of the plan. “People need to know the limits” and there will be impacts arising from this. She recommended repackaging the code with maps, flow charts and sample cases.

Devon Bent said he was bothered by language to the effect that higher densities “shall be granted” which implies that the five-acre designation in his area will be overridden. Citing page 9, he said it appeared only community plans consistent with the code will become part of the SGMP.

League of Women Voters President Judy Williams spoke of the need to protect county resources. Although some tweaking may be necessary they support the code revision.

Jerry Powers, Southern Santa Fe County Landowners Association, expressed his appreciation for the meeting held in Edgewood. He found the staff to be open and practical. His group has been analyzing the code actively and have a number of questions:

- Open space and trails, p. 146, has been left “reserved”
- Adequate public facilities, Table 12-1 (page 255), leaves unclear exactly what is to be done; examples would help
- The southern part of the county is very sensitive to the cost of housing, therefore potentially expensive SRAs is troublesome; they could end up costing more than the land

Ross Lockridge, Cerrillos, distributed his remarks [*Exhibit 4*] calling for sand & gravel operations to be considered DCIs, regardless of size, due to the industrial intensity. He characterized the operations as “fearful nuisances” with impacts well beyond the mine sites.

Cerrillos resident Anne Murray said she would like to see protective overlay zone maps in addition to the preliminary zoning map.

**III. Board Discussion**

Commissioner Holian expressed her appreciation for staff's dedication to the code becoming a reality. She was impressed with the depth of staff present at meetings. She agreed that providing examples of what the provisions, if adopted would mean through examples and flow charts. She added information about a mediation/facilitation process would be welcome.

Commissioner Mayfield thanked staff and the public. He asked when the permit fees would be established. Ms. Ellis-Green said they will have to be in place by the time the code goes into effect, so all types of fees should be looked at with the adoption draft.

Referring to 4.4.4, Commissioner Mayfield asked if the County had a list of organizations to be notified for pre-application meetings. Mr. Griego answered there is a list currently but the process would begin again once the code is in effect. Organizations would have to come into the County to register. Then, as applications are submitted, the applicants would be directed to meet with the appropriate groups. Commissioner Mayfield said it seemed to be a sort of a Catch-22, where groups have to be registered in order to be notified and vice versa.

On 4.9.7, variance criteria regarding the ten percent differential the Land Use Administrator can grant, Commissioner Mayfield asked if this takes away the discretion and responsibility of the BCC. Ms. Ellis-Green said the intent was to make it easier for applicants with a slight variation in dimensions so they did not have to go through the whole hearing process. She gave the example of someone requiring three extra inches in order to get the correct roof pitch. She added a list should be kept of variances granted.

Commissioner Mayfield asked for clarification on the fire protection provisions, 7.5, and Ms. Ellis-Green said the intent was to avoid conflict with the International Fire Code.

Referring to 7.7.5.2 Commissioner Mayfield asked if decorative tarps in chain-link fences could be used. Ms. Ellis-Green cited, "cast-off, second-hand or other items not originally intended to be used for construction or maintaining a fence" are not to be used, for instance pallets or anything that could become an eyesore.

On 7.11.21, corner setbacks, Commissioner Mayfield asked if setbacks also applied to driveways. Ms. Ellis-Green said the section includes driveways, relying on a "safe-sight triangle" principle.

Commissioner Mayfield asked if the HERS 70 rating was set in stone. Ms. Ellis-Green said dialogue continues on everything. Chair Stefanics pointed out the state recently enacted something about that.

On page 235, Section 10.18, referring to satellite dish location, Commissioner Mayfield noted that placement of a satellite dishes depends on line of sight, which could conflict with the prohibition against putting a dish on the front of the house. He said he has received calls on issues such as this.

Chair Stefanics reminded the Commissioners that they need to hold one-on-one meetings with staff.

Commissioner Anaya asked that the document be clarified, that tools be provided to enhance comprehension, that there be an appropriate amount of time for staff and



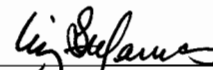
public to absorb the comments, that community plans be honored, that HERS rating dialogue continue, and that all comments be treated equally regardless of when they were received.

Chair Stefanics asked about the timeline following October 26<sup>th</sup>. Commissioner Anaya counseled against having a date certain and Chair Stefanics suggested shooting for the meeting in December. She asked staff to work on a reasonable timeframe.

**V. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Stefanics declared this meeting adjourned at 12:30 p.m.

Approved by:



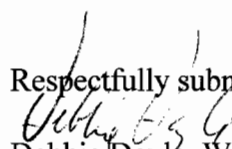
Board of County Commissioners  
Liz Stefanics, Chair

ATTEST TO:

  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



Respectfully submitted:

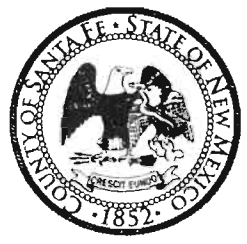
  
Debbie Doyle, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501



**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Virgina Vigil**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** Oct 5, 2012

**To:** Board of County Commissioners

**From:** Sarah Ijadi, Senior Planner/ Growth Management  
 Elisabeth Salinas, Community Planner/ Growth Management

**Via:** Penny Ellis-Green, Interim Director/Growth Management

**Re:** Sustainable Land Development Code Public Review Meetings Summary and Public Comments Received

**Report Overview**

This report summarizes the public review process for the public review draft of the Sustainable Land Development Code (SLDC). The report consists of two parts. The first part summarizes public concerns regarding the draft SLDC. The second part provides an overview of the County's efforts to reach out to the public and solicit feedback on the draft SLDC.

**Background**

The public review process launched on September 11<sup>th</sup>, with the release of the SLDC PRD. The public review meetings will conclude on October 18<sup>th</sup>. The public comment period will conclude on October 26<sup>th</sup>. The public review process has involved a variety of outreach methods including providing information on the County website, numerous press releases, providing SLDC copies and background information at community centers and libraries and conducting 12 facilitated public meetings held in a variety of locations across the County.

**Public Review Meetings**

A total of 80 members of the public have attended the County's four Informational Open Houses and four of Series II meetings which addressed code administration/ procedures and growth management / financing. These meetings took place in the following locations:

Series I Informational Open Houses

- Estancia (Stanley Community Center 9/20)
- El Norte (Pojoaque Satellite Office 9/13)

CLERK RECORDED 11/15/2012

- Galisteo (Galisteo Community Center 9/18)
- El Centro (La Cienega Community Center 9/20)

#### Series II Administration/ Procedures and Growth management / Financing

- Galisteo (Hondo Fire Station 2 9/26)
- El Norte (Nambe Community Center 9/27)
- Estancia (Edgewood Senior Center 10/02)
- El Centro (Nancy Rodriguez Community Center 10/4)

#### Key Issues

The following key issues represent major concerns expressed at SLDC public meetings. For a complete summary of each public meeting, please visit <http://www.santafecountynm.gov/slhc> and scroll down to "Public Meeting Summaries" and click on links to each meeting summary.

#### **Concerns Regarding Public Review Process and Information Gaps:**

- Community members have criticized County outreach efforts for not having stressed the importance of getting involved in the SLDC public review process. The public has also criticized the County's advertisements for not specifying a definitive time for group discussion.  
*Issue raised at the following meetings: Stanley Informational Open House- September 12; Galisteo Informational Open House- September 18*
- The public expressed concern that a 7-week review period will not provide enough time for the public to thoroughly review the draft code, particularly given the number of key components missing from the draft code and the document's level of complexity.  
*Issue raised at the following meetings: Stanley Informational Open House- September 12; Pojoaque Informational Open House- September 13; Galisteo Informational Open House- September 18, Edgewood Series II, Oct 2.*
- The public has criticized the draft code for not being readable and missing key pieces of information including reference maps and tables, a zoning map, an official map, clear timeframes and criteria for development review, and an impact fee/development fee schedule. The public has requested that the County take the following actions to make the document more readable and descriptive:
  - Make all maps and fee schedules available to the public for review.
  - Provide examples and flowcharts of different application review processes by application type.
  - Provide cost information for the Adequate Public Facilities requirements; the Study, Reports, and Assessments requirements; and development fees. Explain how these requirements were developed and why they are necessary.
  - Fix the document's internal inconsistencies, its information gaps and other major flaws and resubmit the document for public review.

*Issue raised at the following meetings: Stanley Informational Open House- September 12; Pojoaque Informational Open House- September 13; Galisteo Informational Open House- September 18; Nambe Series II Meeting- September 27; Edgewood Series II, October 2; Nancy Rodriguez Center Series II Meeting, October 4.*

- The public has requested that the County write up the major changes between the 1996 code and the new draft code in order to help them better understand the implications of the new code.  
*Issue raised at the following meetings: Galisteo Informational Open House- September 18; Nambe Series II Meeting- September 27*
- The public has requested information regarding how much it will cost the County to implement and administer the new code. They have questioned whether the County has the budget, staff and expertise to implement the code.  
*Issue raised at the following meetings: Galisteo Informational Open House- September 18, Nambe Series II Meeting- September 27; Edgewood Series II, October 2; Nancy Rodriguez Center Series II Meeting, October 4.*
- Community members have asked how much it will cost new development to meet the SLDC's requirements. They have asked the County to consider how increasing the cost of development by imposing new standards will affect the County's affordable housing needs. They have questioned whether the Hearing Officer and the new Study, Report, and Assessment requirements are necessary for the County's decision-making, whether requirements might be scaled back so that they apply to a narrower range of application types, and whether these new requirements will inappropriately burden applicants with additional costs and delays.  
*Issue raised at the following meetings: Edgewood Series II, October 2; Hondo Fire Station 2, Series II Sept 26*
- The public has requested that the County produce a clear list of what Area Plans, District Plans and Community District Overlays Zones can and cannot regulate.  
*Issue raised at the following meetings: Galisteo Informational Open House- September 18; La Cienega Informational Open House- September 20; Nambe Series II Meeting- September 27; Edgewood Series II, Oct 2.*

***Area Concerns: Is the code "one size fits all"?***

- The public has alleged that code provisions, including zoning districts and design standards, do not reflect the functional differences between different parts of the County. For instance, residents in the El Norte Growth Management Area have expressed concern that the Agricultural/Ranch zoning district does not accommodate typical agricultural and ranch activity in the northern part of the County which typically occur on smaller lots.

Similarly, at the Stanley Informational Open House, Commissioner Anaya suggested that it may be appropriate to have higher height restrictions in the southern part of the County given the area's custom of building tall barns and having pitched roofs on multi-story homes. Residents have recommended that the County review zoning districts in light of historic patterns.

*Issue raised at the following meetings: Stanley Informational Open House- September 12; Pojoaque Informational Open House- September 13; Edgewood Series II, October 2.*

- The public has asked how requirements that new development hook up to public or community water systems will affect development rights in areas where community water systems are having difficulty serving existing residents or in areas where property owners are unable to obtain the easement required to hook up to public or community water systems.

*Issue raised at the following meetings: Pojoaque Informational Open House- September 13; Edgewood Series II, October 2; Nambe Series II Meeting- September 27.*

- The public has asked whether current community planning ordinances will take precedence over the new code once it is adopted. They have asked how conflicts between the code and current community planning ordinances will be reconciled and they have requested that the County produce a clear list of what current community overlays can and cannot regulate.

*Issue raised at the following meetings: Galisteo Informational Open House- September 18; La Cienega Informational Open House- September 20; Nambe Series II Meeting- September 27*

- The public has suggested that home occupations be limited to non-industrial uses; that their hours of operation be restricted to normal business hours (8:00 am to 5:00 pm); and that they not be allowed to emit noise, fumes, or ultraviolet light outside the building.

*Issue raised at the following meetings: Nambe Series II Meeting- September 27*

- The public has expressed concern that the code does not include provisions for conservation subdivisions (compact development) that reflect sustainable development patterns envisioned in the Sustainable Growth Management Plan (SGMP).

*Issue raised at the following meetings: Galisteo Informational Open House- September 18;*

- The public has alleged that the imposition of impact fees will be abused and absurd for typical development (minor subdivisions), in the southern portions of the County.

*Issue raised at the following meetings: Edgewood Series II, Oct 2.*

#### **Other Concerns & Questions Regarding Draft Code Provisions:**

- Community members have asked what procedures and methodology the County will use to map zoning districts. What will be the process for approving the zoning map? How will county "assign" zoning? How can assignments be appealed?

*Issue raised at the following meetings: Stanley Informational Open House- September 12; Pojoaque Informational Open House- September 13; Galisteo Informational Open House- September 18; Nambe Series II Meeting- September 27; Edgewood Series II, Oct 2.*

- Community members have expressed dismay that permits will be required for agricultural uses and that the draft code does not appear to incentivize agricultural land uses.

*Issue raised at the following meetings: Pojoaque Informational Open House- September 13; Galisteo Informational Open House- September 18*

- Community members have asked how disputes between developers and members of the public in the development review process will be mediated.

*Issue raised at the following meetings: Galisteo Informational Open House- September 18; Nambe Series II Meeting- September 27*

- Community members have expressed support of resource conservation standards overall but have raised concerns that the standards for water conservation do not reflect current higher standards for

low- flow shower heads and other fixtures. Others have suggested that these standards are overly proscriptive.

*Issue raised at the following meetings: Hondo Fire Station 2, Series II Sept 26*

### **County Outreach**

Santa Fe County has made great effort to solicit feedback regarding the draft SLDC. County outreach efforts have included sought to raise public awareness of the SLDC through a variety of means:

#### ***Website***

The website has been up running since the Sept 11. The website allows the public to view and download a copy of the SLDC, as well as to view background information, public comments regarding the SLDC, and public meeting summaries. The website also includes a form for members of the public to submit their comments on the draft code directly to County staff. The following link will direct you to the County's SLDC website: <http://www.santafecountynm.gov/slhc>

#### ***Copies of the SLDC PRD***

The SLDC PRD is available for download from the County website and can be purchased (hard copies for \$12.00 or compact discs for \$2.00) from the Planning Division.

Reference copies of the SLDC PRD are available at all of the County Community Centers, Satellite Offices and Administrative Offices and several area public libraries.

#### ***Additional Information***

The County has distributed brochures, posters, postcards and comment sheets to community centers, libraries, County offices, and at public meetings.

#### ***Public Input***

There are numerous opportunities for the public to provide feedback on the SLDC. In addition to on-going public meetings, the County accepts written comments and e-mails ([slhc@santafecountynm.gov](mailto:slhc@santafecountynm.gov)) and provides a web-based tool for submitting comments.

In order to track public input and compile information for review, the County has designed and is managing a public input database which includes all public input from all sources listed above. To date the database contains over 80 comments from the public.

#### ***Advertising for Public Meetings, Print and Electronic Media***

The County has run the following advertisements to raise public awareness of public meetings:

- Edgewood Independent - quarter page ad; Sept.5-11, Sept. 12-18, Sept. 26-Oct. 2, Oct. 3-9
- Albuquerque Journal - 3x8 ad; September 18, September 19, September 23, October 7
- Rio Grande Sun - quarter page; September 19 – 25, September 25-October 2, October 3-9
- Mountain View Telegraph- half page; September 13 – 19, October 4 – 10

- Santa Fe New Mexican - Email News Mailer (16,000 emails daily) – Sept 10 – 14, Sept. 17-21; quarter page print; Sept 6, Sept.9, Sept.13, Sept.16, Sept. 28.
- (Please note the meetings are also included in the regular Weekly Meeting Ad schedule that runs every Sunday in the Santa Fe New Mexican Local Section)

***E-mail List Serve:***

Weekly reminders to Planning Division's e-mail list serve, (over 900 members including neighborhood associations), on public meeting location and dates of public meetings and BCC code study sessions.

***Articles***

The following articles have been generated in response to the release of the SLDC PRD and public meetings:

- SF County Seeks Input on New Law (Mountain View Telegraph) By Lee Ross | Sep 6, 2012
- Draft of County code available (Santa Fe New Mexican News Briefs) / September 14, 2012
- County nearly ready to pass land use law (Edgewood Independent) By Leota Harriman / September 19, 2012
- Land code meetings scheduled (Santa Fe New Mexican News Briefs) / September 22, 2012

***Press Releases***

Three press releases to date announcing the release and availability of the SLDC PRP and the purpose, time and location of public meetings.

## Major Changes from existing code to SLDC

October 9, 2012

### Overview

This report outlines major changes from the existing Land Development Code to the SLDC Public Review Draft by Chapter. The SLDC will replace the existing Land Development Code in its entirety with the exception of the community planning ordinances and oil and gas ordinance. This report summarizes major changes only. It does not detail major changes or the regulatory framework established in the SLDC. The report identifies new and revised development application requirements and decision-making standards, processes, and duties. The report also identifies specific sections of the code that need to be completed before the SLDC can be fully implemented.

### Chapter 1: General Provisions

#### 1.9 Consistency- New standard.

The code will implement and shall be consistent with the SGMP.

#### 1.11 Transitional Provisions- New process.

This section identifies how existing approvals will be dealt with.

#### 1.12 Concurrent processing-New process

Applications for multiple approvals can be submitted together

#### 1.15.7.3 Subsequent applications New process.

Applicant cannot resubmit the same application immediately after denial or withdrawal

### Chapter 2: Planning

#### 2.12 Area Plan New process

#### 2.13 District Plan New process

Area and District Plans allow for larger areas and specific development proposals to be planned.

#### 2.14 Community Plans-Revised process

Community Planning Process incorporates the major elements of the existing Community Planning Ordinance but attempts to streamline the process by focusing on developing a future land use plan with design standards that will be implemented through a community overlay district. .

#### 2.2 Community Participation-New process



The SLDC formalizes community participation in the development review process by establishing Community Organizations (COs ) and Registered Organizations (ROs). The Board will authorize COs and ROs which, once authorized, will be notified of new discretionary development applications and will be able to provide written recommendations regarding the approval of discretionary development applications, plans and SLDC amendments. Cos and ROs will also be able to participate in hearings and meet with the County staff on matters of interest.

## **Chapter 3: Decision-Making Bodies**

### **3.2 Board of County Commissioners - Revised**

The SLDC reduces the range of development applications that will go to the Board for approval. Preliminary plats will go directly to the Board and the Planning Commission will have final approval authority for conditional use permits and variances.

### **3.3 Planning Commission -Revised Process**

The Planning Commission will take the place of the County Development Review Committee (CDRC) as required by State Statute. The Planning Commission will initially be made up of current members of the CDRC who will serve out their remaining terms. Duties and authority of the Planning Commission are similar to the current CDRC: primarily a review and recommending body but will have final authority for conditional use permits and variances in accordance with the procedural requirements table 4-1.

### **3.4.3 Technical Advisory Committee -Revised Process**

This section formally establishes a review group consisting of staff from county departments and divisions and can include other governmental agencies. Chapter 4 will require that certain discretionary applications be forwarded to the Technical Advisory Committee for discussion prior to application.

### **3.5 Hearing Office - New**

A Hearing Office is an attorney with specific duties who will be appointed by the Board for a specific term. The Hearing Officer will conduct public hearings, make written findings of fact, conclusions of law and written recommendations to the Planning Commission or the Board for certain discretionary applications.

## **Chapter 4: Procedures**

### **4.4 Procedural Requirements- Change**

This section includes a Procedural Requirements by Application Table (Table 4-1). This table sets out the procedure for all application types to make it easier to see how an application is reviewed and approved.

**4.4.3 TAC Pre-Application Meeting- Change**

Formally establishes the need for certain applications to discuss the proposed application with the Technical Advisory Committee prior to application submittal.

**4.4.4 Pre-Application Neighborhood Meeting- New**

Discretionary development applications (those that required to have a public hearing as identified in Table 4-1) are required to hold a meeting with registered Community Organizations and Registered Organizations prior to submitting their application which will allow discussion and dialogue before finalizing an application. The pre-application meeting will require a general outline and plan of proposed development including plans that show boundary lines, roadways, number units, utilities, wetlands , floodway, hillsides & existing structures. The applicant is then required to prepare and provide a report on the pre-application neighborhood meeting as part of the submittal package. This will allow the community to provide input on the project before the application is formally submitted.

**4.4.6 Completeness review -Change**

Applications will need to be reviewed for completeness, if an application is not complete the applicant will be notified formally as to what is lacking.

**4.6 Notice- Change**

This section is modified to meet State statute for specific types of application.

**4.7 Hearing Standards- Revised**

This section identifies hearing standards for legislative and quasi-judicial hearings.

**4.9.7 Variance Standards- New**

Adds review criteria for variances, allows the Administrator to approve up to 10% adjustment for dimensional standards

**4.9.8 Beneficial Use Determination-New**

The purpose is to establish a BUD process to resolve any claims that the application of the SLDC constitutes an unconstitutional regulatory taking of property.

**4.9.9 Non-Conforming Uses- Revised**

Allows for a 50% expansion of non-conforming uses. Establishes procedural requirements for non-conforming uses-.

## **Chapter 5: Subdivisions**

### **5.5 Subdivision Classification**

Splits subdivisions into Major and Minor Subdivisions

### **5.7 Preliminary Subdivision plats**

Preliminary subdivision plats will be reviewed directly by Board in accordance with approval standards in this section.

### **5.8 Final plats**

Requires a subdivision Improvement agreement and financial guarantee stating improvements will be constructed

### **5.9.5 and 5.10. As-Built drawings and Subdivision Inspections**

As-built drawings and subdivision inspections will now be formally required.

### **5.12 Advertising Standards**

Advertising standards will be required per statute.

## **Chapter 6: Studies, Reports, and Assessments**

### **6.1 Generally (New/Change)**

SRAs are required for discretionary development applications to determine impacts from the proposed development. They will include detailed measures to mitigate impacts and will be used to establish terms of the approval, approval with conditions and mitigation requirements or denial.

Table 6-1 identifies which applications need to submit SRAs. SRAs include Environmental Impact Report, Adequate Public Facilities and Services Assessment, Water Service Availability Report, Traffic Impact Assessment and Fiscal Impact Assessment. SRAs will become part of the public record and be used to determine impacts from the proposed development, detail measures to mitigate impacts and will be used to establish terms of the approval, approval with conditions and mitigation requirements or denial.

## **Chapter 7: Sustainable Design Standards**

### **7.2 Fire and Building Codes (Change)**

References new building codes

**7.3 Residential Performance standards (New)**

Establishes standards for lots, blocks and setbacks

**7.5 Fire protection(Change)**

References current fire Code rather than actually setting standards, this eliminates possible conflict.

**7.7.5.2 Materials for Walls and Fences(Change)**

Regulates types of materials that cannot be used for fences such as tarps, pallets, razor wire

**7.8.5.2 Street Light Standards(Change)**

Requires LED lights for street lights

**7.9. Signs (Change)**

Addresses LED signs and allows them if the message does not change more than once every minute.

**7.10.4 Minimum Parking Requirements(Change)**

Provides and expanded table of uses and their required parking standards

**7.10.5 Alternative Parking Requirements (New)**

Allows an applicant to propose alternative number of parking spaces.

**7.10.15 Vehicle Stacking Areas (New)**

Establishes standards for vehicle stacking

**7.10.16 Off roads Loading requirements, 7.10.17 Passenger drop Off Areas (New)**

Establishes standards for off road loading and drop off areas.

**7.11 Road Design standards(Change)**

Establishes road classifications for Urban and rural areas.

**7.11.21 Corner setbacks (New)**

Establishes standards for corner setbacks to allow for visibility.

**Table 7-17 (New)**

New table identifying when an application needs to connect to a community water and waste water system.

**7.14 Energy efficiency (New)**

Residential HERS rating of 70 or equivalent

#### **7.15.3.1 Neighborhood Park (New)**

Requires a park within subdivisions greater than 24 lots or planned development districts.

#### **7.16 Protection of Historic and Archaeological Resources (Change)**

Requires a report for non-residential and multifamily development and divisions creating 3 or more lots, the study is only required on the land to be developed, not on an entire tract.

#### **7.18 Flood Prevention and Flood control (Change)**

Changed to be consistent with the FEMA requirements.

#### **7.22.8 Releases and Guarantees (Change)**

Allows first release of a financial guaranty when a project is 50% complete.

## **Chapter 8: Zoning Districts**

### **8.1 Purpose (New)**

This chapter is adopted to promote and protect the public health, safety and general welfare through orderly zoning regulation of land uses throughout the unincorporated area of the County. This is a major change from the process for residential densities based on hydrology and allowable lot sizes and commercial and non-residential zoning in the existing code.

Small lot family transfers in the existing code allows a density exception of up to ½ of the minimum lot size that is allowed in the area. As we will now have zoning, all divisions will need to meet the lot size of the base zoning district that they are in.

### **8.4 Establishment of Zoning Districts (New)**

Zoning districts are established to implement and provide for consistency with the SGMP. This is a major change from the way the County currently develops zoning and establishes densities.

#### **8.4.1 Base Zoning Districts (New)**

Base Zoning Districts divide the County into agricultural, residential, commercial, industrial and mixed use zones with established boundaries, densities and specified development uses as well as dimensional standards for each base zoning district which includes lot width, height, setback requirements and minimum and maximum building size for nonresidential development.

#### **8.4.2. Planned Development Districts (New)**

Planned Development Districts may be established in appropriate areas in lieu of the base district zoning in accordance with §8.10.

**8.4.3. Overlay Zones (New)**

Overlay zones may be established over existing base zoning districts and planned development districts, as appropriate. Within an overlay zone, the standards of the underlying district shall apply, but as modified by the additional requirements and standards of the overlay zone. Overlay zones may be used to address special situations related to: providing commercial uses in rural areas; preserving community development and use patterns; preserving historic areas and buildings, preserving environmentally sensitive lands and cultural resources; or regulating developments of countywide impact to protect public health, safety and welfare. Overlay zones include Community District, Rural Commercial, Environmental and Resource Protection, Historic Preservation, Development of County Impact, Airport Noise Overlay.

**8.5. OFFICIAL ZONING MAP (New)**

All land in the unincorporated area of the County to which this SLDC applies shall be set forth on the County's official zoning map, which will designate base zoning districts, planned development districts and, as applicable, overlay zones. All lands shall be zoned as set forth on the zoning map.

**8.6. USE REGULATIONS.(New)**

This section establishes a Use Matrix Uses which identifies specific uses which are permitted in the base zoning and planned development zoning districts (Appendix B). All uses are designated as permitted, accessory, or conditional, as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards as provided in Chapter 4. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

**Chapter 9: Community Districts**

**9.1 Purpose (Changed)**

The Community District is a zoning tool to incorporate adopted Community Plan that is consistent with the SGMP through the establishment of a Community District Overlay Zone (O- CD) to implement the zoning-related provisions of an adopted Community Plan. Upon the establishment of an O-CD for any given Community District, the regulations of the applicable O-CD will be inserted into this section and become part of the SLDC.

This chapter incorporates existing community plan districts which were previously established by ordinance, and these individual community district ordinances shall remain in effect until such time as new community plans are adopted in accordance with Chapter 2 and a corresponding O-CD.

## **Chapter 10 – Supplementary Zoning Regulations**

### **10.1 Purpose (New)**

The purpose of this chapter is to establish standards for specific uses which require special design considerations in order to: protect surrounding property values and uses; protect the public health, safety, and general welfare; and implement the SGMP. These regulations are set forth to achieve compatibility with the principal uses permitted in a zoning district. These regulations shall apply to all zoning districts in which the particular use being regulated is permitted. It is the intent of the County that, where these uses are permitted, they strictly comply with the standards that have been created to address their particular impacts and characteristics.

### **10.4 Accessory Dwelling Units (New)**

Accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations. This section permits the development of a small dwelling unit separate and accessory to a principal residence in accordance with the following:

- Only immediate family members may occupy the principal dwelling unit and the accessory dwelling unit.
- The property owner shall execute an affidavit that the accessory dwelling unit is accessory to the principal dwelling unit and will at all times comply with the provisions
- Only one accessory dwelling unit shall be permitted per legal lot of record.
- The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the building footprint of the principal residence; or (b) 1,200 square feet.
- Building, site design and character single-family residence shall be maintained by the accessory dwelling unit.
- An accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.
- An accessory dwelling shall be accessed through the same driveway as the principal residence. There shall be no separate curb cut or driveway for the accessory dwelling.

- Water and electricity for the accessory dwelling unit shall be shared with the principal residence. Liquid waste disposal shall be in common with the principal residence; however, if the principal residence is on a septic system, then any modifications to the system shall be approved by NMED.

**10.6. Home Occupations (Changed).**

**10.6.1. Purpose.** The Purpose of this section is to stimulate economic development in the County and promoting energy efficiency by promoting home occupations and home businesses while ensuring the compatibility of home based businesses with other uses permitted in the community.

**10.6.4. Types of Home Occupations.** Three categories of home occupations are established:

- **No Impact Home Occupation.** A no impact home occupation includes business activity by the resident and up to one non-resident employee.
- **Low Impact Home Occupation.** A low impact home occupation includes business activity by the resident and up to three non-resident employees.
- **Medium Impact Home Occupation.** A low impact home occupation includes business activity by the resident and up to five non-resident employees. Because of the larger impacts from increased employees and visitors, a medium impact home occupation requires a Conditional Use Permit to determine whether the business is appropriate for the area and whether additional conditions are required to ensure the residential character of the area is maintained.

**10.7. Density Verification For Residential Condominiums. (New)**

**10.10. Itinerant Vendors (New).**

**10.14. Mobile Home Parks (New).**

A mobile home park is a subdivision, condominium, or site-lease facility is required to meet standards and other applicable provisions of the SLDC, including the density provisions of the zoning district.

**10.16. Wind Energy Facilities (New)**

The purpose of this section is to promote environmental sustainability, economic development, public safety and general welfare by fostering the development of the County's wind power resources and by providing standards for the safe, sustainable design and aesthetic provision of wind energy facilities.

**10.17. Wireless Communication Facilities (Changed).**

**10.18. Satellite Dish Antennas (New).**

**10.19. Sand And Gravel Extraction (Changed)**

**10.20. Sexually Oriented Businesses (New)**



## **Chapter 11 – Developments of Countywide Impact (DCIs)**

### **11.1. Purpose (New).**

Developments of Countywide Impact (DCIs) are those that have potential for far-reaching effects on the community. DCIs are developments that would place major demands on public facilities, the County's capital improvement plan and budget, and/or have the potential to affect the environment and public health, safety, and welfare beyond the impacts on immediately neighboring properties.

**11.3. Regulation.** This section is reserved with the exception that the existing Oil and Gas Ordinance will remain in effect:

**Oil and Gas Drilling and Production.** See County Ordinance No. 2008-19.

## **Chapter 12: Growth Management**

### **12.1 Purpose (New)**

The SLDC establishes techniques to ensure that new growth pays for itself through the implementation of the County's growth management strategy identified in the SGMP. The growth management strategy is intended to direct growth to areas most amenable to be efficiently served by adequate facilities and services. The strategy uses a wide range of techniques including a Capital Improvement Plan, Official Map, the use of development fees and agreements, Level of Service requirements pertaining to Adequate Public Facilities and Services (Table 12-1).

### **12.2 Capital Improvement Plan (New)**

The County's CIP will be approved and amended by resolution of the Board. The CIP is the mechanism by which the County will provide for new public facilities and expansion of existing public facilities to address current deficiencies and accommodate anticipated future population and employment growth.

The CIP needs to be developed. **There will need to be a specific Impact Fees Capital improvement Plan in accordance with the State Statute for the "Development Fees Act" if the County intends to establish impact fees.**

### **12.3 Adequate Public Facilities Regulations (APFR) (New)**

APFRs are regulatory measures to evaluate applications for discretionary development approval. The purpose of the APFRs is to ensure adequate public facilities and services are available concurrently with the completion of new development.

APFR's tie development approvals to present availability of infrastructure and public service capacity measured by Levels of Service. Table 12-1 identifies LOS for roads, emergency response, water supply and liquid waste and parks, trails and open space. LOS are identified in the CIP and the Official Map as appropriate.

**12.4 Development Agreements (New)**

Development agreements are required for discretionary development approval regarding implementation of approvals, conditions and construction of the project.

**12.5 Public Improvement District, 12.6 County Improvement Districts, 12.7 County Road Maintenance Agreements, 12.8 General Obligation Bonds, 12.9 Revenue Bonds, 12.10 County Highway and Bridge Bond.**

The SLDC incorporates these financing mechanisms that are allowing through State Statutes for financing of development.

**12.11 Development Fees (New)**

This section establishes the framework for development fees (impact fees) to contribute a fair and proportionate share towards the costs of capital improvements necessitated by new development.

Development Fees will need to be developed as a next step. This will require the County to appoint an advisory committee, establish land use assumptions and establish a specific impact fees capital improvement plan which will only include projects that can be funded through impact fees in accordance with the State Development Fees Act. This will also require the County to develop land use assumptions by service areas. Service areas will need to be established in the CIP for roadways, water and wastewater, law enforcement, fire and emergency services, parks, open spaces and trails.

**12.11.7 and 12.11.8 Imposition of Development Fees; Calculation, Assessment and Collection of Development Fees (New)**

This section requires any developer engaging in new development after the effective date of the SLDC to pay development fees in accordance with this section. Establishes the calculation of development fees by the Administrator.

**12.12. Official Map (New)**

12.12.1. The Board hereby adopts the Official Map of the County as an appendix to the SLDC, and incorporated herein, which is hereby found and determined to be drawn from, and consistent with, the adopted SGMP. The Official Map will need to be developed as a next step.

**12.13. Transfer Or Purchase Of Development Rights. (Changed)**

This section needs to be implemented through the establishment of procedures, sending areas, receiving areas and a County Land Bank.

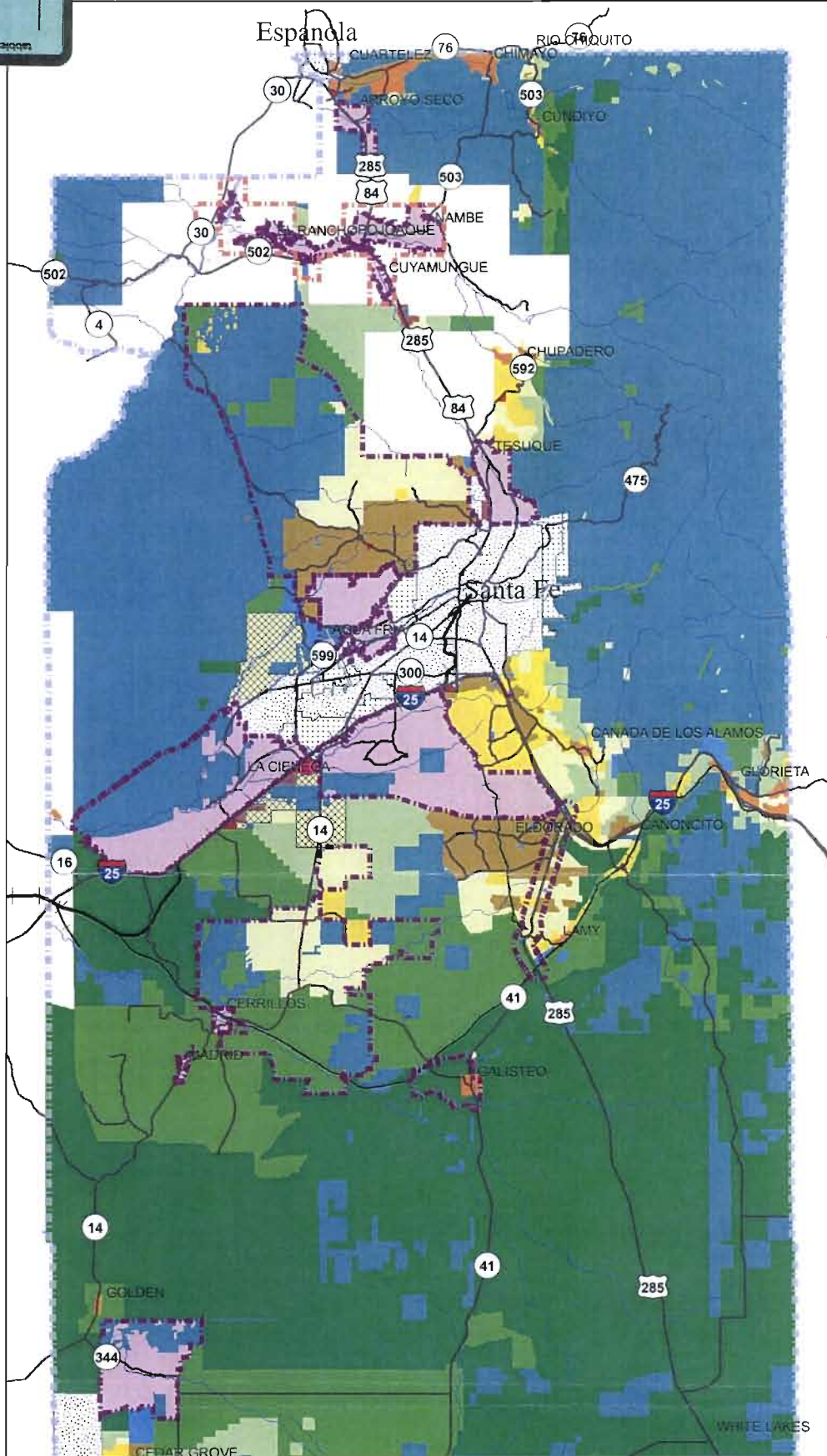
**Chapter 13: Housing and Fair Housing**

**13.1. Purpose and Intent.**

This section incorporates the existing affordable housing ordinances, as amended.

**13.1.2. Fair Housing (Reserved).**

# Santa Fe County Preliminary Draft Zoning Map October 4, 2012



### Legend

- Santa Fe County
- Community and District Plan Boundaries
- Municipality
- Municipal Annexation Areas
- Tribal Lands
- Federal and State Public Lands

### Mixed Use Eligible Areas, Pursuant to Future Land Use Map



### Proposed Zoning Districts, 10-4-12 \*\*

- Community and District Plan-Based Zoning
- Ag / Ranch (1 dwelling per 160 acres)
- Rural (1 dwelling per 40 acres)
- Rural Fringe (1 dwelling per 20 acres)
- Rural Residential (1 dwelling per 10 acres)
- Residential Fringe (1 dwelling per 5 acres)
- Residential Estate (1 dwelling per 2.5 acres)
- Residential Community (1 dwelling per acre)
- Traditional Community (1 dwelling per 0.75 acres to 3 dwellings per acre)
- Commercial
- Industrial
- Public/Institutional
- Mixed Use (2 to 5 dwellings per acre, or 2 to 12 dwellings per acre - with commercial)

\* Eligible for mixed-use development in accordance with the Future Land Use Map and Figure 2-8 in the Sustainable Growth Management Plan, if approved as a Planned Development District.

\*\* For mixed use, mixed density, and cluster development projects, where the overall density of development projects that were approved prior to the effective date of the SLDC conforms to the minimum lot area per dwelling specified for the zoning district, all residential lots in the development project shall be considered to be conforming with respect to the minimum lot area per dwelling required in the zoning district.

Any land or water which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming.



**Comments on the SLDC PUD –BCC Study Session**  
By Ross Lockridge & Ann Murray  
October 9, 2012 DRAFT

**10. 19. SAND AND GRAVEL EXTRACTION.**

**10.19.1. Applicability.** This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring materials. Such activity shall be allowed where permitted by the use index, subject to approval of a conditional use permit (§ 4.9.6.) and the additional requirements of this section. If the extraction activity includes any blasting, then this section does not apply and the operation will be treated as a mining operation under Chapter 11 (Developments of Countywide Impact – ‘DCIs’). Similarly, if the extraction operation covers an area larger than 20 acres, it will be treated as a DCI under Chapter 11.

**Comment:** The SGMP (Section 2.2.6.2) states: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC.

There was NO omission in discussions during the development of the SGMP concerning the size of commercial sand and gravel operations. Discussions even included cubic yards per acre. *But it was accepted that sand and gravel should be a DCI regardless of the size of the zone,* because of the industrial intensity of the daily activities, not the size of a permitted zone.

The industrial intensities of a sand & gravel operation could spring from a space just large enough to access the materials and stage the extraction activities including loading and trucking. An operator with the equipment could be drawing hundreds of independent trucks in a matter of weeks from a small acreage.

A well-sited DCI gravel operation shouldn't encounter much, if any resistance, when placed as agreed under the mining ordinance.

During the development of the SGMP at several meetings requested by citizens, all sides had the opportunity to voice their opinions including arguments regarding the size of a sand & gravel operation.

The Cerrillos operation was originally a "mom and pop" sand/gravel "sifting" operation "limited" by permit to 3 acres. But as it was not economically competitive, it was piggy-backed upon by a big-time operator and allowed by the county to grow to near 20 acres before the operation was suspended. Written testimony, from 1999 attests that "Gravel trucks speed along Highway 14 *every two minutes, 240 times a day!*" [emphasis theirs]. Testimony about the impacts on Cerrillos, Galisteo, and along NM 14, CR41, and roads leading off from Galisteo were also reflected in many letters of complaint to the County. The dust and diesel from the crusher & trucks, their presence driving through the village and on county & state roads was a fearful nuisance. "Independent" truckers paid by the load "speeding" often 85 MPH to fit in extra daily loads, were of course detrimental beyond just the mine site.

Again, it is completely justifiable to classify sand and gravel mining as a DCI placed under Section 5 - Mineral Exploration and Extraction, known as the hard rock mining ordinance.

CITY CLERK RECORDED 11/15/2012