

1 6.9.4 Residential Connection to Water Systems:

- 2 a.) All new lots created as part of residential land divisions and subdivisions shall be
 3 required to connect to the Santa Fe County Water System when said system is extended
 4 to within 200 feet of the property line of a lot, unless that lot has previously connected to
 5 a community water system, provided that adequate capacity exists in the system and that
 6 water taps are available. This requirement will be applied with the following conditions:
- 7 i. If the water system is already in place and capable of providing service or if the
 8 County can provide an estimated time of completion of six (6) months or less,
 9 connection to the system will be required immediately upon the time of service
 10 capability within the system. The requirement for connection shall be duly noted on
 11 the survey plat, and the property owner shall agree to bonding or financial guarantee
 12 to ensure connection within six (6) months, prior to final approval.
- 13 ii. If the County cannot provide an estimated time for waterline completion and capacity
 14 for service of six (6) months or less, the new land division will be granted a 5 year
 15 grace period from the time the water line is actually installed and taps are available
 16 before the agreement to connect to the system will be effective. The requirement for
 17 connection shall be duly noted on the survey plat prior to final approval.
- 18 iii. If connection to a county or community water system is not possible at the time of
 19 land division for new residential development of two or more lots of 2.5 acres or less,
 20 all lots will be required to use shared wells where new lots are adjoining, providing
 21 adequate water is available for both lots. The requirement to connect to the county or
 22 community water system will still be in effect and the property owners will be
 23 granted a 5 year grace period from the time the water line is actually installed and has
 24 adequate capacity, before the connection to the system will be required. The
 25 requirement for connection shall be duly noted on the survey plat prior to final
 26 approval.

27
 28 6.10 Commercial Uses:

29 6.10.1 Areas for Commercial Development and Requirements

30 Property that is zoned commercial at the time of adoption of this Ordinance shall be
 31 permitted to continue as commercial areas along with planned commercial development
 32 in areas as outlined in the Highway Corridor Plan. Such commercial development shall
 33 be required to meet all requirements of the Code. No new commercial zoning shall be
 34 allowed except as outlined in Section 6.11, Home Occupations, of this Ordinance.

35 6.10.2 Prohibited Commercial Development:

36 New developments that pose a risk of contaminating surface and groundwater systems
 37 shall not be permitted within the Planning Area. Non-permitted uses will include but not
 38 be limited to: gas stations, asphalt batch plants and asphalt production plants, large-scale
 39 mining, any warehouse which stores or transfers chemicals, large-scale agricultural
 40 operations which stockpile manure or have manure lagoons (e.g.: dairies, horse parks or
 41 stables, chicken farms), waste oil recycling, septic tank pumping waste disposal, grease
 42 trap waste disposal, large-scale chili processing plants, cheese processing plants, gasoline
 43 storage facilities or transfer stations, auto repair facilities, car washes, sludge disposal
 44 fields, mortuaries, municipal and/or hazardous landfill, and slaughter houses.



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1 6.10.3 Commercial Connection to Water Systems and Water Use Restrictions:

2 All new commercial development shall be required to connect to the Santa Fe County
3 Water System when said system is extended to within 200 feet of the property line, unless
4 the development has previously connected to a community water system, provided that
5 adequate capacity exists in the system and that water taps are available. Refer to section
6 6.10.2 of this ordinance for description of permissible commercial uses and Section 6.11
7 for description of Home Occupations.

8 a.) If connection to the County water system is not possible, the development must limit
9 water consumption to .35 acre feet (approximately 114,030 gallons) of water per year
10 per acre of the tract. This water consumption requirement applies only to use of water
11 for commercial purposes from domestic wells as defined by the state and does not
12 apply to any other water rights (irrigation or private).

13 i. If the water system is already in place and capable of providing service or if the
14 County can provide an estimated time of completion of six (6) months or less,
15 connection to the system will be required immediately upon the time of service
16 capability within the system. The requirement for connection shall be duly noted
17 on the survey plat and the property owner shall agree to bonding or financial
18 guarantee to ensure connection within six (6) months prior to final approval.

19 ii. If the County cannot provide an estimated time for waterline completion and
20 capacity for service of six (6) months or less, the new land division will be
21 granted a 5 year grace period from the time the water line is actually installed and
22 taps are available before connection to the system will be required. The
23 requirement for connection shall be duly noted on the survey plat prior to final
24 approval.

25 6.10.4 Commercial Water Resources Plan:

26 All new commercial establishments or expansions of existing commercial developments
27 shall submit a water resources plan at the time of application. The water resources plan
28 must demonstrate secured access to a 100 year supply of water as well as secured water
29 rights, as required by state law and/or the Code to meet all current and projected demands
30 for the business operation.

31 6.10.5 Non-residential Lot Coverage:

32 For non-residential uses, the total roofed area of principal structures and accessory
33 structures, roadways, driveways, walkways and parking facilities shall be no more than
34 sixty percent (60%) the total lot area.

35 6.10.6 Non-residential Lot Coverage Calculations on Parcels with Perpetual Easements:

36 Whenever density transfer is used to create open space which is protected in perpetuity
37 by easement or other legal means, lot coverage shall be calculated based on the total
38 acreage of the project rather than for each individual development lot and shall be
39 apportioned to the density transfer lots by means of building envelopes on the approved
40 final plat.

41 ~~6.11 Home Occupations~~

42 ~~Mixed use development consisting of development that house both residential and non-residential
43 uses on the same property and/or in the same structures shall be permitted as part of a home
44 occupation. Home occupations are appropriate throughout the Planning Area. Any existing legal
45~~

4.3.5 Lot Size Standards

These lot size standards shall apply to the parcel(s) retained as well as the lot(s) transferred.

4.3.5a No lot shall be smaller than one half of the standard minimum lot size allowed in the particular location or hydrologic zone; and

4.3.5b No lot shall be smaller than 3/4 acre except as provided in Article III, Sections 10.3.3 and 10.3.4 for lots utilizing both an approved community sewer system and an approved community water system.

History. 1980 Comp. 1980-6. Section 4.3 was amended by County Ordinance 1989-3 to provide for additional procedures relating to family transfer and by Ordinance 1996-8 to clarify that this Section applies to small lot inheritance and family transfers only.

4.4 Procedure for Approval of Lots Created Prior to the Effective Date of the Code (January 1, 1981) Which do not Meet the Lot Size Requirements of the Code

4.4.1 If the applicant has a notarized document, the applicant shall submit the document to the Code Administrator. The Code Administrator shall determine if the notarized document establishes the existence of the lot on the effective date of the Code.

4.4.2 If the applicant has evidence which does not include a notarized document, the evidence shall be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot on prior to the effective date of the Code.

4.5 Special Procedure for Approval of Development on Lots Which Do Not Meet Lot Size Requirements of Code: Non-Conformities4.5.1 Intent

4.5.1a Existing uses of land and structures including signs constructed prior to the adoption of the Code, as amended, but which may not be in conformance with the Code, as amended, or are prohibited or restricted under the current provisions of the Code, including the provisions of any amendments thereto, are considered to be non-conforming uses.

4.5.1b It is acknowledged that certain non-conforming uses may contribute to a historical pattern of land use and/or are likely to continue to be in use. For this reason non-conforming uses which serve to enhance the mixed use zoning scheme established by these regulations, may be redeveloped, improved or expanded provided the redevelopment or improvements to the property serve to bring the use into conformance with the purposes of the Code.

4.5.1c Expansion or re-use of unsightly or unsafe conditions associated with some non-conformities such as junk yards, mine sites, or industrial nuisances is prohibited, and further, expansion of any non-conforming commercial uses which contribute to strip development along highways or other roads, shall also be prohibited.



4.5.2 Re-use or Expansion of Non-conforming Use

- 4.5.2a Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful.
- 4.5.2b A non-conforming use of a structure or land, or a non-conforming structure, previously established as a use similar to a proposed new use of the structure or land, or a use of a structure or land which has been suspended by a period of time not longer than one (1) year, may be re-used, extended or expanded provided:
- 1) the re-use, expansion or extension does not increase the intensity of development or alter the character of the non-conforming use on the site according to any limitations set by the Code relating to development standards for lot coverage, height, waste disposal, water use, setbacks, traffic generation, parking needs, landscaping, buffering, outdoor lighting, access, or signage;
 - 2) The re-use, expansion or extension can be brought into compliance with the Code as specified above in 4.5.2b.1;
 - 3) The re-use, expansion or extension does not confer a privilege upon the applicant;
 - 4) The re-use, expansion or extension is not incompatible with the surrounding uses of land and is deemed to be of interest to the health, welfare and safety of the community;
 - 5) In certain instances where conformance to Code requirements is impossible, a variance may be required.
 - 6) A change of tenancy or ownership for an existing non-conforming uses does not require development review.
 - 7) All non-conforming signs shall meet the requirements set forth in Article VIII, Subsection 7.16 - Sign Removal and Non-Conforming Signs.

4.5.3 Submittals and Reviews

4.5.3a Re-use or expansion of non-conforming uses are subject to the submittals and review requirements set forth in the Code for the category of use which is proposed.



4.5.3b If deemed to be in the public interest by the Code Administrator, a public hearing shall be required pursuant to this Article II.

History. 1980 Comp. 1980-6. Section 4.5 is new and revised material relating to non-conformities added to Article II by County Ordinance 1990-11.

~~SECTION 5 - ENFORCEMENT~~

~~5.1 Complaints~~

~~Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be submitted to the County Land Use Department. The code enforcement staff shall investigate promptly and take action thereon as follows.~~

4.4 Design Standards and Review Criteria

In addition to the other requirements of the Code, the following standards and criteria will be applied in the review process:

4.4.1 Submittals



- a. To zone or re-zone any parcel for a commercial or industrial non-residential district a master plan shall be submitted. Submittals and procedures for master plans are set forth in Article V, Section 5.2.
- b. A development plan shall be submitted for individual uses to be permitted within the district, as follows:
 - 1) Vicinity Map: A vicinity map drawn at a scale of not more than one inch equals two thousand feet (1"=2000') showing contours at twenty foot (20') intervals showing the relationship of the lot, tract or parcel to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within one mile of the development site.
 - 2) Existing Site Data: A description of existing conditions on or adjacent to the lot, tract or parcel, including proof that the parcel is a legal lot of record. Maps shall be at a scale of one inch (1") to one hundred feet (100') or larger and shall include the following:
 - (a) Boundary lines, bearings and distances: The error or closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in one thousand two hundred eighty (1,280) parts.
 - (b) Easements: Location, width and purposes.
 - (c) Streets on and immediately adjacent to the tract, name and right-of-way width.
 - (d) Utilities on and immediately adjacent to the tract.
 - (e) Owners of record or unplatted land and existing subdivision plats by name and recordation, shall be shown for property within one thousand feet (1,000') of that tract.
 - (f) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 3) Site Plan
 - (a) The site plan consisting of a map and other drawings or documents drawn to a scale of one inch (1") to one hundred feet (100'), or larger, shall show the following:
 - (1) proposed arrangement of buildings;
 - (2) proposed off-street parking and loading facilities;
 - (3) proposed access to the site and internal vehicular circulation;
 - (4) existing and proposed landscaping;
 - (5) proposed location and type of fences, walls, and signs;
 - (6) drainage and grading plan indicating existing and proposed contours, soils and flood plain areas;
 - (7) a lighting plan;



- (8) proposed architectural treatment;
 - (9) The Buildable Area and the No Build Area(s) on each lot shall be clearly indicated by shading, pattern or comparable graphic method (see Article VII, Section 3.4.1 for Buildable Area Performance Standards.)
 - (b) The site plan shall respond to Section 4.4.3 Site Planning Standards for driveway access, building placement, parking lot location and terrain management.
- 4) Development Plan Report
The development plan report shall include all submittals pursuant to this Article III, Section 4 of the Code.
- 5) Traffic Generation Report
- a) The amount of traffic generated by the development shall not at any time impede traffic flow, or cause public roads to operate at over capacity.
 - b) If a fair and substantial showing is made that the development will increase the burden on inadequate public roads, utilities or other services, the use may be denied, or the developer may be required to undertake the full cost of improvements to the public road or other services in order to meet the test of adequacy.
 - c) A traffic report shall be prepared, signed and sealed by a registered New Mexico professional engineer, or other qualified professional as determined by the Code Administrator. Report contents shall be based upon existing traffic conditions in relation to existing road capacity and level-of-service (LOS); a projection of traffic to be generated by the development; and recommendations for mitigating any negative effects to existing road capacity which may occur as a result of new development. Where applicable, the International Traffic Engineers (ITE) Trip Generation Report 1987, 4th Ed. shall be used as a reference in calculating traffic projections. Copies of the ITE Trip Generation Report are available in the Land Use Administrators Office.

History. 1980 Comp. 1980-6. Section 4.4.1 Submittals was amended by County Ordinance 1990-11, to clarify and make additions to the submittals required of the applicant for non-residential use zoning.

4.4.2 Environmental Performance Standards

The proposed development shall utilize standard techniques available in order to minimize noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, or electromagnetic interference. The Code Administrator may refer an application to the New Mexico Environment Department for comment concerning the performance standards. If it is determined that the development will create any dangerous, injurious, noxious or otherwise objectionable condition, noise or vibration; smoke, dust, odor, or other form of air pollution, electrical or other disturbance, glare or heat, in a manner which causes a significant adverse impact to the adjacent areas, a plan shall be submitted which states how such conditions will be mitigated.

History. 1980 Comp. 1980-6. Section 4.4.2 was amended by County Ordinance 1990-11. This Section was previously 4.4.3.

~~fulfill the proposals contained in the subdivider's disclosure statement and in determining whether or not the subdivider's provisions for a subdivision conform with County regulations.~~

4.8 Common Promotional Plans

~~The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in this Article V.~~

SECTION 5 - PROCEDURES AND SUBMITTALS

5.1 Pre-application Procedures

Prior to the filing of an application for approval of a preliminary plat, the subdivider shall confer with the Code Administrator to become acquainted with these subdivision regulations. At this pre-application conference, the subdivider shall be advised of the following:

1. Submittals required by the Code.
2. Type and/or class of the proposed subdivision.
3. Individuals and/or agencies that will be asked to review the required submittals.
4. Required improvements.
5. Conditions under which Master Plans and Development Plans are required as described in Sections 5.2 and 7.
6. A determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

5.2 Master Plan Procedure

5.2.1 Introduction and Description

- a. Master plans are required in the following cases:
 - i. All Type I, Type II, and Type IV subdivisions with more than one development phase or tract;
 - ii. As required in Article III for developments other than subdivisions; and
 - iii. Such other projects which may elect to apply for master plan approval.
- b. A master plan is comprehensive in establishing the scope of a project, yet is less detailed than a development plan. It provides a means for the County Development Review Committee and the Board to review projects and the subdivider to obtain concept approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval.
- c. The master plan submittal will consist of both plans and written reports which include the information required in 5.2.2 below. A typical submittal would include a vicinity map, a plan showing existing site data, a conceptual environmental plan with written documentation, a master plan map, a master plan report, a schematic utilities plan and the phasing schedule. Maps and reports may be combined or expanded upon at the discretion of the applicant to fit the particular development proposal as long as the relevant information is included.

5.2.2 Master Plan Submittals

- a. Vicinity Map. A vicinity map drawn at a scale of not more than 2,000 feet to one inch showing contours at twenty (20) foot intervals showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies located on the parcel and within three miles of the Parcel.



The locations of all Federal, State, or County Roads within one thousand (1000) feet of the parcel shall be shown. In addition, location of future highways and arterials as designated on the appropriate master plan for roads in the County (see 3-19-9 N.M.S.A. 1978) shall be shown.

- b. Existing Site Data. A description of existing conditions on or adjacent to the site. Maps shall be at a scale of one (1) inch to one hundred (100) feet or other appropriate scale as determined by the Code Administrator and shall include the following:
- 1) Boundary lines: bearings and distances. The error of closure shall be of a third order survey, and no discrepancy between computed and measured distances shall exceed one (1) part in 1,280 parts;
 - 2) Easements: Location, width and purpose;
 - 3) Streets or Roads on and immediately adjacent to the tract, name and right-of-way width;
 - 4) Utilities on and immediately adjacent to the tract;
 - 5) Owners of record of unplatted land and existing subdivision plats by name and recordation, together with owners of record for affected lots shall be shown for property within one-hundred (100) feet of that tract not including public rights-of-ways.
 - 6) Title and certificates: Present tract designations according to official records in the County Clerk's Office, title under which the proposed development is to be recorded with name and address of owner, notation stating acreage, scale, true and magnetic north arrow, U.S.G.S. datum and benchmarks, if any, certification of the engineer or land surveyor licensed in accordance with the laws of the State of New Mexico who prepared the plat.
 - 7) Proof of legal access from a county or state road as required by the Code.
- c. Conceptual environmental plan shall include, when appropriate:
- 1) Graphic representation of existing topography, natural features, slopes, and floodplains.
 - 2) Soils maps and reports (SCS)
 - 3) Recreational and/or open space plan, or landscape concepts.
 - 4) Liquid waste disposal plan, and
 - 5) Water Supply plan.
- d. Master plan map(s) showing the proposed development in sketch form, including:
- 1) Proposed major vehicular and pedestrian circulation system.
 - 2) Designation and description of proposed land uses, including information about residential uses by type, area and density, and information about office, general commercial and industrial uses by area and intensity of development. Mixed uses shall not be prohibited.
 - 3) Logical and natural boundaries defining development limitations, and
 - 4) Any proposed sites for schools or other community facilities.
- e. A phasing schedule shall be included in the master plan giving a general description of each phase of the development.
- f. A schematic utilities plan showing location, locational cross sections, and approximate line sizes. It is recognized that there may be changes in the final utilities plan due to the requirements of utility companies or final engineering plans and specifications.

- g. Master plan report which includes the following:
- 1) A general description of the project, existing development on the parcel, location, adjacent properties, acreage, lot coverage, access, traffic impacts, terrain management, soils, landscaping, outside lighting, parking, signage, water, liquid waste, solid waste, archaeological sites and fire protection measures;
 - 2) If appropriate, market analysis and economic impact report which address: demand, projected sales and build-out; identifies a trade area; estimates retail sales and potential, and identifies the scale and extent of local competition.
 - 3) Preliminary fiscal impact estimates of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project.
 - 4) Preliminary environmental assessment, which identifies the possible effects of proposed development on natural resources or natural features. This may be combined with Section 5.2.2.c of this Article.
 - 5) A written preliminary traffic report prepared by a licensed traffic engineer or other qualified expert acceptable to the Code Administrator.
 - 6) Description of concepts for restrictive covenants proposed for the development if applicable, outlining the areas and extent of restriction or regulation. Detailed covenants are not required at this time.
 - 7) Schools impact report. A written report which projects the effects the proposed project will have on public schools, and which includes:
 - the proposed number, size, and price of residential units within the project;
 - a description of the project's target market; and
 - where applicable, any special educational needs of the project's school-aged residents.

The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.

5.2.3 Master Plan Review

The master plan shall be submitted to the Code Administrator or his authorized representative with a written application for approval. The Code Administrator will review the plan and submit analysis, written comments and a recommendation to the County Development Review Committee and the Board. Master plans shall be reviewed by the County Development Review Committee which shall make determinations regarding compliance with the County General Plan or the Extraterritorial Plan and the Code and shall forward the plan to the Board with the Committee's recommendation. The Board may adopt, amend, supplement, or reject the County Development Review Committee recommendation.

5.2.4 Master Plan Approval

- a. The approved master plan shall show the area of residential use and general density measured in dwelling units per acre of land, less dedicated or conveyed rights of-way, and the area and intensity of commercial and industrial use measured in gross square feet of building area or maximum gross floor area ratio. These shall constitute the maximum permitted number of dwelling units and maximum permitted area and intensity of commercial or industrial use.
- b. The County Development Review Committee and Board shall consider the following criteria in making determinations and recommendations for approval or amendment of master plans:
 1. Conformance to County and Extraterritorial Plan;

2. Suitability of the site to accommodate the proposed development;
3. Suitability of the proposed uses and intensity of development at the location;
4. Impact to schools, adjacent lands or the County in general;
5. Viability of proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or constructed;
6. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

5.2.5 Filing of Approved Master Plan

The approved master plan with maps which has been approved by and received signatures of the County Development Review Committee Chairman and Board Chairman shall be filed of record at the County Clerk's Office.

5.2.6 Amendments and Future Phase Approvals

- a. Approval of the master plan is intended to demonstrate that the development concept is acceptable and that further approvals are likely unless the detailed development plans cannot meet the requirements of applicable law and County ordinances in effect at that time. Each phase of the development plan must be considered on its own merits.
- b. The Code Administrator may approve minor changes to the master plan. Any substantial change in land use or any increase in density or intensity of development in the approved master plan requires approval by the County Development Review Committee and the Board.
- c. Any changes approved by the Code Administrator pursuant to Section 5.2.6b of this Article shall be subject to the review and approval of County Development Review Committee and the Board at the time of development plan or plat approval.
- d. The phasing schedule may be modified by the Board at the request of the developer as economic circumstances require as long as there is no adverse impact to the overall master plan. (See Article V, Section 4.5)

5.2.7 Expiration of Master Plan

- a. Approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board.
- b. Master plan approvals may be renewed and extended for additional two year periods by the Board at the request of the developer.
- c. Progress in the planning or development of the project approved in the master plan consistent with the approved phasing schedule shall constitute an automatic renewal of the master plan approval. For the purpose of this Section, "progress" means the approval of preliminary or final development plans, or preliminary or final subdivision plats for any phase of the master planned project.

History. 1980 Comp. 1980-6. Sections 4.4, 4.5, 5.1 and 5.2 were amended by County Ordinance 1987-1 to provide for the submittal of a master plan.

5.3 Preliminary Plat Procedure

5.3.1 Introduction and Description

- 5.3.1a Preliminary plats shall be submitted for Type-I, Type-II, Type-III, except Type-III subdivisions that are subject to review under summary procedure as set forth in Subsection 5.5 of this Section, and Type-IV subdivisions.

SECTION 6 - FEES AND LEVIES**6.1 Standard Fees**

Any person desiring to subdivide land in the County shall pay the current administrative fees set by the County. A fee schedule, which may be periodically amended, is available from the Code Administrator.

6.2 Additional Fees for Unusual Circumstances

Where additional review by the County is required above and beyond normal review requirements due to complex, unforeseen, or unique circumstances relating to the proposed plan or plat, such as complex hydrological considerations, then the County may charge an additional review fee to defray the cost of such review. Review fees shall be only for professional services rendered to the County in the case that the County does not have qualified personnel to assist in reviewing such reports, plans and plats. When an additional fee is deemed necessary, the fee shall be arrived at between the County and the subdivider.

SECTION 7 - DEVELOPMENT PLAN REQUIREMENTS**7.1 Preliminary Development Plans****7.1.1 Pre-application conference**

- a. Prior to the application for approval of a preliminary development plan for any phase or for an entire project, the subdivider may confer with the Code Administrator regarding the plan submittal and requirements of the Code according to Section 5.1 of this Article.
- b. At this time a determination will be made as to the appropriate scale and format for plans and plats and as to the appropriateness of applicable submittal requirements.

7.1.2 Information to be submitted

- a. Evidence of legal lot of record;
- b. Contour intervals of two feet or such other appropriate scale as determined by the Code Administrator;
- c. Arrangements, location and size of buildings, where applicable;
- d. Off-street parking and loading or dumping facilities, where applicable;
- e. Internal vehicular and pedestrian circulation, and ingress and egress;
- f. A drainage, grading, and erosion control plan including existing and proposed contours for roads and utilities; a preliminary/conceptual grading plan around buildings, when applicable;
- g. A landscaping plan providing a schedule specifying conceptual methods, to include type, size, and location of vegetative and non-vegetative landscape material, and a preliminary description of the irrigation system to be used;
- h. Walls, fences and earth berms; their approximate locations and identifying types of fences and walls, if applicable;
- i. Size, location, orientation, lighting and type of signage, where applicable;
- j. Conceptual plan for outdoor lighting, including type, size, location of fixtures, if applicable;
- k. Easements, rights-of-way and street design:
 - l. Access to telephone, gas, and electric utility service;
 - m. Utility plan for water and sanitary sewer;
 - n. Residential densities/gross acres;



- o. Intensity of non-residential development, including lot coverages, gross floor area ratios or gross square feet of building area;
- p. A vicinity map showing the boundaries of the project, owners of record within one hundred feet of the tract including public rights-of-way and existing conditions and development, including adjacent streets and utilities, for at least two hundred feet from the project boundaries;
- q. If appropriate, the phases and approximate dates of development of the phases;
- r. The plan shall be drawn at a scale of one hundred feet (100') to the inch or such other appropriate scale as determined by the Code Administrator;
- s. Proposed community facilities and/or sites and recreational areas, if any, and proposed ownership of such;
- t. A schedule of on-site and off-site public improvements with the time of construction related to the phasing schedule;
- u. Information as required by state agencies;
- v. The preliminary subdivision plat may be submitted concurrently with the preliminary development plan, but is not required. Submittal of a schematic or sketch subdivision plat showing proposed lot layout, approximate dimensions and lot areas together with topography and natural features; and
- w. A written traffic report prepared by a licensed traffic engineer or other qualified expert as determined by the Code Administrator.
- x. Schools Impact Report. A written report which projects the effects the proposed project will have on public schools, and which includes: the proposed number, size, and price of residential units within the project; a description of the project's target market; and
where applicable, any special educational needs of the project's school-aged residents. The report will also identify the schools that service the area of the proposed project and their boundaries, the transportation available to those schools, and a list of any pending or approved residential developments within those schools' boundaries. Copies of the schools impacts notice shall be submitted to the school district in which the project is located and to the Code Administrator.
- y. Water Supply Plan - Water System. As required by Article VII, Section 6 of the Code and Table 5.1, of Section 9.3 of this Article V.
- z. Solid Waste Disposal Plan. As required by Article VII, Section 7 of the Code.
- aa. Liquid Waste (Disposal) Plan. As required by Article VII, Section 2 of the Code.
- bb. Timing and Phasing of Development. Projections for 5 to 10 years.
- cc. Copies of deed restrictions and protective covenants must be submitted.

7.1.3 Review

- a. A preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.
- b. A preliminary development plan shall be submitted prior to or concurrent with submission of a preliminary plat.
- c. The application for preliminary development plan approval shall be presented to the County Development Review Committee for review with a staff report. The staff report shall include a description of the proposed project, an evaluation of pertinent planning issues, and a statement on the compliance of the project with the County General Plan and Code. The report may include recommended conditions of approval. The report shall include all comments from appropriate State or Federal agencies, the County Fire Marshal, the County Hydrologist, and other appropriate County personnel. Particular attention shall be given in the staff report to public

agency comments which relate to potential limitations of lot size, intensity, or character of development.

7.1.4 Criteria for development plan phase approval

- a. Conformance to the approved master plan;
- b. The plan must meet the criteria of Section 5.2.4 of this Article V.

7.2 Final Development Plan

7.2.1 Submittals

A final development plan conforming to the approved preliminary plan and approved preliminary plat, if required, and containing the same required information shall be submitted. In addition, the final development plan shall show, when applicable, and with appropriate dimensions, the locations and size of buildings, heated floor area of buildings, and minimum building setbacks from lot lines or adjoining streets. Documents to be submitted at this time are: proof of ownership including necessary title documents, articles of incorporation and by-laws of owners' association; required disclosure statements; final engineering plans and time schedule for grading, drainage, and all improvements including roads, water system, sewers, solid waste, utilities; engineering estimates for bonding requirements; development agreements; and final subdivision plats, if required.

7.2.2 Review

The final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.

History. 1980 Comp. 1980-6. Section 7 of Article V was amended by County Ordinance 1987-1 adding language relating to master plans.

SECTION 8 - SUBDIVISION DESIGN STANDARDS

These standards shall be binding upon the subdivider unless modifications are justified by sound engineering principles. Such modifications from these standards may be approved by the Board after a review by the County Development Review Committee upon presentation of documented justification by a licensed professional engineer.

8.1 General Policy on Roads

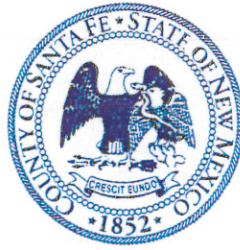
8.1.1 General

The arrangement, character, extent, width, grade and location of all roads shall be considered in relation to convenience and safety, and to the proposed uses of land to be served by such roads. Prior to grading or roadway cuts, all applicable permits shall be granted by the Code Administrator.

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

July 15, 2011

MCT Industries, Inc.
7451 Pan American Freeway, N.E.
Albuquerque, New Mexico, 87109

Re: Non-conforming use and accessory use for Lot 21 located at #5 Erica Road, Santa Fe, NM.

Historically Schwan's Food Company has occupied this property within the existing development, since 1988. It is acknowledged that the historic pattern of use is likely to continue to be in use in the future. Article II, Section 4.5.2a states: "Except as otherwise provided in this Section, any non-conforming use of land or structure may be continued so long as it remains otherwise lawful."

The Land Use Administrator has determined that the proposed expansion and re-use of this non-conforming commercial use shall be allowed provided the redevelopment or improvements to the site serve to bring the use into conformance with the purposes of the Code.

The proposed change of use shall be allowed provided there is no change in the intensity, nature or character of the historic non-conforming use. An accessory use which would enlarge, extend or expand, by no more than one half of the historical use of the land and structure shall be allowed, provided the accessory use does not increase the intensity of the historical non-conforming use. Any non-conforming land or structure to be enlarged, extended or expanded on shall be brought into conformance with the development standards of the Land Development Code.

Any further expansion or extension increasing the intensity of Lot 21 located at #5 Erica Road shall be subject to a Master Plan and Development Plan submittal and meet all requirements set forth in Article III, Section 4 of the Code.



NBD-39

Staff will be happy to meet with you to discuss any concerns or questions you may have, please do not hesitate to contact this office at 986-6225.

Sincerely,

A handwritten signature in black ink that reads "Jack Kolkmeier". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Jack Kolkmeier
Land Use Administrator

Cc; Jose E. Larrañaga,
Commercial Development Case Manager

Map of Property in Santa Fe County

Legend

- driveways
- Minor Roads
- Major Roads
- Parcels_sde
- Section Lines

2011 FEMA Data Draft Fema Data 2011

- 0.2 PCT
- A
- AE
- AO; D; X

2008 FEMA Data

- 500 Year
- 100 Year

1:1,200

1 inch represents 100 feet



WARNING:
Two (2) foot contour data sets are NOT SUITABLE FOR ENGINEERING WORK. These data are appropriate for PLANNING PURPOSES ONLY.

Orthophoto from 2008
Contour Interval 2 Feet

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 data accuracy.



April 18, 2012

NBD-41



EXHIBIT
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