

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2021-_____

**AN ORDINANCE
AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE, ORDINANCE NO.
2016-9, TO AMEND AND RESTATE SECTION 7.2 TO INCLUDE THE LATEST
ADOPTED CODES AND TO AMEND AND RESTATE SECTION 7.14 CONCERNING
ENERGY EFFICIENCY TO, AMONG OTHER THINGS, REQUIRE NEW
STRUCTURES TO COMPLY WITH SPECIFIED PATHWAYS IN THE 2018 NEW
MEXICO RESIDENTIAL ENERGY CONSERVATION CODE AND 2018 NEW
MEXICO COMMERCIAL ENERGY CONSERVATION CODE AND REMOVES THE
WHOLE-HOUSE MECHANICAL VENTILATION REQUIREMENT FOR
RESIDENTIAL STRUCTURES**

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
("BOARD") OF SANTA FE COUNTY ("COUNTY"):**

1. Findings.
 - a. The Board adopted and restated the Santa Fe County Sustainable Land Development Code ("SLDC") on December 13, 2016, via Ordinance No. 2016-9.
 - b. In 2020, the Constructions Industries Division ("CID") of the Regulation and Licensing Department adopted, with amendments, the residential and commercial provisions of the 2018 International Energy Conservation Code ("2018 IECC"), via 14.7.6 and 14.7.9 NMAC.
 - c. Adopting energy efficiency and ventilation standards that are consistent with CID's regulations will ease the compliance burden on developers as well as the enforcement burden on the County.
 - d. The 2018 IECC provides several alternate compliance approaches or pathways for residential and commercial buildings.
 - e. The energy rating index approach (for residential structures to which 14.7.6 NMAC applies) and ANSI/ASHRAE/IESNA 90.1 pathway (for commercial structures to which 14.7.9 NMAC applies) will, on average, achieve higher energy efficiency than if a structure met the minimum requirements of another approach or pathway. The ANSI/ASHRAE/IESNA 90.1 pathway (for commercial structures to which 14.7.9 NMAC applies) is also most similar to existing provisions of the SLDC.
 - f. It is in the public interest to update Section 7.2 of the SLDC to state the most recent version of fire and building codes that have been adopted.

2. Section 7. 2, Fire and Building Codes, is hereby amended and restated in its entirety as follows:

“7.2. FIRE AND BUILDING CODES. In addition to the requirement of the SLDC, all development shall comply with the most current applicable codes adopted by the State of New Mexico, Santa Fe County and other entities, including but not limited to the following:

7.2.1. International Fire Code, 2015 edition, as adopted by 10.25.5 NMAC (“Fire Prevention and Public Occupancy”).

7.2.2. New Mexico Commercial Building Code, as adopted by 14.7.2 NMAC (“2015 New Mexico Commercial Building Code”), which adopts, with amendments, the 2015 International Building Code.

7.2.3. New Mexico Residential Building Code, as adopted by 14.7.3 NMAC (“2015 New Mexico Residential Building Code”), which adopts, as amended, the 2015 International Residential Building Code.

7.2.4. New Mexico Earthen Building Materials Code, as adopted by 14.7.4 NMAC (“2015 New Mexico Earthen Building Materials Code”).

7.2.5. New Mexico Residential Energy Conservation Code, as adopted by 14.7.6 NMAC (“2018 New Mexico Residential Energy Conservation Code”), which adopts, with amendments, the residential provisions of the 2018 International Energy Conservation Code.

7.2.6 New Mexico Commercial Energy Conservation Code, as adopted by 14.7.9 NMAC (“2018 New Mexico Commercial Energy Conservation Code”) which adopts, with amendments, the commercial provisions of the 2018 International Commercial Energy Conservation Code.

7.2.7. New Mexico Existing Building Code, as adopted by 14.7.7 NMAC (“2015 New Mexico Existing Building Code”), which adopts, with amendments, the 2015 International Existing Building Code.

7.2.8. New Mexico Historic Earthen Buildings, as adopted by 14.7.8 NMAC (“2015 New Mexico Historic Earthen Buildings”).

7.2.9. New Mexico Plumbing Code, as adopted by 14.8.2 NMAC (“2015 New Mexico Plumbing Code”), which adopts, with amendments, the 2015 Uniform Plumbing Code.

7.2.10. New Mexico Swimming Pool, Spa and Hot Tub Code, as adopted by 14.8.3 NMAC (“2012 New Mexico Swimming Pool, Spa and Hot Tub Code”), which adopts, with amendments, the 2012 Uniform Swimming Pool, Spa and Hot Tub Code.

7.2.11. New Mexico Mechanical Code, as adopted by 14.9.2 NMAC (“2015 New Mexico Mechanical Code”), which adopts, with amendments, the 2015 Uniform Mechanical Code.

7.2.12. New Mexico Solar Energy Code, as adopted by 14.9.6 NMAC (“2012 New Mexico Solar Energy Code”), which adopts, with amendments, the 2012 Uniform Solar Energy Code.

7.2.13. New Mexico Electrical Code, as adopted by 14.10.4 NMAC (“2017 New Mexico Electrical Code”), which adopts the 2017 National Electrical Code.

7.2.14. New Mexico Electrical Safety Code, as adopted by 14.10.5 NMAC (“2012 New Mexico Electrical Safety Code”), which adopts, with amendments, the 2012 National Electrical Safety Code.

7.2.15. The Santa Fe County Fire Code, as adopted by County Ordinance No. 2018-8, which adopts, with amendments, the International Fire Code, 2015 edition, and International Wildland-Urban Interface Code, 2015 edition.

7.2.16 New Mexico Night Sky Protection Act, enacted as NMSA 1978, §§ 74-12-1 to 74-12-11.”

3. Section 7. 3, Energy Efficiency, is hereby amended and restated in its entirety as follows:

“7.14. ENERGY EFFICIENCY.

7.14.1. Purpose and Intent. The standards in this Section are intended to accomplish the following:

7.14.1.1. To ensure that newly constructed residential and commercial buildings and structures incorporate cost-effective energy efficiency measures and technologies in order to:

1. Conserve natural resources;
2. Minimize local, regional and global impacts on the environment from energy extraction and use;
3. Protect public health;
4. Maintain consistency with energy conservation codes adopted by the State of New Mexico; and
5. Keep monthly energy expenditures manageable over the useful life of a structure.

7.14.2. Required Energy Conservation Pathways.

7.14.2.1. Except accessory buildings, modular homes, and manufactured homes, each new structure or portion thereof to which the 2018 New Mexico Residential Energy Conservation Code applies shall comply with the energy rating index approach, 14.7.6.12(A)(3) NMAC, as such may be amended or recompiled from time to time.

7.14.2.2. Each new structure or portion thereof to which the 2018 New Mexico

Commercial Energy Conservation Code applies shall comply with ANSI/ASHRAE/IESNA 90.1, Section C401.2(1) of the 2018 International Energy Conservation Code, as such may be amended or recompiled from time to time.”

4. The effective date of the amendments to the SLDC adopted by this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, 2021.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Henry P. Roybal, Chairperson

ATTEST:

Katharine E. Clark
County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer
County Attorney

