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SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING

November 19, 2013

Kathy Holian, Chair - District 4
Danny Mayfield, Vice Chair - District 1
Miguel Chavez - District 2
Liz Stefanics - District 5

Robert Anaya - District 3, Excused



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STATE OF NEW MEXICO) ss
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SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

November 19, 2013

This public hearing of the Santa Fe Board of County Commissioners was called to order at approximately 6:35.m. by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Kathy Holian, Chair
Commissioner Danny Mayfield, Vice Chair
Commissioner Miguel Chavez
Commissioner Liz Stefanics

Members Excused:

Commissioner Robert Anaya

III. APPROVAL OF THE AGENDA

CHAIR HOLIAN: Are there any changes to the agenda, Penny or staff?

COMMISSIONER STEFANICS: Madam Chair, I'll move for approval.

CHAIR HOLIAN: Of the amended agenda? Is there a second?

COMMISSIONER CHAVEZ: Second.

CHAIR HOLIAN: There's a motion and a second for approval of the amended agenda.

The motion passed by unanimous [4-0] voice vote.

IV. SUPPLEMENTAL PUBLIC HEARING: Ordinance No. _____, The Sustainable Land Development Code (SLDC)

CHAIR HOLIAN: I would like to say a few words of introduction. We have been working on developing this land development code now for over a year and a half. I would just point out that we've had numerous public meetings on the code. We've in fact had four recently in various areas of the county and we, I think, are going to have another one in the Pojoaque area in the near future. We've had numerous discussions on

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the code at the Board of County Commission meetings, and we've had three study sessions recently to look at the details of the code in great depth.

Our staff and I believe the County Commission have all been united in working very hard to involve the public in developing this code, but it is really important to remember one thing and that is that the land development code is a legal document. That means it must be defensible in court. It's not quite the same as developing a plan like when we developed the growth management plan. Plans are a vision of the people who live in the county and developing a plan must be a community project. But the code is a legal document. It does need to be written by the attorneys so that it is defensible in court and it is supposed to implement the vision that is in the plan and I would just point out that we passed the Sustainable Growth Management Plan three years ago now.

This code I think brings several new concepts the County and this is why it is something that I think we really want to move forward with. First of all the concept of zoning. We have not really had zoning in our county in the traditional sense up until now and this implements true zoning in our county. Also the concept of growth management. And I think that growth management can be described in the following way. First of all, in our case, it encourages development in those areas where services and infrastructure already exist. And the important thing about this is that it saves the taxpayers a lot of money. When you develop in areas where services and infrastructure do not exist that costs a fair amount of money to put that in place, and it's the taxpayers of Santa Fe County that have to come up with that money to put those services and infrastructure in place.

I think that another important thing that is happening with this code is that it's creating one code, one contiguous code. Right now we have – I think the original code was written in 1981. There was a rewrite in 1995 and then there are numerous amendments that have been passed since then, and amendments to amendments and we have many, many different documents that actually comprise our land development ordinances, and only a few people really understand all the complexity of that.

So now we're gathering it together and putting it in one place, and we will continue to maintain a contiguous code.

The emphasis of this particular meeting that we're having tonight, a public hearing, in my opinion is public comment, so I really want to concentrate on hearing from you, the public. I will just give you a little synopsis of how I intend to conduct this meeting. First of all, Penny Ellis-Green, our Land Use Director, will summarize the tentative changes that have been made to the adoption draft of the code. The adoption draft was released in late September. I think it's really important for the public to hear these changes before they make their comments so that they can see whether those comments have been incorporated into the code.

I will ask the Commissioners during this to hold their questions until later except for points of clarification. Then we will take public comment and I will allot two minutes per person for public comment, but if people choose to cede their time to another speaker they may do that. I think it's often more efficient if there is a number of people here on a particular issue, if there's one speaker to speak for that. So people can cede their time. And what I will ask is when a speaker comes forward I will ask them to state their name and address for the record, and then if someone else has ceded their time to them I would

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ask them to list the persons who have ceded their time, and the names of those persons, and then I will ask the persons to raise their hands, so that we get an idea of who someone is speaking for.

And then we will have Board discussion. My goal in this case is to allow the entire Board to express their opinion on a given topic. So I would like to only discuss one topic at a time. And the reason for this is it will help staff to understand where we are as Board. And it's important to remember that it's the Board that makes the decision on this Sustainable Land Development Code; it is not an individual Board member. So it's important to know where the Board as a whole stands on these various issues. So I will ask for a Commissioner to bring up a topic and then I will allow ten minutes of discussion on that topic, and I would ask the Board members to be respectful to one another so that everybody has an opportunity to express their opinion.

So with that, I will now turn it over to Penny.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners. We'll be going through this document. [Exhibit 1] It's about a 20-some page document. It's got redlines on it and we'll just be addressing the proposed staff changes at this point. At this point staff has not had a chance to go through absolutely everybody's comments. We've got a lot of the comments in from our study sessions and some of our public meetings.

So under Chapter 1, I think we discussed last time under Enactments and Repeals, we corrected the right section in Article III of the existing hard rock mining ordinance and we added in a couple of ordinances that had been forgotten.

Under Chapter 2, Plan Amendments, we've taken out the words SGMP amendment. If you're actually doing an SGMP amendment it's not going to be consistent with the existing SGMP. Community participation – we heard this several times. We are taking out the need for the email address, telephone number and information of everyone in the COs and the ROs.

On page 2 of the document, Chapter 4, on Table 4-1 – sorry, I couldn't copy it into this document. It wouldn't let me move it, but we're changing minor subdivision plat to a yes under discretionary review. That was a conflict with discretionary review in the appendix, and we're removing an asterisk under major subdivision, final plat, since we removed that note. Under pre-application neighborhood meeting, we're requiring 15 days of notice prior to a pre-application meeting. Also under pre-application meeting, we've changed mediation to land use facilitation. Under the noticing, we're also requiring multi-family and non-residential uses to post the property, so that would be, for example, for a permitted use that would be handled administratively, now they would have to put a poster board on the property.

Section 4.4.8 on the bottom of page 2, throughout that we have changed the work mediation to land use facilitation and that goes through the whole of page 3 as well. About half-way down page 3, on item number 3, it states homeowners association. We had replaced that with community organization or registered organization, but having spoken to Steve we should probably keep the words homeowners association in there as well. So that would read that the homeowners association, community organization and registered organization would be informed of any facilitation.

On page 4, Chapter 6, Table 6-1 is amended to do several things. The three asterisks that say non-residential at the bottom are being removed because that section

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already states it's non-residential. We added the asterisks under TIA, two of those, which is where you do a TIA if the project is 100 trips a day or more, and we have removed the little crosses under the WSR, which is the water study report, because we removed the footnote. So that needed to be removed. That was just cleanup.

Under 6.2, the project overview documentation, this is from Studies, Reports and Assessments, we've taken out the need to show the details of all property and common ownership as that would affect some of our large landowners needing to have some details that they may not have for areas that they're not intending to develop immediately. And also under 6.2.3.6, 3.7, and 3.8, we're changing the information that we're requesting from the five-mile to a one-mile distance from the development site. Under 6.5, this is the Water Service Availability Report, and we're taking out the words, "if a development application is by or on behalf of an individual, simply because all applications needs meet this, so it just reads, "An evaluation of the water supply as described in..." and then references the section.

6.6, Traffic Impact Assessment, we're taking out the second part of the residential road impact that basically says you couldn't put more than X percent of additional traffic onto an existing road and that is not something that we would want to do since we would want to have three roads and roads connecting. We also deleted the access road section, the first sentence there was something - I guess we weren't quite sure where it came from, so that got removed. On page 6, Fiscal Impact Assessment, this just now states that the impact assessment shall assess the extent the development is fiscally and economically impacting the County. So we get that information.

Chapter 7, these are our design standards. Double frontage lots from the residential performance standards would allow for double frontage for alleyways approved as part of a subdivision. Under landscape irrigation, we did add another section saying supplemental potable water may be used only when stormwater, graywater or other non-potable irrigation water is inadequate. Lighting, we took out the requirement for street lighting along all paved roads and any road where curb, gutter and sidewalk is provided. So we would just have them at intersections and where necessary to protect the safety of motorists and pedestrians.

7.10, Parking and Loading. We are stating that permeable pavement may be used. 7-12, that is a table that is on page 7. We had discussed before at the last study session about the average daily traffic, which is the second column for subcollector, local cul-de-sacs and alleys. We actually added in this row of cul-de-sacs. Previously we didn't have cul-de-sacs allowed in SDA-1 and 2, but we do use those roads so we added that in. And the one other change on there is local roads going from two five-foot sidewalks to one five-foot sidewalk.

On page 8, these we read into the record I think at the last study session. Again, it was average daily traffic changes for collector, local and cul-de-sacs. At the bottom of page 8 under 7.1.13.2, standards for residential driveways. We've stated residential driveways shall serve no more than two lots, which is consistent with current code.

Page 9, Table 7-17. On this table we actually added a row at the top for residential development permit. It had been coupled in with the second row, which was residential of one to four units, and that had required connection to utilities at a greater distance, so we allowed for an individual residential development permit to connect if they're within 200

foot in SDA-1, 400 in SDA-2, 600 in SDA-3, to the water system, and the next table actually reiterates that. We also made a change to the non-residential under 10,000 square foot for the distance that they would need to connect as well. So we reduced that distance. The only other changes in that table is to just make it clear that you do have to be within a service area and within a certain number of feet of the utility.

So on page 10 at the top, Table 7-18 is almost exactly the same. Again, we added the residential development permit line and we reduced the linear foot that you'd have to connect by under non-residential that's under 10,000 square foot. Under Water Conservation, we've made a change to allow the indoor water to be restricted to a quarter acre-foot rather than the entire water or entire amount of water that you use, and we did state the limitation does not apply to water derived from a well permitted by the 72-12-1 well that is used for agriculture as long as it's consistent with the terms of the permit. And it goes on to say this limitation shall not apply to persons owning water rights permitted by the OSE and to water derived from such water rights for agricultural or other purposes.

On the top of page –

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Penny, can I ask a question on that piece right there? Because I think in some cases we may be talking about maybe not a new service but we're converting our use from well to the City system when we're talking about water. Is there any discussion about metering in the future? Metering these individual wells, whether it's in SDA-1, 2 or 3, and as we move in that direction, as we take people off wells and tie them into the system – well, metering would go away, wouldn't it?

CHAIR HOLIAN: Commissioner Chavez, could we wait to discuss that until the end? Because this could be a rather detailed discussion.

COMMISSIONER CHAVEZ: Yes.

CHAIR HOLIAN: Would you be amenable to that?

COMMISSIONER CHAVEZ: Yes, yes. I'll hold that question for later.

CHAIR HOLIAN: Okay. Thank you. Please continue, Penny.

MS. ELLIS-GREEN: Thank you. So on the top of page 11, 7.13.6.1, the Quantity and Quality in general, this is for self-supplying. No, I'm sorry; it isn't. What we've added in, we've got a requirement there of each lot shall prove that they've got a quarter acre-foot per home or we wouldn't have reduced that. We've added in a way that you can reduce that by demonstrating that you've got less water by additional conservation techniques.

7.13.7 is the self-supplied water and we added in a section that an applicant proposing to develop a single lot existing prior to the effective date of this code using individual wells, the water supply shall not be required to provide a geo-hydro report or a reconnaissance report but shall be required to provide a copy of the permit issued by the OSE, which is consistent with current code.

Under 7.14, Energy Efficiency, we took out the first two sections and we replaced it with one section instead, which excludes – sorry. It should have been on the first sentence excluding mobile homes and manufactured homes should have been red and underlined. That's new language, so that's making it clear that a mobile home or a

manufactured home does not need to meet their rating, and also a statement that structures constructed according to the standards prescribed by the New Mexico Earthen Building Materials Code and the Historic Earthen Buildings Code do not have to meet this section.

We would also be renumbering the remaining sections in 7.14 because of the paragraph change. Under 7.17, on the top of page 12, Terrain Management, we took out the reference to the existing floodplain ordinance that is being repealed, and we also made consistent the 25-foot setback rather than a 50-foot setback from arroyos as is in our current code, and a 75-foot setback from a FEMA-designated 100-year floodplain.

7.18.5, the date of the maps was amended about six months ago by the Board so we changed the date of the FEMA maps. Under Flood Prevention and Erosion Control, still under 7.18.14, the variances of that section. To make this consistent with Table 4-1, we added in hearing officer and the Planning Commission, since both of those bodies would hear a variance, and we also took out the reference to the floodplain ordinance which is being repealed.

Under financial guarantee at the bottom, we added in any release would be made in writing and signed by the administrator, and we added in "and the County Attorney." On the top of page 13, 7.25, Special Protection of Riparian Areas, we added in a relation to flood prevention and flood control. We added in a section about beneficial use determination to make it clear that if the riparian area meant that you couldn't use your property you could go through a beneficial use determination and the next section just couples the riparian corridor with the flood hazard areas.

We took out the dimensional regulations under the riparian area, and then on Chapter 8 on the top of page 14, Table 8-1 is amended to state commercial general, commercial neighborhood, and public institutional. So those were errors as we drafted. Table 8-4, we didn't have a category for DCI so we added that, and at the bottom of page 14 we are intending or we are believing it would be best to remove lot coverage from all the residential districts. And they all have setbacks so we would just allow the setbacks to rule in those areas.

Top of page 15, 8.7, Non-residential Zoning Districts, the first one is all of commercial to general. I think I had explained at our first study session that when we put in commercial neighborhood we put it in over the top of commercial general. Commercial general was always supposed to be in there. One change that we are intending from the last version would be to take out the maximum building size for individual and aggregate buildings and add in at the bottom of page 15, Architectural Design Standards. So that would require two distinct masses for buildings under 25,000 square feet. At the top of page 16 it would require three distinct masses for buildings over 25,000 square feet, and 50 percent of the horizontal length of the façade having features to reduce the scale and break up the uniform façade appearance.

On 8.7.2, which is the commercial neighborhood, we got the CN instead of CG, that was an error, and we're also calling it commercial neighborhood. There we are leaving in the aggregate building size. The individual building establishment raising from 10,000 square feet to 15,000 and the asterisks underneath that would allow you to go up to 30,000 square feet with a conditional use permit. Again, we added in the same architectural design standards for that district as well.

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At the bottom of page 16 we'd be renumbering subsequent tables and sections in Chapter 8. On page 17, industrial, we're renumbering that and again, we're taking out the maximum building size for individual and aggregate. On 8.9, Mixed-use Zoning District, the first change on that is on page 18, on Table 8.17. Again, we are taking out the maximum building size, individual and aggregate and therefore taking out the footnotes to that table and again adding in at the bottom of page 18 the architectural design requirements, the same as those other districts.

On page 19, 8.10, Planned Development Zoning Districts, previously we had talked about requiring a rezoning request as well if applicable and in this section we're adding in the planned district of Santa Fe Community College District and the Media District. So we're adding in those and referencing the current ordinances.

Under Overlay Zones, the rural commercial overlay, agricultural business type uses are added to that. Under 8.11.22, Location, we're allowing the rural commercial overlay in all of our rural and residential districts. That came through part, I believe the Tesuque Planning Committee who had seen this section and really wanted to use it but they didn't have some of the base zoning districts. So we realized that a lot of communities may well want to use this overlay allowing agricultural production, storage and food processing facilities under a permitted use and under a conditional use.

On page 20, Chapter 9, we're removing the Community College District because we moved that to a planned development district. Under the Tres Arroyos District, we're adding in Ordinance EZA 2007-1 and we're adding in a reference to the San Marcos Community Plan with their resolution referenced, and the Galisteo Community Plan, and also the pending resolution for the Chimayo Community Plan.

Under Chapter 10 on page 21, we're recommending we take out the occupancy requirements. Initially this had been to help family members but this would be incredibly difficult to actually enforce and we have heard at several of the public meetings that that requirement should be removed. So that would allow anyone to have an accessory dwelling unit without the requirement of making sure it was a family member only living there. We've also taken out the requirement that states manufactured homes cannot be considered as a dwelling unit, so that has been removed.

On page 22, Home Occupations, we took out the prohibition of heavy equipment storage. On the table, Table 10-1, Heavy Equipment, you could have up to two pieces of heavy equipment on a low impact home occupation, and three to six pieces under a medium impact. And that's also stated under the traffic section.

On Chapter 11, which is our DCI section, on page 23, we added in sand and gravel extraction over 20 acres, since that's in the use table. It wasn't listed here. We also reference the existing section of the Land Development Code under mining and resource extraction. Under Chapter 12 we've added a paragraph. Steve may want to address this but this has been given to us by our consultant to try to address the Koontz case. Table 12-1, which is our adoptive level of service, under emergency response we're stating fire vehicles and facilities. And then on page 24, the open space was an error, from 8.5 acres to 85 acres per 1,000 residents. And we also added under the water section – sorry, that was the page before on page 23, there's an asterisk under a quarter acre-foot per year and we're just quoting the reduction that we already discussed if you have a history of using less water.

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Section 12.4, Development Agreements, again, these two changes have been made to address the Koontz case. Chapter 14, 14.8.2, under development permits, we require a site development plan for non-residential or multi-family requesting a development permit.

And then in our appendix, adding into a recreation vehicle that they are not considered permanent residential uses. And Appendix B, we are reiterating what we took from the beginning of Chapter 8, which lists the different letters that listed in the use matrix and references the land-based classifications. So we would actually put this at the beginning of Appendix B so people didn't have to be jumping back to Chapter 8 to review that. And those are the staff recommended changes at this point.

CHAIR HOLIAN: Okay. Thank you very much, Penny, and I think that – well, first of all, Steve, perhaps you would give just a very short synopsis of why we put those paragraphs in there to address the Koontz case, if that's possible.

STEVE ROSS (County Attorney): Well, Madam Chair, it's hard to address Koontz because nobody really knows what it means but one of the features of the draft code was mandatory development agreements in certain situations. So the Koontz case, one of the things it appears to do is restrict the ability of local governments to exact things from applicants and our consultant, Dr. Freilich, thought that making development agreements which are by their nature voluntary transactions between government and developers, making them mandatory might lead to a suggestion that these aren't real arm's-length agreements and they're really exactions, which any kind of exaction is going to increasingly lead to scrutiny from the Supreme Court, apparently. That's what Koontz seems to tell us.

The other thing that Koontz does, and we need to be – and we're addressing some of these changes, is it renders questionable post-hoc conditions, which means conditions that are imposed on an application or an applicant or an approval that aren't in the code. So in other words, conditions that are developed on the fly as a part of a public hearing process or something like that. Those types of conditions are things that Koontz pretty clearly gets after, so some of these changes are intended to focus any conditions of approval on legislative requirements that are set out in the code.

Now, there's a school of thought that also wonders whether the legislative exactions, legislatively adopted exactions are okay under Koontz, but we're not proposing to make any changes in that area and see how that law develops.

CHAIR HOLIAN: Okay. Thank you, Steve. Yes, Penny.

MS. ELLIS-GREEN: Madam Chair, I'm sorry. I actually forgot to go through the revisions on the use table. [Exhibit 2] We do have a few of those.

CHAIR HOLIAN: Yes, please.

MS. ELLIS-GREEN: On the first page, we're adding the word general under commercial, as we call it, commercial general. Under accessory dwelling units, for some reason under commercial neighborhood we had that as permitted rather than accessory. They are by nature accessory, so we're changing that. Hotels, motels and tourist courts are being changed from accessory to conditional. In the ag/ranch rural fringe, on the second page, which is actually Appendix B-6, we're only giving you the pages that have actually changed. Under commercial greenhouses, under residential

Galisteo. After our last study session several Commissioners asked that we might look at our public groups and consider seeking an alternative for 10.19, sand and gravel in the current draft code. Hence, we worked together as a united group and we did seek some legal counsel as well, and we'd like to present an alternative placeholder to be added to the draft code until the Development of Countywide Impact can be written and approved.

We suggest that Article XI of the current 1996 Land Development Code on zoning and extraction of construction materials remain in effect until the sand and gravel portion of the DCI section is written and adopted, as directed by the Sustainable Growth Management Plan. We believe that our proposed transitional provision retaining Article XI is better than what is currently written in section 10.19 of the draft code. It will be relatively easy to accomplish as it is already in effect. It will not be controversial in the mining industry. It applies to mines of any size, thus postponing the issue of density of impact versus size, which should be dealt with in the writing of the DCI section.

We offer this compromise to allow for the draft code to be adopted without delay. We respectfully ask that the Commissioners support our efforts and direct staff to do seven items. Delete sand and gravel from Chapter 10, Section 10.19 of the draft code. Secondly, recognize Article XI as a temporary ordinance on sand and gravel. Third update the references to Article XI that apply to this new code rather than the old Land Development Code. Fourth, add a sunset provision to Article XI that it ceases to exist concurrent with adoption of the sand and gravel portion of the DCI. Fifth, include Article XI to Section 1.7 in the repeals of the draft code exempting Article XI to include the sunset provision. Sixth, list sand and gravel in the code as a DCI under 11.2, Designations, while referencing the retaining of Article XI with its sunset provision. And seven, adopt each of these sections of the DCI as they are written and start with mining and sand and gravel. This number is rather important because I think that DCI section is going to become very cumbersome, and if we hold it up to vote on the entire section we won't be able to prioritize and do those that need attention immediately.

The United Public Interest Group feels this is the simplest compromise and it upholds the directives put forth by the Sustainable Growth Management Plan, which you know we all put an immense amount of time and effort and it's an important document to follow. Thank you.

CHAIR HOLIAN: Thank you, Ms. Yank. Don't go away. I think there's a question. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. And first of all, Penny, tell me if I'm wrong. You have changed it so it's out of Chapter 11. You put sand and gravel extraction under DCI but at 20 acres or above?

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, it is under a DCI as 20 acres or above or anything that requires blasting.

COMMISSIONER STEFANICS: Or anything that requires blasting. Okay. So my question is, is that going to be acceptable?

MS. YANK: No. We'd like all sand and gravel – we'd like all mining to be in the DCI section, but I think there can be language written in the DCI section that deals with the impacts and we can come to a compromise with the levels of that impact.

COMMISSIONER STEFANICS: Okay, well, specifically, it has been put into the DCI now. It has been.

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MS. YANK: Yes.

COMMISSIONER STEFANICS: So what impact, specifically – because if somebody had an acre and they were doing something with an acre, the impact of that would not be as intense as something that might be five, ten, 20 acres or more. So what impact are we getting to?

MS. YANK: That's where, just from experience of dealing with a lot of operations along the Trail, that's not necessarily true. Sometimes a small operation can create a larger impact than a larger operation when it spreads out. But what we're saying is that instead of holding up the code adoption now and going through – we're totally unsatisfied with the language that's in 10.19. So instead of taking and working through that now and holding up this adoption, we think it's far preferable to stay with the code that we have right now and not argue these issues, put it into the DCI section, and then there will be time to make allowance for small operations or decide. A lot of people want to look at impact for how much it produces a day, not how big of a size. And there's a lot of legal ramifications with that so that would take a great deal of time for us to look at and I think that we have some urgency to get our code adopted and in the DCI section you could take some time to really look at sand and gravel and really decide, and obviously, the majority of the sand and gravel would be covered by a certain ordinance in the DCI but there could be allowances for very small operations.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Madam Chair.

CHAIR HOLIAN: Okay. Thank you, Ms. Yank. Who would like to speak next?

ROGER TAYLOR: Roger Taylor, 54 Camino los Angelitos, Galisteo. I'm here as president of the Santa Fe Basin Water Association and I have several people that have ceded me their time – Gregory Hart and Ann Murray. I see several new things here that I would like to address that are in Chapter 7 and they're basically referring to the tables 7-17 and 7-18. I see some changes here, some of which is unclear and since I'm just seeing this for the first time I'm doing a little speculation as to what they mean. I could be wrong so I'm always open to learning about that.

But it's unclear to me why this "if within the service area" has been added. If the distance for connection to a County utility is defined by the distance in feet then that defines the service area, so at the least I think this needs to be a defined term, which I do not see here in part of the update, so I can guess what this means but I don't know.

CHAIR HOLIAN: Just to interrupt you, Steve, can you answer that? Why the "if within the service area" was put into that?

MR. ROSS: Well, Madam Chair, with respect to the County utility and with respect to other utilities, public and private that are referred to in the next chart, they do have a defined service area and the County's service area is SDA-1 plus odds and ends that have been developed over time. We have resolutions and possibly even an ordinance or two that restricts delivery of water from the County utility outside the service area. So that's why that clarification was made in there.

CHAIR HOLIAN: Okay. Thank you.

MR. TAYLOR: The larger issue I have is that there is a new category called residential development permit that's been broken out of the prior residential land

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of one to four units. And it's redefining the distance for connection. Now, I'm assuming this is due to the cost to the consumer, the cost to an individual to run a line from the residential unit to the County utility. And I could understand that as a justified concern. However, the distance required for the hookup in the plan was already reduced substantially from the original 1/8 of a mile for SDA-1, a quarter of a mile for SDA-2 and a half a mile for SDA-3. So you're further reducing the distance required for hookup, that could have an unintended impact of encouraging more wells to be drilled in the county and therefore more groundwater to be used. And I believe that part of what we're trying to do here with sustainable growth and management is also manage our water resources. This could lead to other wells in a given area being impacted in a negative way if there's also larger development of wells because of this.

And I would also say our conjunctive management plan, if I recall, calls for more surface water to be used to help save the wells we currently have, so this proposal could be contrary to that plan.

And finally, if I look at SDA-3 in particular, that does make it a little bit easier for development to take place through wells in that area and I believe that would be counter to the definition of what SDA-3 is. So that would be Table 17 and 18.

If I look at 7.13.11.1 on page 10, I have a concern, a significant concern over this redraft where annual water use for both indoor and outdoor purposes for a single-family residential dwelling shall not exceed a quarter acre-foot per year. By crossing out "both" and "outdoor" it basically says that your household use is a quarter acre-foot and whatever you use outside is unlimited. I suspect that's an unintended consequence of that, but I don't believe that's the intent here. It reads to me, the intent here is to protect those who have agricultural usage, so I would suggest that there be a simple change that could fix this. Just put back in the crossed out words in the first sentence, both indoor and outdoor purposes, and then your next sentence you just say, however, this limitation does not apply to those with agricultural uses, etc. That gives you two separate categories of people with water usage components.

I think this also contradicts the OSE's long-held understanding of water usage rights as used by the County and could lead to potential legal challenges, so I would heavily suggest that this be put back the way it was.

Finally, on page 11, 7.13.7.2.12, I'm assuming the changes being suggested here are to protect a [inaudible] from the potential owner's costs of a geo-hydrological report. I understand that concern. However, the way this reads there are thousands of lots in the county that have already been platted but not yet developed. According to this language every one of them could end up with a new well and if so we're going to have serious consequences not only for wells that already exist but you're going to be encouraging a lot of well production. So I think this needs further clarification. At minimum it should not apply to anyone but a single current lot owner and only if the lot location does not meet the conditions of Table 7-17 and Table 7-18.

I just make these comments because supposedly we're being serious about the use of groundwater in the county and we're supposedly trying to move away from traditional practices of encouraging lots of new wells and instead allowing wells where it make sense but encouraging development to go to County utilities, water mutuals or other service grounds. The suggested changes made to the two tables and to these two sections

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are troubling. They weaken the whole concept of sustainability and growth management in my eyes as it relates to water.

CHAIR HOLIAN: Thank you, Mr. Taylor.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, along the lines of Mr. Taylor's question on Table 7-18, I guess this would be more for the County Attorney. So Mr. Ross, as far as SDA-1 or I was going to look at the SDA-2 area, with what's being proposed with the Aamodt right now, settlement agreement. So if there needs to be a service connection within 400 feet, because I guess the majority of that area is probably in the SDA-2 area, if there is an ingress or egress issue across, say, tribal lands, how would this be applicable if it's a water utility line that's going down, say, a main County road, a distribution line?

MR. ROSS: Madam Chair, Commissioner Mayfield, are you saying if there's an inability because of, say, you don't control the land between your house and the waterline, whether this requirement would apply? I don't think it would apply but what this section says anyway is if you can hook up you have to make provisions to hook up and if the utility does get within the distance requirements and presumably you can actually hook up then you have to hook up subsequently.

COMMISSIONER MAYFIELD: And how I'm reading this also, Madam Chair, is property location. So is this actually the property line or would this actually be the well location?

MR. ROSS: Property line.

COMMISSIONER MAYFIELD: And what if it's a shared well and that well might be on the back side of an adjacent neighbor and you're sharing a well with them?

MR. ROSS: Well, this chart, Commissioner Mayfield, refers to hooking up to public water supplies.

COMMISSIONER MAYFIELD: But we have a proposed public water line going up in the SDA-2 area of the Pojoaque Basin.

MR. ROSS: Sure.

COMMISSIONER MAYFIELD: So if you have a shared well, and we've talked about this, if you have a shared well on the back side of a property, and you have maybe three or four people that are sharing that well, two or three people on the back side may be well off from 400 feet. That first property owner may be within 400 feet of that service connection. So how would something like that work? Just the first person?

COMMISSIONER MAYFIELD: Well, Commissioner Mayfield, I think you're asking if there's a well that's being shared by a number of parties and there's a lot that's near the well that then becomes developed. And you're asking whether this requirement to hook up to publicly supplied water would apply irrespective of some agreement amongst those people to have a shared well. I think this would govern over that. So the person developing a new lot would be covered by this and have to hook up to the public water system.

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CHAIR HOLIAN: Commissioner Mayfield, we are going to discuss this I think in great detail at the end but I would like to proceed with the public comments. So can I ask you to –

COMMISSIONER MAYFIELD: Fair enough, Madam Chair, but I still would like to reserve time to talk about this.

CHAIR HOLIAN: Yes. I think this is an important topic. I want to talk about it myself. Next.

CHRIS FURLANETTO: My name's Chris Furlanetto from the League of Women Voters, Santa Fe County, and Judy Williams has ceded me her time. As you know, I emailed each of you a letter earlier today on behalf of the League and in it we asked you to vote to approve the code at your December 10th meeting and then to proceed to approval of the zoning map as soon as possible. However, having had a chance to look at the proposed amendments to the adoption draft we want to raise our initial concerns about selected amendments.

Some of what I'm going to say is very similar to what Roger Taylor just mentioned about some of these sections about water in Chapter 7. Again, in Table 7-17 and 7-18, the changes appear to significantly relax the requirements for hooking up to the County water and sewer systems or to another public or publicly regulated system. This appears to go against the goal of using existing infrastructure as much as possible, and the League opposes any weakening of the requirements to use existing infrastructure.

On paragraph 7.12.11.1.12, which is also one that Roger mentioned, excluding outdoor use from the .25 acre-foot standard is a significant change. It would seem to make monitoring or enforcement of the standard difficult if not impossible. This is especially true because there's also a change at 7.6.8.4.3 that allows potable water to be used for irrigation if non-potable sources are insufficient. So it appears that these changes taken together essentially dismantle the water usage standard. And again, the League would oppose weakening the standards for water usage.

Another section that Roger mentioned, 7.13.7.2.12, appears to maybe grandfather already issued permits or as Roger suggested it may be for the benefit of particular landowners, but in any case it appears that it could encourage more well development as opposed to using existing infrastructure and surface water. One other paragraph, 6.6.4.9 removes the requirement that access roads be sited to mitigate or minimize impacts on the environment and/or surrounding development, and this again appears to weaken the code by not restricting how access roads can be built.

We in general support the code and we have been very supportive of the code but we are quite concerned that some of these new amendments that appear to weaken standards should be really seriously considered before being incorporated to the code, which comes to a vote before the Commission. We continue to appreciate the open, democratic process that the County's followed throughout this process from the introduction and approval of the plan to all this work on the code and we do understand that no document of this complexity is going to be perfect, and not everyone is going to agree on every detail. But we hope that the code can be made as strong as possible for the benefit of all the citizens of Santa Fe County. Thank you.

CHAIR HOLIAN: Thank you, Ms. Furlanetto. Who would like to speak next?

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TERESA SEAMSTER: My name is Teresa Seamster and I live at 104 Vaquero Road out in the County and Tom Golden and Pat Carlton and [inaudible] have ceded their time to me, but I don't think I'll be using all of it. I am the co-chair of the New Mexico group of Sierra Club and I'd like to thank all the County Commissioner and the staff for working in such an open and diligent manner on both the plan and the land development code. I agree with what Chris said from the League of Women Voters, that a document this complex will never be truly finished, nor should it be, but it is definitely ready at this point to be implemented. And we at the Sierra Club feel that it should be passed as soon as possible once these public hearings conclude this month.

Because now is the time we can make some suggestions on areas that mean the most to us I have sent each Commissioner a GIS report on county wildlife habitat and species maps that were developed over two county wildlife workshops that our previous Board of Commissioners supported and helped fund back in 2001. Overlay mapping is relatively new and we would like to thank both Commissioner Holian and Commissioner Stefanics for their support of a GIS resolution back then which supported this new technology and mapping.

The GIS resolution back then had an opening statement that was very brief and I want to read it because it reflects why we strongly support this procedure and the inclusion of GIS mapping of wildlife in the code as a tool. It starts: Our existing natural resources including surface and wildlife, biodiverse habitat, abundant wildlife, open space and trails, undeveloped views and areas for future ranching, agriculture, fishing, hunting, outdoor activities and recreation are some of our greatest and some of our most threatened assets in the county. The maps in the Santa Fe County Wildlife Technical Assistance Report that came out of the workshops were compiled with the expertise and volunteer time, and they donated hundreds of hours of volunteer time from our local, state, pueblo and federal biologists. They were under the guidance of Dr. Ken Boykin who works for New Mexico Cooperative Fish and Wildlife Research Unit at New Mexico State University.

Friends at BLM and the National Forest Service have told me that this is the most accurate information to date for identifying where our key wildlife species live in the county and where their critical habitat and migration corridors are. I am hopeful that the County can incorporate this information, less as a set of regulations and more as effective assessment tools as part of [inaudible] and natural resources overlay that can be developed once the code has been approved. [Exhibits 4, 5 & 6]

I want to thank all of you for your hard work and I want to add one more bit of information. I would like to let you know that Santa Fe is the only county to have completed a set of focal species maps and critical habitats. This kind of mapping is becoming mandatory and standard operating procedure for neighboring states such as Utah, Colorado and Arizona. It's mandatory in order to be added to the state's map which is the State Wildlife Action Plan. The SWAP is mandatory for the state and federal wildlife [inaudible]. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Seamster. Who would like to speak next?

GLENN SCHIFFBAUER: Chair Holian, Commissioners, my name is Glenn Schiffbauer. I'm the executive director of the Santa Fe Green Chamber of

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Commerce. My address is 519 Berry Drive in Santa Fe. I'm here not only to speak on behalf of my members of the Green Chamber but also as a citizen and I want to commend the Commission and also the County for taking this action in this code on as something that I think my membership and myself view as being very important for the County of Santa Fe. And I'm heartened to hear that there's been such a participation from the public and that they are taking it seriously and looking at things in such a microscopic view and looking at some of the changes.

Overall though, I know that there are people that can speak more to the technical, environmental and some of the other issues and be far more articulate and knowledgeable than I am about those things, so I'm here to address what is of concern to my membership and that is the economic impact of a code of this type. What we view as important as a business organization is how it affects business and jobs and there are two things that we look here that may not be apparent to a lot of people, especially as you spread out into the county, and that is the continuation and the consistency of the perception and a branding of Santa Fe County just as it's been done in the City of Santa Fe, as a sustainable and green county.

This attracts people to our area which in the sense of what we represent with the Green Chamber of Commerce, many of our members are in the building and energy efficiency sectors and this will give both real estate and construction industries a needed both. Growth in these two sectors, especially the construction, which has been hit hard recently. It's a vital part of our county's economy. There are over 35,000 green economy jobs in the state of New Mexico. Most of the time when people think of green jobs they think of solar panels and wind generators, but most of the jobs that are involved in the green economy are construction jobs, energy efficiency jobs, and things that are regarding water and those kinds of sustainability things. And so it's with these things in mind and I do understand there's some tweaking with the code but the Santa Fe Green Chamber of Commerce sees this as an opportunity to allow the Santa Fe County sustainability brand to contribute not only to our economic development but very importantly or most importantly in job creation, so we highly support this. Thank you.

CHAIR HOLIAN: Thank you, Mr. Schiffbauer Who would like to speak next? Please. Mr. Wait. Can you identify yourself?

WALTER WAIT: My wife is here so I claim four minutes. Walter Wait from the San Marcos Association.

CHAIR HOLIAN: Thank you.

MR. WAIT: My prepared notes are for something that the staff has already fixed, therefore I'll go onto a few other things. [Exhibit 7] However, in the accessory dwelling unit in 10.4.1 it states that the section is for persons for affordable housing for elderly, single parent and multi-generational family situations. I would like to see you add caregivers and individuals or families providing economic or social support to the principal residents to that sentence. It clarifies what the intent of the legislation is. That's - I've already provided that.

In the Appendix B, use table definitions, I noted that many of the use tables are not defined in the code, in Appendix A or anywhere else in the code, and if these uses are defined somewhere else then a reference needs to be made to the location of the material. For example, rooming and boarding houses is found in the use tables in Appendix B but

it's not defined in Appendix A nor can I find it anywhere else in the SLDC. The same for retirement housing, single-room occupancy. Without definitions the use table is open to legal interpretations that may contradict the County's intent. So I would suggest that the staff go through those use tables and make sure that there's a definition somewhere, so that you can refer back to them.

One other item that I would like to see. In Chapter 2 under the plan amendments for periodic review, there is a sentence in the first paragraph, 2.1.5.1 that says that the proposed amendments to a community plan shall be accomplished through the procedures set forth above. Now, the procedures set for above, which I'm assuming is in 2.1.4 is to replicate the entire process that the community had gone through in order to achieve its original community plan and ordinance. I think that's excessive and I think what we should do is delete that sentence so that the plan amendments in 2.1.5 or all other types of amendments to district plans, to other plans would work the same way. That would provide continuity and it will also provide you with eliminating a logjam for your staff when all 15 communities that have these plans suddenly come to you and say, We have to start over again? We have to spend two, three, four, five years to go through and do it all over again? I don't think you really want to do that because the time it takes for your staff to go to all of these communities, every time that you want to make a change to a community plan or a community ordinance or hopefully community overlays would be just devastating.

So our suggestion is, please, strike that one sentence and we'd be very happy campers. We thank you very much for all of the staff time that you've put in to making the changes. We see a lot of changes that were made, recommendations for and we do appreciate it and thank you.

CHAIR HOLIAN: Thank you, Mr. Wait. Who would like to speak next?

MARIA DEANDA-HAY: Commissioners, my name is Maria DeAnda-Hay and I live at 961 Acequia de las Joyas in Santa Fe. Commissioners and Madam Chair, as you know, I'm a member of the County Development Review Committee and have served on that committee for about five years. We started with the Sustainable Land Development Plan, which is now the Sustainable Growth Management Plan about four years ago and we had public hearings and public comment for about eight months before we finally passed the Sustainable Land Development Plan. Of course we wanted the most perfect document we could come up with and some point, after eight months we realized that that really was an impossibility. All we could do was do the best we could as a committee and I think that we did so.

We also knew that the matter would come before the Board of County Commissioners and that you would have another shot at the Sustainable Growth Management Plan and certainly the code. I think that all the public comment and all the effort that went into the Sustainable Growth Management Plan has been worth it.

At the time that the CDRC considered the plan itself one of my major concerns with it was the requirement that there would be a HERS rating of 70 and only because my concern was that there might be low-income and moderate-income individuals that were not able to come up with the additional \$2,000 to \$5,000 that we were told would come into play in trying to purchase a HERS 70 rated home. I wasn't sure that there is a County fund that allows for low interest down payment assistance to such individuals and I think

that that really is important because I think everyone should benefit from a HERS 70 rated home.

Four years ago when we passed it the whole idea of this type of building in the county I think was relatively new for the majority of people. I think because of market demand the HERS and the interest in HERS homes, the cost of purchasing such a home is actually coming down. Santa Fe County is attempting to set a minimum HERS rating for new construction at 70. The most recent issue of the Green Fire Times had an article in it by Kim Shanahan who's the executive director of the Santa Fe Area Homebuilders Association. He reported that, "75 percent of newly permitted homes in Albuquerque routinely earn a HERS rating of 60 or below 60." So nearly a 30 percent more energy efficient home than the current code built home.

So basically what he is saying is that the paradigm has shifted and I think we need to shift with that paradigm. And I think being able to provide low income down payment assistance to anyone in the county in who requires it so that they can also improve their quality of life, help in conserving natural resources in the county and making this a better community for all is important. Thank you.

CHAIR HOLIAN: Thank you, Ms. DeAnda.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield. Quick question?

COMMISSIONER MAYFIELD: Yes, I have a question. Quick. I'll ask Mr. Ross. Ms. DeAnda, what is the income eligibility for that, because I'm kind of learning something new here from Ms. DeAnda, so who stated that to Ms. DeAnda, that there's qualifying dollars for anyone who's income-eligible to meet this requirement of the HERS.

MR. ROSS: Madam Chair, Commissioner Mayfield, I think she's talking about the down payment assistance program through the affordable housing program, which is indexed off of the national statistics for the poverty level. So we have those four tiers and if you meet one of the four tiers then you can get substantial down payment assistance through our program. I think that's what she's talking about.

COMMISSIONER MAYFIELD: And what are the requirements for that, because I know HERS is going to come up in the discussion.

MR. ROSS: It's just income. It's just based on your income.

COMMISSIONER MAYFIELD: And what is the income requirement for that? Do we know?

CHAIR HOLIAN: Commissioner Mayfield, I think that we can get that information later when we're having that discussion. We've had that discussion before in our affordable housing meetings and so on.

COMMISSIONER MAYFIELD: Well, Madam Chair, it was brought up so I just wanted to make sure that we get that.

CHAIR HOLIAN: Who would like to speak next?

AMANDA EVANS: I'm Amanda Evans. I live at 91 Malaga Road in Santa Fe, and I'd like to thank you for all your work on this code, and I'm also here to speak in support of the HERS 70 as proposed for construction. Buildings all over the country are building affordable houses with HERS ratings, as the previous speaker mentioned, much lower than the HERS 70, in fact, Homewise is building regularly with

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HERS 60 as are a lot of builders in Albuquerque. This does not require expensive additions or renewable energy.

I was talking with an Albuquerque homebuilder today who was saying that the houses that he's building basically have annual heating bills of \$100 a year. So the benefit of this to low-income people is pretty obvious. Low-income people have a much higher energy building than other people so \$100 heating bill is significant to them.

I'd also like to speak from my personal experience, which was year ago when Santa Fe first adopted the mandatory HERS ratings of 70 I was working as a HERS rater. I'm now running the energy efficiency and green building programs at Santa Fe Community College. Some of the builders embraced it and some really resisted it but it was interesting that they really just resisted it for their first house and it probably wasn't the additional expense that they were anticipating, it was that they didn't understand how to do it. And once the HERS rater has taken his fee that first house as builder you understand the process. All of a sudden it seemed like a lot of their resistance just evaporated. Thank you.

CHAIR HOLIAN: Thank you, Ms. Evans. Who would like to speak next?

STEVE ONSTEAD: Madam Chair, and Commission and staff, my name is Steve Onstead. I live in the San Marcos area and I'm a HERS rater. I am also a verifier for LEED Build Green New Mexico and the National Green Building Standard. So I've spent a lot of time in looking at homes that have these various items like HERS. But I wanted to talk about today was about Section 7.13.11.3 which is indoor water conservation. As I speak – and by the way I've got two minutes from Taylor back here. And as I speak I'm going to refer to Water Sense, which is an EPA thing, which helps us to determine exactly what water flow should be from things like showers and toilets, and I'll refer to the Energy Star efficiency of things like dishwashers.

I would also say that if we put that language in the code, we should add "or equivalent" so that we have the flexibility should either one of those entities not address the things we're concerned with or maybe stepped a little too high or maybe too low. But in the very first item you say you want toilets to have an efficiency of 1.6 gallons. The federal government set a mandatory requirement of that number in January of 1994, so it's a very old standard. If you look at where some of the green programs have gone the standard is really now 1.28 and that should be the number that you should use, but you can defer to Water Sense, so you don't have to have a number like that in your code. Water Sense would allow you to have a dual flush toilet that maybe started at 1.6 but when they have the half flushes there at just .8. So you can achieve it very easily that way.

When you look at the flow of faucets, most of the stuff we look at we like to look at residential bathroom faucets and they should have a standard of 1.5, not 2.5. You probably can't buy a bathroom faucet that's not 1.5. They just don't make them anymore, so what I see here is some of this doesn't take into consideration where we are right now.

In this whole section, in 1 and 2 there should be kind of another part in there that you should deal with showers, because showers can use a lot of water. I think you have to be flexible with showers because obviously water flow is an issue. That can be addressed in the code too. The next area I wanted to talk about was the dishwashers. You have a [inaudible] that should be 13 gallons on a regular cycle. I don't think you can buy a

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dishwasher that [inaudible] It is 6.1. So your code should at least be at that level. But again, I would defer in this case to Energy Star and it's right on Energy Star. Anybody can look up just about any dishwasher that they want to.

The next item I wanted to address was the washing machines. You have a thing in there that says that only front-load washers would be allowable. Energy Star washers now easily are energy efficient if top load or front load. You don't have to restrict the citizens to something as maybe just a top load or a front load washer. Basically, there are other factors that are much more important when you look at clothes washers. The federal government requires a thing called a water factor of 9.5, and if you go on Energy Star you won't find anything with a water factor higher than 6. So again, by referring to Energy Star or Water Sense you're really always staying up to speed with the technology and you're letting Energy Star and Water Sense do that work for you.

I think that's about it except for on number 6 where you say that you want to ensure the water level is delivered within five seconds of a tap being opened. Have a lot of fun verifying that. That's it. Thank you.

CHAIR HOLIAN: Thank you, Mr. Onstead. Who would like to speak next?

JIM SIEBERT: My name's Jim Siebert, by business address is 915 Mercer, Santa Fe. What I'd like to do is – I have Mr. and Mrs. Vigil have allocated their time to me – is focus on some of the costs that come along with implementation of this LDC and in particular what I wanted to do is take a look at the SARs, the studies, assessments and reports, because in my opinion with 40 years of planning in Santa Fe I think they're overreaching and the real concern on that is that you collect a great deal of data. Some of that data has meaning and some of it is totally meaningless. There is a requirement for a fiscal impact report. This is something the City tried about 10 or 15 years ago and implemented it for a period of two to three years and finally figured out it really didn't provide the convenience of meaningful data that they needed. They were in home computer mode for a while. It still didn't work out the way they'd anticipated.

So what I did is what you have in front of you [Exhibit ???] I took out a typical 30-acre development in the Eldorado area, which would be in the SDA-2 and assuming you could do ten lots, three-acre averages, which would be permitted under the SLDC and permitted under the current code. We came to a cost of what it would take to comply with the SARs and [inaudible] the first page shows what it would cost with the current code. Now, the next column over is the case what it would cost with the SLDC. Under the environmental impact review, I actually got the assessment for Royal??? Associates out of Albuquerque, who does principally the same study. And the traffic study I have from Terry Brown who is a traffic engineer who does the traffic studies for a lot of the development in New Mexico.

And to speak specifically to the traffic impact assessment we have 43??? 51 that's an exaggeration. It's got to be an exaggeration. But if you go to Table 12-1 it says that you have to determine the level of service for every intersection within a half mile radius. So what I did is I took that half mile radius and that came out ?? If you're counting the average cost to do a TIA and ?? assumption is around \$3,000. You have to go out and do the counts. You have to tabulate the computer models and then you have to determine what the impact is. So if you look at Table – and this is something you don't realize. Gee,

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it doesn't seem so bad, a traffic study. Big deal, but then you look more closely at the code and what happens is they have this interrelationship that doesn't really become apparent.

Another thing I'd like to – and once again, I'm making assumptions in terms of how long does it actually take to get through the process? And what we kept hearing all the time was, well, this is going to streamline the process. It's going to take half the time it would normally take. So what I did is I took the code once again and just said if you follow all these standards and procedures that are mandatory in the code how long would it take you to get through the process. So I took that same 10-lot subdivision and in my estimation it takes 15 months to get through the process.

So I guess my point is that this really doesn't streamline the process at all. Thank you for your time.

CHAIR HOLIAN: Thank you, Mr. Siebert. Is there anyone else who would like to comment to the Board?

WARREN THOMPSON: My name is Warren Thompson. My address is P.O. Box 236, Santa Fe. I would like to address Chapter 13 with regard to affordable housing. In 13.7 the alternative means of compliance, 13.7.1.2 and 1.3 provide for either a cash payment or a donation of land. The problem with these paragraphs is that they method for computing the value is so onerous that they would never get utilized, so I would encourage the County to look at these because at least from our perspective we would never be able to donate land if we computed the value of what we would have to contribute under those paragraphs. So I would appreciate it if you would consider that.

CHAIR HOLIAN: Thank you, Mr. Thompson. Is there anyone else here who would like to comment on the code?

VI. BOARD DISCUSSION

CHAIR HOLIAN: Okay, seeing none, I will now open this up to discussion by the Board, and I would like to take this one topic at a time so that all the Commissioners can if they would like to say what their opinion is about a specific topic so that we can give the staff good direction on how we might move forward with further changes if any are to be considered, and so Commissioner Chavez, you brought up something to begin with, so why don't we start with that?

COMMISSIONER CHAVEZ: Well, thank you, Madam Chair. And I guess I'm going to go to page 10 of the handout, Section 7.13.11.1, General Requirements under Water Conservation. This was touched on earlier. One of the speakers suggested that we put the language back in that references water use for both indoor and outdoor, so I wanted to see what staff's response was on that. And then if you read further in that same paragraph – I'll read it. It says, This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978 Section 72-12-1 as used for agriculture so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and the use of water derived from such water rights for agricultural or other purposes.

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So even though this section seems to be sensitive and recognize the importance of agriculture it goes on to say other purposes. So what could those other purposes be? Because I think that if we want to support and encourage agriculture we can do that but this seems to leave it a little open-ended. And then I would also like to know if staff could respond to or if they could share with us what the terms of a permit like this might be? As an example, would that limit this person to three acre-feet a year or not? I don't know what those terms might be, and so maybe you could just touch on that a little bit.

MR. ROSS: ms, Commissioner Chavez, a normal 72-12 or maybe I shouldn't say normal – an older 72-12 well permit will permit use of one acre of water from that three acre-feet of water that's licensed pursuant to that document to be used for agriculture or irrigation of trees, plants and things like that. That's typical.

COMMISSIONER CHAVEZ: And then do we or could we compile an inventory or a list of wells that are permitted under this section?

MR. ROSS: Madam Chair, Commissioner Chavez, we do have that.

COMMISSIONER CHAVEZ: You do?

MR. ROSS: Yes.

COMMISSIONER CHAVEZ: Do you know right off how many wells in the county might be permitted under that status?

MR. ROSS: Sometimes I can remember that number and sometimes I can't. I can't remember it right now.

CHAIR HOLIAN: Do you remember the ballpark?

MR. ROSS: It's wrong, probably by an order of magnitude. It is a lot, actually. It's more than you would think.

COMMISSIONER CHAVEZ: Okay. Well, maybe you could get that number to us.

MR. ROSS: We can get that.

CHAIR HOLIAN: Yes. That would be good.

COMMISSIONER CHAVEZ: Okay. And then is there any language in the permitting of these permits that would require metering of these wells?

MR. ROSS: Well, Madam Chair, Commissioner Chavez, our ordinance requires metering for new development and it has for well over a decade.

COMMISSIONER CHAVEZ: Okay. So I guess that would be one way of monitoring our water use.

MR. ROSS: Yes.

COMMISSIONER CHAVEZ: Okay. Then, on the next page, on page 11, self-supplied water systems, I have a question about language here that references an individual well. Does the State Engineer issue a permit under that status of individual well?

MR. ROSS: Madam Chair, Commissioner Chavez, that phraseology was used to distinguish that from a shared well.

COMMISSIONER CHAVEZ: But it would still be a domestic well, not an individual well? A shared domestic well instead of an individual well?

MR. ROSS: I think what we were trying to convey there, Commissioner Chavez, was that this proviso wouldn't apply to someone using a shared well system, but

only a person using one well and there may be a better way to convey that but that's what we were trying to convey.

COMMISSIONER CHAVEZ: Well, I think for me, I don't know what the definition of an individual well is. I have a better concept of what a domestic well might be.

MR. ROSS: Madam Chair, Commissioner Chavez, Penny suggests the phrase single domestic well.

COMMISSIONER CHAVEZ: Okay.

MR. ROSS: So we can make sure that we're only seeing one user.

COMMISSIONER CHAVEZ: Well, and I don't mean to be supporting this because I do have a question on this because it goes on to say that – I'll read this from the beginning. An applicant proposing to develop a single lot existing prior to the effective date of the SLDC using an individual well as a water supply shall not be required to provide a geo-hydraulic report or a reconnaissance report but shall be required to provide a copy of the permit issued by the Office of the State Engineer.

So I guess the copy of that permit would tell you what status that well was permitted under?

MR. ROSS: Yes.

COMMISSIONER CHAVEZ: I guess that would be good. But if we're going to allow a developer, an applicant – or not a developer, an applicant, on a single lot to develop as they see fit this doesn't put a limit on the size of the structure. It doesn't say – well, I guess you said that in this case it would be metered?

MR. ROSS: It would be – I'm sorry? Oh, metered, yes.

COMMISSIONER CHAVEZ: So if it's metered at least we would be able to monitor the use, but if the size of the structure is, let's say above 1,500 square feet, well, I don't think that we would want to encourage this language because it's not limiting the amount of water that one would use. It doesn't set any parameters. So I have a question about this language here. But I'll just state that for the record and then yield the floor to others.

CHAIR HOLIAN: Would anybody else like to comment on these provisions? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I don't think that anybody answered Commissioner Chavez' question about indoor and outdoor water conservation. I'd like to have somebody go back to that, and the other point I'd like to make is on the permits from the OSE. I'm not sure why we would duplicate a second study when the OSE has provided a permit for a well. So I'd like those couple of questions answered.

MR. ROSS: Madam Chair, Commissioner Stefanics, taking the second issue first, the OSE doesn't undertake a study before they issue a 72-12 permit. They just issue it. And it's sort of up to the property owner to take their chances and drill the well pursuant to the permit. The code has always required some analysis of that to determine whether the County can meet its requirement of the Subdivision Act of ascertaining that there's a 99-year water supply for the house or development.

COMMISSIONER STEFANICS: Okay, Madam Chair and Steve, my experience has been with the OSE that they have identified areas that are saturated where wells will not produce, and the reason I'm aware of this is because of some land up in the

gold mining area from the past. And so when people would go in they would identify quadrants and how many wells were in the quadrants and how many more wells might be approved based upon saturation. Now, are you saying they don't do that everywhere?

MR. ROSS: Madam Chair, Commissioner Stefanics, that hasn't been our experience at all at the County. We have no experience with the OSE denying permits that we're aware of to people based on their belief that groundwater resources exist or not.

COMMISSIONER STEFANICS: I think that's one point, Madam Chair, that we might want to have staff go back and check with the OSE. If they are blanketly providing permits, that's one thing. But if they're not, I think we should probably get this in line. And then could we go back to the question about indoor/outdoor water conservation?

MR. ROSS: Madam Chair, Commissioner Stefanics, are you asking – on the indoor/outdoor issue, are you asking whether – in the original draft of the code what we see is – go ahead.

COMMISSIONER STEFANICS: No. The question was asked, Madam Chair, whether or not our change in language has now taken away some of the requirements. So that's what I would like addressed.

MR. ROSS: Yes, it has. The amendments here – the original draft restricted water use, as has been the custom here to a quarter acre-foot per dwelling unit, indoor or outdoor and the current language changes that. That is a correct assessment by Mr. Taylor.

COMMISSIONER STEFANICS: And so, Madam Chair, why would we do that?

MR. ROSS: I think there was a concern about the cost raised.

COMMISSIONER STEFANICS: The cost of maintaining a low water usage?

MR. ROSS: Two things. Number one, persons desiring to develop agriculture in connection with their house, and the inflexibility in the language, I think a perceived inflexibility of the language concerning large agricultural operations. We don't think the language applied to that but I think those two concerns were raised.

MS. ELLIS-GREEN: Madam Chair, Commissioner Stefanics, just to add to that. Even though we do restrict a lot of properties to a quarter acre-foot, some of the larger properties, for example in our homestead area existing now, if you were creating a 160-acre tract, the current code would allow one acre-foot. In a traditional community, the current code would allow one acre-foot. So what we were trying to do here is for someone that currently could use one acre-foot, they're unlikely to use that amount of water in the house. So that's why that change was made. But then the second sentence really allows them to have an agricultural use, horses, whatever else, not included in that quarter acre-foot. So that may have taken care of it.

COMMISSIONER STEFANICS: Thank you. That's all for right now. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, Mr. Ross, on a 72-12-1 well, as Ms. Ellis-Green just explained that in case there was

some agricultural use on that, that right now is permissible under your application to the OSE? For indoor/outdoor? Right now, if we went in – well, Santa Fe County has a restriction of .25, correct?

MR. ROSS: Madam Chair, Commissioner Mayfield –

COMMISSIONER MAYFIELD: And I don't want to say restriction. Let's just say conservation measures of .25. But if somebody outside of Santa Fe County went in and asked for a 72-12-1 well permit they would be afforded up to one acre-foot for outdoor use?

MR. ROSS: Commissioner Mayfield, it depends on where you are, but the statutory 72-12 permit is a three-acre foot well for domestic use limited to one acre-foot for outdoor use. Obviously it's different up in the Aamodt area where they're restricted to one acre-foot.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Ross, you've explained this numerous times, but just one more time, please, for the record. Again, it's not a water right. You don't really own that water; you just have, I guess, the right to use it.

MR. ROSS: A 72-12 well, in my opinion is a license. Yes.

COMMISSIONER MAYFIELD: A license. Thank you for that terminology. So I guess my question, as Penny just explained that, so if somebody does – because we've allowed for home occupation licenses in this code and afforded other opportunities, and I understand and I respect that I think we're one of the leaders in water conservation, arguably in the state of New Mexico as far as what we're doing from the County and that's a great thing. But if somebody does have, maybe a small home occupation, or if somebody is doing some agricultural use on their property, which I think is a great thing also. They may not have that surface rights. But if they need that extra water to sustain a couple horses or to sustain maybe a cow, or to sustain some livestock, I think that's where you were trying to – am I wrong, Penny? Is that what you were trying to get at?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, that's exactly what we were trying to address.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Mr. Ross or Penny, if you could answer this for me. So by Santa Fe County – I'm going to say leading the charge on the .25 limitation and recognizing that we're doing that and I think we're doing our part for water conservation in the state of New Mexico. But what happens to that water if we are? I almost think we're penalizing ourselves. We're saving this water. We're creating the resource of not using it. So what happens to all this groundwater? Is somebody in the next county taking it over from us? I mean, what is the OSE – are they banking this water and just moving it somewhere? Are they giving it to somebody else? What's going on with this water? Is it going to – it's just going to stand around in our aquifer?

MR. ROSS: Well, Madam Chair, Commissioner Mayfield, the conjunctive management policy of this Board was that that water would be saved for times of need. Like arguably the present when there's a drought, that the groundwater would be saved and not used to the extent feasible so that it would be available when the rivers went dry.

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COMMISSIONER MAYFIELD: Fair enough. And I'm not – I really won't mix apples and oranges, but I'm going to for one second and Madam Chair, I'll be really short on this. But there's another issue going on with somebody with a bigger straw comes in and files an application with the OSE to apply for 1,000 acre-foot permit. So here we're being restrictive and conserving the water for somebody else just to come in and say, you know what? We're going to be adjacent to you and file for a 1,000 acre-foot permit. How is that doing a service to our community?

MR. ROSS: Madam Chair, Commissioner Mayfield, I think if that occurred they'd have some objections from this Board, I believe. So if somebody came in and proposed to put a big straw in the aquifer that we've been preserving wouldn't we have something to say about that? I think we probably would. This Board would probably instruct me to get in there and –

COMMISSIONER MAYFIELD: What if it's a public – or another governmental entity? That's all I'm getting at. It's like we're doing our job of asking our constituency to, hey, let's conserve this water and I think in our code and I would hope that we could get somewhere with our code and if this means that we need to even go to our local delegation, Madam Chair and Commissioners, and even to our listening audience, we're almost being penalized by conserving water. And I think that's a bigger picture New Mexico needs to look at.

So by asking people to conserve and be responsible users of the water we're being penalized for it too and I just wish we could kind of figure this one out, Mr. Ross. I know you and I have talked about this, but I don't think – and I'll just say this – because somebody needs for whatever reason in a rural area to, I don't know, maybe to sustain their family and they have to have a cow or they have to have a couple goats and they need that little extra water, I can see why this is in there of saying, look, .25 may not be enough for just indoor/outdoor use and I would just ask everybody to look at that and consider that.

And then my second point though, and Commissioner Chavez brought this up. It was under 7.13.7.2.12. And I think it was under your redline version of an applicant proposing or required to use a shared well. Right now our provision, Mr. Ross is if somebody is using a shared well, and I think we can allow that to be four users on the same well, under current code?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I'd need to check.

COMMISSIONER MAYFIELD: I'm pretty certain it's four. But each one of those four users still have to have their individual meters, right? And right now our code would say that they can only use .25 apiece, and they would have to send those meter readings in, wouldn't they?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I believe we do require individual meters and depending on the hydrology work that was done when a subdivision was approved and the existing lot size based on our hydrologic zones, a quarter acre-foot is probably what they would be allocated.

COMMISSIONER MAYFIELD: So what you're proposing in your new redline version, and again, Commissioner Chavez brought it up and I just want to make sure I'm totally understanding it. But under the new redline version, I'm just going to

read half-way through it. The SLD using an individual well as a water supply – you're still suggesting that we afford the shared wells. If it's a family needing to share a well just for cost benefit of drilling one well instead of four, knowing that maybe there will be a centralized water system coming in and they may be connecting to it. Why incur the \$15,000 or at least share it for the interim, and then knowing they may hook into a water system later?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes. Shared well systems are still in the code, just like current code.

COMMISSIONER MAYFIELD: So could we maybe put in there parens, shared well, instead of just saying individual well somewhere? I'm on page 11.

MR. ROSS: Here it is, Madam Chair, Commissioner Mayfield. There's a whole section on shared well systems and individual wells starting on page 142.

COMMISSIONER MAYFIELD: Okay. I was just working off of your –

MR. ROSS: It's hard because you're only seeing the changes here, but there's a whole section that you're not seeing.

COMMISSIONER MAYFIELD: Okay. I'm sorry.

MR. ROSS: So you could still do what you can do currently, which is share a well with anybody if you're within a distance that's specified in one of those tables that we've been talking about and the water system is unable to hook you up, you'd have to make provisions to hook up in the future if they get to you but other than that, it's the same basic regulatory package we have now for shared well systems.

COMMISSIONER MAYFIELD: And then, Madam Chair, Mr. Ross, hearing the comments from the audience earlier, as far as the fee to hook up into the system, regardless SDA-1, 2 or 3 area, and then my comments earlier, if there is an issue with ingress or egress, and I'm going to specifically talk about the northern district, working collaboratively with our five pueblos up there, but if there is an easement issue, we're not going to mandate that somebody has to hook into the system, right? If they can't clean that up?

MR. ROSS: Madam Chair, Commissioner Mayfield, we can't mandate that they hook into the system. We just make provisions that they have to follow if they can hook up to the system. If they can't hook into the system they can't hook into the system so they'll have to self-supply as the draft discusses. So if you got a ???2520 between yourself and a waterline and you can't get across that for whatever reason this system is not available to you so you have to revert to the well requirements.

COMMISSIONER MAYFIELD: And that would go for the wastewater system, also, right? That's all I have, Madam Chair, thank you.

CHAIR HOLIAN: Okay. I want to make a few comments about these issues too, these same issues. I just want to point out that we – and I think everybody knows this – we are water-challenged in our county right now. Back in the 50s we had 500 wells, roughly, in Santa Fe County. Now, I understand we have over 7,000. I'm not actually sure of what the number is. But I do know from person experience that there are places where people's wells are going dry and they're having to haul water. Lower Canoncito is an excellent example of that. I think it's because of the overpumping of water in the general vicinity and I'm hopeful that when we take water, surface water out to upper Canoncito that's going to help the people in Lower Canoncito.

But it seems like these two provisions are actually encouraging more wells to be drilled in our county. And eventually – well, no – already, it's coming back to haunt us how many wells are in the county and our overuse of groundwater. In order to rectify that situation in a lot of areas we are having to spend a lot of County money to bring the County utility out to people who are losing their water supplies or who have contaminated water supplies.

So I really don't think that we should put anything into our code that encourages more groundwater use. I don't really think it's a matter of us using it before somebody else uses it. I think it's a matter or we're already overusing it and people are suffering because of this. And so my take on this is we should stick with a quarter acre-foot. If somebody needs water for agricultural uses we can consider that separately. I certainly am very supportive of any kind of agriculture. But if that water is going to be used for, let's say a swimming pool or something like that I don't think it's a good idea.

So I think we have to be very careful about how this particular – how it's written in 7.13.11.1. And the other thing is in 7.13.7.2.12, it says an applicant proposing to develop a single lot existing prior to the effective date of the SLDC – well, there are many, many existing lots. I'm not even sure – I think I've heard numbers in the thousands, of how many existing lots and if every single one of those owners actually drilled a well, a new well, it would impact – it could possibly impact neighboring people who have wells already. It could cause their wells to go dry. So I think we have to be very careful about this. I think that we can't just say a blanket that they don't have to provide a geo-hydro report or a reconnaissance report. I think it really does depend on the area where people are drilling wells, and I think again back to the table, 7-17 and 7-18, I really think again it's consistent with our conjunctive management plan and it's consistent with our Sustainable Growth Management Plan that we stick with the longer distances that were required for people to hook into our water utility.

Again, part of the reason for this code is to encourage people to use surface water and to not allow more overpumping of our groundwater. It's already costing us a lot of money and if we allow even more wells to be drilled, we, the taxpayers are going to pay for that in the long run. So that's my take on it. Commissioner Chavez, you had a comment?

COMMISSIONER CHAVEZ: Thank you. Thank you, Madam Chair. You touched on the one point that I wanted to bring up, which is the number of lots existing prior to the effective date of the Sustainable Land Development Code. It would be interesting to see what that number is, just for purposes of discussion. You reminded me, Madam Chair, that I have family members along Highway 14 who have been hauling water now for probably a couple years and I don't think it's their fault. I don't know that it's the fault of the County or you could point that finger. But I do know that the water quality is not that great and the water table has subsided. So they are challenged in that area, and I do hear from them from time to time. They're able to manage. They are hauling their water, but it's a day out of your schedule. It's an investment that you have to make to stay on your property. So I don't know what the solution is going to be for those areas but I do know that I agree with you that we are challenged in many ways and there are people in our community that are dealing with that on a level that I don't know

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what that would be like to have to haul water on a daily basis or a weekly basis to be able to stay on your property.

And so I think that as we move forward we need to try to balance that out and see how we can level that playing field for county residents, for residents countywide. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Well, Madam Chair, I just wanted to point out that that's exactly why we had put on the ICIP some of the waterline requests down Highway 14 and down 285. If we in fact are going to build a senior center down on Highway 14 it's actually in the area that a lot of wells are going dry and so we either should be putting the line down there or if we put in a well, we should supply the whole neighborhood. So we have to start thinking about community water. Thank you.

CHAIR HOLIAN: I think that we have talked about this issue in some detail. Are there any other issues that the Commissioners would like to discuss? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'd like to have staff clarify about the community plans. Someone brought up – I don't know if it was Walter or someone brought up – exactly what will community plans need to do. I think asking them to recreate the entire process might be a stretch of patience and good will. So what is expected?

MR. ROSS: Madam Chair, Commissioner Stefanics, we'll look at that some more. Right now the draft ordinance says that you will repeat the process because on some level you do have to get to the point where you're going to the Planning Commission and this Board to get an amendment to a planning document. But we'll take a look at the steps prior to that and see if we can truncate that a bit to make it easier.

COMMISSIONER STEFANICS: Okay. So Madam Chair, when you look at that, something that might be useful, just like I've talked to Penny about. When somebody comes in and they want to add on an addition or they want to build the second story or they want to put another bathroom on, regardless of what it is, that there be a simple checklist. And if you're doing something simple, it's this. If you're doing something with more requirements, it's the next step and so on and so forth, but maybe what we need is a checklist for communities to identify so they can go through and just say, we have this, we have this, or we need to develop these new pieces.

MR. ROSS: Madam Chair, Commissioner Stefanics, that's already been on our to-do list for a while. When we get the code adopted we have a number of tasks to do before the zoning map is adopted and one of them was to come up with comprehensive checklists for everything.

COMMISSIONER STEFANICS: So in the meantime, Madam Chair, I do want to give kudos to the staff because I've heard compliments with some of the new plans that are being developed. For example, up in Chimayo, and I am hoping though that the staff are leading them down the road of what is going to be required for the new code, versus going through an exercise right now and then in three months saying oops, it's time to go through another exercise.

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So the community truly appreciates our staff and I think all around the county when the staff has been there they've really appreciated it, but perhaps we need to all get on the same page quickly. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. So let me go to page 10.16, Accessory Structures, please. So Madam Chair, Mr. Ross, just applicability under 10.3.1, Accessory structures must be clearly identical and subordinate to the principal use. Customarily found in connection with the principal use and located on the same tract or lot. So just define for me that a little more.

MR. ROSS: Madam Chair, Commissioner Mayfield, help me again with that section that you're looking at.

COMMISSIONER MAYFIELD: It's page 16, and it's 10.3.1, and I'm kind of looking at –

MR. ROSS: Oh, 2.16.

COMMISSIONER MAYFIELD: The second sentence.

MR. ROSS: Okay. Got it. You're talking about the second sentence of applicability?

COMMISSIONER MAYFIELD: Yes, sir.

MR. ROSS: Yes, where it says accessory structures must be clearly incidental and subordinate to the principal use. What that means is, let's say we're in a residential district, the principal use would be a residence. So something – an accessory structure would be something that's normally associated with a house.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: So a carport, a garage, a shed, fences, whatever. But even a barn would be something I would say is incidental to the main use of –

COMMISSIONER MAYFIELD: Fair enough, Steve. So let's go down to Section 10.3.2.1, Accessory structures shall not be constructed or established on a lot until construction of the principal structure is completed. So unless I'm reading this wrong, somebody couldn't fence in their property before they started building their house?

MR. ROSS: Madam Chair, Commissioner Mayfield, a fence is probably not a good example, because I don't think it's a structure, necessary.

COMMISSIONER MAYFIELD: But Madam Chair, you just stated that.

MR. ROSS: Let's say it's a barn or something. That's maybe a better example.

COMMISSIONER MAYFIELD: Why not a barn? Why couldn't somebody put a barn on their property if it's an accessory structure to a dwelling, if that's what they wanted to do right now, knowing that they're going to build a house eventually but they want to maybe put a barn there to hold their storage material for the home they're going to eventually build on their property.

MR. ROSS: Madam Chair, Commissioner Mayfield, this has been in the code forever, and the reason it's in there is not to burden the property owner but to protect the neighbors, because there have been consistent complaints over the years about people building an accessory building and then never constructing the residence, and so you just have a barn or a shed or something on a piece of property where people would

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normally expect to see a house. So the neighbors frequently have issues about that and because of that this has been in the code since 1996.

COMMISSIONER MAYFIELD: Well, Madam Chair, Mr. Ross I respect all my neighbors and you know what? If somebody wants to build a barn on their property in anticipation, the way I would look at it, I think our Assessor is going to look at it and put it on his tax rolls, even if it's an accessory structure. If it's on the code, that's what we're doing now. We're doing a code rewrite. I just would ask the Commission to consider that. If somebody needed to put a carport to park their equipment on their property while they're building, I just think that – and so you're telling me know and I want this clarified, a fence is not an accessory structure.

MR. ROSS: Madam Chair, Commissioner Mayfield, no. I don't think it's an accessory structure.

COMMISSIONER MAYFIELD: Okay. So somebody can fence in their property?

MR. ROSS: Absolutely.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: So on this issue do the other Commissioners have comments?

COMMISSIONER STEFANICS: Yes.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: So just taking the fence issue, you're saying it's not an accessory structure, but Construction Industries might have a different standard for a fence. When I lived in a small community down Highway 14 I thought that the County was involved in my property but it turned out that when I and other people started doing things it was the State who got involved. So really where I'm going with this, and I'm assuming that our staff are really cross-checking what is our purview and what is CID's purview. And so I just want to make that comment and put it out there. Thank you.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. Madam Chair, Mr. Ross, Mr. Wait made a comment as far as the accessory dwellings, as for permissible use and in respect of Mr. Wait's comment, that's not in our code is it? Of who can occupy an accessory dwelling? Right now with your new suggestions, anybody can occupy the accessory dwelling, correct? It doesn't have to be a caregiver or a –

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, yes. With the amendment that we're proposing it wouldn't be limited to a family member.

COMMISSIONER MAYFIELD: Okay. Thank you.

MS. ELLIS-GREEN: I believe that Mr. Wait's comments were to do with the purpose and intent statement of that, not the occupancy statement.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, I was going to go over one thing. I want to point out – let me just find my notes here nearly quick, please. On page 6 of your redline version, under Lighting, just so I don't go to the whole code, So for road lighting, this would still have to comply with our night sky ordinance, correct?

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MR. ROSS: Madam Chair, Commissioner Mayfield, yes. All lighting has to comply with that.

COMMISSIONER MAYFIELD: Well, that's good. And then, Madam Chair, I'm just going to go through my dog-ears, Madam Chair, if you give me one second please. So on page 12 of your redline version, under the financial guarantee, this came up, I'm not going to go into detail where it came up though, but you're redline version, and I appreciate what you put in and the County Attorney, but I still would like the suggestion from this Board granting that there will be some checks and balances, but I still would like this to come in front of the Board on a release of a financial guarantee, even if it's totally administrative. This Board may not always be sitting here but I just want to make sure that those conditions are met and I don't think, as far as a land use case or anything else that you call could bring something just in front of a Board saying, look, everything's been met and we would like to release this condition. I don't know how my colleagues feel about that but I think that's important. That's just a little check and balance.

CHAIR HOLIAN: May I ask your colleagues how they feel about this?

COMMISSIONER MAYFIELD: Sure.

CHAIR HOLIAN: Any comments, Commissioner Chavez?

COMMISSIONER CHAVEZ: No, I don't have any comments at this time. I'd have to study it further. [inaudible]

COMMISSIONER STEFANICS: Madam Chair, I would only request that we look at the legal ramifications of bringing some of those decisions to the BCC if in fact we're going to have some administrative responsibilities and some set by the hearing officer. I would not want to start deviating the standards of responsibility. If we are directing a hearing officer to do some things and we are directing staff to do others but then we've taken over an administrative duty it seems to me we've not followed a process. So that's the only thing I want to be careful about. Thank you.

CHAIR HOLIAN: And I certainly agree with that. Commissioner.

COMMISSIONER MAYFIELD: Madam Chair, maybe then just for a notice for us, because I think we've maybe found ourselves in a position where there may have been a financial guarantee released by this Commission and maybe not by the Board where it should have never been released on some projects. And I just would like to know if it's going to happen because who is going to be left holding the bag? The County?

MR. ROSS: Madam Chair, Commissioner Mayfield, that's a fine suggestion. I think anything more than that though is going to run afoul of a number of principles and a practical consideration and that is that these financial guarantees cost the developers a lot of money, ten percent of the face value per year, and they want out of these as fast as they can get out of it and we're considering some changes which we'll present to you at the next meeting just to kind of streamline that whole process for them. So if we filed a notice with you that would be great and what we were trying to do here is just get some checks and balances on the process and a further check and balance could be letting you guys know that we've done that. So I think that's a good suggestion.

COMMISSIONER MAYFIELD: Thank you. That's all I wanted. Thanks. Madam Chair, I think that's all I have for now. Thank you.

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CHAIR HOLIAN: Okay. Anything else, Commissioner Chavez, Commissioner Stefanics? I think what we will do now is move on to the next item on our agenda which I have lost which we have gone through the Board discussion, public comments, so now I think we should talk about the hearing schedule for future public hearings.

V. HEARING SCHEDULE: Future Public Hearings and the Adoption Timeline

MS. ELLIS-GREEN: Madam Chair, Commissioners, we have noticed this code and done the legal noticing for this code to be able to adopt it any time after the December 3rd meeting, on December 3rd or any time after. So the hearings that we have scheduled so far on this is tonight's hearing and then the public hearing on December 3rd, and then Commissioner Stefanics at the last study session requested that we also hear on December 10th at the regular meeting.

CHAIR HOLIAN: And in principle we can notice it on December 10th for possible adoption. Correct?

MR. ROSS: Madam Chair, it's already noticed for the public hearing on December 3rd and then we can adopt it on the 3rd or any meeting after that, as long as we notice it properly.

CHAIR HOLIAN: Penny, was there another public meeting that was going to be scheduled?

MS. ELLIS-GREEN: Madam Chair, I'm sorry. I forgot that. Yes. Commissioner Mayfield had requested that we schedule a public hearing in the Pojoaque area, and I believe we will be doing that at the Pojoaque satellite office on December 2nd which is the day before the BCC's public hearing. That was the only day we really had available since next week is Thanksgiving week to do that before the next public hearing.

CHAIR HOLIAN: Okay. Any questions? Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: I have requested and I'll request again that we not take any action the week of December 3rd since I will be out of state for a national board meeting for the county. Thank you.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I want to discuss the HERS rating again and the reason I'm not doing it tonight is because it's been brought to me by a lot of my constituency and that's why I've asked that this be brought up for a later meeting. But anybody who has commented, and I do appreciate the comments from the audience tonight on the HERS. I don't know who was here tonight, but if you could make it to that December, and I know you might be inconveniencing any of you, but if any of you could make it to that December 2nd meeting in Pojoaque I would really appreciate that because you could explain that position. Madam Chair, if you could make it to that December 2nd meeting I would really appreciate that also. I just really would.

CHAIR HOLIAN: Oh, goody. Another meeting.

COMMISSIONER MAYFIELD: No, if you could, if you could, and if you can't, that's fine.

CHAIR HOLIAN: I'll try.

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COMMISSIONER MAYFIELD: But just – well, I'm not going to get into it tonight to take up our time but I just think it's important because I don't that to bog you down on this because I think it's important that we all discuss that. But thank you.

CHAIR HOLIAN: Thank you, Commissioner. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. On that, on the HERS point, I do see it as a major improvement that we've put in or some energy equivalent and I'd like to point out that Taos has set up their own equivalent and trained staff within their own county to do something specific. And one of the HERS or LEEDs inspectors – I don't even know which one – here in Santa Fe County has said that they've been going and training some of the people in Taos and they just decide to set up their own energy equivalent and then train and they're finding that to be cost-effective.

CHAIR HOLIAN: Very interesting. Commissioner Chavez, any final remarks?

COMMISSIONER CHAVEZ: No. I just need some clarification. So on December 3rd, that's a Tuesday, right? That's the Tuesday before our regular BCC meeting on the 10th.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, that's correct. We don't have a time to start yet. If you wanted to start earlier than we did tonight I don't believe there's another meeting that's a conflict.

COMMISSIONER CHAVEZ: Okay. So that there would be a study session similar to what we had.

MS. ELLIS-GREEN: December 3rd would be a public hearing.

COMMISSIONER CHAVEZ: And then the 10th would be our regular BCC meeting.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER CHAVEZ: Okay. Thank you.

CHAIR HOLIAN: I would like to again thank all of you from the public who have been involved in this process and who've come to our meetings and commented. We really do value your input.

VIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 8:55 p.m.

Approved by:



Board of County Commissioners
Daniel W. Mayfield, Chair

ATTEST TO:

Santa Fe County
Board of County Commissioners
Special Meeting of November 19, 2013
Page 35

Geraldine Salazar

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

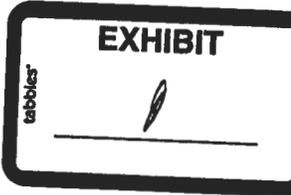
1/14/2014

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



FILED CLERK RECORDED 01/15/2014



Adoption Draft Changes

Chapter 1

1.7. ENACTMENT AND REPEALS. Upon the adoption of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance of 2008-10; Ordinance No. 2012-10, the Santa Fe County Land Development Code, Ordinance 1996-10 (except Article III, Sec. 5 “Mineral Exploration and Extraction”); together with all amendments thereto; the original Santa Fe County Land Development Code Ordinance No. 1980-6. Ordinances No. 2000-8, 2000-12, 2000-13, 2002-1, 2002-02, 2002-9, 2003-7, 2005-08, 2006-10 (except Article III, sec. 4 “Mineral Exploration and Extraction”), 2006-11, 2007-2, 2007-10 and 2008-5 shall remain in effect until amended following adoption of revised community plans that are consistent with the SGMP and this ordinance. Ordinance 2008-19 shall remain in effect until amended following adoption of Chapter 11, Developments of County Impact. To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply.

Chapter 2

Plan Amendments

2.1.5.6. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No SGMP amendment, Area, District or Community Plan amendment or SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, District or Community Plan.

Community Participation

2.2.2.3. A CO must file an application for recognition as a CO in order to be recognized by the Board as a CO. The application must be filed with the Administrator, and shall include all of the following:

1. The name, address, telephone number and e-mail address of the CO, and the name, address and telephone number of the person, as applicable, who will be designated by the CO to receive notice from the County and to represent the CO in dealings with County staff;

2.2.3.3. An RO must file an application for recognition as a RO in order to be recognized by the Administrator as an RO. The application must be filed with the Administrator, and shall include all of the following:

1. The name, address, telephone number and e-mail address of the RO, and the name, address and telephone of the person, as applicable, who will be designated by the RO to receive notice from the County and to represent the RO in dealings with County staff;

Chapter 4

Table 4-1: Procedural Requirements by Application Type

Change Minor subdivision final plat to “yes” under Discretionary Review and remove “*” under major subdivision final plat/BCC.

4.4.4. Pre-Application Neighborhood Meeting. A pre-application neighborhood meeting shall be conducted as specified in Table 4-1.

4.4.4.1. Notice of Pre-Application Meeting. The following entities and persons shall be invited by a letter sent first class mail, return receipt requested 15 days prior to the pre-application meeting:

1. The applicable CO and/or RO (see § 2.2).
 2. Property owners entitled to notice of the application as required in § 4.6;
-

4.4.4. Pre-application meeting

4.4.4.9. The applicant may hold a mediation-land use facilitation meeting to address concerns from the neighborhood pre-application meeting.

4.6 Notice

4.6.6. Notice of Administrative Action. Notice of a proposed land division, ~~or~~ subdivision, multifamily or non-residential use that is to be approved administratively shall provide the following notice:

4.6.6.1. Posting. Notice of the pending application shall be posted on the parcel at least fifteen (15) days prior to the date of the approval of the application. The notice to be posted shall be provided by the Administrator and shall be prominently posted on the property in such a way as to give reasonable notice to persons interested in the application. The notice shall be visible from a public road. If no part of the property or structure is visible from a public road, the property notice shall be posted as required in this paragraph and a second notice shall be posted on a public road nearest the property. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

4.4.8. Mediation. Land Use Facilitation

4.4.8.1 Purpose. Land use facilitation mediation is intended to provide a means of communication between an applicant proposing a development, and persons that would be impacted by the proposed development. Land use facilitationmediation provides an opportunity for the applicant and residents to exchange information, ask questions, and discuss concerns about the proposed development.

4.4.8.2. In General. Land use mediation facilitation uses a professional mediator/facilitator to assist the applicant and residents to discuss issues related to the proposed development, identify and achieve goals and complete tasks in a mutually satisfactory manner. The process uses a mediator/facilitator, who will focus on the process and assist and guide the participants in principles of dispute resolution and decision-making. The mediator/facilitator is impartial to the issues being discussed, has no advisory role in the content of the meeting, and has no interest in the outcome of the meeting.

4.4.8.3. Types of Cases Referred. In general, any application which presents controversy, in which residents have questions or concerns, or that the applicant feels is appropriate for facilitation/mediation, may be referred to mediation facilitation.

4.4.8.4. General Process.

1. Referral. An application may be referred to mediation a land use facilitation by the Administrator or the applicant. A matter may also be referred to mediation land use facilitation following the TAC meeting but, more likely, will be referred to mediation land use facilitation coincidentally with the finding of completeness.

2. Assignment of Mediator a Land Use Facilitator. The Administrator shall assign a case referred to mediation land use facilitator employed by the County. Any mediator/facilitator selected for a given case shall have no interest in the case and shall not be an employee of Santa Fe County.

3. Initiation of Process. The mediator/facilitator shall contact the applicant and relevant persons affected by the proposed development to determine the level of interest in a mediated/facilitated meeting. If the Administrator is aware of a homeowners' association Community Organization or Registered Organization in the vicinity of the proposed development, the mediator/facilitator shall contact the homeowners' association, Community Organization or Registered Organization. If there is no interest in a mediation Land Use Facilitation or if there is no person affected by the proposed development, the mediator/facilitator shall generate a "no mediation facilitation held" report and refer the matter back to the Administrator.

4. Mediation Facilitation. If interest exists, the mediator/facilitator shall schedule a mediation facilitation. During the mediation facilitation, the applicant shall present the proposed project, followed by a presentation (if any) of residents or homeowners associations, followed by a discussion among the participants. The mediator/facilitator shall record comments, questions, concerns and areas of agreement among the parties.

5. Report and Completion of Process. Following the mediation facilitation, the mediator/facilitator shall generate a complete and neutral report on the mediation facilitation. All areas of agreement shall be highlighted, and areas of severe disagreement also noted. The report shall be distributed to the Administrator and all participants in the mediation facilitation. Areas in which agreement was reached during the mediation facilitation shall be reported as resolved in the staff report to the decision maker.

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6. Timeline. The **mediation** facilitation described in this subsection shall be completed no later than thirty (30) days from the date of referral, unless waived by the applicant.

7. Costs of **Mediation** Facilitation. All the costs of **mediation** facilitation shall be paid by the applicant. Following completion of the **mediation** facilitation, the Administrator shall present a invoice to the applicant.

Chapter 5

Chapter 6

Table 6-1: Required Studies, Reports and Assessments (SRAs).

Application Type	SRA Type				
	TIA	APFA	WSAR	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (over 10k sf)***	yes*	yes	yes+	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision	yes	yes	yes+	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes+	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* If project generates over 100 trips/day based on the Institute of Transportation Engineers' *Trip Generation Manual*.

** As part of the pre-application TAC meeting process (see § 4.4), the Administrator will determine which SRAs are applicable based on the scope and impact of the proposed project.

*** ~~Non-residential~~

6.2. Preparation and Fees (Studies Reports and Assessments)

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

6.2.3.1. an accurate map of the project site ~~and of all property in common ownership~~, depicting: existing topography; public or private buildings, structures and land uses; irrigation systems, including but not limited to acequias; public or private utility lines and

easements, under, on or above ground; public or private roads; public or private water or oil and gas wells; known mines; parks, trails, open space and recreational facilities; fire, law enforcement, emergency response facilities; schools or other public buildings, structures, uses or facilities; nonconforming building, structures or uses; environmentally sensitive lands; archaeological, cultural or historic resources; scenic vistas and eco-tourist sites; agricultural and ranch lands; and all other requirements of the Administrator as established at the Administrator's pre-application meeting with the applicant;

6.2.3.6. the approximate location of all fire, law enforcement, and emergency response service facilities and all roads and public facilities and utilities shown on the capital improvement and services plan; floodways, floodplains, wetlands, or other environmentally sensitive lands and natural resources on the applicant's property; location of historic, cultural and archeological sites and artifacts; location of slopes greater than 15% and 30%; wildlife and vegetation habitats and habitat corridors within ~~five (5)~~ one (1) miles of the proposed project site perimeter;

6.2.3.7. a statement explaining how the proposed project complies with the goals, objectives, policies and strategies of the SGMP and any area or community plan covering, adjacent to, or within ~~five (5)~~ one (1) miles of the proposed project site perimeter;

6.2.3.8. a statement or visual presentation of how the project will relate to and be compatible with adjacent and neighboring areas, within a ~~five (5)~~ one (1) mile radius of the project site perimeter;

6.5 Water Service Availability Report (WSAR)

6.5.5. The WSAR shall include:

6.5.5.1. ~~If a development application is by or on behalf of an individual, an~~ An evaluation of the water supply ~~shall be required~~ as described in Section 7.13.6.1.

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

6.6.4.4. **Residential road impact.** Average daily traffic impinging on residential roads shall be within the ranges spelled out in the transportation plan for the class of road involved. ~~No development project traffic shall increase the traffic on a residential road with at least 300 average daily trips by more than 15%, and shall contribute no more than 10% of the traffic on any road segment providing residential access.~~

~~6.6.4.9. **Access Roads.** Access roads shall equal or exceed 1.08 miles per section of road and shall contain a minimum width of twenty (20) feet paved surface based upon County road construction standards for heavy vehicles. Access roads shall be sited in a manner that mitigates or minimizes the impact on the environment and neighboring land uses.~~

6.7 Fiscal Impact Assessment

6.7.2.3. The fiscal impact assessment shall ~~determine whether, and to~~ assess the extent, a development project ~~is~~ fiscally and economically impacts the County positive, meaning forthcoming revenues (operating and capital) exceed the forthcoming costs (operating and capital) of the development project.

Chapter 7

7.3 Residential Performance Standards

7.3.1.5. **Double Frontage Lots.** Double frontage or through lots are prohibited except in commercial or industrial districts or for alleyways approved as part of a subdivision.

7.6 Landscaping

7.6.8.4. Irrigation.

1. All landscaped areas shall include a permanent, underground irrigation system to ensure long-term landscape health and growth. Irrigation systems shall utilize storm water, grey water or other non-potable irrigation water. Irrigation system design shall take into consideration the water-demand characteristics of plant or landscape materials used.

2. As an alternative to permanent underground irrigation, water harvesting or surface irrigation from an acequia may be used for irrigation so long as the alternative provides sufficient water to maintain the landscaping.

3. Supplemental potable water may be used only when storm water, grey water or other non-potable irrigation water is inadequate.

7.8 Lighting

7.8.5. Road Lighting.

7.8.5.1. **When Required.** Street lights are required ~~along paved roads and along any road where curb, gutter and sidewalk are provided;~~ an intersection of any road with a highway or arterial; and where necessary to protect the safety of motorists and pedestrians due to the particular characteristics or location of a site.

7.10 Parking and Loading

7.10.9. **Surfacing and Maintenance.** Parking lots of forty or more spaces shall be paved, and parking lots containing fewer than forty spaces shall have a properly compacted base course surface. Where paved parking is required, permeable pavement: ~~shall~~ may be used ~~if technically~~

feasible. Parking areas shall be maintained in a dust-free, well-drained, serviceable condition at all times.

Table 7-12: Urban Road Classification and Design Standards (SDA-1 and SDA-2).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Arterial or highway	5000 +	6	12	Two 5'	Two 5 ft on-road	100	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	60 to 100	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	45 to 72	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	301-401 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Local	0 to 300 <u>400</u>	2	10	Two <u>One</u> 5'	n/a	34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
<u>Cul-de-Sac</u>	<u>0 to 300</u>	<u>2</u>	<u>10</u>	<u>n/a</u>	<u>n/a</u>	<u>20</u>	<u>Level: 30-50</u> <u>Rolling: 20-40</u> <u>Mount.: 20-30</u>	<u>9%</u>	<u>6"</u>	<u>n/a</u>	<u>n/a</u>
Alley	0 to 30 <u>n/a</u>	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	6%	n/a	n/a	n/a

Table 7-13: Rural Road Classification and Design Standards (SDA-3).

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	70 to 100	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	5"	8%
Collector	100 to 1999 401-1999	2	11	n/a	n/a	60 to 80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	4"	8%
Local	1-990 400	2	10	n/a	n/a	56	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	4"	8%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	20	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	9%	4"	n/a	n/a

7.11.13 Driveways

7.11.13.2. Additional Standards for Residential Driveways.

1. Residential driveways shall serve no more than two (2) lots.
 2. Lots within residential subdivisions shall be limited to a single access point or driveway.
 3. Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.
 4. A twenty-five (25) foot asphalt apron shall be required on a driveway that accesses a paved road.
-

Table 7-17: When Connection Required to County Utility Water/Sewer.¹

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	Residential Development Permit	<u>if within 200 feet</u>	<u>if within service area and within 400 Feet</u>	<u>if within service area and within 600 Feet</u>
	Residential Land Division (1-4 units)	if within 330 feet	<u>if within service area and if within 1,320 feet</u>	<u>if within service area and if within 2,640 feet</u>
	Multi-family (5+ units)	Yes	<u>if within service area and if within service area</u>	<u>if within service area and if within service area</u>
	Minor Subdivision	Yes	if within service area	<u>if within service area and if within 2,640 feet</u>
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (under 10,000 sf)	<u>if within 660 400 feet</u>	<u>if within service area and if within 1,320 600 feet</u>	<u>if within service area and if within 2,640 800 feet</u>
	Non-residential (over 10,000 sf)	Yes	if within service area	<u>if within service area and if within 2,640 feet</u>

¹For purposes of this section, all distances shall be measured between the nearest point of County infrastructure that is capable of providing service and the property line of the property to be developed, not from any structure located or to be located on the property.

Table 7-18: When Connection Required to Public Water/Sewer or Publicly-Regulated Water/Sewer.²

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	<u>Residential Development Permit</u>	<u>if within service area and within 200 feet</u>	<u>if within service area and within 400 Feet</u>	<u>if within service area and within 600 Feet</u>
	Residential <u>Land Division (1-4 units)</u>	<u>if within service area and within 330 feet</u>	if within service area and within 1,320 feet	if within service area and within 2,640 feet
	Multi-family (5+ units)	Yes	if within service area	if within service area
	Minor Subdivision	Yes	if within service area	if within service area and within 2,640 feet
	Major Subdivision	Yes	if within service area	if within service area
	Non-residential (under 10,000 sf)	<u>if within service area and within 400 660 feet</u>	if within service area and within <u>600 1,320 feet</u>	if within service area and within <u>800 2,640 feet</u>
	Non-residential (over 10,000 sf)	Yes	if within service area	if within service area and within 2,640 feet

²For purposes of this section, all distances shall be measured from the property line of the property to be developed and not from any structure located or to be located on the property.

7.13.11 Water Conservation

7.13.11.1. General Requirements.

1. Total water use shall not exceed that specified in the development order, plat note, or the SLDC.
2. Annual water use for ~~both~~ indoor ~~and outdoor~~ purposes for a single family residential dwelling shall not exceed 0.25 acre foot per year. This limitation shall not apply to use of water derived from a well permitted pursuant to NMSA 1978 Section 72-12-1 that is used for agriculture, so long as the use is consistent with the terms of the permit. Similarly, this limitation shall not apply to persons owning water rights permitted by the Office of the State Engineer and to use of water derived from such water rights for agricultural or other purposes.

7.13.6. Water Supply Requirements.

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years³. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit notwithstanding that the owner or developer claims that less water is to be used; however, an applicant may demonstrate that less water use can be expected by presenting evidence of the conservation techniques and equipment to be included in the development, or by demonstrating a consistent history of water use, or both. Annual water use limitations are established in subsection 7.13.11 (“Water Conservation”) of the SLDC, and shall also apply.

7.13.7 Self Supplied Water Systems

7.13.7.2.12. An applicant proposing or required to use a shared well system or an individual well shall perform a geo-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a reconnaissance report. An applicant proposing to develop a single lot existing prior to the effective date of the SLDC using an individual well as the water supply, shall not be required to provide a geo-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the permit issued by the Office of the State Engineer.

7.14 Energy Efficiency

~~7.14.2.1. Each new residential structure, excluding mobile homes and manufactured homes, shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET).~~

~~7.14.2.2. Each new residential structure, excluding mobile homes and manufactured homes, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieve some equivalent energy performance. Structures constructed according to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code are exempt from this requirement.~~

7.14.2.1. Each new residential structure, excluding mobile homes and manufactured homes and structures constructed according to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieves some equivalent energy performance. Structures required to achieve this rating shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET).

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Renumber the remaining sections of 7.14

7.17 Terrain Management

7.17.5.2.7. ~~Pursuant to Santa Fe County Ordinance No. 2008-10, e~~ Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of ~~5025'~~ must be provided from all arroyos ~~not mapped as SFHA~~ with flow rates ~~in excess of 25 of 100~~ cubic feet per second (~~25100~~ cfs) ~~generated from a storm of 100 year recurrence, 24 hour duration~~; or (b) a minimum setback of 75' must be provided from all FEMA designated 100 year Floodplains unstudied SFHA.

7.18 Flood Prevention and Flood Control

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective ~~June 17, 2008~~ December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be supplemented by subsequently conducted studies designated and approved as set forth herein. The Floodplain Administrator shall keep a copy of the FIS, FIRMs and/or FBFMs on file and available for public inspection during normal business hours.

7.18 Flood Prevention and Flood Control

7.18.14. Variances. The Floodplain Administrator may recommend to the Hearing Officer and the Planning Commission a variance from the requirements of this section in accordance with this subsection.

7.18.14.1. A variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. ~~Moreover, pursuant to Santa Fe County Ordinance No. 2008-10, n~~No variance shall be issued based on floodproofing until the Applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation, and meet current FEMA criteria for floodproofing.

7.22 Financial Guaranty

7.22.8.3. Upon receipt of the application, the Administrator shall inspect the required improvements, both those completed and those uncompleted. If the Administrator determines from the inspection that the required improvements shown on the application have been completed as provided herein, that portion of the collateral supporting the commitment guaranty shall be released. The release shall be made in writing signed by the Administrator and the County Attorney. The amount to be released shall be the total amount of the collateral:

7.25 Special Protection Of Riparian Areas.

7.25.2. Relation to Flood Prevention and Flood Control.

This Section and Section 7.18 of the SLDC (“Flood Prevention and Flood Control”) are related.

7.25.3. Beneficial Use Determination.

A person aggrieved at restrictions applicable to property pursuant to this Section may apply for a beneficial use determination pursuant to Section 14.9.8 of the SLDC.

7.25.42. Riparian Corridors. Riparian corridors are established as described in Table 7-22 and the Official Map. See also Figure 7.7. Distances specified shall be measured as the horizontal, linear distance from the stream bank. There shall be three zones of stream corridors, having the dimensions shown in Table 7-22. Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as floodways and described in Section 7.18.13 of the SLDC shall be designated as the “Stream Side Zone.” Areas designated as Special Flood Hazard Zones under Section 7.18 of the SLDC and are also designated as Areas of Shallow Flooding (AO/AH Zones) under Section 7.18.12 of the SLDC shall be designated and correspond to the “Managed Use Zone.” Construction adjoining riparian areas that are also designated as Special Flood Hazard Zones under Section 7.18 of the SLDC, shall be set back as provided in Section 7.17.5.2.7 of the SLDC and shall be designated and correspond to the “Upland Zone.”

7.25.4. Dimensional Regulations. In lieu of the dimensional regulations generally applicable to the zoning district, the standards in Table 7-24 may apply.

Table 7-24—Dimensional Regulations in Riparian Buffers

(A) Dimensional Requirement	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Floor-area ratio	0.01	0.019	Same underlying zoning district
Impervious surface ratio (unsewered areas)	0.06	0.12	0.12
Impervious surface ratio (sewered areas)	0.10	0.20	0.20
Disturbed area ratio	0.20	0.40	0.40

Renumber the remaining of section 7.25

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Chapter 8

Table 8-1: Base Zoning Districts.

Residential:	
A/R	Agriculture/ranching
RUR	Rural
RUR-F	Rural Fringe
RUR-R	Rural Residential
RES-F	Residential Fringe
RES-E	Residential Estate
RES-C	Residential Community
TC	Traditional Community
Non-Residential:	
CG	Commercial General
CN	Commercial Neighborhood
I	Industrial
P/I	Public/Institutional
Mixed Use:	
MU	Mixed Use

Table 8-4: Use Matrix Labels.

P	Permitted Use: The letter “P” 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.
A	Accessory Use: The letter “A” 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.
C	Conditional Use: The letter “C” indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
<u>DCI</u>	<u>Development Of Countywide Impact:</u> The letters “DCI” indicate that the listed use is permitted within the zoning district only after review and approval as a <u>Development Of Countywide Impact.</u>
X	Prohibited Use: The letter “X” indicates that the use is not permitted within the district.

Lot coverage – remove for all residential districts as setback apply.

2. Buildings over 25,000 square feet or less shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade of shall be 50 feet.

3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform façade appearance.

8.7.2

Table 8-1314: Dimensional Standards – CG-CN (Commercial **General Neighborhood).**

CN Zoning District	CN
Density	n/a
Frontage (minimum, feet)	30 50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80
Maximum building size (individual buildings, sq. ft aggregate)	50,000*
Maximum size of individual establishments (sq. ft.)	1015 1000 **

*Building size may be increased up to 100,000 square feet with the issuance of a conditional use permit.

Establishment size may be increased up to ~~230~~200**,000 square feet with the issuance of a conditional use permit.

8.7.2.5 Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet or less shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade of shall be 50 feet.

3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform façade appearance.

Renumber subsequent tables and sections in chapter 8

8.7.2.3 Industrial (I).

8.7.2.3.1. Purpose. The Industrial (I) district accommodates areas of heavy and concentrated fabrication, manufacturing, access to transportation, and the availability of public services and facilities. These districts provide an environment for industry that is unencumbered by nearby residential or commercial development. Industrial districts must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses.

8.7.2.3.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the I district.

8.7.2.3.3. Dimensional Standards. The dimensional standards within the I district are outlined in Table 8-14.

8.7.2.3.4. Review/approval procedures. All I developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A master site plan must be approved ~~in accordance with procedures outlined in Chapter 4.~~

Table 8-14 15: Dimensional Standards – I (Industrial).

Zoning District	I
Density (maximum, dwelling units/acre)	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	50
Lot coverage (maximum, percent)	70%
Maximum building size (individual)	50,000*
Maximum building size (aggregate)	100,000*

~~*Building size may be increased up to 100,000/200,000 with the issuance of a conditional use permit.~~

8.9. MIXED USE ZONING DISTRICT (MU).

8.9.1. Purpose. The Mixed Use (MU) district provides for areas of compact development with primarily residential and some commercial uses. The MU district provides a full range of housing choices and promotes a sense of community, vitality, and adequate facilities and services. The purpose of the MU designation is to accommodate compact communities, which typically have public gathering places or community facilities with a mix of associated land use such as residential and neighborhood-scale retail, small businesses, and local commercial uses. Community facilities may include schools, post offices, community centers, and recreational facilities, multi-modal

transportation facilities that promote bicycling, equestrian activities, park and ride, and transit.

8.9.2. Applicability. The MU district requires residential uses and allows commercial, retail, recreational, community and employment uses. A variety of housing types are allowed in this district, including duplexes, multi-family and single family. A housing density bonus is given (as shown in Table 8-17) if at least 10% of the developed square footage within the MU district is allocated to commercial/retail use intended to serve the local community.

8.9.3. Location. SDA-1 areas with adequate public facilities and services.

8.9.4. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the MU district.

8.9.5. Dimensional Standards. The dimensional standards within the MU district are outlined in Table 8-17.

Table 8-17: Dimensional Standards – MU (Mixed Use).

MU Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
Frontage (minimum, feet)	50	50
Lot width (minimum, feet)	50	50
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a**
Maximum building size (aggregate)	n/a	n/a**

~~* No interior side setbacks are required in the MU district, except when residential uses abut non-residential uses, in which case the minimum side setback shall be 25 feet. If a commercial use in an MU district abuts a residential zone adjacent to the MU district, then the setback shall be equal to that of the adjacent residential zone.~~

~~**The gross floor area of any single commercial establishment may not exceed 10,000 square feet.~~

8.9.6. Design requirements.

8.9.6.6. Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.

2. Buildings over 25,000 square feet or less shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and

horizontal direction. The maximum uninterrupted length of any façade of shall be 50 feet.

3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform façade appearance.

8.10 Planned Development Zoning Districts

8.10.2.2. Application. Every application for creation of a PD zoning shall be accompanied by a master site plan, a rezoning request if applicable and any concurrent preliminary subdivision plat, where applicable.

8.10.9. Planned District Santa Fe Community College District (Ordinance 2000-12).

8.10.10. Planned District Media District (Ordinance 2007-10)

8.11 Overlay Zones

8.11.2. Rural Commercial Overlay (O-RC).

8.11.2.1. Intent. The Rural Commercial Overlay zone (O-RC) accommodates the development of agriculture business, commercial, service-related, and limited industrial activities that have adequate facilities and would not cause a detriment to any abutting rural residential lands. This zone is appropriate for areas where such development should logically locate because of established land use patterns, planned or existing public facilities, and appropriate transportation system capacity and access. Although this zone allows a mixture of land uses, there are controls intended to minimize or buffer any nuisances caused by such land uses.

8.11.2.2. Location. The Rural Commercial Overlay is appropriate for use in the A/R, RUR, RUR-F, RUR-R, RES-F, RES-E, RES-C, and TC districts.

8.11.2.3. Permitted Uses. In addition to those uses allowed by the underlying zoning, the following uses are allowed in the Rural Commercial Overlay upon the issuance of a development permit:

1. Agriculture production, storage and food processing facilities, Bbusiness, service, and commercial establishments, provided the maximum floor area for each establishment shall not exceed five thousand (5,000) square feet;

8.11.2.4. Conditional Uses. The following uses may be allowed in the Rural Commercial Overlay upon the issuance of a conditional use permit:

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1. Agriculture production, storage and food processing facilities, business, service, and commercial establishments provided the maximum floor area for each establishment shall not exceed fifteen thousand (15,000) square feet;

Chapter 9

9.3 Effect of SLDC On Existing Community Districts

9.3.1. Los Cerrillos Community District (Ordinance 2000-8, amended by Ordinance 2006-11).

9.3.2. ~~Santa Fe Community College District (Ordinance 2000-12).~~

9.3.3. ~~2.~~ Tesuque Community District (Ordinance 2000-13).

9.3.4. ~~3.~~ Madrid Community Planning District (Ordinance 2002-1).

9.3.5. ~~4.~~ San Pedro Community District (Ordinance 2002-2).

9.3.6. ~~5.~~ La Cienega and La Cieneguilla Community Planning District (Ordinance 2002-9).

9.3.7. ~~6.~~ El Valle de Arroyo Seco Highway Corridor District (Ordinance 2003-7).

9.3.8. ~~7.~~ U.S. 85 South Highway Corridor District (Ordinance 2005-08).

9.3.9. ~~8.~~ Tres Arroyos Del Poinente District (Ordinance 2006-10 and Ordinance EZA 2007-01).

9.3.10. ~~9.~~ Village of Agua Fria Planning District (Ordinance 2007-2).

9.3.11. ~~10.~~ Pojoaque Valley Community District (Ordinance 2008-5).

9.3.11. San Marco Community Plan (Resolution No. 2003-83)

9.3.12. Galisteo Community Plan (Resolution No. 2012-36)

9.3.13. Chimayo Community Plan (Resolution Pending)

Chapter 10

10.4. ACCESSORY DWELLING UNITS.

10.4.1. Purpose and Findings. 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. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a

manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This section applies to any accessory dwelling unit located in a building whether or not attached to the principal dwelling. Accessory dwelling units must be clearly incidental and subordinate to the use of the principal dwelling. Accessory dwelling units are permissible only: (a) where permitted by the Use Matrix; and (b) where constructed and maintained in compliance with this §10.4.

~~10.4.2.1. Occupancy.~~

- ~~1. Only immediate family members may occupy the principal dwelling unit and the accessory dwelling unit.~~
- ~~2. The property owner shall execute an affidavit that the accessory dwelling unit is accessory to the principal dwelling unit and that the owner will at all times comply with the provisions of this § 10.4. This affidavit shall be recorded with the County Clerk.~~

10.4.2.2. Number Permitted. Only one accessory dwelling unit shall be permitted per legal lot of record.

10.4.2.3. Size. 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.

10.4.2.4. Building and Site Design.

1. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling.
2. An accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.
3. 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.
- ~~4. A manufactured home shall not be considered to be an accessory dwelling.~~

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10.6 Home Occupations

10.6.2. Permit Required. Home occupations require a permit as specified in Table 10-1. A permit will not be issued for a home occupation where:

10.6.2.4. Roofing or towing business, construction yard, ~~heavy equipment storage~~, port-a-potty leasing, vehicle leasing, crematories, auto paint and body shop or ~~any heavy industrial use or uses involving heavy equipment/vehicles~~.

Table 10-1: Home Occupation Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	5
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
<u>Heavy Equipment</u>	<u>None</u>	<u>Up to 2</u>	<u>3-6</u>

10.6.5.2. Traffic. The maximum number of vehicles that are associated with the business and located on the subject property shall not exceed six at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. No more than ~~one-two~~ pieces of heavy equipment/~~vehicle~~ may be located on the property at any time for a low impact home occupation. A Conditional Use Permit is required for any more than two pieces of heavy equipment for a Medium Impact Home Occupation.

Chapter 11

11.2. DESIGNATION. On account of their potential impact on the County as a whole, the following activities are deemed DCIs subject to the requirements of this chapter:

11.2.1. oil and gas drilling and production;

11.2.2. mining and resource extraction;

11.2.3. substantial land alteration;

11.2.4. landfills;

11.2.5. junkyards; ~~and~~

11.2.6. large-scale feedlots and factory farms; ~~and~~

11.2.7 sand and gravel extraction over twenty (20) acres.

11.3 Regulation

11.3.2. Mining and Resource Extraction. Reserved (*but see* Section ~~4~~-1.7. and Chapter 10, generally and County Ordinance 1996-10, Article III, Section 5 “Mineral Exploration and Extraction”).

Chapter 12

12.2 Adequate Public facilities Regulations (APFRs)

12.2.3.6. In order to avoid denial, deferral or conditional approval of an application, an applicant for a discretionary development approval may propose to construct, advance or otherwise secure funding for the public facilities and services necessary to provide capacity to accommodate the proposed development at the time of discretionary development approval, incorporating legislative requirements in the SLDC that pre-date the submittal of the application including, but not limited to, the provision of adequate public facilities and services. The terms of the construction or advancement of public facilities and services may be incorporated into a voluntary development agreement consistent with Section 12.4 of the SLDC.

Table 12-1: Adopted Levels of Service (LOS).

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
Emergency Response	Fire Vehicles and <u>Facilities</u>	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
Water Supply and Liquid Waste	Water	0.25 acre ft/year (residential)*	per residence
		0.27 acre ft/year	per 10,000 sf nonresidential

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	Sewer	Capacity to treat the amount of wastewater created per §7.5.2.	county utility, local treatment facility, or project site
Parks, Trails and Open Space	Parks	1.25 acres/1,000 residents	countywide
	Trails	0.5 miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	8.5 <u>85</u> acres/1,000 residents	countywide

*Subject to reduction pursuant to Section 7.13.6.1.

12.4 Development Agreements.

12.4.1. When Required Used. This subsection provides guidelines for use of voluntary development agreements. A voluntary development agreement may be used for any applies to any application for discretionary development approval that requires an AFPA as set forth in Tables 4-1 and 6-1. Any applicant may request a development agreement for any development, even if not specified in tables 4-1 and 6-1. even if not required.

12.4.6.2. A development agreement may be used to document agreement concerning the advancement of public facilities and services that incorporates the pre-existing requirements and standards set forth in the SLDC. Such a provision in a development shall set forth obligations of the applicant that are roughly proportional to the need for facilities and services determined to exist, based on the SRAs and the application of submittal data to the levels of service and other factors set forth in the SLDC.

Chapter 14

14.8.2. Development Permits. A development permit is a written document that authorizes development in accordance with the SLDC. A development permit may require inspections and a certificate of completion, and may authorize multiple forms of development or may authorize a single development activity. A development permit may include conditions which shall apply to the development. A site development plan is required for any non-residential use or multifamily use requesting a development permit. A development permit shall be required for any of the following activities:

Appendix A

Recreational Vehicle: a vehicle with a camping body that has its own mode of power, is affixed to or is drawn by another vehicle, and includes motor homes, travel trailers and truck campers and is designed for recreational, camping, travel or seasonal use, not as a permanent residential use.

Appendix B:

(Insert before the use matrix)

Use Matrix. Uses permitted in each zoning districts are shown in the Use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, or prohibited 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 provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

<u>P</u>	<u>Permitted Use: The letter "P" 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.</u>
<u>A</u>	<u>Accessory Use: The letter "A" 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.</u>
<u>C</u>	<u>Conditional Use: The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.</u>
<u>DCI</u>	<u>Development Of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.</u>
<u>X</u>	<u>Prohibited Use: The letter "X" indicates that the use is not permitted within the district.</u>

Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if: The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA). If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). The proposed use shall be considered materially similar if it falls within the same industry classification of the NAICS manual. The Use Matrix also includes Function, Activity and Structure Codes in accordance with the Land Based Classification System.

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EXHIBIT
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Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
		1110	P	P	P	P	P	P	P	P	P	P	X	X	A	P	
		1120	P	P	P	P	P	P	P	P	P	P	X	X	A	P	
		1121	P	P	P	C	C	C	C	C	P	P	X	X	A	P	
		1130	A	A	A	A	A	A	A	A	PA	A	A	A	A	P	Chapter 10
			P	P	P	P	P	P	P	P	P	P	P	X	A	P	
		1202-99	C	C	C	C	C	C	C	C	P	P	C	X	A	P	
		1210	P	P	P	P	P	P	P	P	P	P	X	X	P	P	
		1230	P	P	P	C	C	C	C	C	P	P	P	X	P	P	
		1240	P	P	P	C	C	C	C	C	P	P	P	X	P	P	
		1250	P	P	P	C	C	C	C	C	P	P	P	X	P	P	
			P	P	P	C	C	C	C	C	P	P	P	X	P	P	
		1310	A	A	A	X	X	X	X	X	X	A	A	A	P	P	
		1320	A	A	A	X	X	X	X	X	C	A	A	X	P	P	
		1340	A	A	A	X	X	X	X	X	C	C	A	X	P	P	Chapter 10
		1350	P	P	P	A	A	A	A	A	C	A	P	P	P	P	
		1310	P	P	P	C	C	C	C	P	P	C	C	X	X	P	Chapter 10
		1320	C	C	C	C	C	C	C	C	P	P	P	X	C	P	
			C	C	C	X	X	X	X	C	C	P	P	X	X	P	
		1330	C	C	C	X	X	X	X	X	X	P	P	X	X	P	
		2200	P	P	P	C	C	C	C	C	P	P	P	X	P	P	
		2210	X	X	X	X	X	X	X	X	C	X	C	C	X	P	
Trages		2220	X	X	X	X	X	X	X	C	P	C	P	X	X	P	
ermitted		2220	X	X	X	X	X	X	X	C	P	P	P	C	X	P	
		2230	X	X	X	X	X	X	X	C	P	P	P	C	X	P	
		2240	X	X	X	X	X	X	X	X	X	C	P	X	X	P	
	2124	2250	X	X	X	X	X	X	X	X	X	C	P	C	X	P	
		2260	A	A	A	X	X	X	X	C	P	P	P	C	X	P	
		2270	C	C	C	X	X	X	X	C	C	C	P	P	X	P	
		2280	C	C	C	X	X	X	X	C	P	P	P	P	X	P	
	2111		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
	2112		C	C	C	X	X	X	X	X	X	X	P	P	X	P	
	2113		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
	2114		C	C	C	X	X	X	X	X	X	X	P	P	X	P	

	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
		6250		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
elines		6260		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
		6270		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
		6280		C	C	C	C	C	C	C	C	X	C	C	C	P	P	
irrigation or acequia system irrigation		6290		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
ns, and collection lines		6310		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
	4345	6320		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
		6330		C	C	C	X	X	X	X	C	X	X	X	C	X	X	
	4343		3210	C	C	C	C	C	C	C	C	X	C	C	P	X		
		4344		C	C	C	X	X	X	X	X	X	X	X	X	X	C	
		4346		X	X	X	X	X	X	X	C	C	C	P	P	X	P	
				C	C	C	X	X	X	X	C	X	C	C	P	X	P	
		6340		C	C	X	X	X	X	X	X	X	X	X	C	X	P	
				C	C	X	X	X	X	X	X	X	X	X	C	X	P	
		6350		C	C	C	C	C	C	C	C	X	C	C	C	C	P	
		6400		C	C	X	X	X	X	X	X	X	X	X	C	DCI	P	
		6500		P	P	C	C	C	C	C	C	A	C	C	C	C	P	
		6510		P	P	C	X	X	X	X	C	A	C	C	P	P	P	
		6520		P	P	P	C	X	X	X	C	A	P	P	P	P	P	
		6600		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
				C	C	C	X	X	X	X	C	C	C	C	P	X	P	
		6450		C	C	C	X	X	X	X	X	X	C	C	P	C	P	
				C	C	C	C	X	X	X	X	X	C	C	P	X	C	Sec. 10.16
	4230			P	P	P	X	X	X	X	c	X	P	P	P	C	P	
		6930		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
		6950		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		6960		X	X	X	X	X	X	X	C	P	C	C	X	P	P	
ce																		
cultural products		8100		P	P	P	A	A	A	A	P	X	A	A	P	C	P	
		9300		C	C	C	X	X	X	X	X	X	X	X	X	X	X	
		8200		P	P	C	X	X	X	X	C	X	X	X	X	X	X	
		8500		P	P	P	C	AC	AC	AC	C	P	P	P	P	P	P	
				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
se and commercial up to 5 horses.		8240		P	P	P	P	P	EP	EP	EP	EP	EP	P	P	P	P	
ver 5 horses				P	P	P	C	C	C	C	C	C	C	C	C	C	C	
		8700		P	P	P	C	C	X	X	C	C	C	P	P	P	P	
		8700		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		9100		P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Submitted November 19th, 2013 on behalf of the United Communities of Santa Fe County, the Turquoise Trail Preservation Trust and numerous groups from the communities of San Pedro, Cerrillos, San Marcos and Galisteo.

Re: Alternative to 10.19. SAND AND GRAVEL EXTRACTION, in the SLDC.

General Concept: Use Article XI ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS from the existing 1996 Land Development Code as an interim Sand and Gravel Ordinance until the Adoption of DCIs.

After the last study session several commissioners asked if the public group we represent might seek an alternative to Section 10.19. Sand and Gravel. Hence, we wish to present an alternative placeholder to be added to the Draft Code until the Developments of Countywide Impact are written and approved. We suggest that Article XI of the current 1996 Land Development Code on "Zoning for Extraction of Construction Materials" remain in effect until the Sand and Gravel Mining portion of the DCI section is written and adopted as directed by the Sustainable Growth Management Plan.

We believe that our proposed transitional provision, retaining Article XI, is a better than what is currently written in section 10.19 of the Draft Code. It will be relatively easy to accomplish as it is already in effect. It is not controversial for the mining industry. It applies to mines of any size thus postponing the issue of intensity of impacts vs. size, which should be dealt with in the writing of the DCI section. We offer this compromise to allow for the Draft Code to be adopted without delay.

We respectfully ask our Commissioners to support our efforts and direct staff to:

- 1) Delete Sand and Gravel from Chapter 10, Section 10.19 in the draft code.
- 2) Recognize Article XI as the temporary ordinance on Sand and Gravel.
- 3) Update the references of Article XI to apply to this SLDC rather than the 1996 Land Development Code.
- 4) Add a sunset provision to Article XI that it cease to exist concurrent with the adoption of the Sand and Gravel portion of the DCIs,
- 5) Include Article XI to section 1.7 ENACTMENT AND REPEALS of the Draft Code excepting Article XI to include the sunset provision.
- 6) List Sand and Gravel in the SLDC as a DCI under 11.2. DESIGNATION while referencing the retaining of Article XI with the sunset provision.
- 7) Adopt each section of the DCI as it is written and start with the Mining section to include Sand and Gravel.

We, as a united public interest group, believe this to be the simplest compromise, while upholding the directives put forth by the Sustainable Growth Management Plan (SGMP). All of us have put an immense amount of effort forth in the writing and adoption of this very important document.

Respectfully submitted by,
United Communities of Santa Fe County
Karen Yank, TTPA
Roger Taylor, Galisteo Community Assoc.
Ross Lockridge, Rural Conservation Alliance
Ann Murray, Las Candelas do Los Cerrillos
Jilea Lee and Bill Baker, San Pedro Assoc.
Walter Wait, San Marcos Assoc

TECHNICAL ASSISTANCE REPORT

Santa Fe County
Wildlife Habitat GIS Modeling:
Workshop and Conservation Priorities

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Submitted to:
Santa Fe County



December 2009

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EXECUTIVE SUMMARY

Santa Fe County is in the process of identifying wildlife focal species and existing databases related to wildlife habitat. Our objectives were to assist Santa Fe County to:

1. Identify species
2. Model habitat for those species
3. Use habitat models to identify conservation priorities.

Habitat modeling has become a popular method to identify areas for conservation consideration for both single species and suites of species. The growth of geographic information systems (GIS) throughout natural resources, county, and city planning agencies has furthered the need of including habitat into future development strategies. The Southwest Regional Gap Analysis Project (SWReGAP) was a multi-state conservation assessment and provides baseline datasets for further local and regional assessments.

There are many ways to identify conservation priorities. Priorities can be set by legal obligations, ecological reasons, or cultural values. Legal obligations are associated with city, county, state or federal mandates. Ecological reasons often take into account legal obligations, but also include species richness, threats that are affecting habitat where species occur, and combinations of ecological data to identify rare or sensitive habitats or species. Conservation priorities can also be identified through identification of key habitats.

Santa Fe County is in the process of identifying wildlife focal species and existing databases related to wildlife habitat. Our objectives were to assist Santa Fe County in providing a workshop to begin to identify species, model habitat for those species, and use the habitat models to identify conservation priorities. There are three areas of interest within this effort.

Identify Species: Santa Fe County started this process by identifying focal species. Multiple methods are available for determining focal species and determination of the appropriate method is dependent on the purpose and intent of identifying the list. The 20 species identified by Santa Fe County, with the help of Wildlife Habitat of New Mexico, were reviewed and the SWReGAP models modified based on specific information for the watershed and Santa Fe County. A notebook was created to facilitate the workshop and to provide participants with documentation on habitat modeling background and how to create models. For the revisions and to facilitate the workshop, we used ArcGIS ModelBuilder to create habitat models. To facilitate the initial review of land cover types for the workshop, the SWReGAP land cover map was joined to a table listing the associations of each of the focal species to each land cover type. After completion of the workshop, we created individual habitat models using ArcGIS ModelBuilder.

Habitat Models: Modifications to all 20 habitat models varied depending on the species. Modifications were based on knowledge of the species and of the county. Habitat models identify areas of potential species occurrence in so far as suitable habitat is identified at particular site. No new information was available to change seven of the species models. Other model changes ranged from removal of range limitations to additions of land cover types.

These habitat models are coarse scale models to be used at the watershed or county level or larger. Much of the underlying data is 30-m resolution and thus fine scaled application is problematic. All habitat models should be considered hypothesis with iterations creating more accurate representations. As additional knowledge is gained in the form of species occurrence points, wildlife habitat relationship associations, and environmental variables, models should be rerun accordingly.

Conservation Priorities: There are many ways to use habitat models to identify conservation priorities. Priorities can be set by legal obligations, ecological reasons, or cultural values. Legal obligations are associated with city, county, state or federal mandates. Ecological reasons often take into account legal obligations, but also include species richness, threats affecting habitat where species occur, and combinations of ecological data to identify rare or sensitive habitats or species. Conservation priorities can also be identified through key habitats or habitats that are considered vulnerable or important to state conservation goals.

We have provided five models to identify conservation priorities. All five spatial models are coarse scale models to be used at the watershed or county level or larger. The use of these datasets can provide insight into the corridors necessary to maintain wildlife habitat connectivity. Key habitats provide context to the spatial placement of these habitats. The key areas for conservation dataset identified focal areas for use in planning and provides ecological context to Santa Fe County. Species richness identifies predicted suitable habitat by species number and is often used in conservation or biodiversity assessments. The focal species richness by key habitat dataset combines the focal species predicted habitat of interest identify by Santa Fe County and interested groups and the key habitat identified by New Mexico Department of Game and Fish.

The emphasis has been on selecting conservation priorities based on key habitats and focal species richness. Key habitats identified by NMDGF (2006) for the entire state that also occur within Santa Fe County are:

- Western Great Plains Shortgrass Prairie
- Rocky Mountain Montane Dry-Mesic Mixed Conifer Forest and Woodland
- Rocky Mountain Montane Mesic Mixed Conifer Forest and Woodland
- A grouping of all riparian ecological systems.

We provided two models of species richness within Santa Fe County. First, we used a Species of Greatest Conservation Need (SGCN) list to provide statewide context to Santa Fe County. Our second richness model used the 20 revised habitat models from this project to identify key habitat for these focal species. The focal species richness dataset identifies the habitats having between 9 and 16 focal species.

All of these models identified the riparian communities within the county, and to different extents the grasslands in the southern part of the county and several forest communities. These wildlife habitats are of high importance to these species and identifying these areas are critical to Santa Fe County growth management planning due to their proximity to primary and secondary growth areas and other environmentally sensitive zones. By identifying the wildlife habitats, the

County can overlay them with current development trends and future growth potential assisting in establishing conservation priorities.

Based on these preliminary analyses, we provide recommendations on next steps. These include:

- 1) Further use of the SGCN species richness model, focal species richness model and the focal species richness and key habitat model combination;
- 2) Further analysis of these datasets in comparison analysis and additional analyses such as a county wide gap analysis;
- 3) Further work on deductive models to include variable weighting and expert review to include population dynamics if available data exists;
- 4) Collection of additional data to assess models and to initiate inductive models;
- 5) Further work on focal species richness and focal species richness by habitat model and further collection of species occurrence records.

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INTRODUCTION

Habitat modeling

Habitat modeling has become a popular method to identify areas for conservation consideration for single and multiple species. The popularity of these methods has increased with the availability of new software programs that are capable of manipulating the vast array of datasets available for most areas of the United States. Modeling can become a cost-effective tool to identify areas that should be surveyed for species presence. Once suitable habitat is identified, then monitoring of species abundances and population trends can be conducted to provide insight into the impacts of development on these habitats and the species that inhabit them.

The growth of geographic information systems (GIS) throughout natural resources, county, and city planning agencies has furthered the need and necessity of including habitat into future development strategies. Identification of key habitats can assist planners in locating new developments, ensure open space with connectivity, and provide ecosystem services to city and county inhabitants. Ecosystem services are services that the ecosystem provides to humans and can increase the value (financial, emotional, or physical) for occupants.

Types of modeling

There are several approaches available for the habitat modeler based on deductive and inductive logic, though both use environmental variables. Environmental variables are GIS datasets that portray some type of ecological, topographical, or management surface. Deductive habitat models use literature and expert knowledge to identify suitable combinations of environmental variables. The deductive model is a descriptive model based on the suitability or unsuitability of the individual attributes of each environmental variable. A weighted or ranked method can be employed by identifying certain habitats as having greater suitability or probability of occurrence.

Inductive habitat models use species occurrence records to drill through environmental variables. This process identifies associations through mathematical algorithms and species presence. Traditionally, there has been a need to identify both presence and absence of species for these algorithms to work such as in logistic regression. Recently, several algorithms (e.g. Maximum Entropy; Phillips et al. 2006, Phillips and Dudgeon 2008) have been created that use presence-only occurrence datasets for modeling. Santa Fe County wildlife modeling efforts and in general land suitability analysis have incorporated deductive modeling to create a baseline starting point. More detailed models with greater accuracy will incorporate field studies and the collection of species occurrence data

Southwest Regional Gap Analysis Project

The Southwest Regional Gap Analysis Project (SWReGAP) was a multi-state conservation assessment. The effort mapped land cover, terrestrial vertebrate species habitat, and land stewardship for the states of Arizona, Colorado, Nevada, New Mexico, and Utah (Prior-Magee et al. 2007). A gap analysis was then conducted by intersecting land stewardship with land cover and vertebrate species habitat to identify the relative protection of each element of biodiversity (land cover or terrestrial vertebrate habitat). This information identifies those land cover types or terrestrial vertebrates that lack long term protection.

Conservation Priorities

There are many ways to identify conservation priorities. Priorities can be set by legal obligations, ecological reasons, or cultural values. Often priorities are created using a combination of these.

Legal obligations are associated with city, county, state or federal mandates. These mandates may be associated with city planning and growth, habitat, single species, or multiple species. Habitat is often associated with individual species (i.e. critical habitat). From a species standpoint, these efforts focus largely on those species that are already identified as threatened or endangered. In some cases, species at risk or those species that are thought to be on the verge of being threatened or endangered are included.

Ecological reasons often take into account legal obligations, but also include species richness, threats that are affecting habitat where species occur, and combinations of ecological data to identify rare or sensitive habitats or species. Species richness identifies the number of species within a given area. This area can be a specific habitat, a land cover type, a hydrologic unit, county, or even a state. Richness has often been used as an indicator of biodiversity. Species richness can be used over a broad range of species or used in a more focal aspect with a select list of species. The use of richness is dependent on the questions and interests needed.

Conservation priorities can also be identified through identification of key habitats, or habitats identified as important for state conservation goals. The New Mexico Department of Game and Fish (NMDGF) identified key habitats within the entire state of New Mexico (NMDGF 2006). These key habitats can be the focus of conservation efforts and in the case of NMDGF, they can be surrogate areas where many species of greatest conservation need (SGCN) occur.

Additive or other mathematical models can be employed to select conservation priority areas. One such model was the Conservation Focal Areas model created by the New Mexico Department of Game and Fish (NMDGF 2006). This model identified areas that had high SGCN richness, high factors that affect habitats, were within key habitats, and had a biodiversity mandate.

Objectives

Santa Fe County is in the process of identifying wildlife focal species and existing databases related to wildlife habitat. The county is also determining how wildlife and habitat data can be integrated into its growth management strategies. The County, in cooperation with the New Mexico Department of Game and Fish and other conservation organizations, has proposed a list of focal species and GIS Data Selection Criteria for wildlife and habitat data so that it can be used by state, county and non-governmental organizations.

Our objectives were to assist Santa Fe County in providing a workshop to begin to identify species, model habitat for those species, and use the habitat models to identify conservation priorities. We focused on reviewing the draft focal species selection criteria and identifying available and appropriate GIS data for use within Santa Fe County. These efforts were then incorporated into a one-day GIS workshop for 32 GIS practitioners. The workshop provided necessary background to develop wildlife habitat models and maps showing key patches for the set of focal species in Santa Fe County based on SWReGAP data. The workshop also identified additional datasets to improve the accuracy of the habitat models for the focal species. The outcome of the GIS workshop are incorporated within this report and includes recommendations for setting conservation priorities for wildlife habitat and corridors along with

maps showing key patches for the focal species in the Santa Fe County based on SWReGAP data and a set of revised wildlife habitat maps showing revised key patches.

STUDY AREA

There are three areas of interest within this effort. These include Santa Fe County, the key watersheds within the Galisteo watershed, and Santa Fe County with a buffer using the 12-digit hydrologic units the county intersects. The original effort was focused on the Galisteo watershed, but it became clear that habitat models were appropriate for use at the large Santa Fe county scale and that to provide context for Santa Fe County, we needed to focus on areas around the county as well.

Table 1. Legend for Southwestern Regional Gap Analysis Project land cover dataset (Figure 1) in Santa Fe County, New Mexico

Legend

SWReGAP Land Cover

 Agriculture	 North American Warm Desert Active and Stabilized Dune
 Apacherian-Chihuahuan Mesquite Upland Scrub	 Open Water
 Apacherian-Chihuahuan Piedmont Semi-Desert Grassland and Steppe	 Recently Burned
 Chihuahuan Gypsophilous Grassland and Steppe	 Rocky Mountain Alpine-Montane Wet Meadow
 Chihuahuan Sandy Plains Semi-Desert Grassland	 Rocky Mountain Aspen Forest and Woodland
 Chihuahuan-Sonoran Desert Bottomland and Swale Grassland	 Rocky Mountain Cliff and Canyon
 Colorado Plateau Mixed Bedrock Canyon and Tableland	 Rocky Mountain Gambel Oak-Mixed Montane Shrubland
 Colorado Plateau Mixed Low Sagebrush Shrubland	 Rocky Mountain Lower Montane Riparian Woodland and Shrubland
 Developed, Medium - High Intensity	 Rocky Mountain Lower Montane-Foothill Shrubland
 Developed, Open Space - Low Intensity	 Rocky Mountain Montane Dry-Mesic Mixed Conifer Forest and Woodland
 Inter-Mountain Basins Active and Stabilized Dune	 Rocky Mountain Montane Mesic Mixed Conifer Forest and Woodland
 Inter-Mountain Basins Big Sagebrush Shrubland	 Rocky Mountain Ponderosa Pine Woodland
 Inter-Mountain Basins Greasewood Flat	 Rocky Mountain Subalpine Dry-Mesic Spruce-Fir Forest and Woodland
 Inter-Mountain Basins Mixed Salt Desert Scrub	 Rocky Mountain Subalpine Mesic Meadow
 Inter-Mountain Basins Montane Sagebrush Steppe	 Rocky Mountain Subalpine Mesic Spruce-Fir Forest and Woodland
 Inter-Mountain Basins Semi-Desert Grassland	 Rocky Mountain Subalpine-Montane Limber-Bristlecone Pine Woodland
 Inter-Mountain Basins Semi-Desert Shrub Steppe	 Rocky Mountain Subalpine-Montane Riparian Shrubland
 Inter-Mountain Basins Shale Badland	 Southern Rocky Mountain Juniper Woodland and Savanna
 Inter-Mountain West Aspen-Mixed Conifer Forest and Woodland Complex	 Southern Rocky Mountain Montane-Subalpine Grassland
 Madrean Juniper Savanna	 Southern Rocky Mountain Pinyon-Juniper Woodland
 Madrean Pine-Oak Forest and Woodland	 Western Great Plains Cliff and Outcrop
 Madrean Pinyon-Juniper Woodland	 Western Great Plains Foothill and Piedmont Grassland
 North American Arid West Emergent Marsh	 Western Great Plains Riparian Woodland and Shrubland
	 Western Great Plains Shortgrass Prairie

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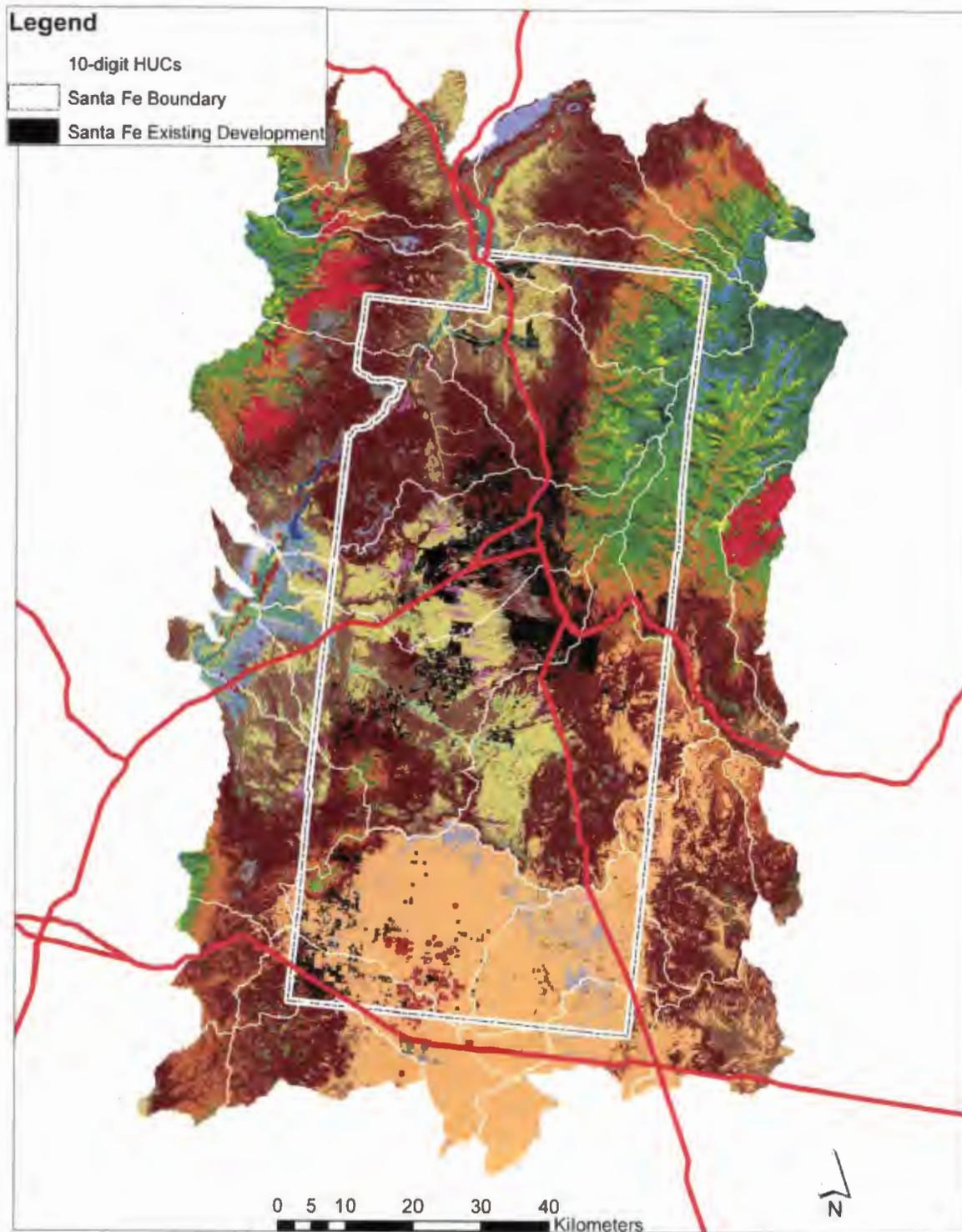


Figure 1. Map of study area including Galisteo Watershed, Santa Fe County, and buffered study area. The Southwest Regional Gap Analysis Project land cover dataset is presented as background for context.

SPS DATA RECORDED 8/15/2014

METHODS

Focal Species

Multiple methods are available for determining focal species and determination of the appropriate method is dependent on the purpose and intent of the project. Santa Fe County, with the help of Wildlife Habitat of New Mexico, used a rating method based on Vulnerability, Ecological Significance, and Cultural and Economic Importance. Thirty-eight Focal Species Workshop participants representing 15 different Federal, State, County, community organizations and Pueblos identified 51 species to be rated. Twenty-seven workshop participants provided ratings using a four-point scale where 1 = "Substantially above Average" and 4 = "Substantially below Average." The ratings were then weighted giving 25 percent each to Vulnerability and Ecological Significance. Fifty percent weight was given to Cultural and Economic Importance. The means of those weighted ratings were used to identify the 20 Focal Species for inclusion within this project (see Table 1).

Table 2. List of focal species and rating identified by 27 participants from the Focal Species Workshop (1=Substantially Above Average and 4 = Substantially Below Average).

<u>Common Name</u>	<u>Focal Species Mean Rating</u>
Golden Eagle	1.52*
Mexican Spotted Owl	1.61*
Peregrine Falcon	1.64*
Burrowing Owl	1.69*
American Beaver	1.71*
SW Willow Flycatcher	1.75*
Mountain Lion	1.78
Gunnison's Prairie Dog	1.83*
Black Bear	1.84*
Pronghorn	1.84
Northern Leopard Frog	1.87*
Northern Goshawk	1.97*
Roadrunner	1.97
Townsend's Bat	2.09
Pinyon Jay	2.10*
Bobcat	2.17
Yellow-billed Cuckoo	2.17*
Ferruginous Hawk	2.19*
Scaled Quail	2.25*
Osprey	2.27*

* New Mexico Species of Greatest Conservation Need (NMDGF 2006)

Habitat Models

Southwest Regional Gap Analysis Project

Deductive models were obtained from SWReGAP (Boykin et al. 2007a). These models were created at a regional scale for use at the state and regional level. Boykin et al. (2008) modified SWReGAP models for Clark County, Nevada to be used within the Clark County Multiple Species Habitat Conservation Plan. Our effort duplicated this effort for 20 species within Santa Fe County. SWReGAP data included species habitat model reports that identified background for each species and listed the environmental variables used within the SWReGAP model (See Appendix C for website linkages).

Revised Deductive Model

SWReGAP models for the 20 Santa Fe County Focal Species were reviewed and the models modified based on specific information for the County. These revisions included review of BISON-M, NatureServe, and other online datasets. Workshop participants provided insight into model parameters and their opinions were included when appropriate. Initial models were limited to binary (presence/absence) output for initial use in conservation planning. Weighted suitability models can then be created to be used in future corridor modeling using the approach of Beier et al. (2008).

Workshop

A notebook was created to facilitate the workshop and to provide participants with documentation on habitat modeling background and how to create models. This documentation is available on the enclosed DVD and the website (<http://fws-case-12.nmsu.edu/case/santafe/>).

For the revisions and to facilitate the workshop, we used ArcGIS ModelBuilder to create habitat models. This was a different process from the SWReGAP project because SWReGAP used a Microsoft Access 2000 Database linked to ArcGIS 9.1 and Erdas Imagine 8.7 (Boykin and Deitner 2007). The workshop environment did not provide machines that were equipped to work with all three software packages. The ModelBuilder approach posed some issues within the workshop demonstration, but the ease and portability of the models, made it more efficient given the different levels of GIS experience of the participants.

To facilitate the initial review of land cover types for the workshop, the SWReGAP land cover map was joined to a table listing the associations of each focal species to each land cover type. This allowed the participants to edit one table within ArcGIS to modify the land cover portion of the model.

Post Workshop

After completion of the workshop, we created individual habitat models using ArcGIS ModelBuilder (Figure 2). These are provided within the DVD. These models used the same concepts as those within the workshop, but were developed with greater consistency ensuring that all 20 focal species habitats were modeled. Land cover types that were not found within the study areas were removed from each model. Appendix B lists those land cover classes that were mapped within the larger study area.

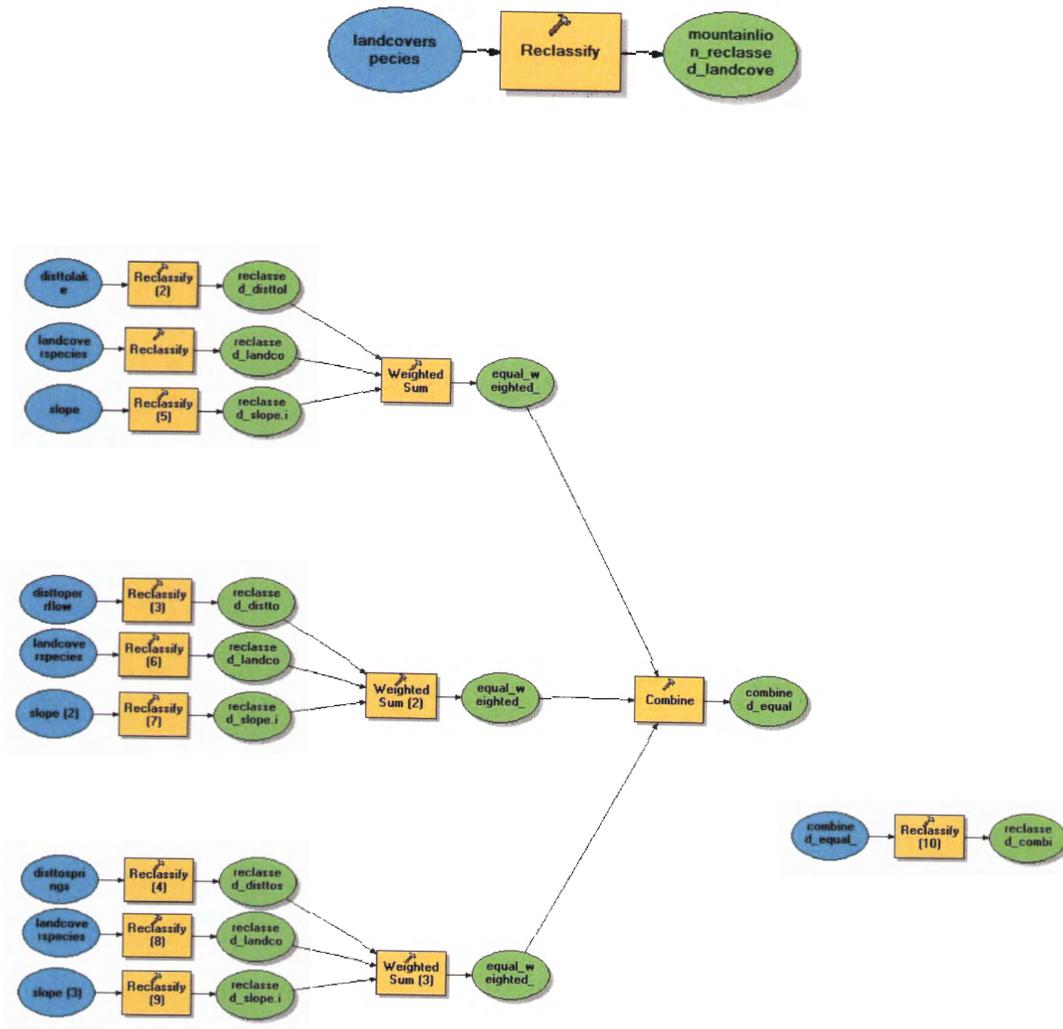


Figure 2. Example of ModelBuilder habitat models for mountain lion (top) and pronghorn (below).

PDF GENERATED BY THE GIS CENTER

Conservation Priorities

There are multiple methods to identify conservation priorities. We started with the broad perspective of key habitats and key areas of conservation created by the NMDGF (NMDGF 2006). We then focused at the county-level by first using original SWReGAP data and then modifying those focal species models previously described.

We used the key habitats identified within the NM CWCS (2006) to identify those key habitats that the NMDGF is primarily concerned with. The key habitats have a number of species of greatest conservation need association with them and this dataset provides a more broad perspective on key habitat. This dataset is a statewide dataset and must be considered within that context.

We used the key areas for conservation identified within the NM CWCS (2008). This model identifies those areas that have high numbers of species of greatest conservation need, are within key habitats, have a high magnitude scores of factors that affect habitat, and are within areas the have management potential for conservation actions. This dataset is also a statewide dataset and must be considered within that context.

At first we used the original SWReGAP richness dataset for all 817 species to provide the overall context of the number of species in Santa Fe County. This was based on those terrestrial vertebrate species that were modeled within the SWReGAP project (Boykin et al. 2007a). However, we then modified this approach to focus on the Species of Greatest Conservation Need (SGCN) identified by the NMDGF. This dataset limits the number of species to those that have been previously identified as conservation species.

Our next conservation priority model used the 20 revised habitat models from this project to identify key habitat for the combined species. This provides a subset for County use focused specifically at the species identified within this project.

We merged the 20 species focal habitat dataset with the key habitats dataset to identify those areas that had high numbers of focal species and were within key habitats as identified by the NMDGF. We identified those areas with 1-4 species as having low richness, areas with 5-8 as having moderate richness, and areas with 9-16 species as having high richness. We defined high richness based on areas with >50% of the possible species occurring within the area. The richness dataset had a high of 16 species identified within one pixel. We then combined the key habitats with the categorization of richness to identify 7 classes including low richness – not a key habitat, moderate richness – not a key habitat, high richness – not a key habitat, low richness – key habitat, moderate richness – key habitat and high richness – key habitat.

RESULTS AND DISCUSSION

Habitat Models

We modified 13 of the 20 habitat models for use at the county scale. Seven of the species' models needed no modification. Models that were modified included adding or subtracting land cover types or modifying the elevation range to be more specific to Santa Fe County. Revisions for each of the species models are provided below. Species are presented in order of focal species ranking.

Modifications were based on knowledge of the species and of the county. However, not all modifications were based on established documented knowledge or direct sources were not available for some of the changes employed. Personal observation can be an important aspect to model modification, though caution must be engaged when using these modifications. These suggestions do provide specific research and monitoring directions for the species.

Habitat models identify areas of potential species occurrence in so far as suitable habitat is identified at particular site. Care must be taken in exact placement of the monitoring sites based on the habitat models because of the coarseness of the input datasets and any error as associated with those datasets.

Golden Eagle

We did make a few changes to the golden eagle model (Figure 3). These changes included removing forested areas (S023-S036) as these areas are avoided by the species (Kochert et al. 2002). This species model was not revised during the workshop.

Golden Eagle

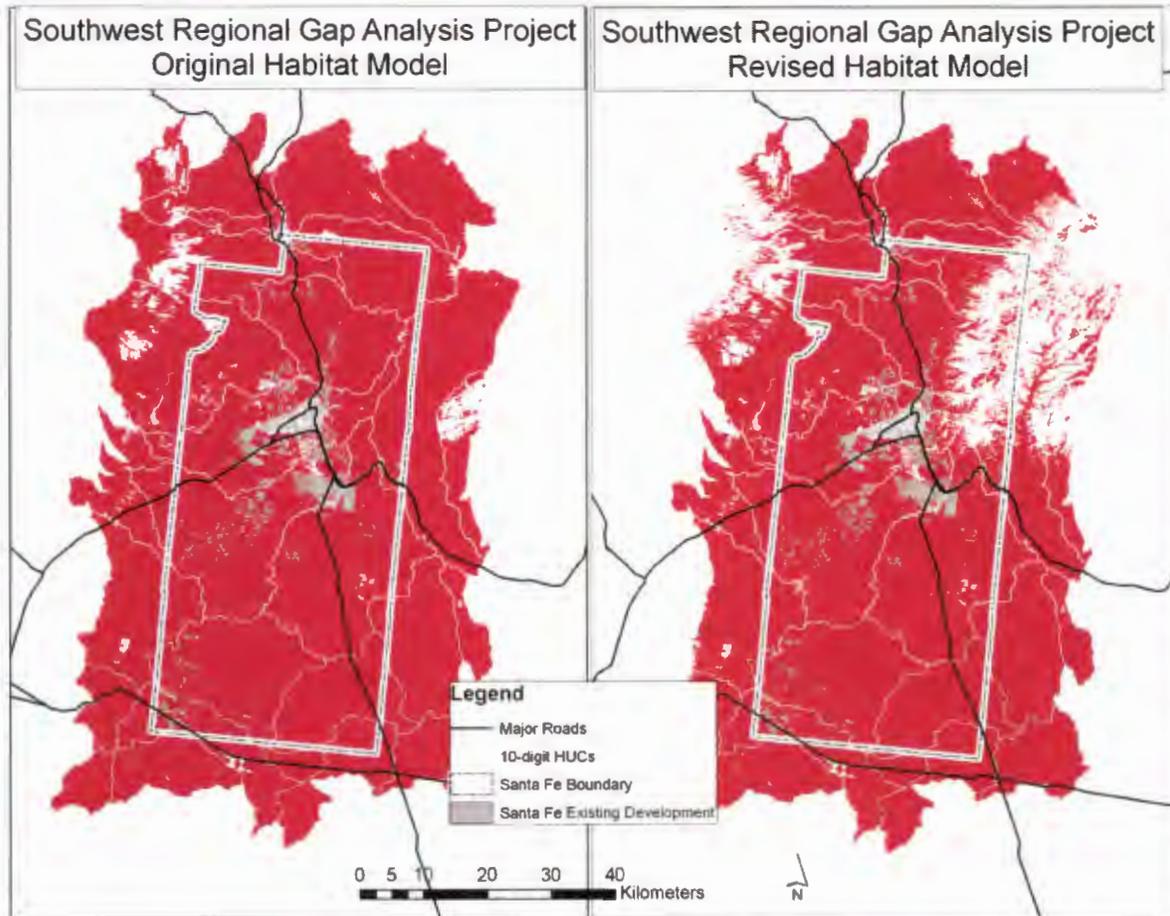
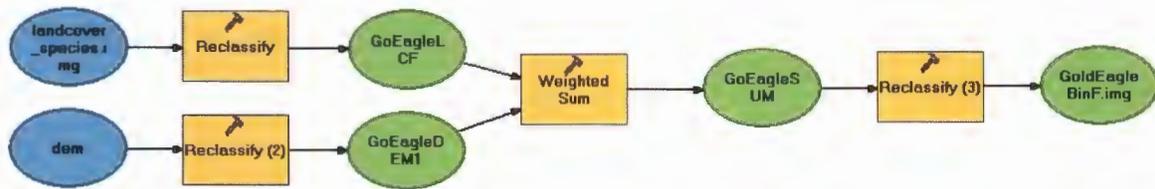


Figure 3. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Golden Eagle in Santa Fe County.

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Mexican Spotted Owl

We tried several modifications for the Mexican spotted owl, but ultimately used the original SWReGAP model (Figure 4). We initially tried to incorporate a canopy cover layer (<http://www.landfire.gov/>) with preference of greater than 15% (NatureServe). However, we found this dataset to be too restrictive in the model and left the model as provided by SWReGAP, with the exception that the range restriction from SWReGAP was removed.

Mexican Spotted Owl

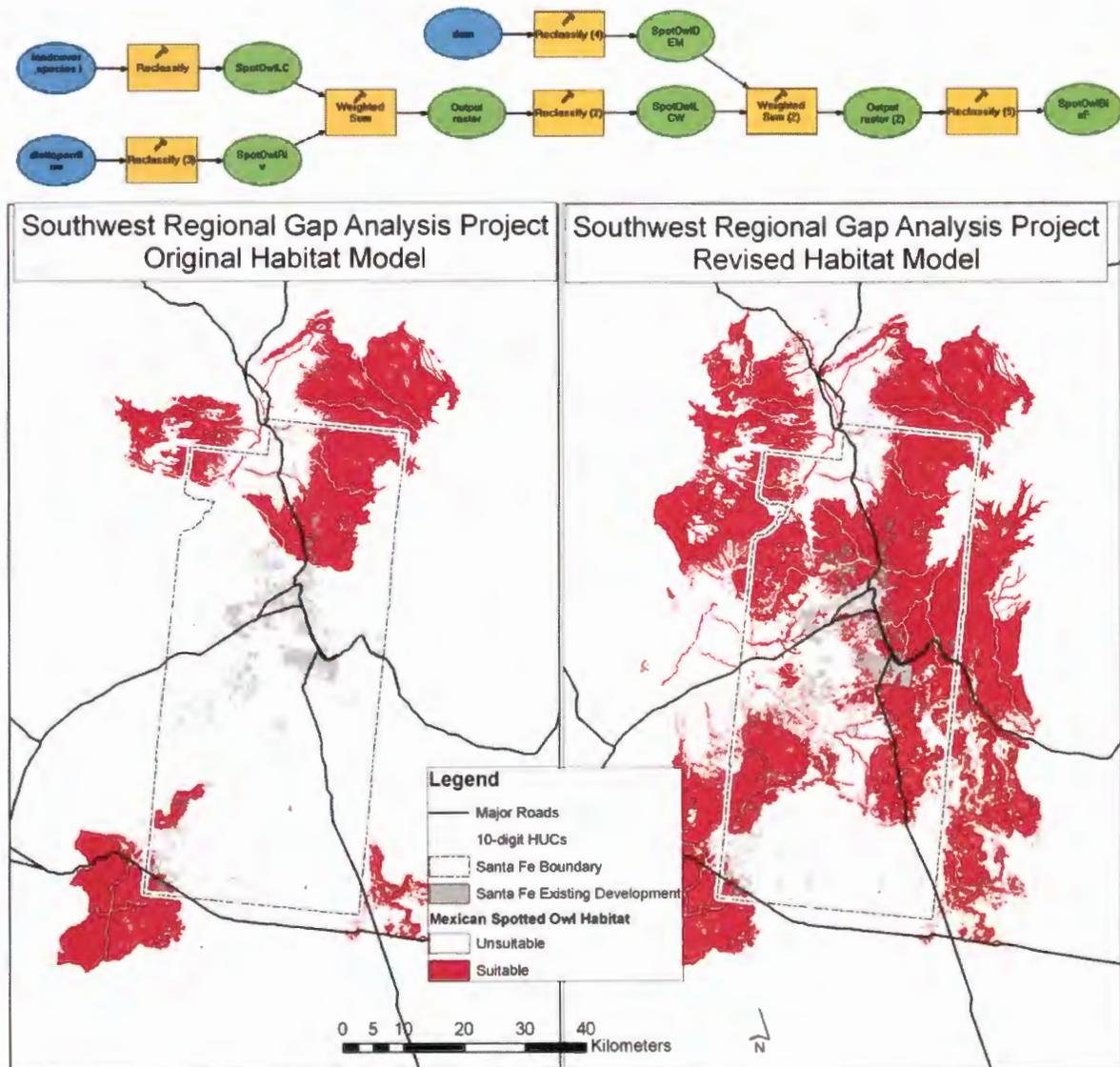


Figure 4. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Mexican Spotted Owl in Santa Fe County.

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Peregrine Falcon

There were no changes (Figure 5) made to the model for peregrine falcon at the workshop (Saunders and Merker) or by CASE.

Peregrine Falcon

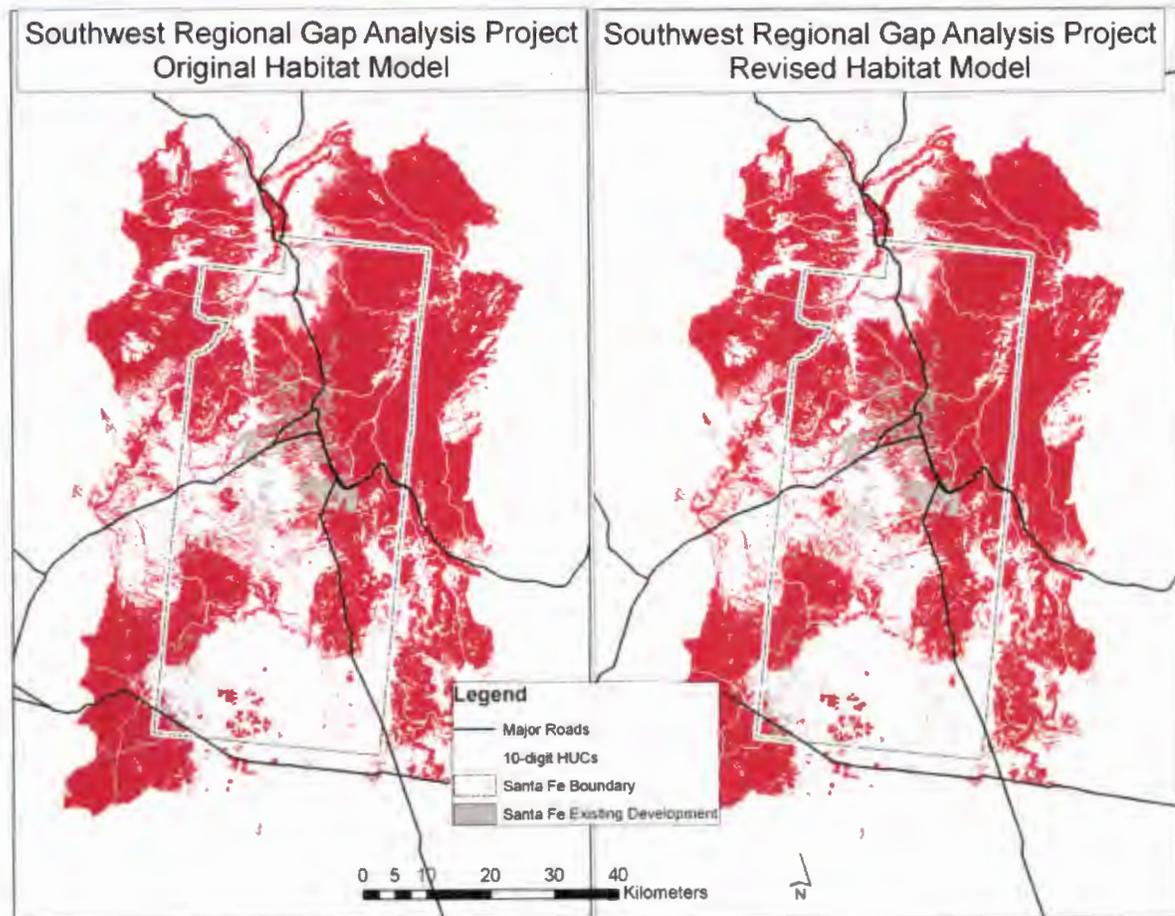
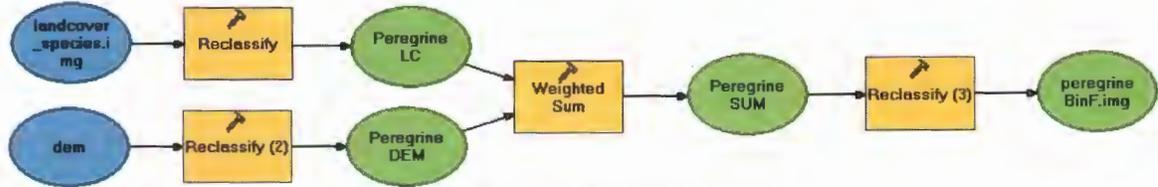


Figure 5. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Peregrine Falcon in Santa Fe County.

Burrowing Owl

The original SWReGAP model attributes were largely maintained for burrowing owl with exception of the removal of three land cover types (Figure 6). These land cover types were S011, S012, and S018.

Burrowing Owl

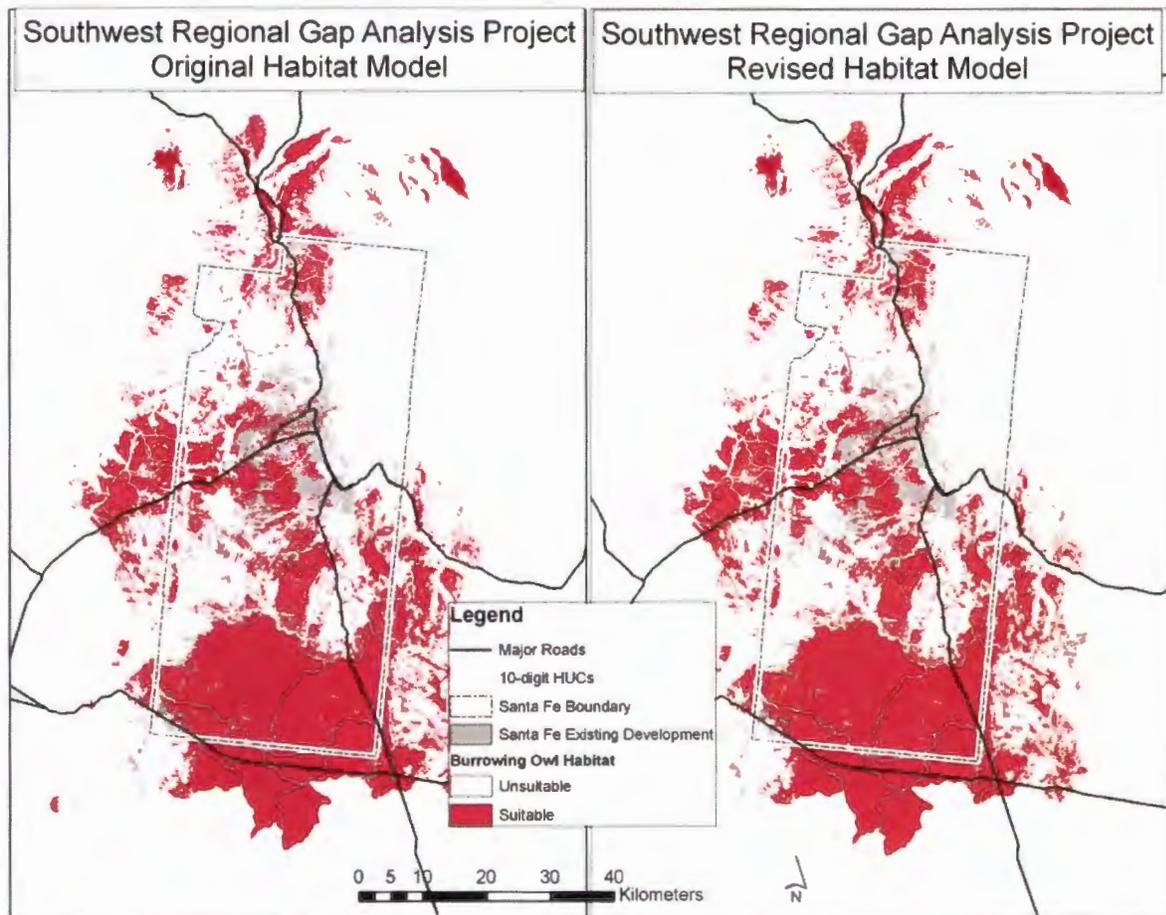
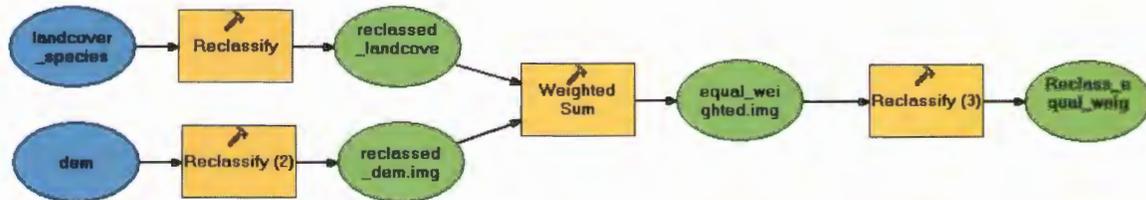


Figure 6. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Burrowing Owl in Santa Fe County.

American Beaver

The original SWReGAP model attributes were generally maintained for American beaver, with the exception that selected habitat had to be within 400 m of perennial water (Figure 7). The model included elevation from 0-3,400 m, slope from 0-15 degrees, and riparian land cover types. The use of the 400 m perennial water reduced the amount of predicted habitat within the county. Workshop participants (Gray and Morton) suggested a potential weighting of water (x4), land cover (x2), and slope (x1).

Southwestern Willow Flycatcher

The original SWReGAP model attributes were maintained for the Southwestern willow flycatcher with the exception that riparian habitat had to occur within 100 m of perennial water (Figure 8). This removed a large portion of potential habitat within the county. Additionally, workshop participants (Sayer, Menke, Hayes), suggested that patch size and vegetation structure be included within the model,

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American Beaver

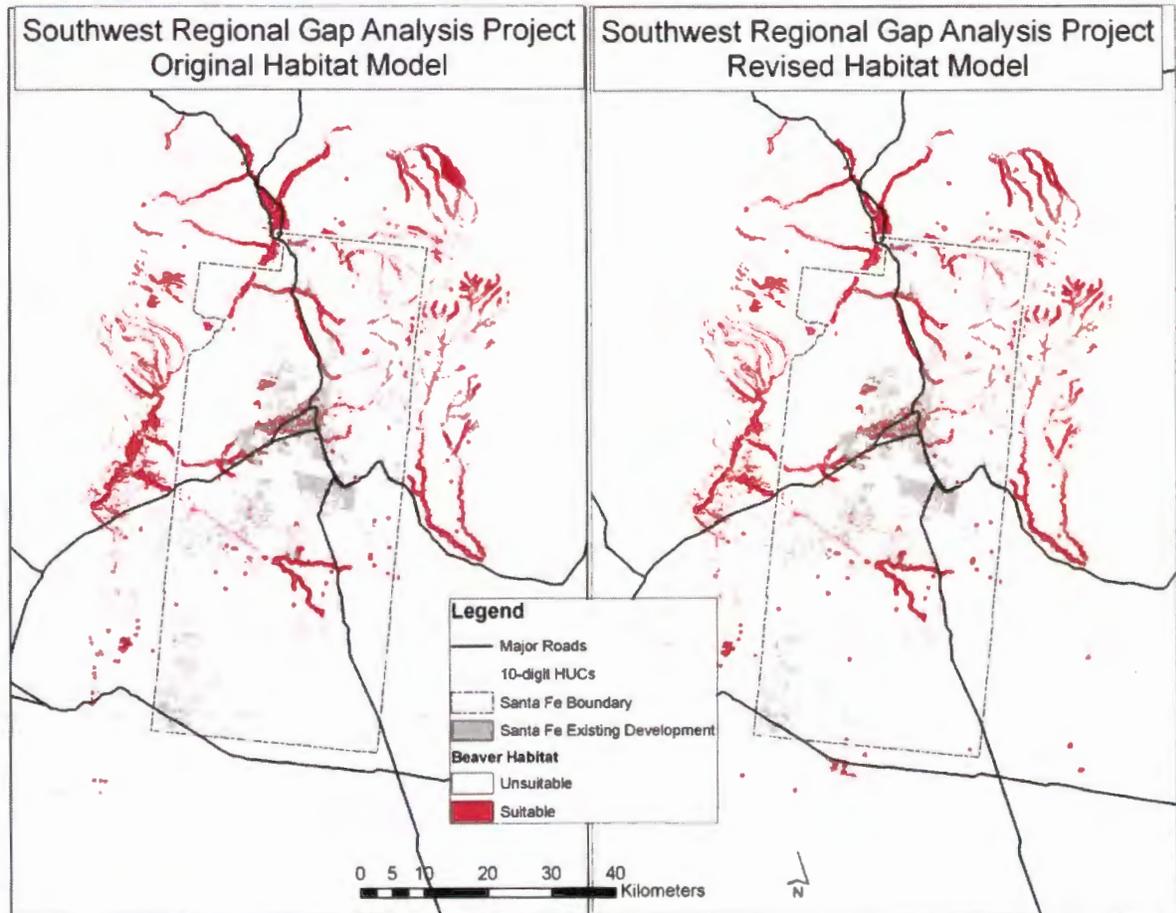
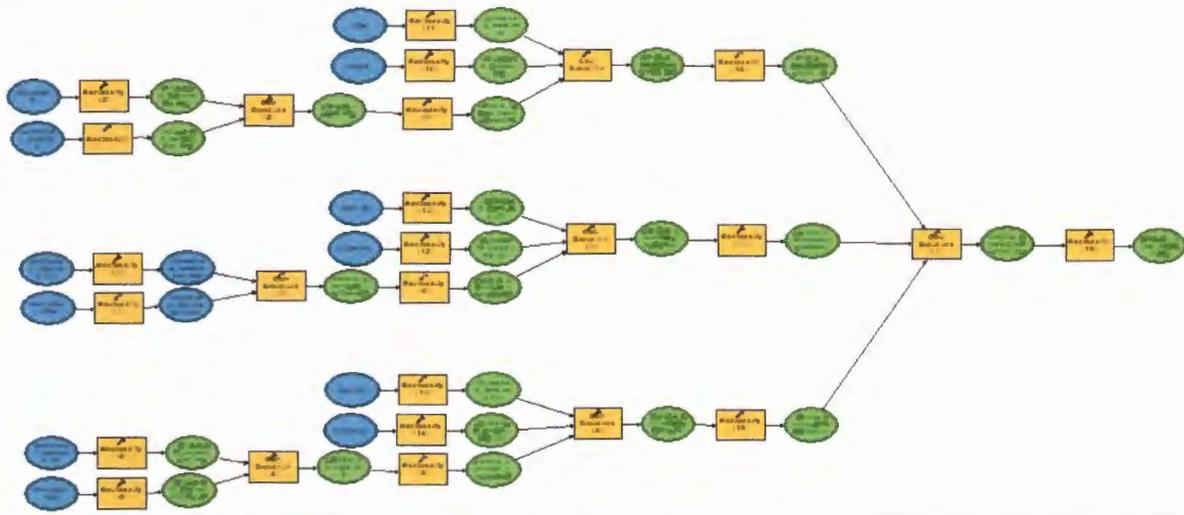


Figure 7. Original (left) Southwest Regional Gap Analysis Project and revised (right) habitat models for American Beaver in Santa Fe County.

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Mountain Lion

The mountain lion was modeled with only land cover (Figure 9). Mountain lions have been associated with multiple land cover types. Workshop participants (Seamster and Valdez) suggested no changes.

Mountain Lion

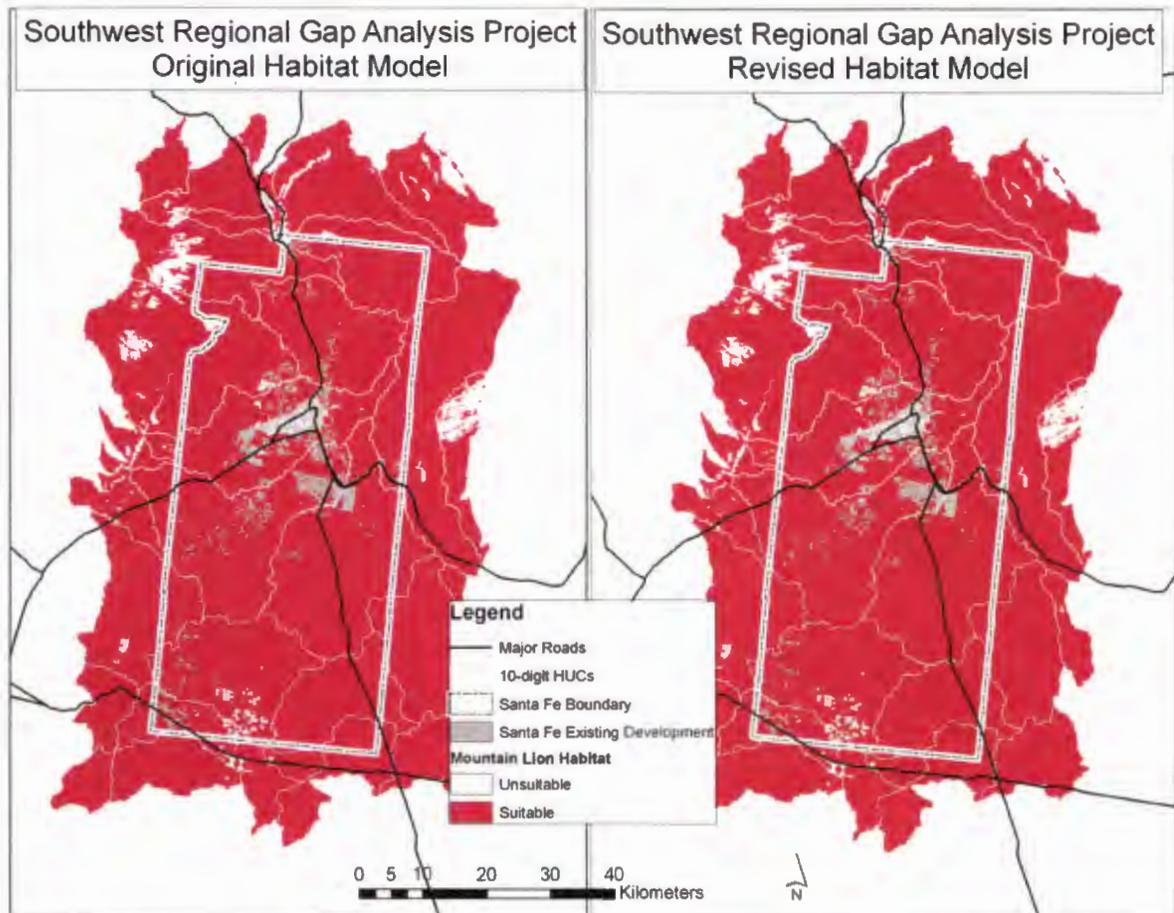
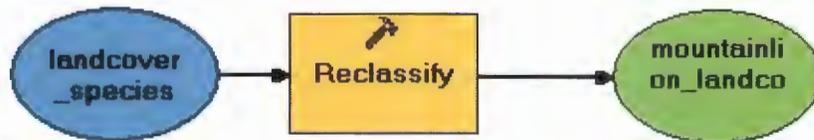


Figure 9. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Mountain Lion in Santa Fe County.

Gunnison's Prairie Dog

Several modifications were included within the Gunnison's prairie dog model (Figure 11). Suitable slope of ≤ 10 degrees was incorporated as were elevation (305-3,659 m). Land cover was not changed. Workshop participants (Williams and Martinez did not note changes). Differences between outcomes are associated with the inclusion of a slope variable.

Gunnison's Prairie Dog

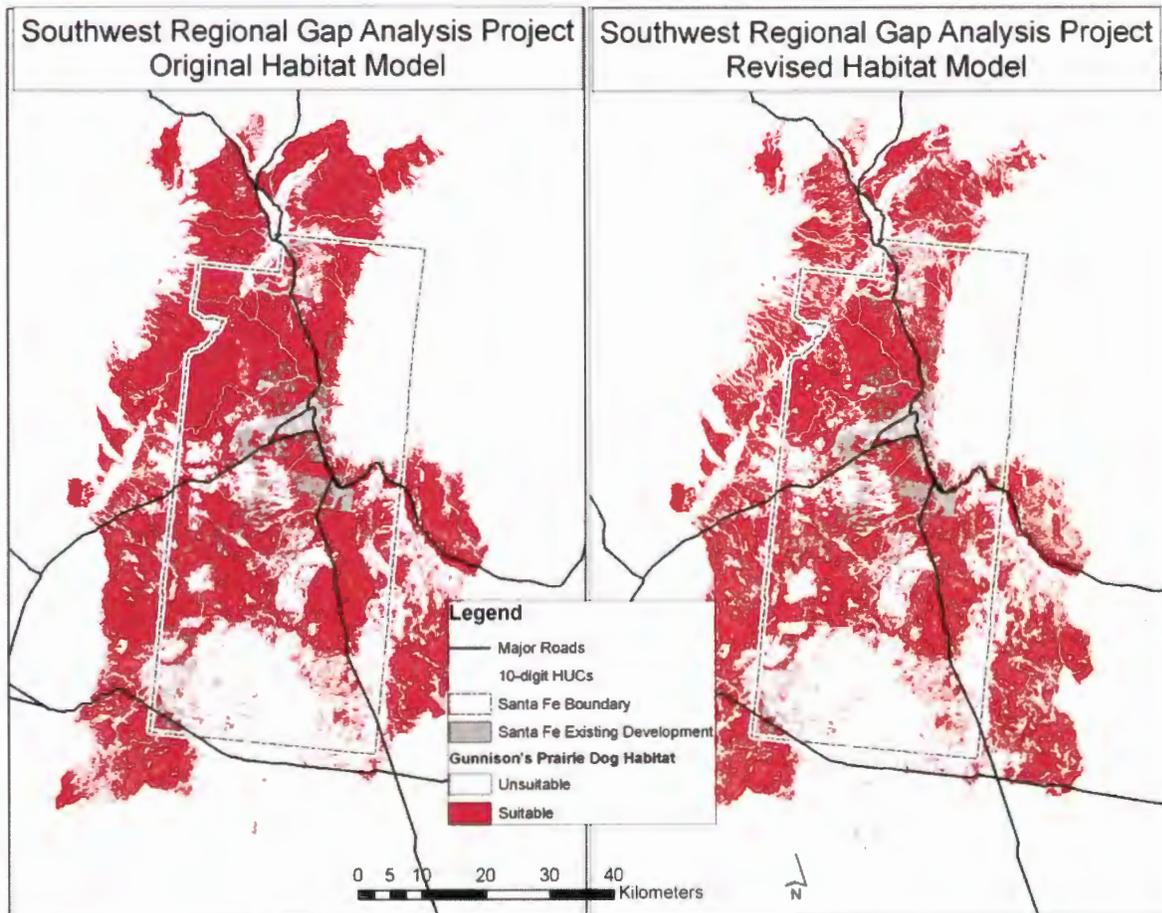
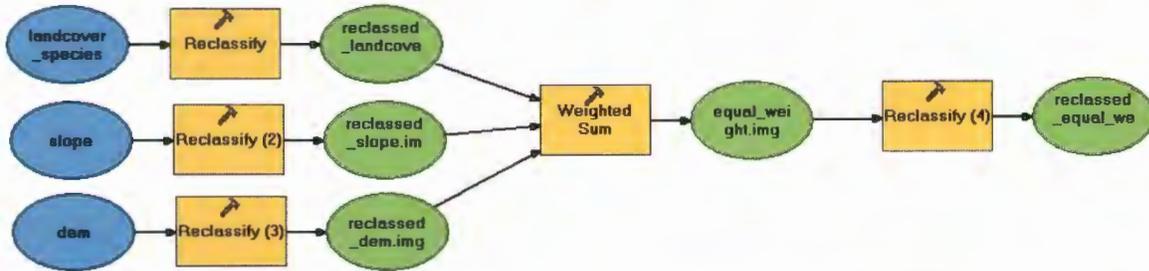


Figure 10. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Gunnison's Prairie Dog in Santa Fe County.

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Black Bear

The original SWReGAP model attributes were maintained for black bear (Figure 10). Workshop participants (Hargis and Garcia) did not change the model. CASE removed 3 land cover types (S011, S012, and S018) and included one land cover type (S115). This resulted in very little difference to the spatial model.

Black Bear

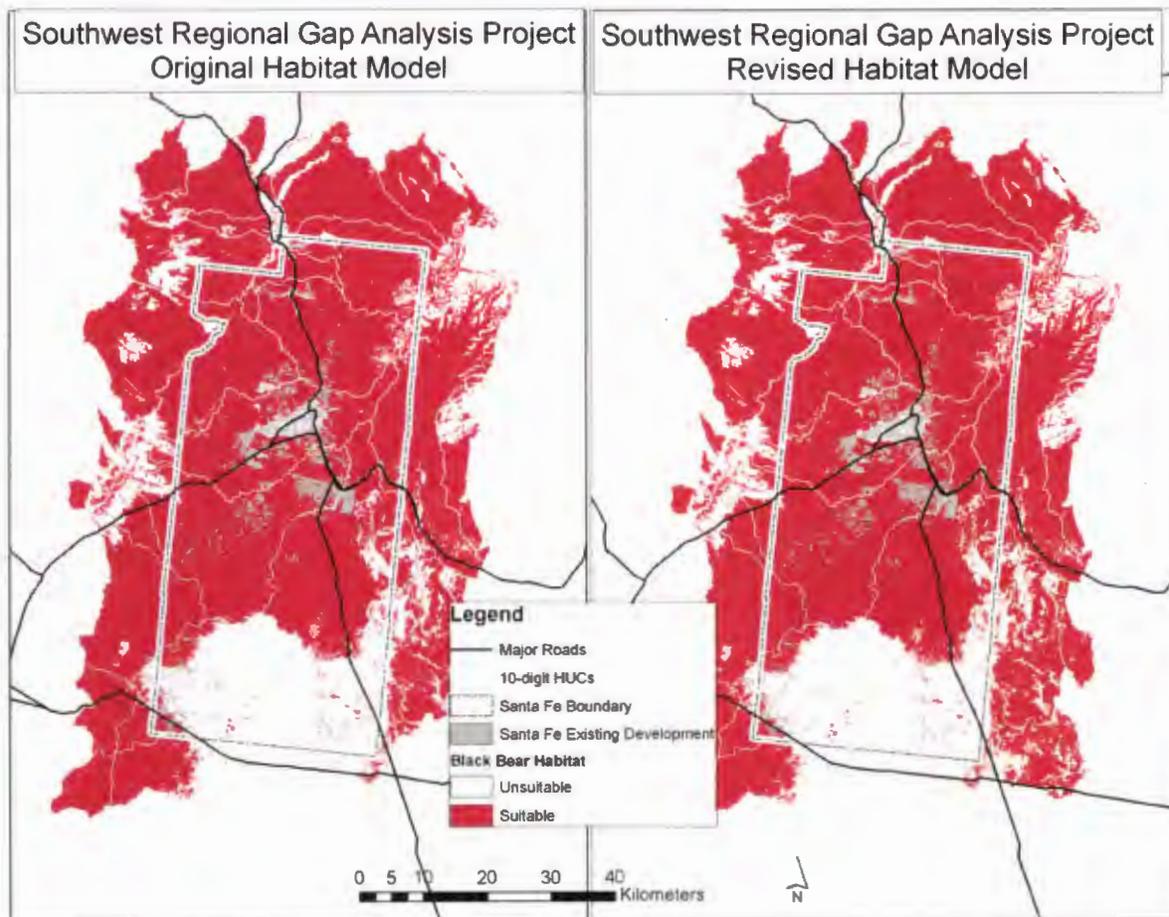
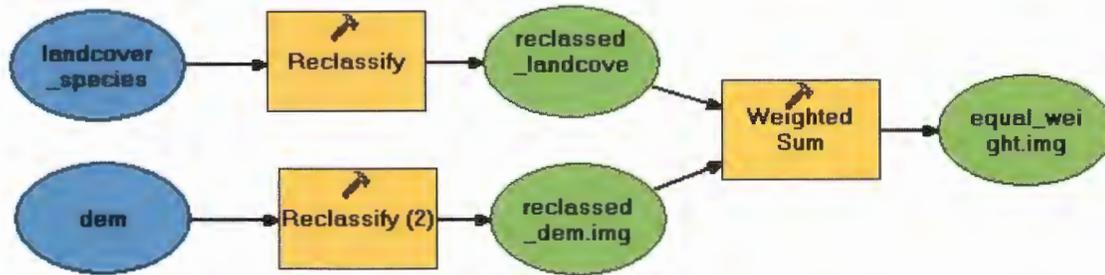


Figure 11. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Black Bear in Santa Fe County.

Pronghorn

There were changes made to the pronghorn model (Figure 12). The model modifications included using a slope of 0-20 degrees. Land cover was kept the same as used in SWReGAP. The Pronghorn Management Guide (available at <http://gf.nd.gov/multimedia/pubs/prong-mgmt-guide-pt1.html>) provides a literature review for the species.

Pronghorn

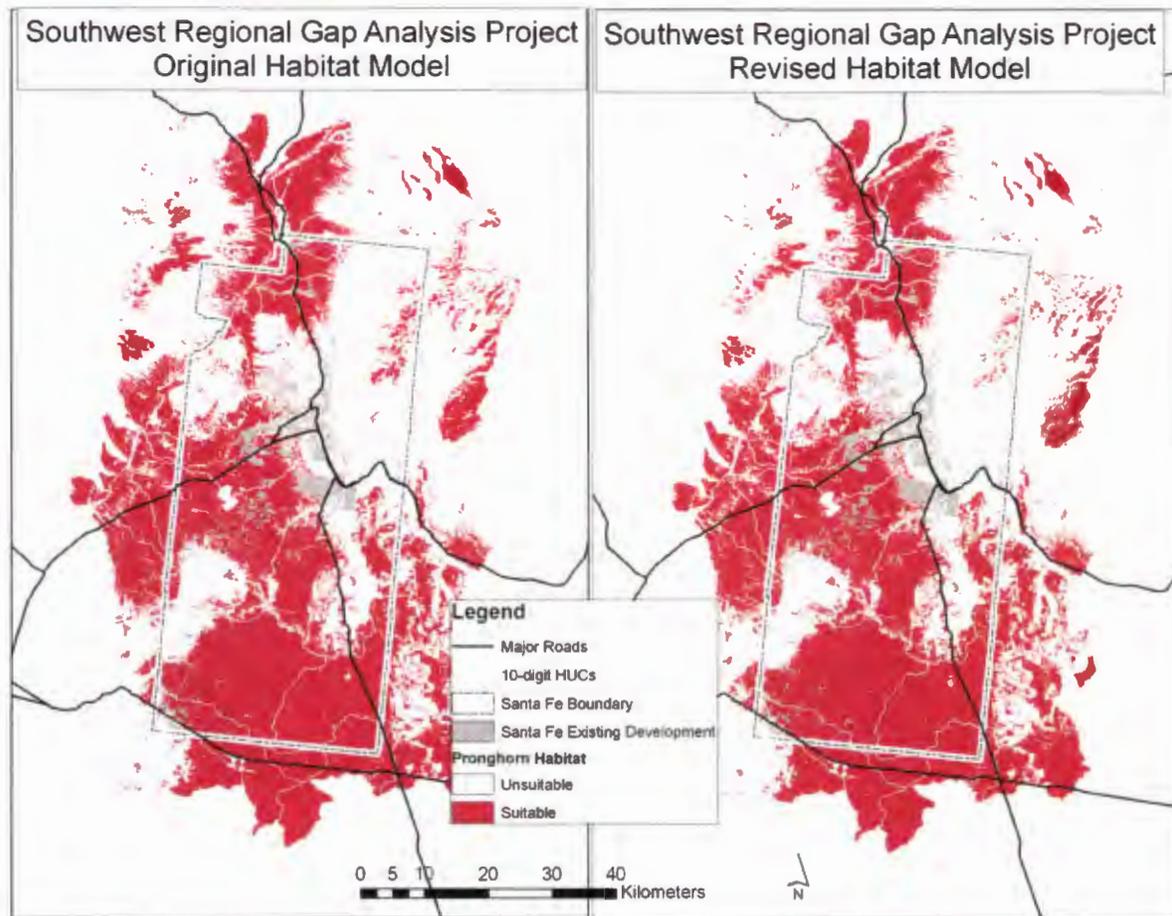
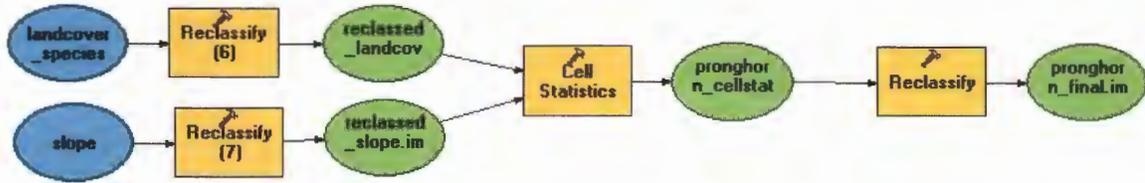


Figure 12. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Pronghorn in Santa Fe County.

Northern Leopard Frog

There were a few changes made to the northern leopard frog model (Figure 13). The model used distance to spring, distance to lakes, and distance to streams datasets with elevation. Leopard frogs have a known affinity to perennial waters. The original SWReGAP model focused on riparian land cover types that were within the distance to perennial waters. This limited the model and for the revised model the riparian land cover types were excluded.

Northern Leopard Frog

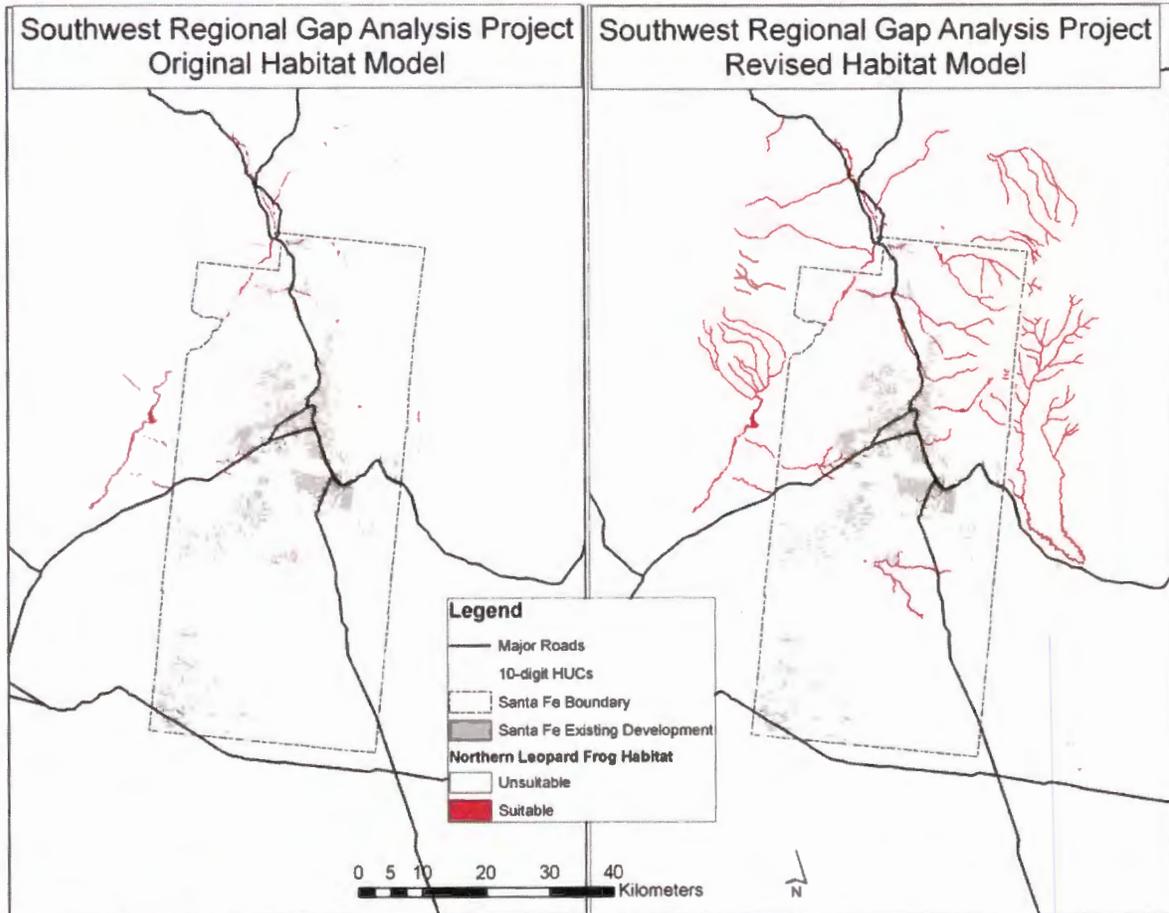
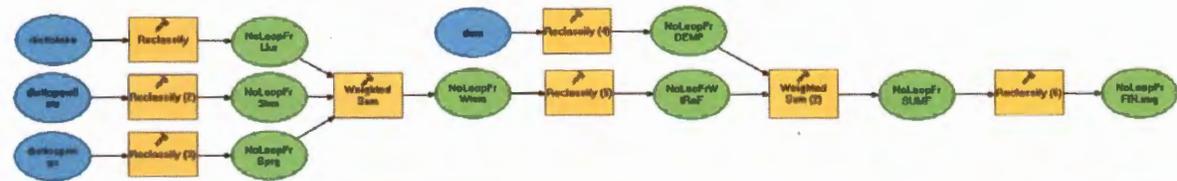


Figure 13. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Northern Leopard Frog in Santa Fe County.

Northern Goshawk

There were modifications for the northern goshawk model (Figure 14). We used a canopy cover of >60% (Birds of North America) and modified the elevation to 910-2,740 m (BISON-M). Workshop participants (Saunders and Merker) did make some changes but these were not identified.

Northern Goshawk

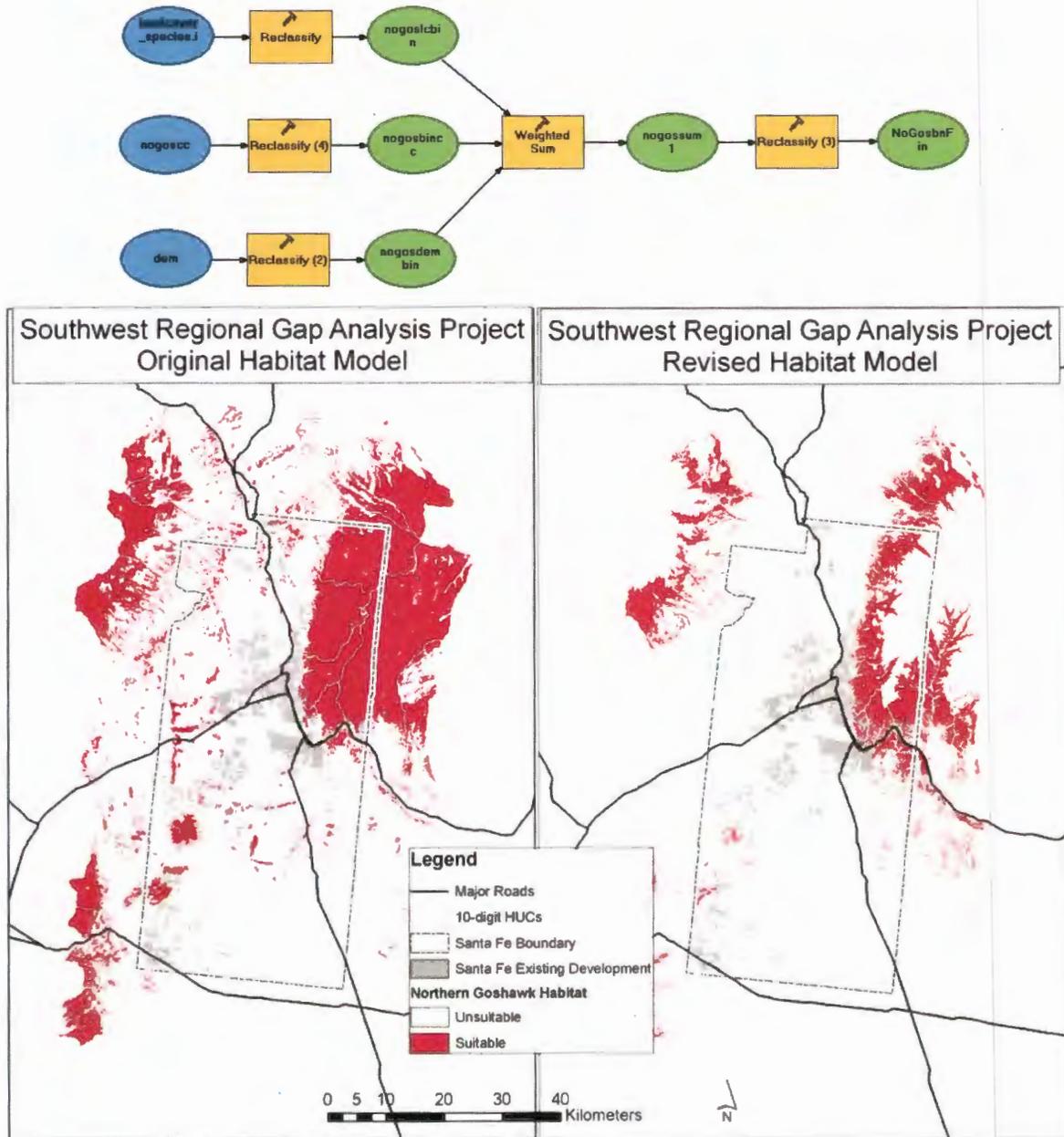


Figure 14. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Northern Goshawk in Santa Fe County.

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Greater Roadrunner

There were modifications made to the greater roadrunner habitat model (Figure 15). One land cover type was added (S079) and the range restriction from 8-digit HUCs were removed. Workshop participants (Luetzelschwab and Neibaur) provided some changes, but these were not noted down.

Greater Roadrunner

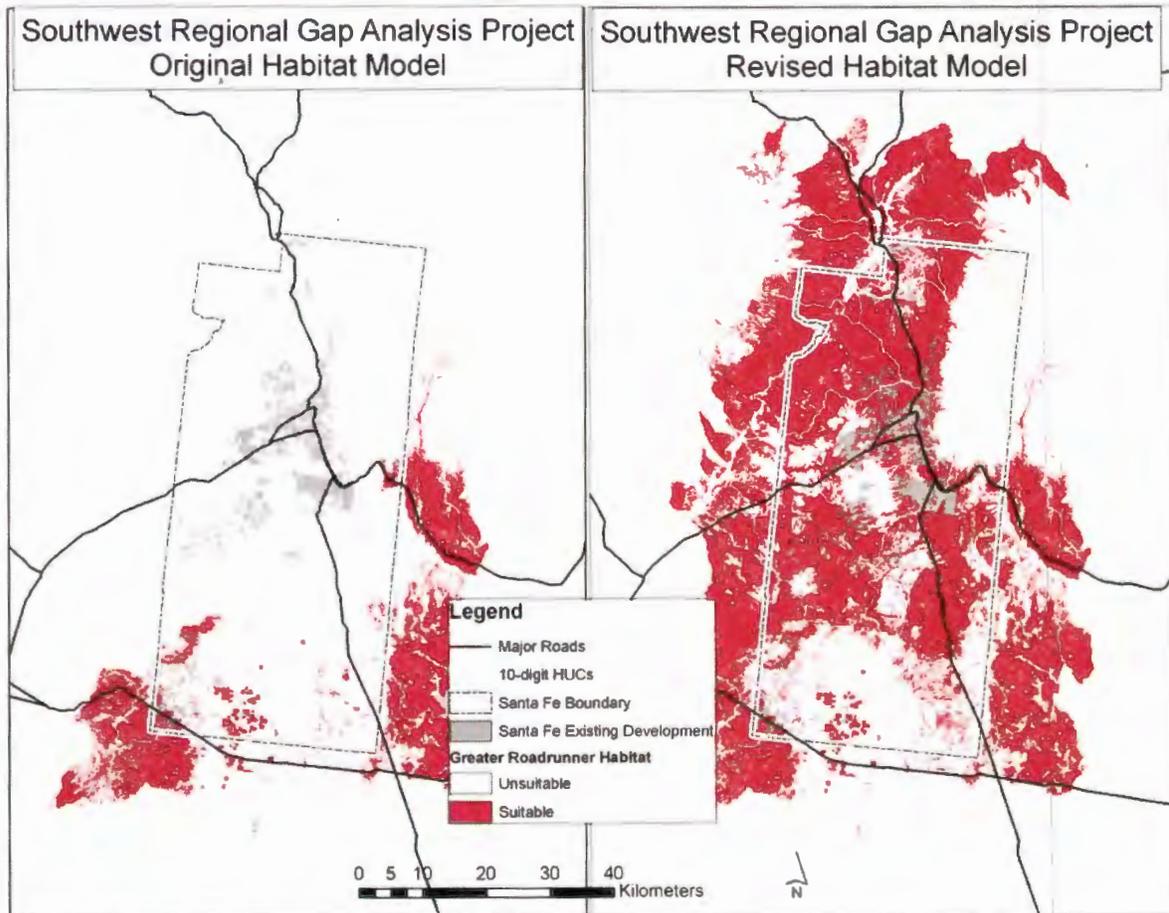
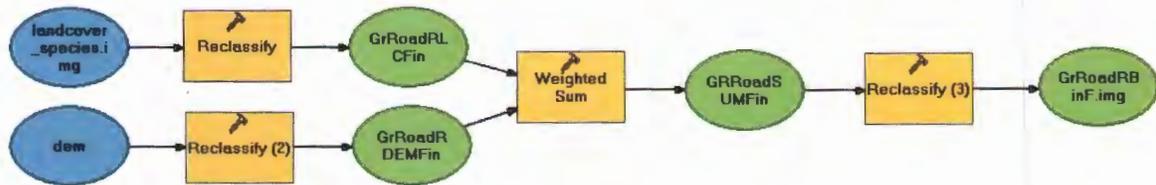


Figure 15. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Greater Roadrunner in Santa Fe County.

Townsend's Big-eared Bat

There were some modifications made to the Townsend's big-eared bat model (Figure 16). An elevation of 1,219-2,743 m (BISON-M) was used and land cover types removed. Also, a mine layer was initially used to identify suitable habitat within 10 km of the mines. However this was removed given questionable accuracy of the mine dataset. Habitat within 10 km of perennial waters were included. Many land cover types were excluded including S012, S015, S018, S071, S077, S078, S079, S080, S087, S088, S089, S090, S109, S132, and N80. These changes correspond to changes suggested by workshop participants Sager, Menke, and Hayes.

Townsend's Big-eared Bat

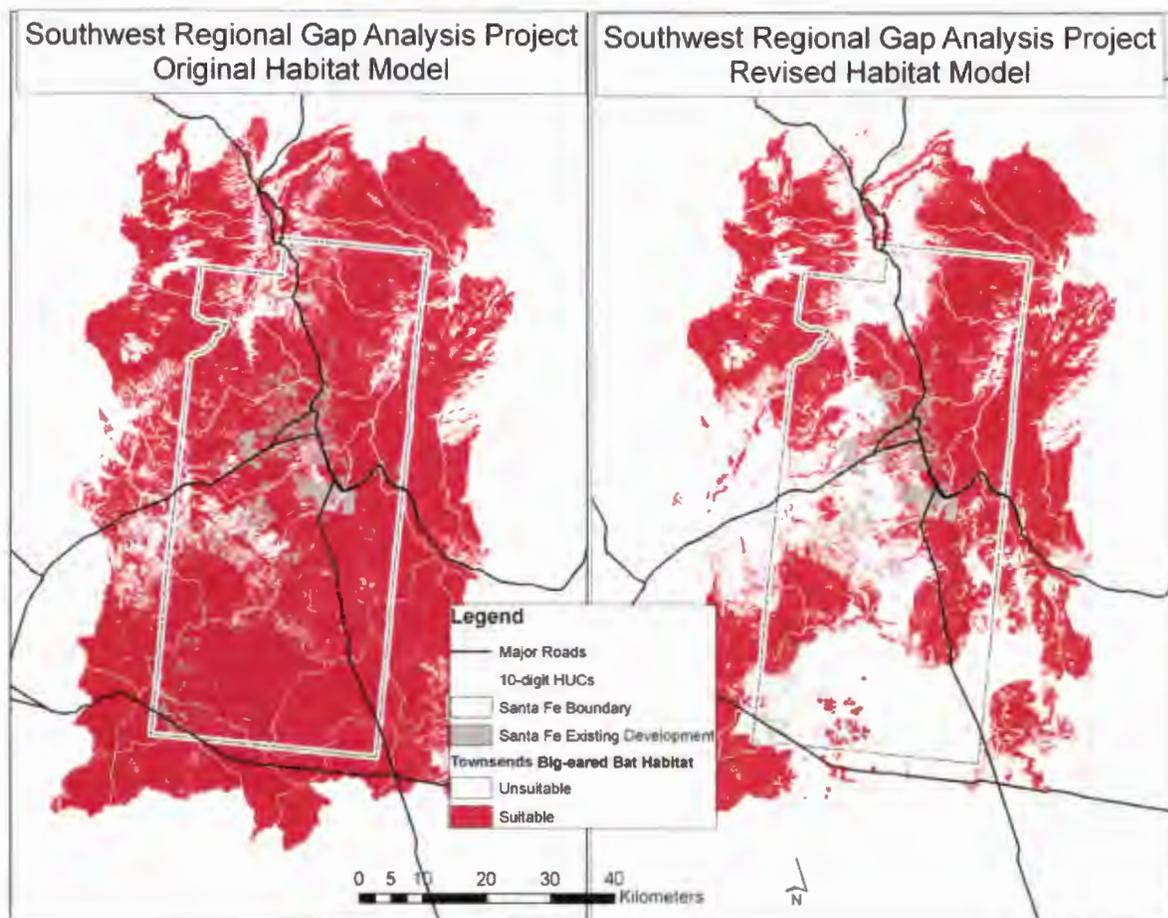


Figure 16. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Townsend's big-eared bat in Santa Fe County.

Pinyon Jay

We made several modifications to the pinyon jay model (Figure 17). We used an elevation of 1,676-2,255 m and removed land cover types S006 and S010. Workshop participants (Jankowitz and Garland) suggested weighting certain land cover types to reflect the species affinity to certain types.

Pinyon Jay

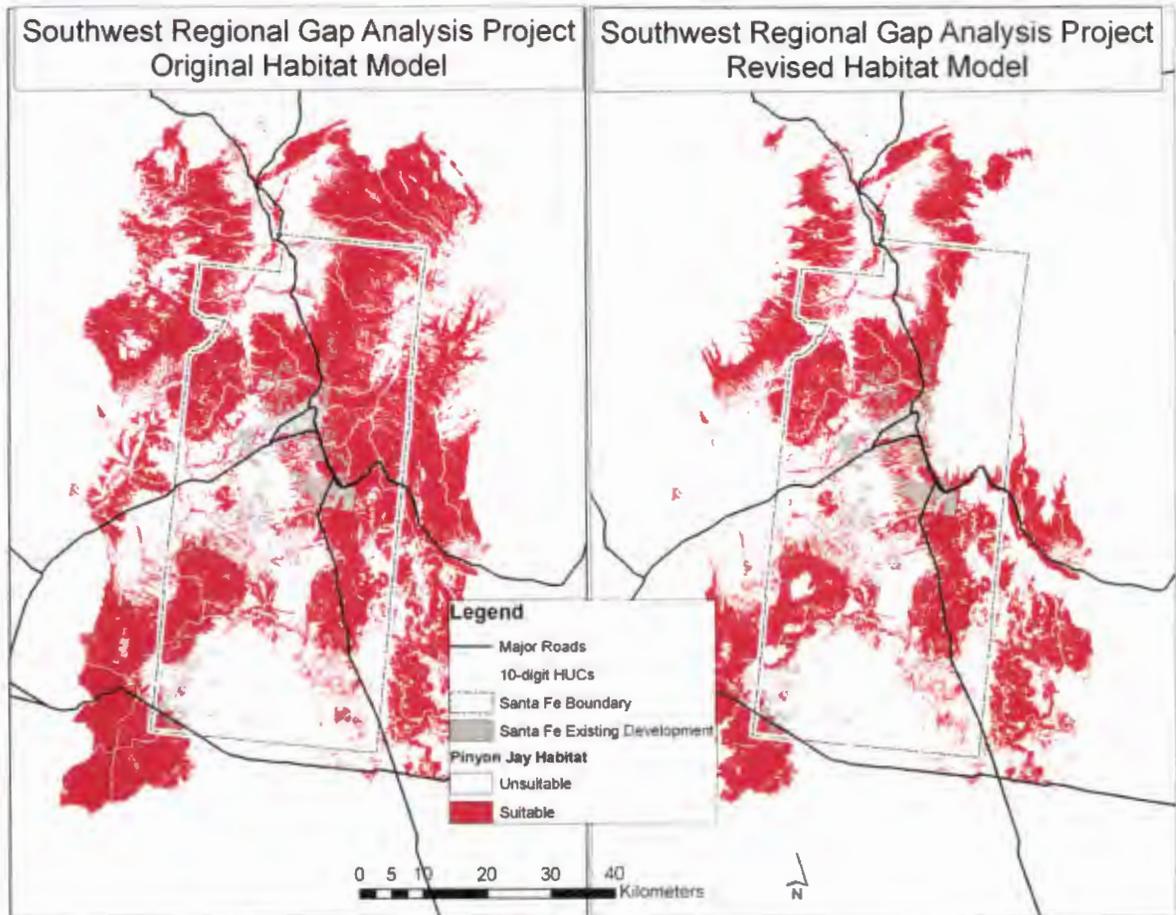
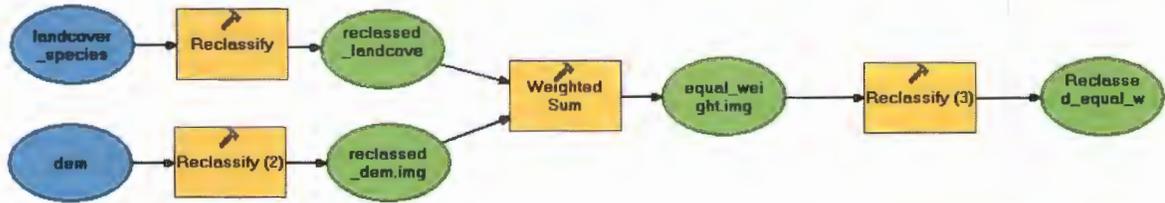


Figure 17. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Pinyon Jay in Santa Fe County.

Bobcat

We did not change the original SWReGAP model for bobcat (Figure 18). Only elevation and land cover were used within this model.

Bobcat

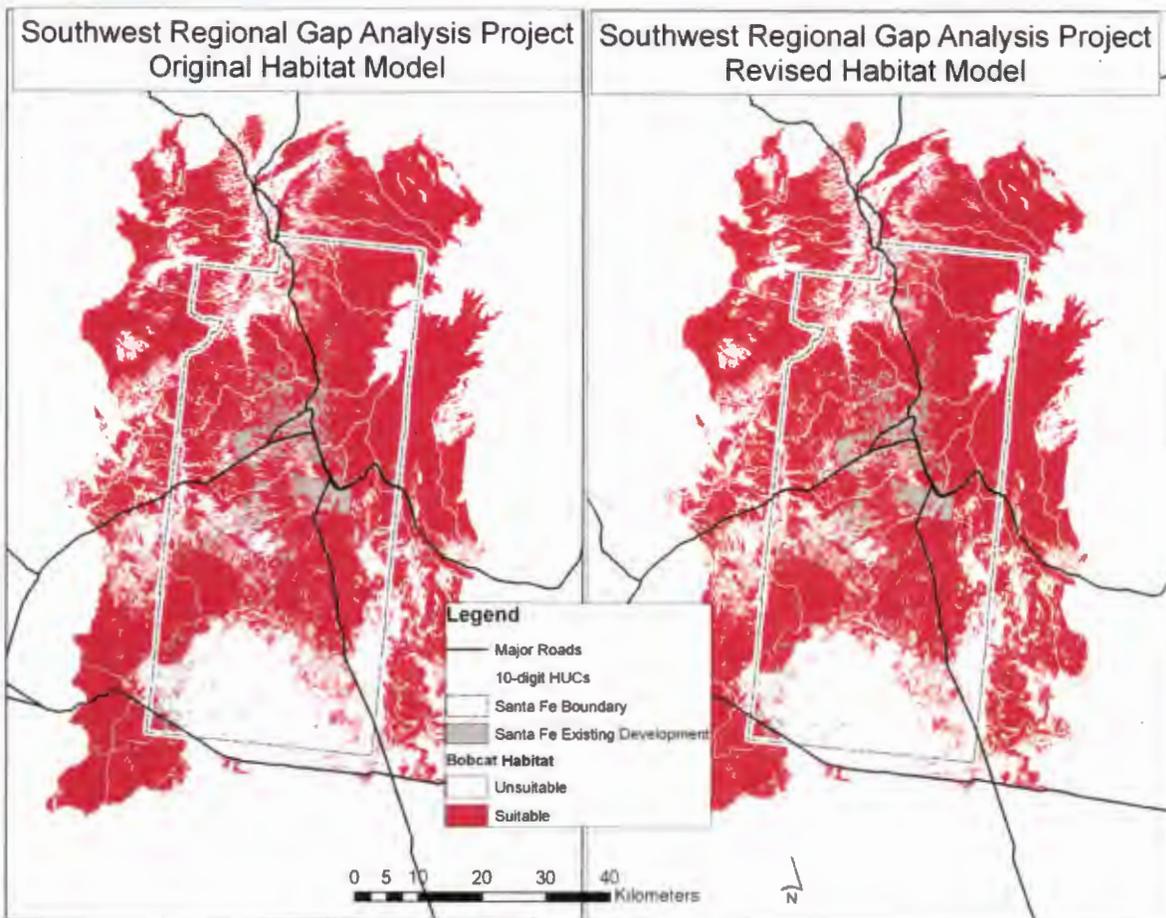
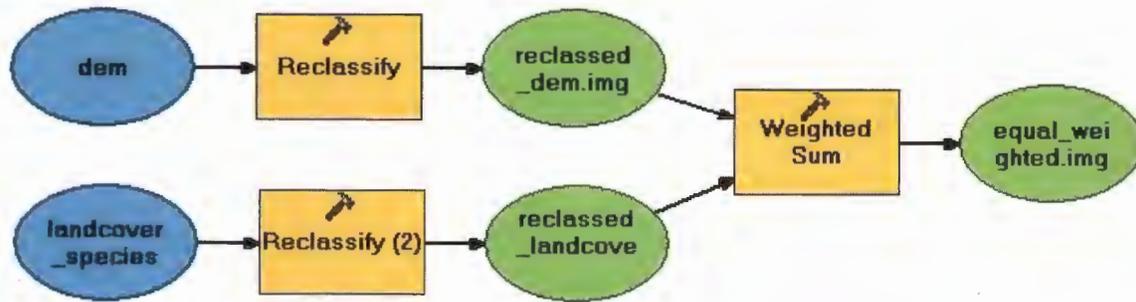


Figure 18. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Bobcat in Santa Fe County.

Yellow-billed Cuckoo

We made a few modifications to the yellow-billed cuckoo (Figure 19). The original SWReGAP model did not include the 8-digit HUCs that intersect Santa Fe County. Thus our model predicts habitat within the county whereas the original model did not. We also added two land cover types (S095 and S102) to the model.

Yellow-billed Cuckoo

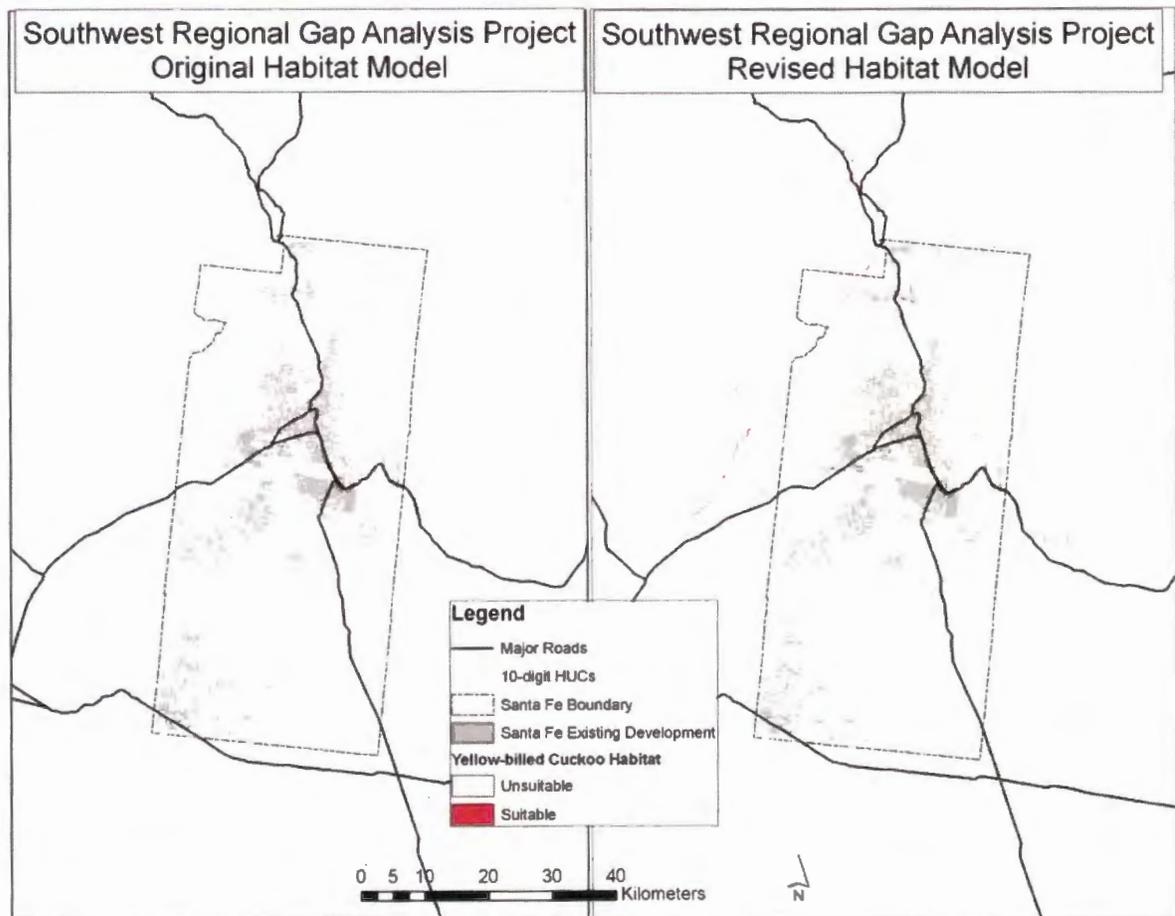
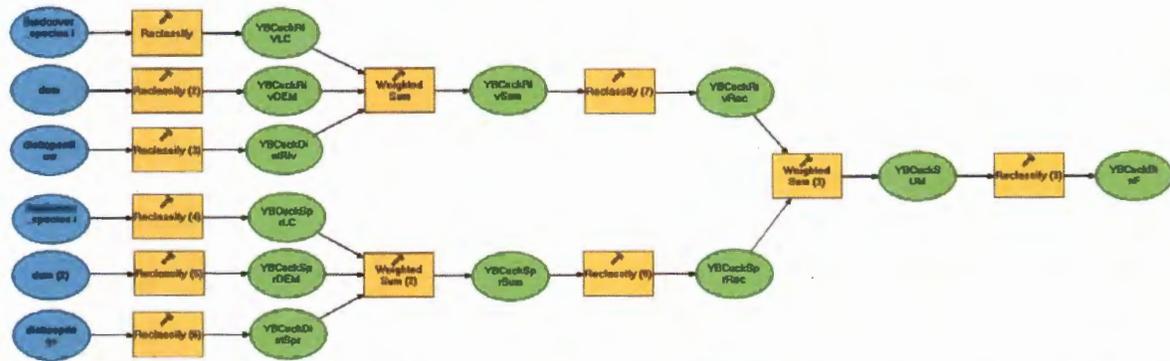


Figure 19. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Yellow-billed cuckoo in Santa Fe County.

Ferruginous Hawk

There were major modifications made to the ferruginous hawk model (Figure 20). We added riparian areas (S095) and several shrub land cover types (S047, S065, S074, S077, S079, S080, S086, S088, S090, S113, S112, S109, S115). This increases the amount of habitat significantly within the study area. Workshop participants (Gray and Morton) did not suggest any changes.

Ferruginous Hawk

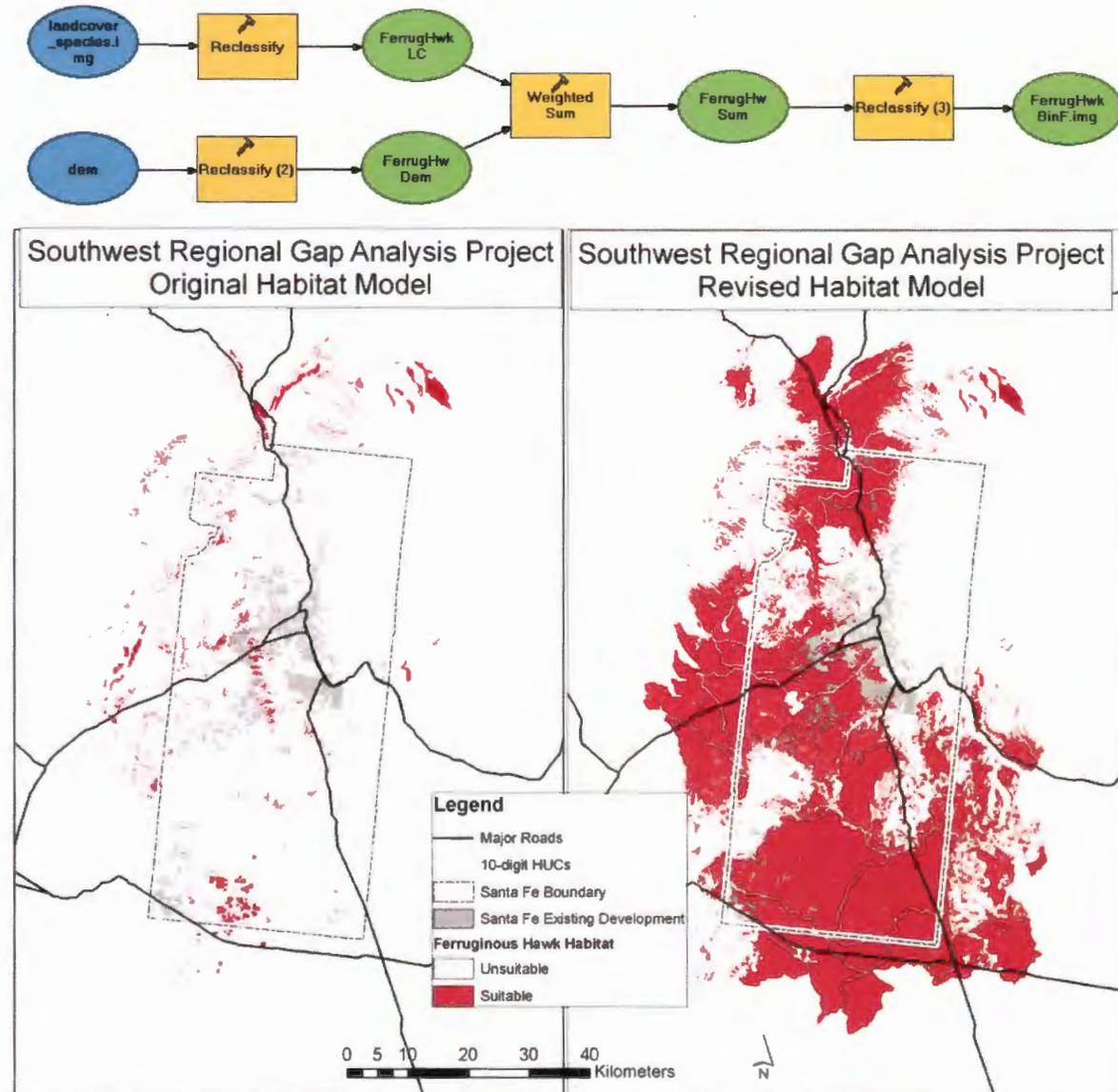


Figure 20. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Ferruginous hawk in Santa Fe County.

Scaled Quail

There was only a slight change within the scaled quail model (Figure 21). We removed the range limits from the 8-digit HUCs for the model. Workshop participants (Connor and Malton) suggested no changes to the model.

Scaled Quail

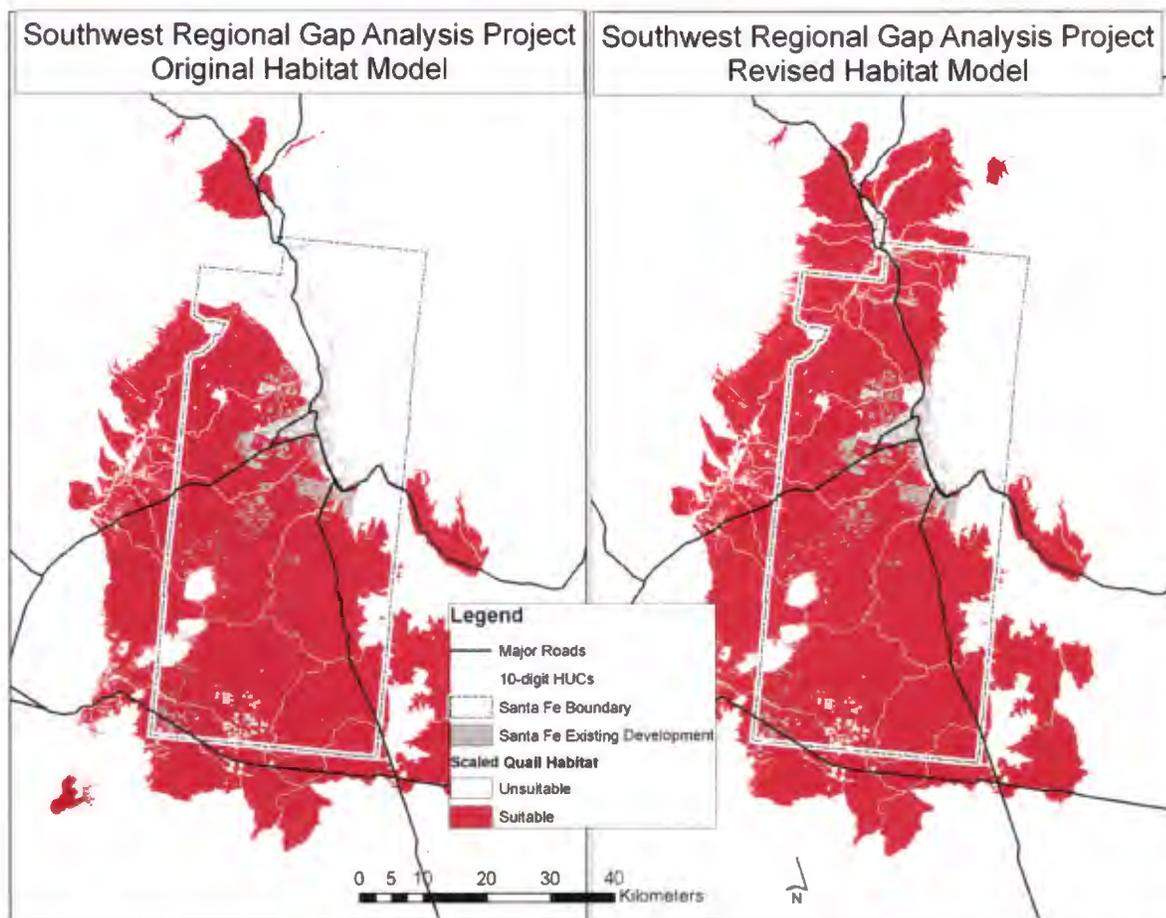
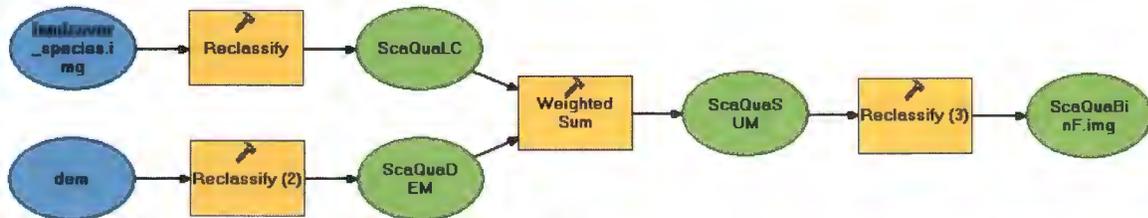


Figure 21. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Scaled Quail in Santa Fe County.

Osprey

There were a few modifications to the osprey model (Figure 22). We used a distance to water value of 5 km (NatureServe). We also used a stream order dataset to identify only those streams that were an order 3 or greater based on the Strahler stream order method (Vana-Miller 1987). Workshop participants (Seamster and Valdez) suggested we remove streams from the model.

Osprey

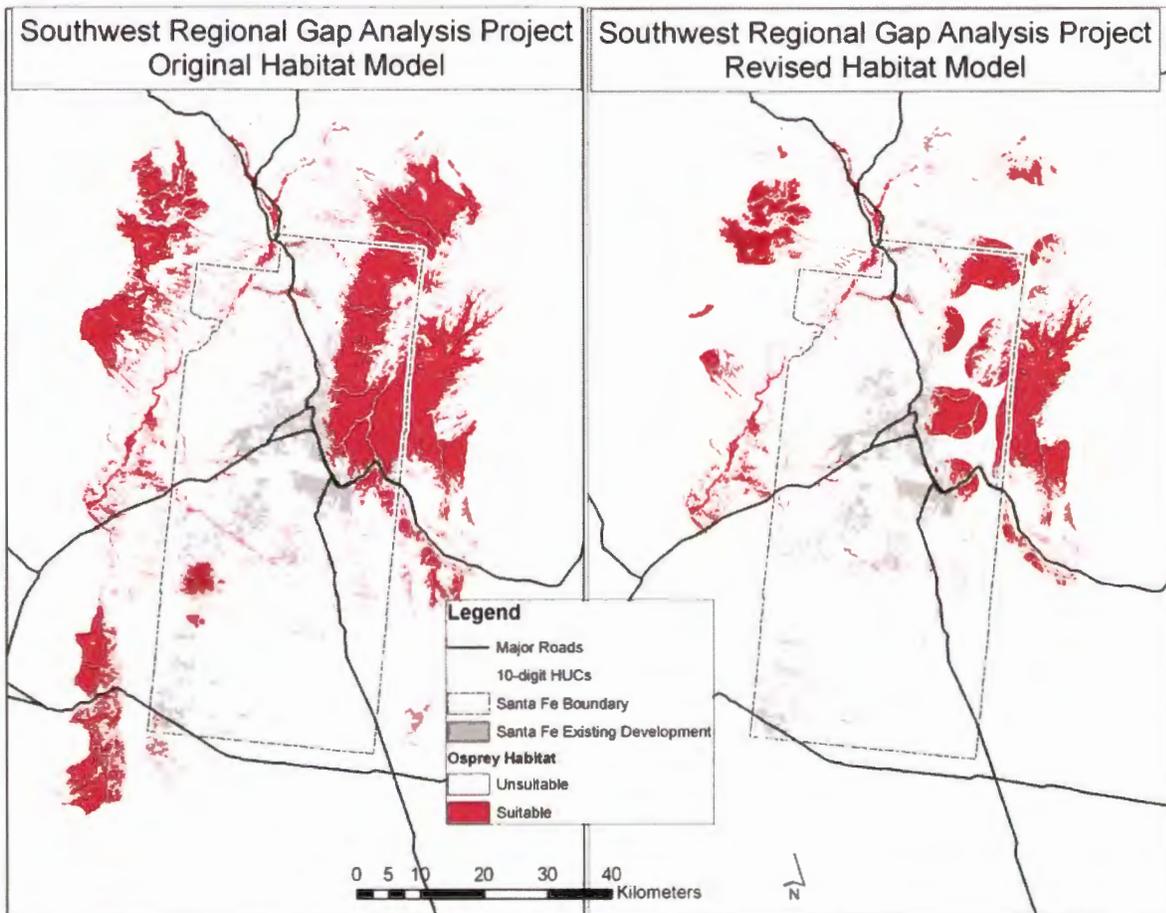
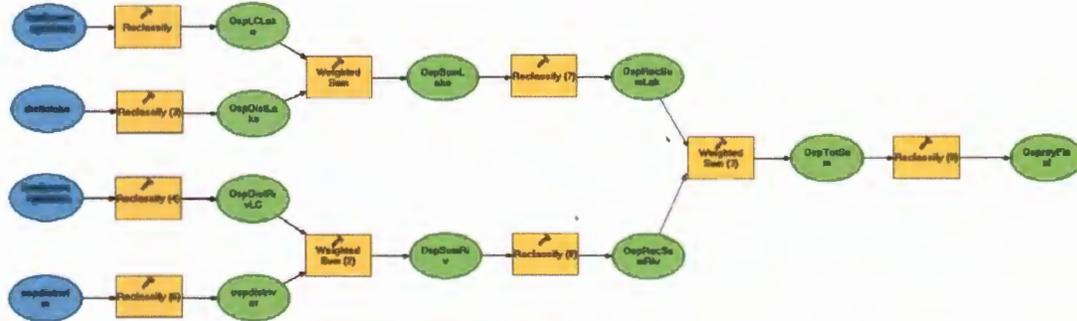


Figure 22. Model builder flowchart (top), original (left) Southwest Regional Gap Analysis Project and Revised (right) habitat models for Osprey in Santa Fe County.

Conservation Priorities

The key habitats (Figure 23) identified by NMDGF (2006) were Western Great Plains Shortgrass Prairie, Rocky Mountain Montane Dry-Mesic Mixed Conifer Forest and Woodland, Rocky Mountain Montane Mesic Mixed Conifer Forest and Woodland, and a grouping all riparian ecological systems. Riparian habitats are important habitats, particularly within the arid and semi-arid Southwest. NMDGF also identified 10 aquatic key habitats. This dataset differs with the species richness in that the short grass prairie was not specious, but was identified as a key habitat. The conifer forest types were species rich and were identified as a key habitat. Approximately one third of Santa Fe County is identified as having key habitats (Table 3)

The NMDGF conservation focal areas analysis highlights the riparian communities within the county, the grasslands in the southern part of the county and several forest communities (Figure 24). The majority of the area is not identified as highest priority but rather moderate priority (Table 3). This dataset is linked to the key habitat dataset because one of the four inputs into the focal area analysis is key habitats.

The CWCS species richness datasets (Figure 25) identify smaller areas throughout Santa Fe County as having the highest richness. Less than 6% of Santa Fe County has combined predicted habitat for more than 30 species of greatest conservation need. The riparian areas and several of the mountainous areas particularly in the northern part of the county have higher numbers of species associated. Riparian areas within New Mexico are often heavily used by animal species because they provide water, food, and shelter (Thompson et al. 2002). These areas are often much different from the surrounding uplands. The mountains regions identified likely included not only mountainous species but also grass and shrub species that extend upwards into forests and woodlands.

The focal species richness dataset identifies the key habitats based on the number of focal species (see Figure 26). Over 36% of Santa Fe County has predicted habitat for 9 to 16 of the focal species (Table 3). The majority (61%) of Santa Fe County as predicted habitat for 5 to 8 of the focal species. These habitat areas will be incorporated into Santa Fe County maps of environmentally sensitive areas that will then assist in creating conservation priorities in potential growth and development areas (Valdez, personal communication). The riparian areas and several of the foothill areas within the county are highlighted similar to the SGCN richness dataset. These riparian areas are important biodiversity areas within New Mexico. Also similar to the SGCN dataset, the mountains regions are identified. Overall, the focal species richness identifies more area in the highest classification than the SGCN richness dataset (Table 3).

The focal species richness and key habitats model identifies several areas within the study area to focus effort on (Figure 27). Riparian areas are again identified as high areas of richness and are also identified as key habitats. Overall, there is greater than 68% of Santa Fe County that was identified with moderate to high focal species richness but without key habitats (Table 3). Less than 2% of the county was identified with high richness of focal species and key habitats. There was 27% of the county that was predicted to have moderate focal species richness and key habitats.

Table 3. Area and percent of key habitats, key areas for conservation, Southwest Regional Gap Analysis Project species richness, focal species richness and richness and key habitats in Santa Fe County.

Dataset	Description		Area (ha)	Percent Area (%)	
Key Habitats	Hectares within Santa Fe County identified as Key Habitats	Key Habitat	141,662	28.6	
		Not Key Habitat	352,944	71.4	
Key Areas for Conservation	Hectares within Santa Fe County with highest priority	6-8	126,549	25.6	
		9-11	335,106	67.7	
		12-15	33,243	6.7	
SGCN Species Richness	Hectares within Santa Fe County with x of SGCN	1-10	6,065	1.2	
		11-20	138,599	28.0	
		21-30	321,133	64.9	
		31-62	29,101	5.9	
Focal Species Richness	Hectares within Santa Fe County with x Focal Species	1-4	16,103	3.3	
		5-8	299,774	60.6	
		9-16	179,020	36.2	
Richness and Key Habitats	Hectares with combinations of richness and key habitats	Low Richness – No Key Habitat	1-4	15,255	3.1
		Low Richness – Key Habitat	1-4	836	0.2
		Moderate Richness – No Key Habitat	5-8	168,007	33.9
		Moderate Richness – Key Habitat	5-8	131,788	26.6
		High Richness – No Key Habitat	9-16	169,843	34.3
		High Richness – Key Habitat	9-16	9168	1.9

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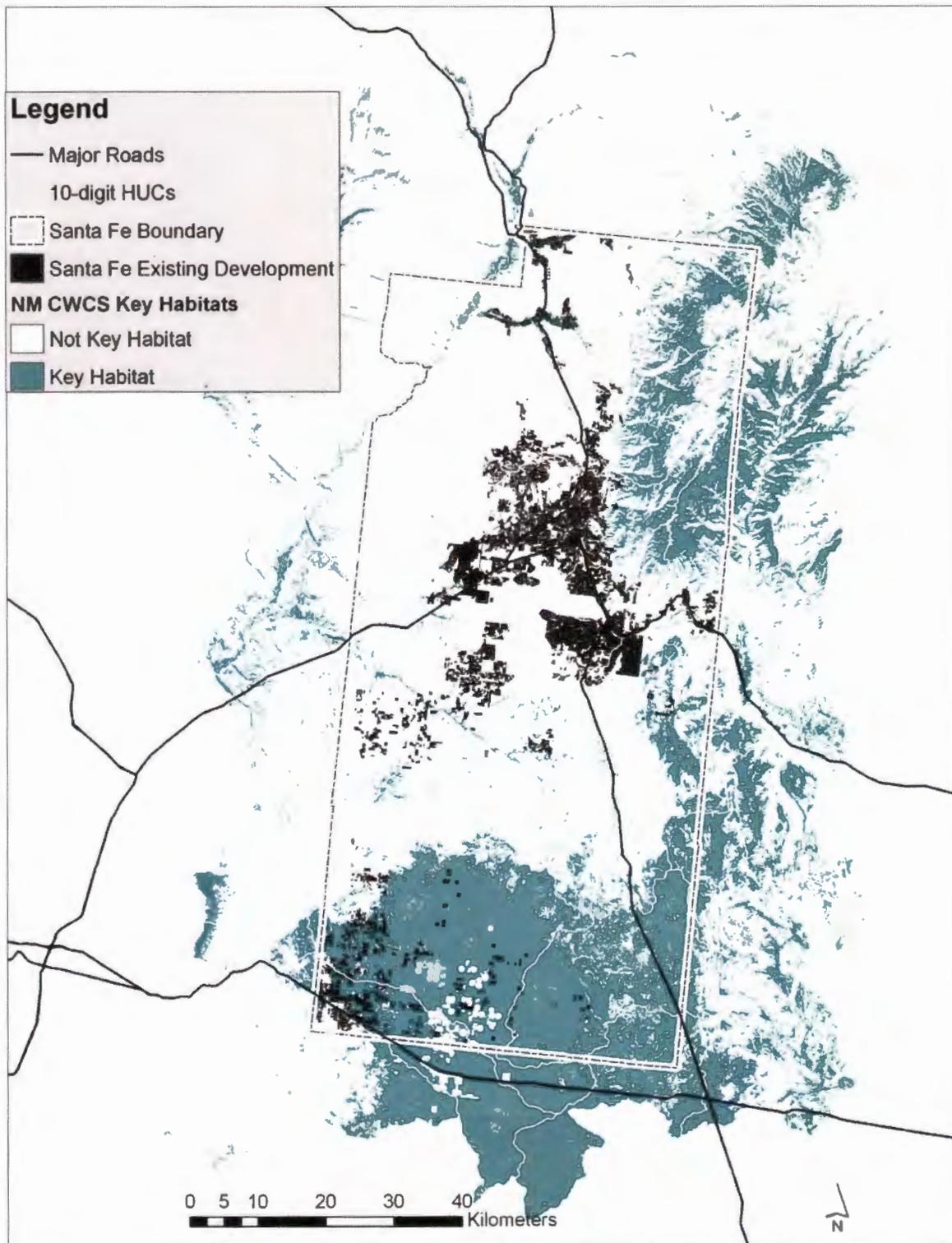


Figure 23. Key habitats identified within the New Mexico Comprehensive Wildlife Conservation Strategy. Habitats based on land cover dataset from Southwest Regional Gap Analysis Project and CWCS aquatic habitats.

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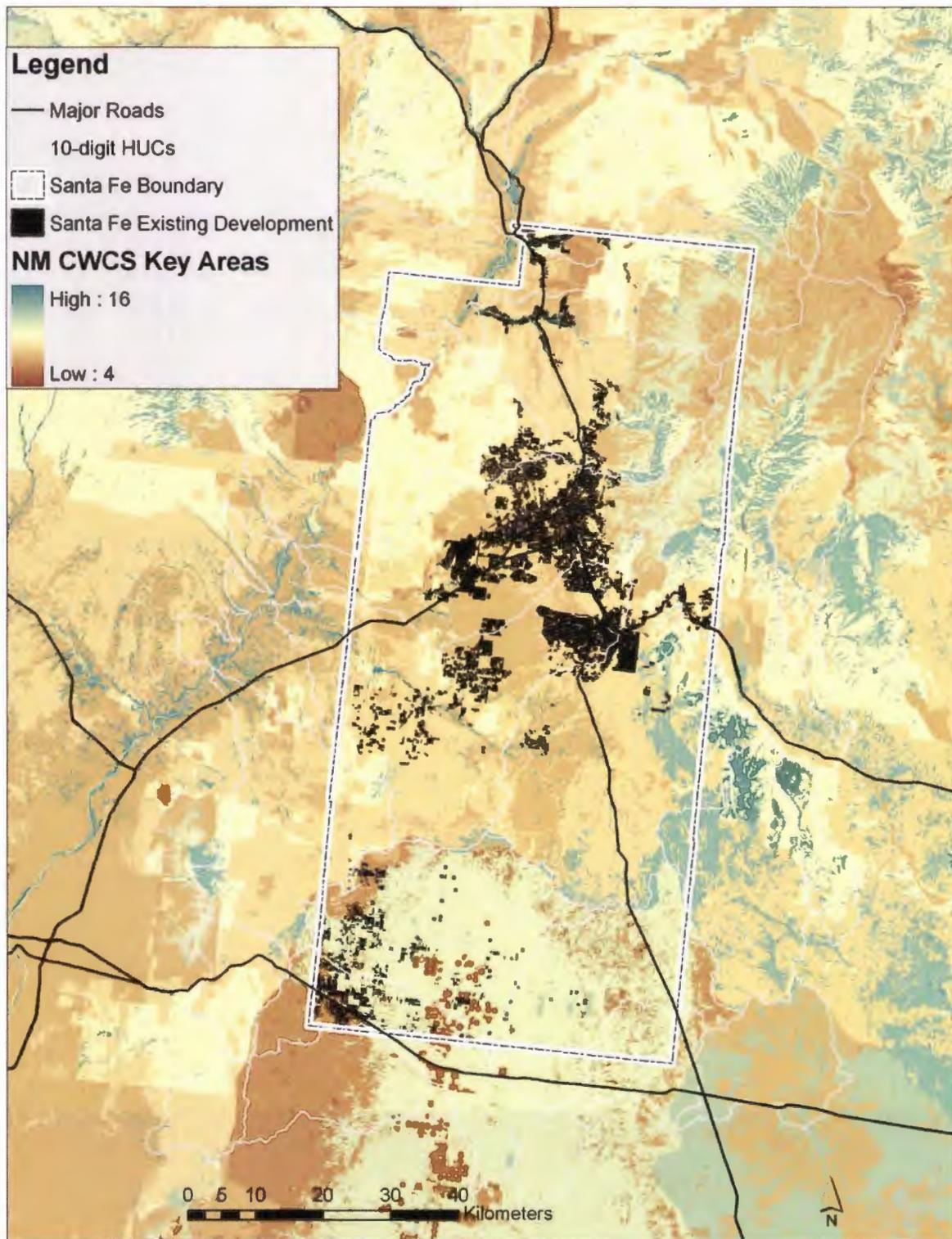


Figure 24. Conservation Focal Areas identified from the New Mexico Comprehensive Wildlife Conservation Strategy.

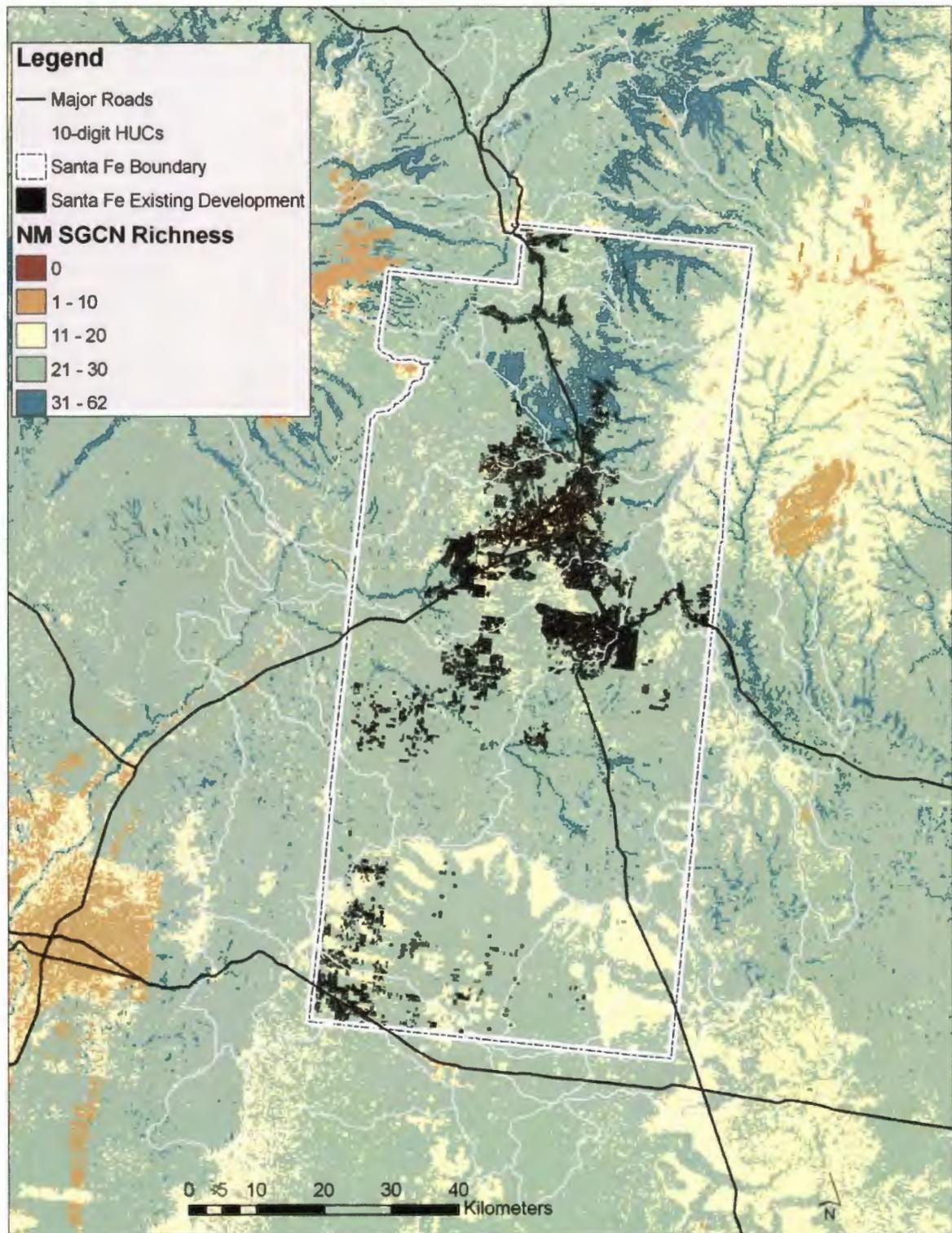


Figure 25. Species Richness for Species of Greatest Conservation Need modeled within Southwest Regional Gap Analysis.

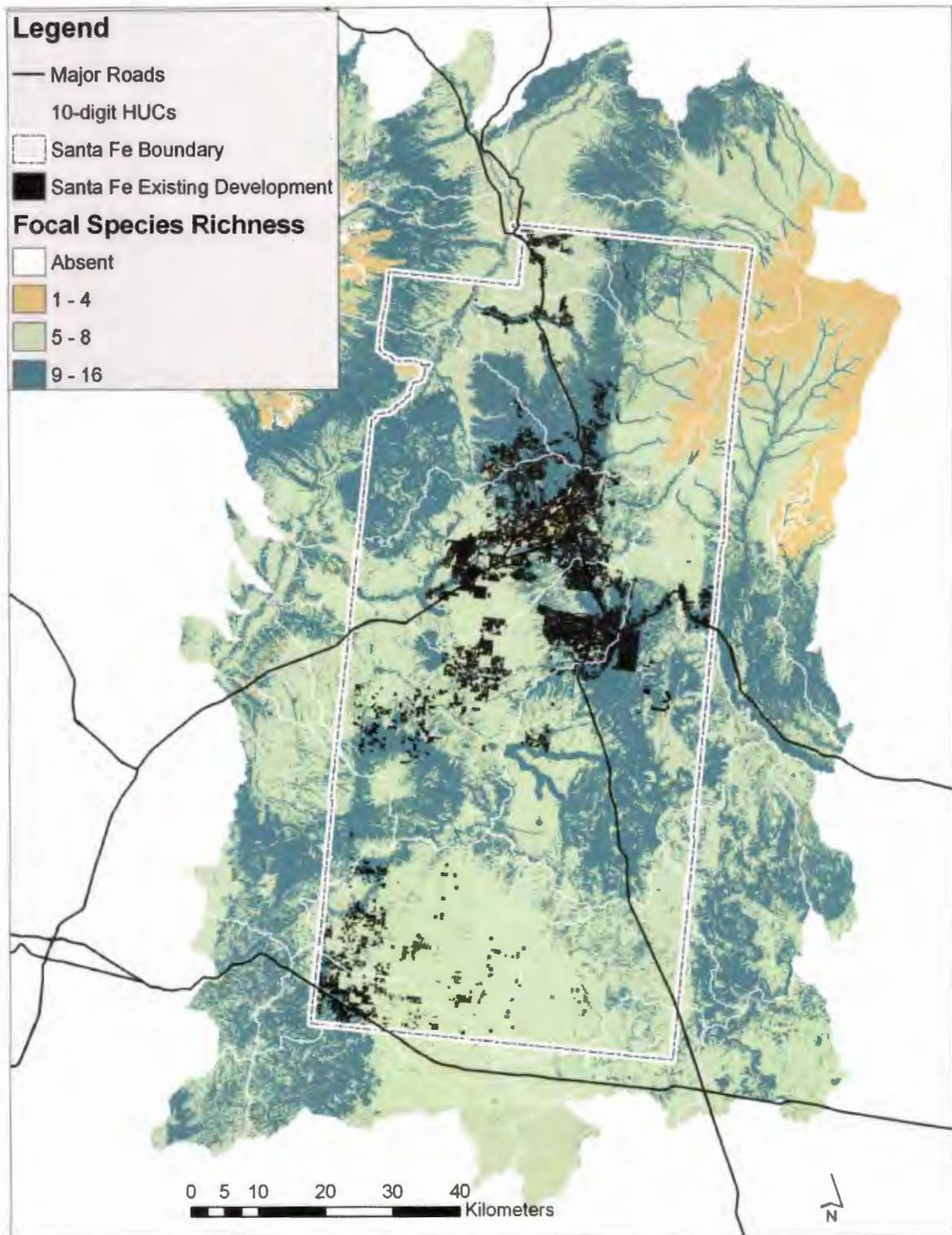


Figure 26. Species Richness for 20 focal species within Santa Fe County. Richness was derived from revised Southwest Regional Gap Analysis habitat models.

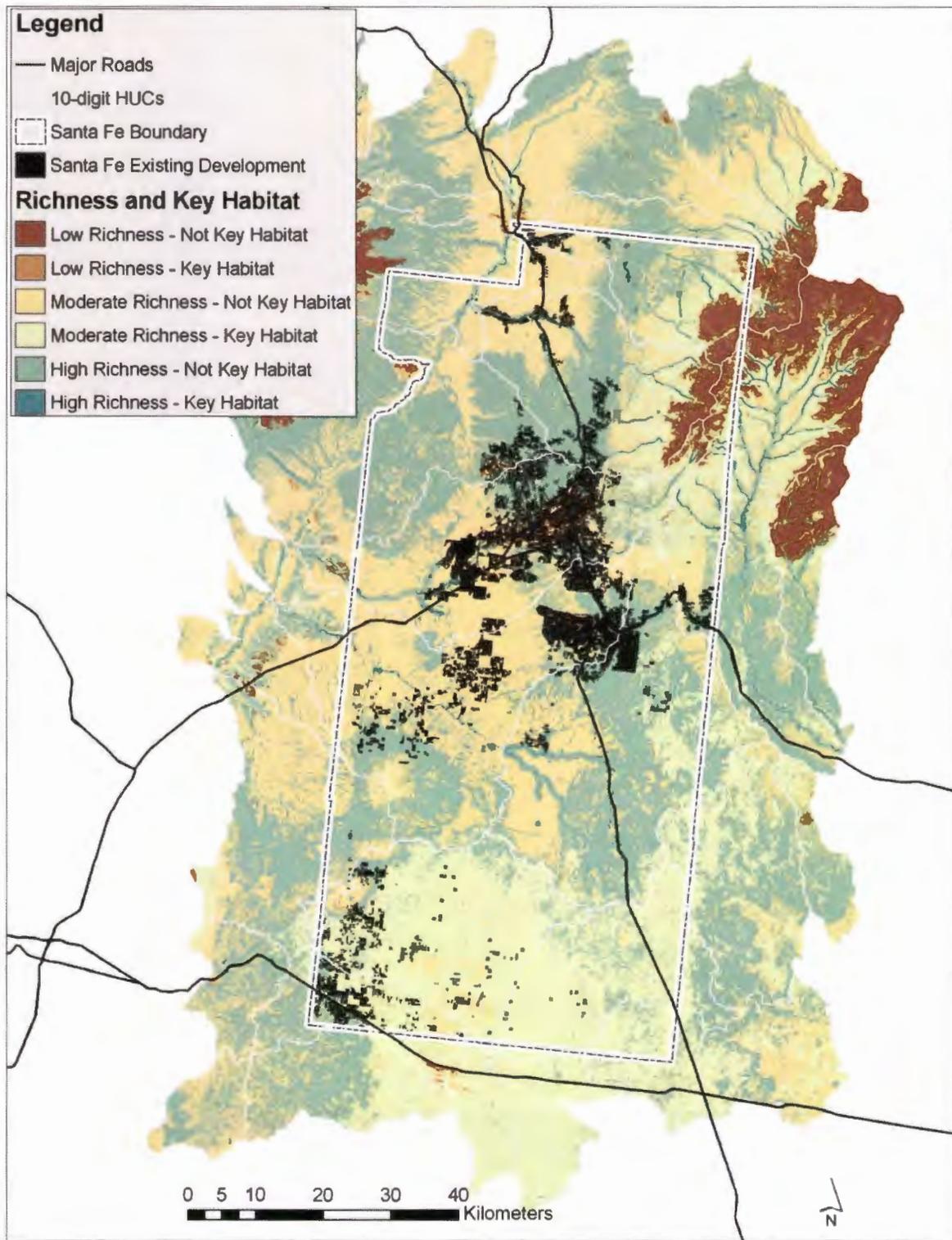


Figure 27. Map combining focal species richness (Figure 25) and key habitats (Figure 26) from New Mexico Comprehensive Wildlife Conservation Strategy.

MANAGEMENT IMPLICATIONS

Habitat Models

These habitat models are coarse scale models to be used at the watershed or county level or larger. Much of the underlying data is 30-m resolution and thus fine scaled application is problematic. However, the use of on the ground surveys and species occurrences for assessment and validation of the models would be useful. Additionally, as Santa Fe County creates, obtains, or identifies finer scale datasets, these models should be rerun or modified based on that new information. All habitat models should be considered hypothesis with iterations creating more accurate representations. As additional knowledge is gained in the form of species occurrence points, wildlife habitat relationship associations, and environmental variables, models should be rerun accordingly.

Conservation Priorities

We have provided five models to identify conservation priorities. These are not the only models to identify conservation priorities, but they are representative of many of the methods currently used. The use of these conservation priority datasets can provide insight into the corridors necessary to maintain wildlife habitat connectivity. Key habitats provide an indication of the spatial placement of these habitats. However, the determination of key habitats is often subjective. The NMCWCS identified key habitats based on the number of SGCN that occur within these habitats (NMDGF 2006). This is one method for determining key areas but may exclude areas with fewer species but critical for those species. This dataset does not factor in the condition of key habitats is another concern for use in conservation priorities. The SWReGAP land cover dataset was used for this assessment, but the land cover classes are at the ecological system level and do not include condition of these land cover classes. Condition is also important for species persistence in a habitat. Some species will thrive in habitats that are considered in poor condition and some will not survive in conditions considered excellent.

The key areas for conservation dataset identified focal areas for use in planning. The process uses a statewide dataset identifying factors that influence habitats (NMDGF 2006). The application at the local scale should be reviewed carefully. The scoring of the magnitude of the scope and severity of these factors should be modified to better reflect the actual influence of these factors within Santa Fe County. However, the initial application of this dataset does provide ecological context to the Galisteo watershed, Santa Fe County, and the state.

Species richness, in some form, is often used as a conservation assessment or biodiversity assessment. This format identifies only the number of species included within each pixel. This can be valuable information, but further analysis of the makeup of these species is often needed for management use. For example an area may have 10 species identified, but these could be 10 generalist species that are found throughout the area. This is in contrast to an area with 10 species that are specialist and rare. Standard species richness does not distinguish between these two types of areas. It is suggested that further refinement of species richness at taxonomic group (i.e. birds), animal form (i.e. bats), genera (i.e. *Crotalus*), or some other groupings be used. The use of focal species or SGCNs provides another grouping and was used within this project. The twenty Santa Fe County species do focus efforts, but it must be remembered that the species richness for this grouping does not reflect overall biodiversity. The Santa Fe County focal

species dataset is useful when management is focused on the chosen species. The SGCN dataset is appropriate because it bypasses the limitation of the 20 focal species.

The focal species by key habitat dataset combines the focal species predicted habitat of interest identified by Santa Fe County and interested groups and the key habitat identified by New Mexico Department of Game and Fish. This dataset provides a 6 class analysis that can highlight areas with both focal species and key habitats.

Based on these preliminary analyses, we recommend the following:

1) Choice of map/data to use in identifying preliminary conservation priorities.

We have provided five conservation priority models. These models provide Santa Fe County with different datasets and concepts for use. We suggest the use of three of these models depending on specific objectives. The SGCN species richness dataset provides a multicounty perspective of species that NMDGF has identified as in need of greatest conservation. This dataset highlights all species (terrestrial vertebrates) that are within the county. The focal species identifies areas where these specific species have potential habitat. This is informative for these species and also provides a basis for ground truthing and further model refinement. The SGCN dataset was not modified specifically to Santa Fe County and thus still includes some regional errors. The combination of focal species richness and key habitat provides one picture that can identify areas of interest for the county. It includes the key habitats that are important to SGCNs and the focused predicted habitat of the identified focal species.

Further analysis is possible with the datasets created and additional datasets. A gap analysis could be completed for Santa Fe County similar to Boykin et al. 2007b and Boykin et al. 2008. This would provide a breakdown of habitat by land manager. Additionally, further comparison of the five data models provided could be conducted to detail the similarities and differences between the datasets.

2) Further analysis to develop better models for setting conservation priorities

Models are binary suitable/unsuitable habitat. These have utility, but having experts provide a weighting to these models would provide additional benefit. Care should be taken in this approach as the weighting of either environmental variables or attributes within those variables must be documented to withstand scientific scrutiny. Further work with inductive models and finer scale environmental datasets would be worthwhile.

Patch dynamics and populations estimates play a significant role in species persistence. Inclusion of this information would be beneficial. These data will be species specific and in many cases location specific.

3) Collection of additional data.

Models are testable hypotheses that should be tested both with expert knowledge and additional occurrence data. Occurrence data is often opportunistically collected and the applications of statistical inferences are limited. However, this information provides a test of the model output regarding species presence. It is important to note that these models are models of habitat and non-detection of a species does not always infer a poor model, microhabitat characteristics, competitors, and population parameters may preclude occupancy of the site.

The benefit of new occurrence information can be two-fold. Deductive models can be assessed and a dataset can be collected to test the application of inductive models. We have found the two models to be useful in management context in Clark County (Boykin et al. 2008).

4) Next Steps

Further efforts should be focused on the focal species richness dataset. This dataset is the compilation of individual models and provides a synoptic view of the combine models. Species richness datasets should always be considered carefully as the focal species used may not always identify the most important habitat. Further analysis of the focal species richness by habitat model is also warranted as it provides a more broad perspective of habitat within Santa Fe County.

Deductive models typically overestimate habitat because of the general nature of the literature available for model parameterization. Inductive models can provide habitat suitability probabilities based on species occurrence data. We recommend that Santa Fe County start collecting historical and current species occurrence information within the county to assess the deductive models and to use in future inductive models. These models would also require more finely resolved datasets.

Habitat models are species specific and using either deductive or inductive approaches or a combination of the two may provide the most accurate model for use in planning. The deductive models created within this effort should be viewed as testable hypotheses and sampling frames for survey efforts.

ACKNOWLEDGEMENTS

We thank Santa Fe County for providing funding for this project and the workshop, particularly Arnold Valdez, Senior Planner. We also thank Wildlife Habitat of New Mexico for their assistance and support. Finally, we thank all the participants in the workshop for their input, time, and suggestions. Partial funding was provided by USGS Gap Analysis Program.

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APPENDICES

Appendix A. Workshop DVD

Workshops DVDs provided to workshop participants. Provided to Santa Fe County was an additional DVD With final models and report.

Appendix B. List of Ecological Systems within study area as mapped by Southwest Regional Gap Analysis Project.

Code	Ecological System Description
S006	Rocky Mountain Cliff and Canyon
S008	Western Great Plains Cliff and Outcrop
S010	Colorado Plateau Mixed Bedrock Canyon and Tableland
S011	Inter-Mountain Basins Shale Badland
S012	Inter-Mountain Basins Active and Stabilized Dune
S018	North American Warm Desert Active and Stabilized Dune
S023	Rocky Mountain Aspen Forest and Woodland
S025	Rocky Mountain Subalpine-Montane Limber-Bristlecone Pine Woodland
S028	Rocky Mountain Subalpine Dry-Mesic Spruce-Fir Forest and Woodland
S030	Rocky Mountain Subalpine Mesic Spruce-Fir Forest and Woodland
S032	Rocky Mountain Montane Dry-Mesic Mixed Conifer Forest and Woodland
S034	Rocky Mountain Montane Mesic Mixed Conifer Forest and Woodland
S035	Madrean Pine-Oak Forest and Woodland
S036	Rocky Mountain Ponderosa Pine Woodland
S038	Southern Rocky Mountain Pinyon-Juniper Woodland
S042	Inter-Mountain West Aspen-Mixed Conifer Forest and Woodland Complex
S046	Rocky Mountain Gambel Oak-Mixed Montane Shrubland
S047	Rocky Mountain Lower Montane-Foothill Shrubland
S054	Inter-Mountain Basins Big Sagebrush Shrubland
S056	Colorado Plateau Mixed Low Sagebrush Shrubland
S058	Apacherian-Chihuahuan Mesquite Upland Scrub
S065	Inter-Mountain Basins Mixed Salt Desert Scrub
S071	Inter-Mountain Basins Montane Sagebrush Steppe
S074	Southern Rocky Mountain Juniper Woodland and Savanna
S077	Apacherian-Chihuahuan Piedmont Semi-Desert Grassland and Steppe
S079	Inter-Mountain Basins Semi-Desert Shrub Steppe
S080	Chihuahuan Gypsophilous Grassland and Steppe
S083	Rocky Mountain Subalpine Mesic Meadow
S085	Southern Rocky Mountain Montane-Subalpine Grassland
S086	Western Great Plains Foothill and Piedmont Grassland
S088	Western Great Plains Shortgrass Prairie
S090	Inter-Mountain Basins Semi-Desert Grassland
S091	Rocky Mountain Subalpine-Montane Riparian Shrubland
S093	Rocky Mountain Lower Montane Riparian Woodland and Shrubland
S095	Western Great Plains Riparian Woodland and Shrubland
S096	Inter-Mountain Basins Greasewood Flat
S100	North American Arid West Emergent Marsh
S102	Rocky Mountain Alpine-Montane Wet Meadow

Code	Ecological System Description
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S109	Chihuahuan-Sonoran Desert Bottomland and Swale Grassland
S112	Madrean Pinyon-Juniper Woodland
S113	Chihuahuan Sandy Plains Semi-Desert Grassland
S115	Madrean Juniper Savanna
N11	Open Water
N21	Developed, Open Space - Low Intensity
N22	Developed, Medium - High Intensity

2025 STATE RECORDED 01/15/2011

Appendix C. Online links to original Southwest Regional Gap Analysis Project

Southwest Regional Gap Analysis Homepage

(<http://fws-nmcfwru.nmsu.edu/swregap/default.htm>)

Land Cover Dataset

(<http://earth.gis.usu.edu/swgap/>)

Ecological System Descriptions

(http://earth.gis.usu.edu/swgap/data/landcover/descriptions/landc_database_report.pdf)

Animal Habitat Models

(<http://fws-nmcfwru.nmsu.edu/swregap/HabitatModels/>)

Land Stewardship Dataset

(<http://fws-nmcfwru.nmsu.edu/swregap/Stewardship/>)

Regional Analysis

(<http://fws-nmcfwru.nmsu.edu/swregap/GapAnalysis/>)

Southwest Regional Gap Analysis Final Report

(<http://fws-nmcfwru.nmsu.edu/swregap/pubs.htm>)

SWReGAP Final Report:

(<http://fws-nmcfwru.nmsu.edu/swregap/report/SWReGAP%20Final%20Report.pdf>)



Santa Fe County Commissioners

Chair: Commissioner Kathy Holian, District 4
Commissioner Daniel Mayfield, District 1
Commissioner Miguel M. Chavez, District 2
Commissioner Robert A. Anaya, District 3
Commissioner Liz Stefanics, District 5

102 Grant Avenue
Santa Fe, N.M. 87505

November 18, 2013

RE: SLDC Provision for Habitat and Wildlife Corridor Protection

Dear County Commissioners,

Thank you for a diligent and public process for developing the Sustainable Land Development Code. **The Northern New Mexico Group of Sierra Club strongly supports the Code and the process of updating and improving it into the future.**

There are two significant natural resources mentioned in the Plan that have not yet been identified for protection in the Code – wildlife habitat and corridors. Preserving wildlife populations and habitat are areas of public concern as well as essential to our landscape ecology and quality of life.

In 2009, the county and the BCC helped sponsor two Santa Fe County Wildlife Focal Species workshops. The first workshop had 38 county, state, pueblo and federal biologists and wildlife managers identify and rate over 50 species of concern. A focal species list of 20 was compiled and species occurrence data collected. Dr. Ken Boykin, from New Mexico Cooperative Fish & Wildlife Research Unit, led the GIS mapping workshop that followed and developed the individual species habitat maps. His team's technical assistance report, "*Santa Fe County Wildlife Habitat GIS Modeling: Workshop and Conservation Priorities*" was submitted to the county in December 2009.

This detailed report and GIS mapping by the county that followed are the most accurate tools to date for identifying the locations and densities of key wildlife populations in the county. In order for the county to protect these areas, the report

and maps listed below should be included in the Code's Environmental & Natural Resources Overlay (8.11.4):

1. **Potential Habitat Survey Areas and NMSU Focal Species Model**
2. **Potential Habitat Survey Areas and ReGAP Overall Vertebrate Species Richness Map**
3. **Potential Habitat Survey Areas and Parcel Size**
4. **Potential Habitat Survey Areas and Public Lands and NMDGF Corridors**

These maps take into consideration county and state conservation priorities, recently completed habitat studies, N.M. Department of Game & Fish conceptual wildlife corridors, proximity to public and private conservation lands, and parcel size.

We ask that the maps be utilized as aids in Land Suitability Assessments on environmentally sensitive lands. We suggest that when new developments within the Potential Habitat Survey Requirement Areas prepare site surveys of natural resources, that focal species habitat and corridors are included and that the standard of protection be determined using the existing code sections, including recently approved protections for riparian areas. Wetlands and riparian areas are critical habitats and should have the highest level of protection from disturbance.

Of key importance in protecting habitat or wildlife is the expertise of locally based biologists and state wildlife experts. As habitats continue to be altered and reduced due to human use and climate change, we suggest these experts be routinely consulted as part of the decision making process.

Thank you for your dedicated work on behalf of our county.

Sincerely yours,



Teresa Seamster
Co-chair, Northern N.M. Group
Rio Grande Chapter of Sierra Club
1807 2nd Street, Suite 45
Santa Fe, N.M. 87505
(505) 983-2703
(505) 466-8964 (h)
tc.seamster@gmail.com

Attachments

Santa Fe County Technical Assistance Report
Maps (1-4)

2009 Santa Fe County Focal Species Workshop (Participant list)

1. Baca, Cal M, NMDGF
2. Alpert, Barbara
3. Bird, Bryan (WEGuardians)
4. Brookings, Lura
5. Callen, Peter (Pathways)
6. Cannon, Tim (SFC)
7. Carey, Henry
8. Chapman, Craig (NMWA)
9. DeLongchamp, Michael
10. Dorame, Anthony K. (Tesuque Pueblo)
11. Foreman, Dave (Rewilding Institute)
12. Hargis, Amanda (SFC)
13. Harrison, Ted (Commonweal Conservancy)
14. Hayes, Chuck (NMDGF)
15. Henkel, David (UNM)
16. Holian, Brad
17. Jandacek, Andrew (SFC)
18. Jansens, Jan-Willem (Earth Works Institute)
19. Kates, Daisy
20. Kolkmeier, Jack (SFC)
21. Mills, Beth (SFC)
22. Morton, Jeff (Santo Domingo)
23. Nicolai, Nancy (Santo Domingo)
24. Orr, Mary (USFS)
25. Patorni, Francois-Marie (SFWatershed Asso)
26. Ramsey, Marikay (BLM)
27. Sager, Lawry (biologist)
28. Saunders, Jan
29. Seamster, Teresa (Galisteo Watershed Partner)
30. Seamster, Thomas (Galisteo Watershed Partner)
31. Seamster, Ginny (UVA)
32. Tremper, Amy (Cerro Pelon Ranch)
33. Valdez, Arnold (SFC)
34. van Hulsteyn, David (PNE)
35. Walton, Lori, (NMDOT)
36. Williams, Valerie (BLM)
37. Wolff, Gina (Tesuque Pueblo)
38. Wood, Sarah, EMNRD
39. Wood Miller, Lara (The Nature Conservancy)
40. Young, Jack (NMDGF)

Santa Fe County – Technical Assistance Report

(Ken Boykin, PhD et al, Center for Applied Spatial Ecology (CASE), NMSU, 2009)

Table 2. List of focal species and rating identified by 27 participants from the Focal Species Workshop

(1=Substantially Above Average and 4 = Substantially Below Average).

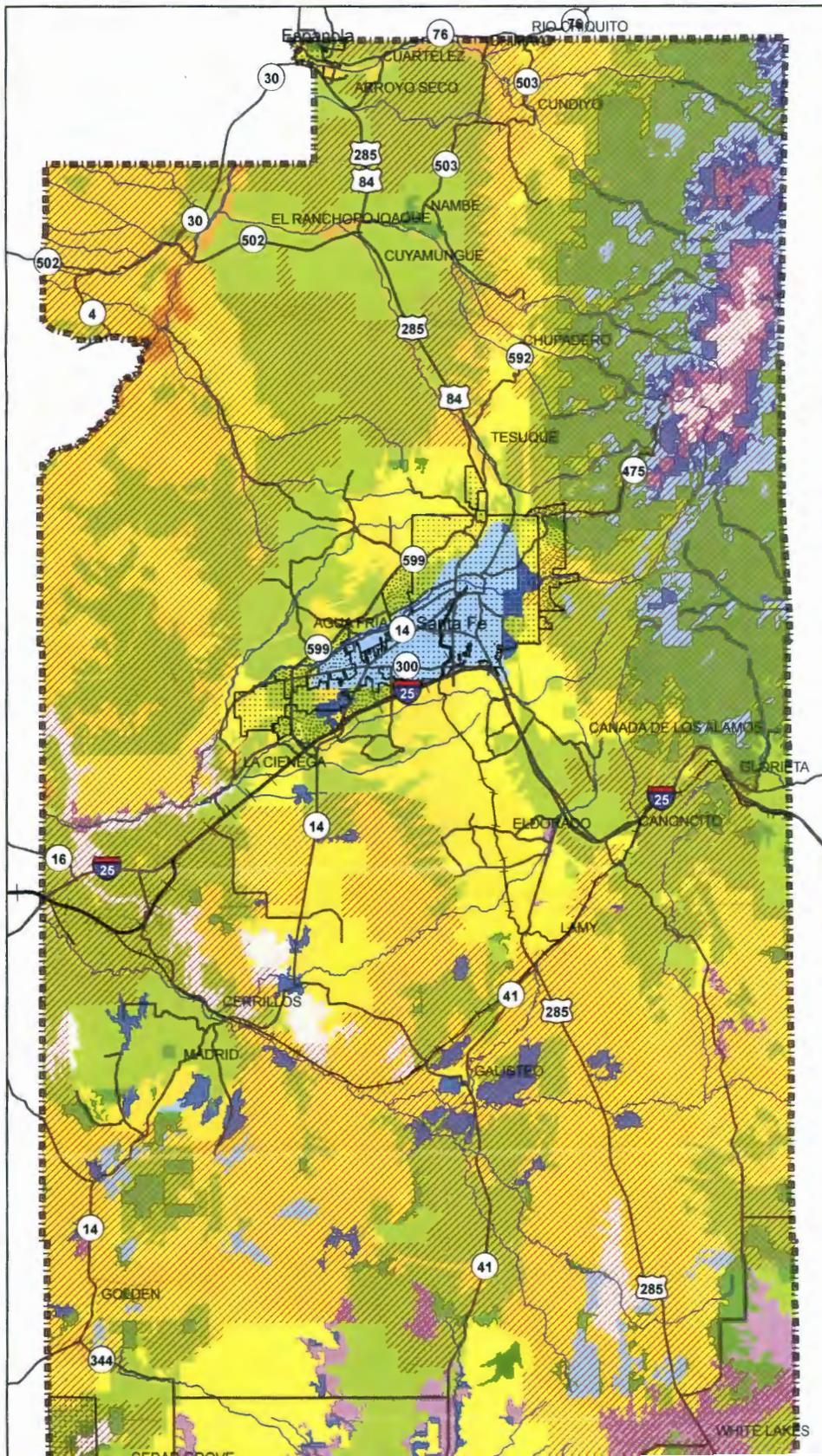
Common Name Focal Species Mean Rating

1. Golden Eagle 1.52*
2. Mexican Spotted Owl 1.61*
3. Peregrine Falcon 1.64*
4. Burrowing Owl 1.69*
5. American Beaver 1.71*
6. SW Willow Flycatcher 1.75*
7. Mountain Lion 1.78
8. Gunnison's Prairie Dog 1.83*
9. Black Bear 1.84*
10. Pronghorn 1.84
11. Northern Leopard Frog 1.87*
12. Northern Goshawk 1.97*
13. Roadrunner 1.97
14. Townsend's Bat 2.09
15. Pinyon Jay 2.10*
16. Bobcat 2.17
17. Yellow-billed Cuckoo 2.17*
18. Ferruginous Hawk 2.19*
19. Scaled Quail 2.25*
20. Osprey 2.27*

* New Mexico Species of Greatest Conservation Need (NMDGF 2006)

2009-08-11 10:00 AM

Santa Fe County Potential Habitat Survey Requirement Areas, and ReGAP Overall Vertebrate Species Richness



Legend

- Santa Fe County
- Municipalities
- Municipalities (current boundaries)
- City of Santa Fe Annexation Area
- Potential Habitat Survey Requirement Areas
- Major Roads
- Railrunner Alignment
- Railroad Lines
- Major Streams and Arroyos

ReGAP Overall Vertebrate Species Richness

- 9 - 50
- 50.00000001 - 75
- 75.00000001 - 100
- 100.00000001 - 125
- 125.00000001 - 150
- 150.00000001 - 175
- 175.00000001 - 200
- 200.00000001 - 225
- 225.00000001 - 300

The San Marcos Association Board of Directors respectfully request the County Commission to require that the following alterations (or equivalent) to the draft code be made as a condition of code adoption.

10.4. Accessory Dwelling Units.

10.4.2.1. Occupancy. AS WRITTEN IN THE DRAFT

1. "Only immediate family members may occupy the principal dwelling unit and the accessory dwelling unit."

WHY THIS NEEDS TO CHANGE

This statement essentially **forbids** occupation of either a principle dwelling or an accessory dwelling unit to the following:

- 1) Guests
- 2) roommates
- 3) exchange students
- 4) domestic partners
- 5) aunt and uncles
- 6) family friends
- 7) a nurse
- 8) a maid
- 9) a medical health professional
- 10) a care giver
- 11) a care taker
- 12) all non-"family" members

If the County removes "the principal dwelling unit" from 10.4.2.1., then it would mean that all of the list above could occupy the principle dwelling but not the accessory dwelling unit.

Assuming that there is no County Ordinance forbidding leasing or renting a property, then one could lease their principle residence but not their Accessory Dwelling Unit (except to a family member). This would mean that in a legal sense, you could not lease the property at all, since the accessory dwelling would always be "outside" the lease and subject to liabilities that no leasee would accept.

If a medically invalid property owner wished to employ a full time nurse to live in close proximity, they could not place that individual in the accessory dwelling. They Could, however, elect to live in the accessory dwelling and allow the nurse to live in the principle dwelling. This makes no sense at all.

As worded, an unrelated domestic partner could not live in a house owned by another, a property caretaker could not live on the property while the principle owners are away

The definition of "immediate family member" found in Appendix A is capricious and arbitrary in a legal sense and a case could be made that the prohibition of certain classes of individuals would be discriminatory. Discrimination in housing is prohibited and governed by the New Mexico Human Rights Act (Section 28-1-1 to 28-1-15, NMSA 1978) and the Federal Fair Housing Act of 1968 (Title VII of the Civil Rights Act of 1968, as amended, 42 US Code Section 3601, et.seq)

The Definition of "immediate family member" (Appendix A) states that immediate family includes those individuals related by natural birth, adoption, or a domestic partner relationship.

Since "domestic partner" is undefined, it can be assumed that a family member linked through a "domestic partner" cannot be a member linked by heredity or "blood". This clouds the issue of immediate family to such an extent that virtually anyone could be claimed as immediate family.

It is very clear that an accessory dwelling unit, once built, could not be regulated as to who lives in it. Will the County hire a geneological consultant to determine if the resident of an accessory dwelling unit is a first or second cousin of the property owner?

Things get more cloudy when in 10.5, Group home, a primary dwelling unit (and one assumes any accessory dwelling unit) may be occupied by a disabled person and a staff member or counselor "unrelated by blood, marriage, adoption, or guardianship" as well as the "family members" of the owner.

Things get unmanageable when you consult Chapter 13-1.2 Fair Housing. This Section clearly states that their can be no biases such as those described in 10.4.2.1. when it comes any dwelling occupancy.

Suggested Change 10.4 ACCESSORY DWELLING UNIT

10.4.1. Purpose and Findings. Accessory dwellings are an important means by which persons can provide separate and affordable housing for elderly, single parent, and multi-generational family situations, ***care-givers, and individuals or families providing economic or social support to the principle residence***, This section permits the development of a small dwelling unit separate and accessory to the principle residence. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This section applies to any accessory dwelling unit located in a building whether or not attached to the principle dwelling. Accessory dwelling units must be clearly incidental and subordinate to the use of the principle dwelling. Accessory dwelling units are permissible only: (a) where permitted by the use matrix and (b) where constructed and maintained in compliance with this section 10.4.

10.4.2.1. Delete or;

10,4,2,1, Occupancy: *Occupancy of any accessory dwelling unit is linked and subservient to the principle residence. The owner of record of a principle residence may, within the confines of any contract, request the occupants to vacate the Accessory Dwelling Unit within a reasonable time period, in accordance with New Mexico Law.*

Comment: it is extremely important to define a land owner's right of eviction

10.4.2.2 through 10.2.2.5 remains the same.

10.4.2.6. Add the following language;

10.4.2.6. *Accessory Dwellings may not be separated from the principle Dwelling through Lot Split, Family Transfer, or other land transfer that would create a non-conforming use for either property. An accessory dwelling is considered as part of the principle dwelling for all land use purposes.*

/

APPENDIX B: USE TABLES DEFINITIONS

Many of the Use Tables are not defined in the SDLC Appendix A or anywhere else in the Code. If these uses are defined elsewhere, then a reference should be made to the location of the definition.

As examples:

Rooming and Boarding House is found in the use tables in Appendix B but is not defined in Appendix A or anywhere else in the SDLC.

Retirement Housing is found in the use table but not defined in Appendix A or anywhere else in the SDLC.

Single room occupancy units is found in the use table but not defined in Appendix A or anywhere else in the SDLC.

Without definition, the use table is open to legal interpretations that may contradict the County's intent.

SDLC DRAFT 2013 SAN MARCOS ASSOCIATION NOV. 18, 2013 RECOMMENDED CHANGES

TWO FAMILY OR DUPLEX

“Duplex” in the use table (appendix B) should be classified as “two family or duplex” as defined in Appendix A page 352.

“Dwelling, two family” found in Appendix A should be changed from “a detached home” to a “detached home or homes”, since there is no other definition or use described for building two homes on a single property. There IS, however, definition and use table for “Dwelling, multi-family”, but that requires three or more dwellings on a single tract.

SLDC Timing of Approvals

Major Subdivision (6 or more lots less than 10 acres in size)

Timeline for 10 Lot, 5 acre Subdivision in SDA-2 area

Preliminary Plat

Month 1	Month 2	Month 3-5	Month 6-7	Month 7	Month 8	
TAC	Pre-App	Prepare SAR's	Application to County Agency review period	Hearing by BCC	Findings of Fact	
Final Plat						
Month 9	Month 10	Month 11	Month 12	Month 13	Month 14	Month 15
TAC	Application to County	BCC Hearing	Findings of Fact	Preparation of Development Agreement	Approval of Engineers cost estimate and letter of credit	Issuance of Development Permit Commence construction

**10 Lot 5 Acre Subdivison-SDA-2 Zone, on EAWSD Water System
Cost for Compliance with SLDC**

	Current Code	SLDC
Environmental Impact Report (EIR)	0.00	12,500.00
Archaeology	\$3,000.00	\$3,000.00
Adequate Public Facilities & Service Assessments(APFR)	0.00	\$5,000.00
Water Service Availability Report (WSAR)	0.00	\$10,000.00
Traffic Impact Assessment (TIA)	0.00	\$33,000.00
Fiscal Impact Assessment (FIA)	0.00	\$10,000.00
Impact fee	\$550.00	\$10,000.00
Cost to address deficiencies for APFR	0.00	\$10,000.00
Affordable Housing 8% of lots = .8 units (rounded up to 1 unit) (fee in lieu of)	\$189,250.00	\$189,250.00
Development review fee (current)	\$3,200	\$3,200
Total	\$196,000.00	\$285,950.00
Per lot Cost	19,660.00	\$28,595.00

SFC CLERK RECORDED 8/15/2014

