

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**STUDY SESSION: LAND DEVELOPMENT CODE**

**August 14, 2012**

This special study session of the Santa Fe County Commission was called to order on the above-cited date in the Santa Fe County Chambers at the County Courthouse at approximately 2:05 p.m. by County Commission Chair Liz Stefanics.

Roll call indicated the presence of a quorum with the following Board members present:

<b><u>Members Present:</u></b> Commissioner Liz Stefanics, Chair Commissioner Kathy Holian Commissioner Robert Anaya Commissioner Danny Mayfield Commissioner Virginia Vigil	<b><u>Member(s) Excused:</u></b> None
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**VI. Public Comment**

Chair Stefanics welcomed those present and asked to take public comment first. More extensive public comment will be solicited at the next study session.

Ann Murray noted that it appeared the zoning map would not be coming out until after adoption of the code. Speaking as a visually oriented person, she asked that it be presented as early as possible.

**I. Update on the Status of the Sustainable Land Development Code [Exhibit 1]**

Acting Land Use Manager Penny Ellis-Green introduced the code draft team consisting of herself, Planning Manager Robert Griego, County Attorney Steve Ross and Assistant County Attorney Steve Laurent. Additionally, a public review process group has been involved – including staff from Planning, Development Review, Administration, the County PIO and David Gold.

Ms. Ellis-Green said the Sustainable Growth Management Plan (SGMP) was adopted in November 2010. Following that, meetings were held countywide to discuss concept design points (CDPs), the Commission had study sessions, and focus groups were established. The first four chapters were released in December of 2010 and work continues on the remaining chapters. The drafting team is working to ensure consistency with the SGMP and integrating the approximately 300 public comments submitted on Chapters 1 through 4. The document is being finalized and prepared for release via a web-hosting site. The draft will be sent to the Attorney General's Office, the State Engineer's Office the Environment Department, Historic Preservation and FEMA.

Ms. Ellis-Green outline the plans for the upcoming public review process. Once the code draft is posted on the web it will include hyperlinks to facilitate access. She showed a map of the four growth management areas (GMAs), stating they plan to have at least three meetings in each area.

## **II. Growth Management Strategy and SGMP Implementation**

Mr. Griego stated the purpose of the plan was to direct the location and character of future growth and resources to appropriate designated areas. Fiscal responsibility is emphasized, along with community needs and values, the protection of rural landscape and open spaces, and water conservation. The intent is to direct growth to areas with adequate public facilities.

The SLDC will replace the existing code in its entirety.

Mr. Griego went over the needs for a new code, including the lack of zoning, and confusing and inefficient procedures. There have been 42 amendments to the existing code. The result has been an excess of approved lots. There are currently 11,000 vacant lots in the county which at the current growth rate would serve for 74 years.

## **III. Overview of Sustainable Land Development Code Public Review Draft**

Mr. Griego gave a summary of each chapter of the code. *[Exhibit 2]*

### *Chapter 1 – General Provisions*

This outlines the purpose and intent, consistent with policies established in the plan.

### *Chapter 2 – Planning*

Chapter 2 outlines procedures for community planning and participation.

### *Chapter 3 – Decision Making Bodies*

The responsibilities of the Board, the CDRC (Planning Commission), Administrator and Hearing Officer are delineated.

### *Chapter 4 – Development Approval Procedures*

This chapter designates the requirements for filing and processing applications.

*Chapter 5 – Subdivisions and Land Divisions*

Rules and regulations governing plats and divisions of all sorts are laid out.

*Chapter 6 – Studies, Reports and Assessments (SRAs)*

This chapter sets out the circumstances under which additional reports are required.

*Chapter 7- Sustainable Design Standards*

Design standards are established for roads, easements, buildings, utilities, etc.

*Chapter 8 – Zoning*

This chapter establishes base zoning districts, planned development districts and overlay zones, including rural/commercial, community, environmental and resource protection, and historic preservation. A use matrix will be developed for each type.

*Chapter 9 – Community Districts*

Special areas can be planned specifically and the community plans already adopted will be incorporated.

*Chapter 10 – Supplementary Zoning Regulations*

This chapter covers regulations governing specific uses in all districts. The permitting process is herein streamlined.

*Chapter 11 – Developments of Countywide Impact*

To be completed at a later date.

*Chapter 12 – Growth Management*

This section implements the Capital Improvement Plan (CIP) and prioritizes new and expanded public facilities. It speaks about adequate public facilities regulations (APFR), intended to provide infrastructure through a variety of funding sources.

*Chapter 13 – Housing and Affordable Housing*

This chapter consolidates the amended ordinances having to do with housing and inclusionary zoning. A fair housing section will be added in the future.

*Chapter 14 – Inspection, Penalties and Enforcement*

Enforcement procedures are outlined.

#### **IV. Comparison of Current Land Development Code to the Proposed SLDC**

Ms. Ellis-Green reviewed the principal differences between the old and the new code. In general, the processing of applications is streamlined and the role of the Technical Advisory Committee is formalized.

A hearing officer will hear variances, rezonings and planned development districts and will establish the record. Large developments will be required to hold neighborhood meetings prior to submittal. The CDRC will be transformed into the Planning Commission. Additional studies and reports will be called for under certain circumstances and these will have allowance for outside review.

A number of design and requirement standards have been modified, including those pertaining to roads, water and sewer hookup, parking, floodplains, energy efficiency, setbacks, parks, archaeological studies and financial bonds.

Zoning is subject to base zoning consideration and a use table will clarify what is permitted in each district. Overlay districts will be utilized.

There will be conditional and accessory use regulations, a possibility of “granny flats,” three tiers of home occupations. Wind energy and wireless facilities are identified, and sexually oriented business will be addressed.

A greater emphasis will be placed on adequate public facilities vis-à-vis adopted levels of services. These will be linked to the overall capital improvement plan, development fees and development agreements.

The capital improvement plan will cover a 20-year period and be updated every two years at least.

Ms. Ellis-Green listed the next steps as follows:

- Approval of the capital improvement plan
- Drafting an official map
- Drafting a zoning map
- Establishment of permit fees
- Drafting a floodplain map
- Update of community plans and districts
- Work on countywide impact section
- Work on fair housing section
- Work on National Pollution Discharge Elimination System
- Additional planned development districts

Ms. Ellis-Green provided ways the public can contribute their comments.

#### **V. Board Discussion**

Chair Stefanics indicated she took an informal survey of community members asking how long it would take to review the code draft and she offered to forward the results to the other Commissioners. While the community has valid concerns at the pace of work, staff has a great deal of work to do. She asked if staff had a timeline in mind.

Ms. Ellis-Green pointed out there is a plan to take the document out to the community as widely as possible. She contemplated doing two GMAs per week, after which they would go out and discuss topics at least three times per GMA. There is another study session in September and a return in October with community comments.

Chair Stefanics asked if the project could be completed by the end of the year. Ms. Ellis-Green said that would depend on Board direction and the comments received from the public, which have to be analyzed. The public review draft will come out first, followed by the adoption draft. She envisioned further study sessions and public hearing prior to adoption of the ordinance. She noted the holiday season cuts into the timeline.

Commissioner Anaya asked about the feedback on the first four chapters. Mr. Griego said after the release of those chapters the website was established to receive input. All of those comments are in the database.

Commissioner Anaya asked how the annexation areas are being dealt with. Ms. Ellis-Green said the presumptive city limits are covered by City regulations and are not under the purview of this code. Commissioner Anaya noted an expanded timeline might be necessary.

County Attorney Ross indicated state law governs what occurs in the two-mile and five-mile zones. Annexation decisions should not affect zoning and land use issues.

Chair Stefanics raised the possibility that the third phase of annexation could be put on hold or abandoned. Mr. Ross said the ELUA determined that the zoning decisions would not be affected. "Changing that would be difficult."

Commissioner Anaya mentioned that constituents are complaining about being under city regulations while not receiving city services.

Referring to the excess lots, Commissioner Anaya asked if this was true even with the economic downturn. He asked where the lots were. Mr. Griego described the process by which they derived at the number of lots. In recent years five times more lots have been approved than building permits issued. The new code will not reduce the number of lots but will direct growth to areas where there are services.

Ms. Ellis-Green said they would provide information on the location of the vacant lots through information from GIS and the Assessor, although it might be difficult to specify their method of creation.

Commissioner Mayfield asked how land grants were counted, and Mr. Griego said that was a legal question. Ms. Ellis-Green said she understood that constituted about 12 vacant lots.

In response to a question by Commissioner Anaya regarding any changes to the authority of the Board of County Commissioners, Assistant Attorney Laurent stated the Board would have appeal authority over the Planning Commission but no powers would be taken away.

Commissioner Anaya asked for further details at the next study session to ensure that the application process is becoming more streamlined.

On that point, Chair Stefanics asked if the BCC would lose track of what was going on, for instance in the case of master plans. Ms. Ellis-Green gave the example of an application for commercial development in a residential area. According to the use table that could be allowed in some instances. She suggested staff could develop a process by which the Commission would be kept apprised.

Commissioner Mayfield asked about appeals and Ms. Ellis-Green said there can be appeals at all levels up to the courts.

Commissioner Anaya asked for assurance that the code will be more efficient and more inexpensive. Ms. Ellis-Green said currently the same checklist is required of hay sales as if for Walmart; that will change. Commissioner Anaya asked if the list for Walmart was being ratcheted up or if small projects were being ratcheted down. Ms. Ellis-Green said a large project such as a Super Walmart will probably require a community water and sewer system, so it would have more requirements.

Mr. Griego offered to assemble a list of changes that would clarify the new requirements.

Commissioner Anaya asked if there had been a final vote on the HERS rating. Ms. Ellis-Green stated what is there is what is proposed with the intention of garnering further public comment and Board direction.

Commissioner Anaya stated there has not been the kind of in-depth presentation on the latter portions of the code that they had on the first chapters or on home occupations. The public is ready for intense discussion on issues such as water and density. That being the case he was doubtful the process could be finished by the end of the year. He speculated certain parts of the county are more prepared to roll out the entire code than others.

Commissioner Holian thanked the rewrite team for all their work. She spoke of the feedback she has received on how long it is taking, noting that staff has other duties. From her experience on the CDRC and BCC, she noted that controversial cases take up huge amounts of time. She recommended there be a facilitation process such as occurs in Albuquerque. A professional facilitator can bring the parties together and identify the points of contention. In Albuquerque this leads to a faster, more efficient process.

Commissioner Holian asked about the possibility of “undoing” approved subdivisions that turn out not to be viable. She suggested a statute of limitations. Mr. Ross said that was in an earlier version of the code but was not in this one.

Chair Stefanics said legal issues could arise unless the lots went into receivership.

Mr. Ross indicated they debated this issue, which could be controversial. He noted it is done elsewhere but he did not think it was a good idea here.

Commissioner Anaya said he gets questions from constituents on whether the developer is adhering to conditions, particularly where no sales have occurred. Commissioner Holian stated her concern is developers who go out and arbitrarily grade land in order to keep their master plan current.

Commissioner Mayfield also thanked staff for their work. He read from Chapter 1: “The

general provisions state that no new development shall be granted approval unless there is adequate on and offsite provision of capital facilities and services to a development.” In the case of public safety, how are those requirements to be met? Will developers be required to pay to provide the public safety component?

Ms. Ellis-Green said that would not occur for a single lot, but a 500-lot subdivision would have to wait for the adequate level of service to be developed or provide it yourself.

Chair Stefanics pointed to the Oil and Gas Ordinance where developers are required to provide infrastructure. She asked if there was a threshold level. Mr. Ross said levels of service are specified in the code, i.e., how many Sheriff’s deputies are desired on the street. In the case of the Oil and Gas Ordinance, developers were constrained if the County lacked adequate fire, police, roads, water or sewer services. He noted smaller developments are largely exempt from having to provide adequate public services. He reminded the Commission of the sustainable development area (SDA) system, wherein people are encouraged to develop in SDA-1 where there are more facilities. For developers unwilling to wait they can provide the services and subsequently be reimbursed by developers who come later.

Commissioner Mayfield stated he hoped applications would not be denied on the basis of inadequate services.

Commissioner Mayfield asked if everything in the previous code was being scrapped. Mr. Ross said this is only a land use code and would not affect anything outside that sphere. He stated some previous ordinances will be incorporated into the new code.

Commissioner Mayfield asked for clarification of the role of the hearing officer. Mr. Ross stated the hearing officer is intended to save time in complex cases, similar to what occurs at the PRC, by gathering facts, hearing testimony and issuing a draft order. It is designed to improve the type of information the decision-making bodies get, particularly in cases where litigation is likely to occur. *Ex parte* communication is not an issue because everyone is part of the same process.

Citing the importance of maps, Commissioner Mayfield encouraged early development of a zoning map.

Commissioner Vigil asked at what stage in the process does the hearing officer come in, and would that provide the same service as a facilitation. Mr. Ross said that occurs before the first public hearing before the Planning Commission or BCC. He noted a mediator or facilitator would come in approximately at the same time the technical review occurred, before being put on the public docket, that is to say, fairly early.

Commissioner Vigil asked which cases would get mediation. Mr. Ross answered that in Albuquerque the director attends TAC meetings and identifies appropriate cases.

Commissioner Vigil noted the current process of notifying only neighbors within 200 feet is inadequate in rural neighborhoods.

Mr. Griego outlined the provisions of the community participation process which brings in registered and community organizations and a meeting is held prior to submittal. That way community concerns can be incorporated into the submittal.

A discussion ensued about what constitutes a registered or community organization. Mr. Griego stated the process for early neighborhood notification has been streamlined.

Commissioner Vigil asked if there would be a separate matrix for temporary uses. Ms. Ellis-Green said that will be in the supplemental use table. She said this would apply to model homes/office, retail outside uses, public assembly, film production and perhaps a catchall category. Itinerant vendors will also be addressed.

Commissioner Vigil commended the rewrite team for their diligence.

## VII. Adjourn

Having completed the agenda and with no further business to come before the Authority, this meeting adjourned at approximately 3:00 p.m.



*Valerie Espinoza*

VALERIE ESPINOZA  
COUNTY CLERK

Respectfully submitted,

*Debbie Doyle*  
Debbie Doyle, Wordswork

Approved by:

*Liz Stefanics*  
Liz Stefanics, Commission Chair

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 38

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of September, 2012 at 10:33.07 AM  
And Was Duly Recorded as Instrument # **1682917**  
Of The Records Of Santa Fe County

*Maree Espinoza*  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM







# Sustainable Land Development Code (SLDC)

## Board of County Commissioners Study Session

August 14, 2012



Economy ♦ Environment ♦ Community



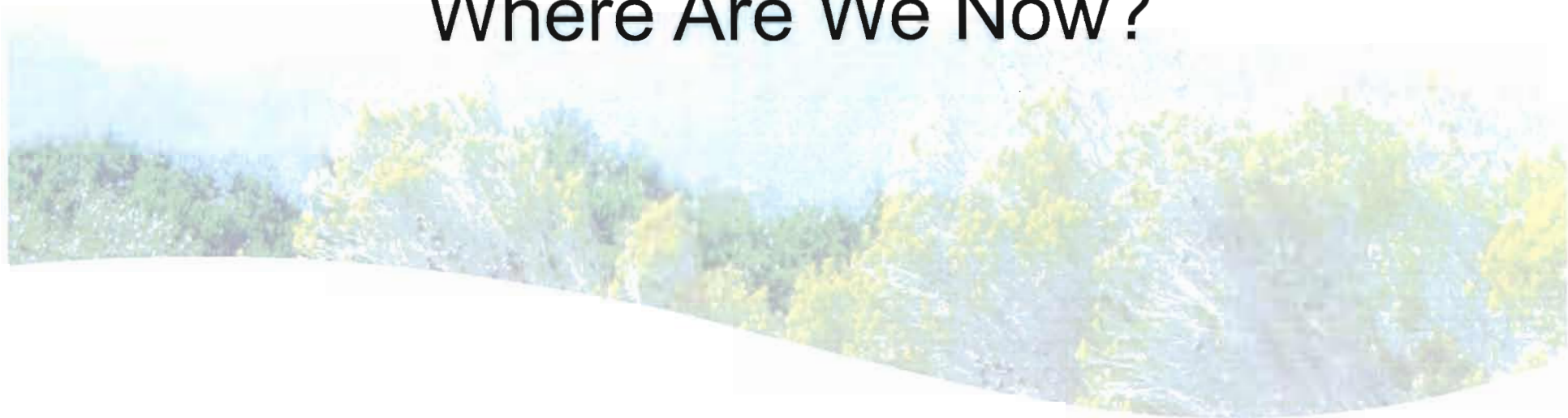
# I. Update on the Status of the Sustainable Land Development Code

# What Have We Done?



- ❖ SGMP adopted in November 2010
- ❖ Meetings held in each area of the County to discuss concept decision points for implementation of SGMP into SLDC in 2011
- ❖ Held Board Study Sessions
- ❖ Established Focus Groups
- ❖ Released first four Chapters in December 2011
- ❖ Drafting remaining Chapters

# Where Are We Now?

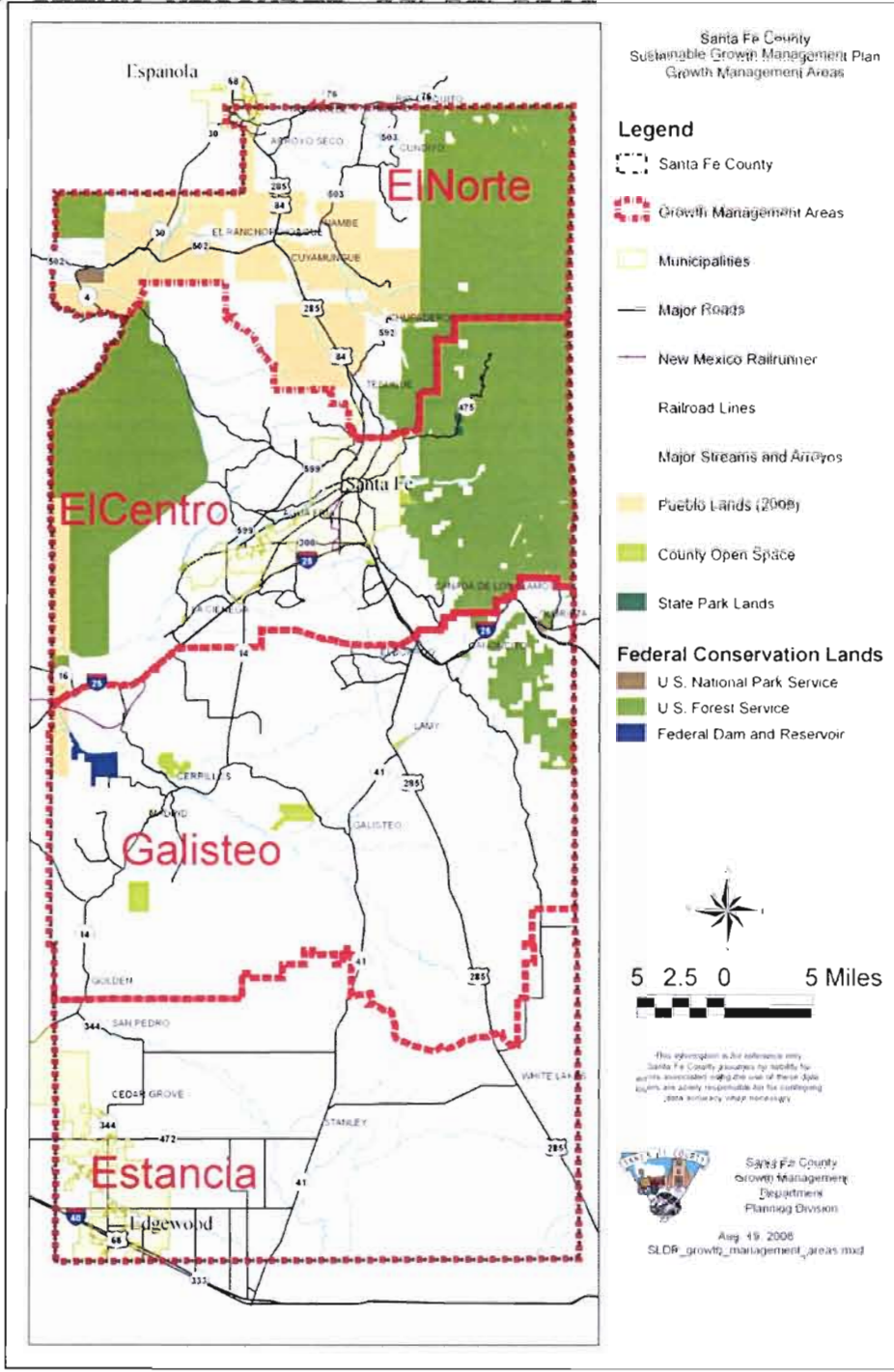


- ❖ Ensuring Consistency with SGMP
- ❖ Review and Integrating Public Comments on Chapters 1- 4
- ❖ Internal Staff Review
- ❖ Finalize Document
- ❖ Prepare Public Review Draft
- ❖ Release of Public Review Draft Document
- ❖ Web hosting
- ❖ Send draft to Public Reviewing Agencies

# Public Review Process (PRP)



- ❖ Informational Open House in each Growth Management Area
- ❖ Topic Chapter Review in each Growth Management Area
- ❖ BCC Study Sessions
- ❖ Analyze Public Input
- ❖ Incorporate changes into an adoption draft of the SLDC
- ❖ Release Adoption Draft
- ❖ BCC Public Hearings for adoption of SLDC
- ❖ Publish adopted SLDC including Web hosting



# GMA's

## County Growth Management Areas

El Norte

El Centro

Galisteo

Estancia



## **II. Growth Management Strategy and SGMP Implementation**

# What is the SLDC?

The SLDC will implement the policies of the SGMP:

- ❖ Growth Management Strategy
- ❖ Sustainable Development Areas
- ❖ Adequate Public Facilities and Services
- ❖ Establishment of Base Zoning Districts , Mixed Use, Commercial and Industrial Districts
- ❖ Creation of Planned Development and Overlay Districts
- ❖ Establish Hearing Officer
- ❖ Streamline Community Plan Process and Establish Community Participation Process

The SLDC will replace the existing code in its entirety



# The Need for a New Code



- ❖ Existing Code Weakness
  - ❖ Lack of Growth Management
  - ❖ Large Scale Developments Located Outside Of Growth Areas
  - ❖ Water Limitations And Base Densities
  - ❖ Subdivisions not located near services
  
- ❖ Infrastructure and Service Deficiencies Including;
  - ❖ Roads
  - ❖ Water and Wastewater
  - ❖ Law Enforcement, Fire Emergency Services
  
- ❖ Increased Demands On County Resources
  
- ❖ Need for more balanced and efficient development patterns

# Approved Lots



- ❖ About 11,00 vacant lots in unincorporated areas of County
- ❖ Average of 148 Residential units permitted annually over the last four years
- ❖ Average Growth of approximately 1% per year
- ❖ Existing Vacant Lots can supply approximately 74 years of growth based on current average annual growth

# Growth Management



## Growth Management Concepts Approved in SGMP:

- ❖ Direct Growth to those areas where services can be efficiently delivered.
- ❖ Zone to maintain the rural economy and separations between communities.
- ❖ Direct and phase growth necessary for County to manage its operations and budgets, both operating and capital.
- ❖ Development to Pay for Itself



# **III. Overview of Sustainable Land Development Code Public Review Draft**

# Overview of SLDC



**Chapter 1 – General Provisions**

**Chapter 2 – Planning**

**Chapter 3 – Decision Making Bodies**

**Chapter 4 – Development Approval Procedures**

**Chapter 5 – Subdivisions and Land Divisions**

**Chapter 6 – Studies, Reports and Assessments (SRAs)**

**Chapter 7 – Sustainable Design Standards**

# Overview of SLDC (cont)



**Chapter 8 – Zoning**

**Chapter 9 – Community Districts**

**Chapter 10 – Supplementary Zoning Regulations**

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

**Chapter 12 – Growth Management and paying for  
Development**

**Chapter 13 – Housing and Affordable Housing**

**Chapter 14 – Inspection, Penalties and  
Enforcement**



## **IV. Comparison Of Current Land Development Code To Proposed SLDC**

# Procedures

- ❖ Concurrent Processing of Applications
- ❖ Streamline Community Planning Process
- ❖ Community Participation in the Development Review Process
- ❖ Procedural table identifies types of permits and the review process for each
- ❖ Noticing procedures for development types
- ❖ Site Development Plan and Conditional Use Permit
- ❖ Technical Advisory Committee



# Approvals

- ❖ Subdivision Approval Direct to BCC per statutory timelines
- ❖ Hearing Officer to hear Variances, Rezoning, Planned Development Districts
- ❖ Larger Developments Required to Hold a Neighborhood Meeting prior to submittal
- ❖ Planning Commission
- ❖ Studies Reports and Assessments
  - ❖ Environmental, Traffic Impact, Adequate Public Facilities, Water Availability, Fiscal Impact.
  - ❖ Identifies which projects will need to submit these
  - ❖ Allows for outside review

# Standards

## Design Standards to be Consistent with SGMP

- ❖ Urban and Rural Road standards
- ❖ Water and Sewer standards and hookup requirements based on SDA area and development type
- ❖ Alternative Parking standards allow for shared parking and reduction based on building use
- ❖ Flood Prevention follows FEMA requirements, does not require all weather crossing for single home
- ❖ Energy Efficiency, requirement for HERS 70 rating for homes
- ❖ Setbacks
- ❖ Park required for larger subdivisions
- ❖ Archaeological study for areas developed
- ❖ Financial Guarantees signed off on by County Attorney as well as Land Use Administrator, releases begin when 50% complete

# Supplemental Zoning Regulations

- ❖ Conditional and Accessory Use Regulations
- ❖ Accessory Dwelling for family members
- ❖ 3 Tiers of Home Occupations
- ❖ Wind Energy Facilities
- ❖ Wireless Communications Facilities
- ❖ Sexually Oriented businesses

# Adequate Public Facilities Requirements

- ❖ Adequate Public Facilities Regulations are used to evaluate development approval for adequate infrastructure or services at the time of application.
- ❖ Requires Adequate Public Facilities and Services at adopted Levels of Service (LOS) at time of development
  - ❖ Linked to the Capital Improvement Plan
  - ❖ Development Fees
  - ❖ Development Agreements

# Capital Improvements Plan (CIP)



CIP is a list of capital improvements needed to provide a level of service to the entire County.

- ❖ CIP prioritizes the need for public facilities and services:
  - ❖ Analyzes the fiscal capability of the County to finance and construct improvements;
  - ❖ Schedule the funding, prioritization, and construction of improvements
  - ❖ CIP will be approved by BCC and updated every 2 years at a minimum

# Next Steps

After SLDC approval:

- ❖ Capital Improvement Plan
- ❖ Official Map
- ❖ Zoning Map
- ❖ Permit Fees
- ❖ Floodplain Maps
- ❖ Community Plan and Districts
- ❖ Development of Countywide Impact
- ❖ Fair Housing
- ❖ Impact Fee Schedule
- ❖ NPDES
- ❖ Planned Development Districts

# Public Comments



- ❖ [www.santafecounty.org](http://www.santafecounty.org) Hot Topics
- ❖ Email comments to [SLDC@santafecounty.org](mailto:SLDC@santafecounty.org)
- ❖ Send written comments to:
  - Santa Fe County Planning Division
  - SLDC Comments
  - PO Box 276
  - Santa Fe, NM 87504

# Zoning

## Establish Zoning Consistent with SGMP

- ❖ Land Uses and densities will be determined through Base Zoning Districts and Planned Development Districts.
- ❖ Use Table Identifying permitted, accessory, conditional and prohibited uses in each zoning district
- ❖ Standards are different in the zoning Districts
- ❖ Overlay Zoning Districts will be established for Community, Environmental Resource Protection and Historic Districts
- ❖ Rural community overlay districts will allow non-residential uses within residential areas
- ❖ Ability to add more Planned Development Districts such as Regional Center and Transit Oriented



August 14, 2012

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

The purpose of this chapter is to establish the authority and responsibilities of the Board, Planning Commission, Administrator and Hearing Officer. The Hearing Officer is identified for the purpose of assisting in the adjudication of quasi-judicial applications for discretionary development approval.

### **Chapter 4 – Development Approval Procedures**

The purpose of this chapter is to designate the procedures for filing and processing applications. It is formatted to allow the public to quickly and efficiently determine the various steps involved in processing applications, from the initiation and filing of an application, review for completeness, through public hearings, determination and appeal. The chapter establishes the standards and procedures common to processing most application requests.

### **Chapter 5 – Subdivisions and Land Divisions**

This Chapter establishes the general rules and regulations governing the preparation, review, and recordation of plats that divide land within Santa Fe County. This Chapter includes exempt land divisions in accordance with State Law; subdivision classification procedures and timing of subdivision approvals, summary review, preliminary plats, final plats, subdivision improvements and special procedures.

### **Chapter 6 – Studies, Reports and Assessments (SRAs)**

This Chapter establishes the requirements for standards and review processes by which development applications shall be evaluated, including consistency and the preparation of studies, reports and assessments on environmental and fiscal impacts, traffic, water availability, emergency service and response, adequate public facilities and archaeological, historic, cultural sites and landmarks.

### **Chapter 7 – Sustainable Design Standards**

This Chapter establishes development design standards for roads, easements, building design standards, utilities including water and liquid waste, water conservation, parking, signs, stormwater management, solid waste, terrain management, landscaping, energy efficiency, open space and lighting.



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## Sustainable Land Development Code Preview/Overview

### Chapter 1 – General Provisions

This chapter outlines the purpose and intent of the Sustainable Land Development Code. The SLDC is designed to be consistent with the goals, policies and strategies of the Sustainable Growth Management Plan (SGMP). The SLDC establishes growth management techniques and land use regulations that together implements the SGMP including requirements for adequate public facilities and levels of services pertaining to roads, open space, utilities law enforcement emergency services and affordable housing. The SLDC will replace the existing Land Development Code, including amendments to the code with the exception of existing community planning ordinances, the Santa Fe Community College District Ordinance and the Oil and Gas Ordinance.

The General Provisions state that no new development shall be granted approval unless there is adequate on and off-site provision of capital facilities and services available to the development. Applications for discretionary development approval will be required to demonstrate consistency with the SGMP and may be required to submit certain Studies, Reports and Assessments (SRAs), depending upon the scope of the development proposed in the application.

### Chapter 2 – Planning

This chapter establishes requirements and procedures for community participation and planning including adopting and amending certain County land use plans, including the SGMP and Area, District or Community Plans.

- Area Plan- An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP.
- District Plan- A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity.
- Community Plan- A Community Plan provides specific planning, design and implementation for an identified community in accordance with the community planning process outlined in this chapter.

Community Participation- The community participation provisions of the SLDC are in accordance with the SGMP and are designed to maximize public input in important decisions that affect the County, a community or neighborhood. This will include the creation of Community Organizations and Registered Organizations consistent with the SGMP.

## Chapter 8 - Zoning

This chapter will implement and provide for consistency with the SGMP through the establishment of orderly zoning regulation of land uses throughout the unincorporated areas of the County. The specific purposes of this chapter include the following:

- Establishes Base Zoning Districts, Planned Development Districts and Overlay Zones and describes use and design requirements that apply to each.
  - 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.
  - A Planned Development District is a flexible zoning tool intended to provide for efficient land uses, buildings, circulation systems, and infrastructure in order to: promote a sense of place and aesthetic design; increase walkability; allow for a mixing of uses; reduce the cost of infrastructure and services; reduce vehicle miles traveled; and reduce air pollution and greenhouse gas emissions.
  - Overlay Zones address special siting, use, and compatibility issues requiring regulations that supplement or supplant those found in the underlying zoning districts. If an overlay zone regulation conflicts with any standard of the underlying zone, the standard of the overlay zone shall govern. Overlay zones include the following:
    - Rural Commercial Overlay
    - Community Overlay Districts
    - Environmental and Resource Protection Overlay District
    - Historic Preservation Overlay District.

This chapter includes a Use Matrix and Use regulations for zoning districts. Uses permitted in the base zones and planned development zoning districts are shown in the use matrix and are designated as permitted, accessory, conditional or prohibited. Permitted Use indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC. Accessory use indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use. Conditional Use indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit. Prohibited Use indicates that the use is not permitted within the district.

## **Chapter 9 – Community Districts**

The Community District is a zoning tool intended to preserve and protect unique communities and areas through the implementation of an adopted Community Plan that is consistent with the SGMP. As a matter of public policy, Santa Fe County aims to preserve, protect, enhance, and perpetuate the value of these areas through the establishment of Community Districts. Chapter 8 sets forth the standards and procedures for establishment of a Community District Overlay Zone (O- CD) to implement the zoning-related provisions of an adopted Community Plan. This chapter incorporates existing community 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**

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.

The establishment of these standards streamlines the permitting process by permitting the use as of right in certain districts subject to the supplemental regulations rather than a case-by-case consideration for a conditional use permit (CUP) in some cases. In other instances, the supplemental regulations do not streamline the process but address the unique development challenges of certain uses and structures whether permitted as of right or as a conditional use.

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

This Chapter is reserved in the SLDC. DCI's are identified in the SGMP as having major impacts on the County such as Oil and Gas, and significant mining. The existing Oil and Gas Ordinance will remain in effect.

## Chapter 12 – Growth Management

**Capital Improvement Plan:** This section implements the County's Capital Improvement Plan ("CIP"), approved and as amended by resolution of the Board from time to time. The CIP is the mechanism by which the County provides for new public facilities and expansion of the capacity of existing public facilities which are needed to accommodate existing and anticipated future population and employment. Through the CIP, the County intends to use reasonable means to provide public facilities and services needed to accommodate new growth consistent with a positive County fiscal impact. Funds to implement the CIP will come from County general revenue, general obligation and revenue bonds, contributions and advances of capital improvements, public improvement districts ("PIDs"), County Improvement Districts, fees, impact fees, public utility rates, and state and federal grants.

The CIP prioritizes the need for public facilities, estimates the cost of public facilities; analyzes the fiscal capability of the County to finance and construct the facilities; determines which facilities are needed to address present deficiencies and which facilities are needed to support future growth; establishes financial policies to fund improvements; and provides a schedule for construction of improvements that ensures that facilities are available when needed.

**Adequate Public Facilities Regulations (APFR):** APFRs are regulatory measures that are used in the SLDC to evaluate applications for development approval for adequate infrastructure or public services at the time of application, and to time or phase development approval if infrastructure or public services are not adequate at the time of discretionary development approval. The adequacy of infrastructure and services are measured against the County's adopted, funded, and prioritized CIP and the adopted LOS set forth in this Chapter. Data and information for implementation of the APFRs is the Adequate Public Facilities Assessment (APFA) and the remaining SRAs described in Chapter 6.

The purpose of the APFRs is to ensure sustainable County growth by ensuring that infrastructure and services that are necessary to support the proposed development are adequate and available at the time an application for discretionary development approval is made.

Adequate public facilities and services will be evaluated at the time of application for discretionary development approval using the SRAs described in Chapter 6 of the SLDC. Facilities evaluated through the APFR process include water, sewer, storm water, emergency services, parks, open space and trails, and transportation.

### **Chapter 13 - Housing and Affordable Housing**

The purpose of this Chapter is to incorporate the County's Inclusionary Zoning ordinance into the SLDC. The County adopted Ordinance 2006-2 to require that an affordable housing component be included in projects in the central and northern areas of the County. This ordinance and its implementing regulations set forth the percentages of affordable housing that are required to serve four separate income ranges, from very low income households to moderate income households. Maximum base home prices were established for each of the income ranges, along with two mechanisms to insure long term affordability of the affordable units. One of these mechanisms was a note and mortgage in the amount of the subsidy provided, which equals the difference between the actual sales price and the maximum base price, after subsidy. The other long term affordability control is a shared appreciation measure, based on the ratio of the County subsidy to the initial appraised value. For those developers that do not wish to build the affordable units within the subject development, provisions for alternate means of compliance were included; these alternatives included cash-in-lieu payments, land donations and construction of affordable units in a separate development.

Through the passage of Ordinance 2012-1, the overall affordability requirement was reduced from a minimum of 30% of total units to a minimum of 15%, with the requirement distributed equally throughout the four income ranges. The provision of rental units in addition to homeownership units, as was the intent to align the formula for forgiveness of the shared appreciation lien with a formula for forgiveness of the standard Affordability Mortgage and Lien.

Even with the new ordinance, it is important to note that developments that were approved under the old Community College District affordable housing ordinance and regulations and have executed Affordable Housing Agreements that reference the old ordinance and regulations still operate under the guidelines set forth in the Community College District affordable housing ordinance and regulations.

### **Chapter 14 - Inspection, Penalties and Enforcement**

The purpose of this chapter is to delineate procedures for inspections, penalties, and enforcement of violations of the SLDC. This chapter also includes a certificate of completion which will be required for each development permit issued under the SLDC.