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Commissioner, District 5  
**Katherine Miller**  
County Manager

**Date:** November 24, 2015  
**To:** Board of County Commissioners  
**From:** Penny Ellis-Green, Growth Management Director *PEG*  
Willie Brown, Assistant County Attorney *WRB*  
**Via:** Katherine Miller, County Manager  
**Item:** Ordinance No. 2015-\_\_\_\_\_, An Ordinance Amending And Restating In Its Entirety The Sustainable Land Development Code (SLDC), Ordinance 2013-6.

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**SUMMARY:**

This is the second public hearing of an Ordinance amending and restating in its entirety Ordinance No. 2013-6, the Sustainable Land Development Code.

**BACKGROUND:**

On October 13, 2015, staff presented proposed changes to the SLDC, which included new sections previously reserved including a Density Bonus section, community overlays from 13 planned communities, regulations for small scale sand and gravel extraction, regulations for wireless communications facilities, the DCI section and Transfer of Development Rights.

On October 27, 2015, the Board gave authorization to publish title and general summary of the referenced Ordinance.

On November 10, 2015 the Board held the first public hearing on this Ordinance and staff introduced requested language related to: the addition of a Light Industrial Zoning District; amendments to the TDR section to clarify the process for a sending area; amendment to the water supply standards (Section 7.13.7.3.10) allowing that any hydro report used for the OSE process of converting the water rights from agricultural to subdivision use be allowed to be used for proof of water if the test conforms to the Code; amendment to the water conservation standards (Section 7.13.11.2.10) clarifying that this section refers to temporary pools with a fill capacity of 3,000 gallons or more; addition of a density bonus (Table 8-22) for Mixed Use and PD districts if those areas are identified as an environmental resource protection overlay, a historic preservation overlay or an agricultural overlay; transitional provisions to allow final orders to be approved in accordance with the CDRC or Board's voice vote; addition of other plats not considered subdivisions; addition

to the density bonus section requiring a density bonus to be used on the same parcel and within the same zoning district; and an additional definition for a movie ranch.

Since the November 10, 2015 Board meeting the following changes have been incorporated after staff review and public comment, which are shown in redline format in Exhibit B.

**Chapter 1.**

- Transitional Provisions clarifying that permits with vested rights can build out in conformance with a final approval or permit.

**Chapter 7.**

- Road access. Clarifying the need to prove legal access with applications.
- Protection of Historic and Archaeological Resources - updated language and corrections provided by the State Historic Preservation Office.

**Chapter 8.**

- Increasing the density allowed in MU and PD districts with the use of TDRs.
- Requiring that a conceptual plan in the CCD cover the entire Village Zone, Employment Center or Institutional Campus Zone of the portion owned by the applicant.
- Clarifying language that existing PDs are governed by their previous approval and regulations for expansions.
- Additional statement that the Turquoise Trail Overlay extends 1000 ft on either side of SR14.

**Chapter 9.**

- Additional clarifying language in the Use Matrix section.

**Chapter 11.**

- Renumbered sections to have regulations for each DCI to be it's own primary section.

**Chapter 14.**

- Requiring that a conceptual plan cover the entire property owned by the applicant or any portion of the property within a zoning district.

**Appendix B – Use Table**

- Amended the special trade contractor row to read “trade contractor, plumbing, electrical, roofing, painting, landscaping”.
- Added a definition for “Media Special Needs Structure” which is used in the Community College District.

The proposed Ordinance adopting the SLDC is attached as Exhibit A. The whole SLDC would be restated to allow for the approval and recordation of a single integrated document. The ordinance adopting the SLDC includes a similar provision as the previous Ordinance requiring a review of the SLDC 6 months after its implementation.

Staff will correct and update the table of contents, correct spacing, typographical and font errors and page numbers in the final document prior to recordation.

The full ordinance with all changes marked in redline is attached in this binder. The Board is also being provided with a clean copy of the entire SLDC with all redline changes incorporated.

**ACTION REQUESTED:**

Staff recommends approval of the Ordinance with all changes proposed by staff as included in the redline and clean versions of the SLDC provided.

**ATTACHMENT:**

Exhibit A - Ordinance

Exhibit B - Additional changes proposed

Exhibit C – Public comments database

**(The entire redlined SLDC and final SLDC version is under separate cover)**



THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2015-\_\_\_\_\_

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AN ORDINANCE  
AMENDING AND RESTATING IN ITS ENTIRETY THE SUSTAINABLE LAND  
DEVELOPMENT CODE (SLDC), ORDINANCE NO. 2013-6

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BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY:

1. The Sustainable Land Development Code, Ordinance No. 2013-6, is hereby amended and restated in its entirety as set forth herein.
2. This Ordinance may be cited as the "Sustainable Land Development Code".
3. The Board shall begin a review of the Sustainable Land Development Code six (6) months after its effective date.

PASSED, APPROVED, AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: \_\_\_\_\_  
ROBERT A. ANAYA, Chair

ATTEST:

\_\_\_\_\_  
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

*Willie L. Brown*  
for: \_\_\_\_\_  
GREGORY S. SHAFFER, County Attorney





## Chapter 1 – General Provisions

### 1.11. TRANSITIONAL PROVISIONS.

**1.11.1 Effect of Zoning Map on Prior Zoning Approvals.** The Zoning Map adopted in conjunction with the SLDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the SLDC.

**1.11.2. Prior Development Permits and Approvals.** Except as otherwise provided in subsection 1.11.1, development permits and approvals previously granted by the Board, County Development Review Committee or the Administrator before the effective date of the SLDC for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

**1.11.3. Permits and Approvals With Vested Rights.** Development Permits and final approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use is in accordance with the development permit and final approval.~~be recognized by the County.~~





## Chapter 7 – Sustainable Design Standards

### 7.11.11. Road Access.

#### 7.11.11.1. Generally.

1. Legal road access shall be provided to each lot. Proof of legal access shall be provided with any application.
  2. Each lot shall directly access a road constructed to meet the requirements of this section.
  3. Except as provided below in Section 7.11.11.4, all new lots created, shall be provided with adequate access for ingress, egress, utility service, fire protection and emergency services whether by constructing on-site and off-site roads meeting the standards of this Section 7.11 or by direct access to a public road.
  4. When a tract to be developed borders an existing road having a right-of-way insufficient to conform to the minimum standards required by these regulations, which right-of-way will be used by the proposed development, sufficient right-of-way shall be platted, and dedicated or reserved in such a way as would make the resulting right-of-way or road conform with the requirements of this Section 7.11.
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### 7.16. PROTECTION OF HISTORIC AND ARCHAEOLOGICAL RESOURCES.

**7.16.1. Purpose.** This section is intended to preserve and enhance the historic, archeological and cultural heritage of Santa Fe County. The section defers to the protections established in state and federal law and in particular the Cultural Properties Act and the Historic Districts and Landmarks Act. It also intends to use established statutory tools available to local governments to provide additional protection beyond that which is provided by the State and federal governments. In particular, this section intends to utilize, to the greatest extent possible, the County's inherent police power and zoning authority to provide effective protection for historic and cultural sites that would otherwise go unprotected. This section also is intended to provide for additional investigation on property proposed for development to determine whether undiscovered historic or cultural properties exist, and if properties are discovered, to provide protection of those properties from development.

**7.16.2. Designation of Registered Cultural Properties.** The State of New Mexico, Historic Preservation Division maintains a list of archeological, historic and cultural properties that are deemed worthy of preservation. The list is called the "New Mexico Register of Cultural Properties." The list also includes properties that have been listed on the National Register of Historic Places of the National Park Service. Whenever in the SLDC reference is made to the list of Registered Cultural Properties, that reference shall refer to the most current list maintained by the State of New Mexico, Department of Cultural Affairs.

### **7.16.3. Development Affecting a Registered Cultural Property – Required Report.**

**7.16.3.1.** Development that proposes to remove, demolish or adversely affect a property listed on the new Mexico Register of Cultural Properties and/or the National Register of historic Places is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC; ~~and provides~~ a copy of an excavation permit issued pursuant to 4.10.14 New Mexico Administrative Code by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer is also required for any mechanical excavation of an archaeological site on private land.

**7.16.3.2.** Development that affects in any way a Registered Cultural Property (including any removal or demolishing pursuant to the previous paragraph) is not permitted unless the applicant first submits a report concerning the proposed development for review of the Historic Preservation Office, Historic Preservation Officer. The report shall describe in detail the proposed changes to the Registered Cultural Property. Such a report shall be prepared by a professional qualified under § 7.16.8 of this subsection. The report shall include a complete treatment plan for protection and preservation of the Registered Cultural Property, ~~and~~ shall contain at least as much information as is listed in Section 4.10.16.14 New Mexico Administrative Code (“Preliminary Reports”), and shall meet the requirements of Section 4.10.7 New Mexico Administrative Code imposing general standards. The treatment plan shall be reviewed by the New Mexico State Historic Preservation Office, Historic Preservation Officer and conditions on the development proposed by the State Historic Preservation Officer may, as appropriate, be incorporated into the development permit.

**7.16.3.3.** Any development affecting in any way a Registered Cultural Property requires a conditional use permit.

**7.16.4. Designation of Archeological Districts.** The County is hereby divided into three districts for purposes of determining the level of investigation, mitigation and treatment required for archeological resources for persons engaging in development within those districts. The three archeological districts are created in Appendix D. Each district corresponds to areas of high,” “medium,” and “low” potential for discovery of heretofore undiscovered archeological resources.

**7.16.4.1.** On March 19, 2004, Congress enacted Public Law 108-208 as the Galisteo Basin Archeological Sites Protection Act (“the Act”), Section 2 of which stated that its purpose was “to provide for the preservation, protection, and interpretation of the nationally significant archeological resources in the Galisteo Basin in New Mexico.” The Act found the Galisteo Basin to be “the location of many well preserved prehistoric and historic archeological resources of Native American and Spanish colonial cultures.” Further, that “these resources included the largest ruins of Pueblo Indian settlement in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements...[all of which] are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.”

**7.16.4.2.** The Act designated some 24 specific sites, comprising 4,591 total acres, as constituting the Galisteo Basin Archeological Protection Sites. The 24 designated sites are subject to change. Those current sites consist of: Arroyo Hondo Pueblo, Burn Corn Pueblo, Chamisa Locita Pueblo, Comanche Gap Petroglyphs, Espinosa Ridge Site, La

Cienega Pueblo & Petroglyphs, La Cienega Pithouse Village, La Cieneguilla Petroglyphs/Camino Real Site, La Cieneguilla Pueblo, Lamy Pueblo, Lamy Junction Site, Las Huertas, Pa'ako Pueblo, Petroglyph Hill, Pueblo Blanco, Pueblo Colorado, Pueblo Galisteo/Las Madres, Pueblo Largo, Pueblo She, Rote Chert Quarry, San Cristobal Pueblo, San Lazaro Pueblo, San Marcos Pueblo, and Upper Arroyo Hondo Pueblo. Section 3 of the Act permits any private property owner included within the boundary of the designated site upon written request to the Secretary of the Interior, to have their property immediately removed from within that boundary. Section 4 of the Act prohibits additions to or deletions from the listed sites except by an act of Congress.

**7.16.4.3.** Section 2 of the Act protects the archeological protection sites by restricting activity on any Federal lands within the sites including but not limited to disposal of lands, mining activity and mineral/geothermal leasing. The Act authorizes the Secretary of the Interior to enter into cooperative agreements with owners of non-Federal lands as to an archaeological protection site located on their property. Such an agreement would enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Section 5 of the Act prohibits the Secretary from administering archaeological protection sites which are on non-Federal lands unless the landowner consents in a cooperative agreement.

**7.16.4.4.** The Act specifically prohibits the regulation of privately owned lands located within archeological protection sites and permits the Department of Interior to only acquire lands or interests within the protected sites with the consent of the owner. Similarly, Section 18-6-10 of the Cultural Properties Act deems it "an act of trespass and a misdemeanor for any person to remove, injure or destroy registered cultural properties situated on private lands or controlled by a private owner without the owner's prior permission." Also, under the state law, if a cultural property is on private land and the State Cultural Properties Review Committee determines that cultural property to be worthy of preservation and inclusion on the official register of cultural property, "the Committee may recommend the procedure best calculated to ensure preservation." The procedures include providing technical assistance to the owner to preserve the cultural property, acquiring the property outright or acquiring an easement, advising the County to consider zoning the property as an historic area/district under the Historic District Act, advising the County of the tools available to obtain control of the cultural property under the Historic District Act, and acquiring the property for the State by use of eminent domain.

**7.16.5. Development Within Areas of High Potential for Discovery of Archeological Resources; Required Investigation, Treatment and Mitigation.**

**7.16.5.1.** Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 5.0 acres or more within an area of "high" potential, or 2.0 acres within a traditional community and any application for small scale sand and gravel extraction, or a DCI in a "high" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources and shall preserve, mitigate, or treat the archeological resources as specified herein before a development permit is issued.

**7.16.5.2.** The investigation referred to in the previous paragraph shall include documentary research through the Archeological Records Management ~~Section~~ system

(ARMS) of the State of New Mexico, Historic Preservation Division, records maintained by the federal Bureau of Land Management, and any other known documentary sources (such as those held by the University of New Mexico), to determine whether known archeological resources exist at the site.

**7.16.5.3.** The investigation referred to in the previous paragraphs shall have as its goal to determine in a definitive manner whether known archeological resources exist. If known archeological resources exist on the site, they shall be confirmed through direct field investigation conducted by a qualified professional under § 7.16.8.

**7.16.5.4.** If, as a result of the documentary investigation and any follow-up field investigation, archeological resources are verified to exist on the property, a treatment and mitigation plan shall be developed whose primary goal is preservation of the archeological resources. If preservation is not practicable, then a treatment and mitigation plan shall be prepared and incorporated into the report as described in the following paragraphs.

**7.16.5.5.** Notwithstanding the foregoing, a pedestrian survey of the property proposed for development to which this subsection applies shall be conducted by a qualified professional under § 7.16.8 for all properties to which this subsection applies. The pedestrian survey shall be consistent with the requirements for such surveys set forth in 4.10.15 NMAC ("Standards for Survey"). If the qualified professional determines that archeological resources may be present, shovel tests or other subsurface testing shall be performed.

**7.16.5.6.** The investigation referred to in the previous paragraphs shall culminate in the preparation of a detailed report concerning the investigation which shall, at a minimum, contain all of the following. The report shall be forwarded to SHPO for review and comment:

1. a map of the proposed development that includes the buildable area and all areas proposed to be disturbed and that also shows the location of any archeological resources or sites investigated as a result of the documentary and pedestrian survey and any property listed on the Register of Cultural Properties;
2. a description of all archeological resources that were found during the investigation;
3. a brief description of human occupation and land use in the vicinity of the proposed development;
4. a complete list of sources consulted during the investigation;
5. a site map of the proposed development and environs that includes depiction of the archeological sites found and that depicts all the field work completed;
6. photographs of all archeological resources investigated;
7. copies of each site inventory and activity form completed on the site;
8. an overview of previous work and findings from the site of the proposed

development and nearby sites;

9. an assessment of the impact of the proposed development on the archeological remains found at the site;

10. any archeological resources identified in the report, categorized as either (a) not significant and no treatment is necessary, (b) significant, but that the proposed development will not affect the resources or can avoid the resources with careful placement, (c) significant, but that the resources can be effectively treated, or (d) that the archeological or cultural resources are significant, cannot be avoided, and treatment is not feasible;

11. a proposed treatment and mitigation plan that, if prepared, provides details concerning the means to undertake recovery and preservation of the archeological resources.

7.16.5.7. If the report referred in the previous paragraph proposes a treatment plan, the treatment plan shall be carried out as a condition precedent to obtaining a development permit. The treatment of the archeological resources shall continue until no archeological resources are encountered. As an alternative to carrying out a treatment plan prior to issuance of a development permit, the Administrator may accept financial assurance for the completion of the treatment plan and issue a development permit conditioned upon completion of the treatment plan.

7.16.5.8. If archeological resources are found, the resources shall be tested and analyzed during the field investigation, and quantitative and qualitative summaries of the archeological remains shall be provided in the report.

7.16.5.9. Archeological resources which are identified as significant as a result of the investigation shall be avoided and permanently protected by a non-disturbance easement, or mitigated and treated. The property on which archeological resources are located may be voluntarily transferred or sold to a federal, State or County government for further protection as an alternative to protection by a non-disturbance easement.

7.16.5.10. For those resources determined to be significant under the previous paragraph and for which a treatment plan is recommended, a sample of surface artifacts shall be collected and documented, and if there is any reason to believe that subsurface resources exist, excavations shall be conducted according to the most current standards of the Historic Preservation Officer set forth in Section 4.10.16.12 NMAC ("Standards for Excavation and Test Excavation Standards").-

7.16.5.11. In consultation with the State Historic Preservation Officer, the Administrator may determine that an investigation is not required for areas where cultural resources have been destroyed by previous development.

7.16.5.12. The total cost of treatment shall not exceed ten percent (10%) of the total cost of development of the applied-for development, including all future phases. If future phases are not planned sufficiently to determine total development costs, then development of future phases consistent with the applied-for development shall be assumed. Where the cost of treatment exceeds ten percent of development costs, treatment shall be completed up to the ten percent limit. If treatment is incomplete, the

applicant shall contact the State Historic Preservation Officer and the County's Open Space and Trails Division for additional funds if available, to complete the treatment. Only if such requests are denied may the treatment plan be terminated and a development permit issued.

**7.16.5.13.** If an applicant does not agree with the findings and a proposed treatment plan, the applicant may consult with another qualified professional to review the findings and treatment plan and render a second opinion. If, after the second opinion, the applicant still does not agree, the applicant may request an opinion from the State of New Mexico, State Historic Preservation Officer. The opinion of the State Historic Officer shall be final.

**7.16.6. Development Within Areas of Medium Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.**

**7.16.6.1.** Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 10.0 acres or more and any application for small scale sand and gravel extraction, or a DCI, within an area of "medium" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

**7.16.6.2.** The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

**7.16.7. Development Within Areas of Low Potential for Discovery of Archeological Resources, Required Investigation; Treatment and Mitigation.**

**7.16.7.1.** Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 40.0 acres or more and any application for small scale sand and gravel extraction, or a DCI, within an area of "low" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

**7.16.7.2.** The investigation, treatment and mitigation required in the previous paragraph shall encompass all the items described in subsections 7.16.5.2. through 7.16.5.13.

**7.16.8. Professional Qualifications.** Where an investigation called for in this subsection requires a qualified professional, that investigation shall be conducted by a professional archeologist, anthropologist or historian qualified and approved by the State of New Mexico Cultural Affairs Division, Historic Preservation Officer ~~to conduct archeological surveys on State lands, who shall also be approved by and~~ the Administrator.

**7.16.9. Unexpected Discoveries.** Any unexpected discoveries of archeological or cultural resources during construction, whether investigated or not pursuant to the SLDC, shall be immediately reported to the Administrator. Absent further instructions from the Administrator, construction activities shall immediately cease. The Applicant shall be responsible for having a person qualified pursuant to this section conduct an investigation of the site within forty-eight

(48) hours to investigate, prepare a report, treat and mitigate the site as necessary and as described in subsection 7.16.5. The Administrator may only issue a permit authorizing construction to continue when all the items set forth in subsections 7.16.5.2. through 7.16.5.13 have been accomplished and approved by the Administrator,

**7.16.10. Unexpected Discoveries of Human Remains.** An unexpected discovery of human remains invokes duties under Section 18-6-11.2 of the Cultural Properties Act~~State Law~~. Any such discovery shall be immediately reported to local law enforcement and the Administrator ~~and to the Office of the Medical Investigator immediately~~. All construction activities shall cease until the Medical Investigator has cleared further work.

**7.16.11. Tribal Notification.** Each investigation completed pursuant to this section shall be treated as a public record except as provided in NMSA 1978, Section 18-6-11.1, and mailed to any Tribal government within Santa Fe County that has made a written request of the Administrator for such information.

**7.16.12. Excavating an Archaeological Site on Private Land Using Mechanical Excavation Equipment.** Pursuant to Section 18-6-11 of the Cultural Properties Act, no person shall excavate an archaeological site located on private land in the State with the use of mechanical earthmoving equipment unless the person obtains a permit issued by the State Cultural Properties Review Committee with approvals from the State Archaeologist and the State Historic Preservation Officer. This requirement shall not apply to the private landowner unless the landowner transfers the property with the intent to excavate an archaeological site.



## Chapter 8 – Zoning

### 8.9. MIXED USE ZONING DISTRICT (MU).

**Table 8-18: Dimensional Standards – MU (Mixed Use).**

<b>MU Zoning District</b>	<b>Base</b>	<b>With TDRs</b>
Density (Number of dwelling units per acre)	1	<u>20</u>
Non-Residential (Min required, percent/Max permitted, percent)	10/15	5/50
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	48
Lot coverage (maximum, percent)	40%	80%
Setback where existing residential uses adjoin property (ft)	50	50
Setback where existing residential uses adjoin property (ft)	100	100
Setback from adjoining community district (ft)	1000	1000

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### 8.10. PLANNED DEVELOPMENT ZONING DISTRICTS.

**Table 8-19: Dimensional Standards – PD (Planned Development).**

<b>PD Zoning District</b>	<b>Base</b>	<b>With TDRs</b>
Density dwelling units/acre)	1	<u>1520</u>
Non-residential (Min required, percent/Max permitted, percent)	5/15	0/50
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	48
Lot coverage (maximum, percent)	40%	80%
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

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#### **8.10.2.5. Permitted Uses and Density.**

**1. Uses.** A PD district may include residential, commercial, and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PD district are those designated in the approved master siteconceptual plan. Density limits are used to determine the maximum number of permitted dwelling units.

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**8.10.3.4. Conceptual Plan.** A conceptual plan is required for multi-phased development within the CCD. The Conceptual Plan shall:

1. Define the boundaries of the landscape types and the resulting designation and configuration of Village, Employment Center, Institutional Campus, and Fringe Zones and Open Space;
2. Calculate the zoning allowances and requirements including the minimum and maximum number of residential units, the minimum and maximum range of commercial square footage, FAR and the open space and park requirements;
3. Establish categories of land uses with sufficient specificity to allow for an analysis of the traffic and other impacts of the proposed uses, within each category;
4. Identify the location and general configuration of New Community Centers, Neighborhood Centers, Neighborhoods, Employment Center Zones and Institutional Campus Zones that are included in the Master Plan area. A digitized aerial photograph containing metes and bounds description may be used to establish zone locations;
5. Identify the proposed categories of land uses to be developed to demonstrate the mixed-use nature of the development;
6. Establish the general road layout and classification of road segments as living-priority, mixed-priority and traffic-priority roads;
7. Establish the general trail network and classification as district, village, local or any separate equestrian trails;
8. Establish a phasing schedule which details the timing for the proposed development which shall include a general description of each phase of the development, with projected sales and buildout;
9. An explanation of how each development phase promotes the mixed-use intent of this Section; a description of the phased development of the on-site infrastructure and the manner in which it is coordinated with development of

needed off-site infrastructure to ensure that the standards of the zones and densities of the development required by this Section are achieved; and

10. In an Employment Center Zone, an applicant may propose a phase which is not mixed use if:

- a. the phase following the non-mixed use is a mixed use phase;
- b. the proposed use is for a major employer, is not retail, creates a significant number of new jobs and all infrastructure is adequate;
- c. the proposed non-mixed use phase bears a sufficient connection to the approved, proposed or built residential uses in the same Zone or any adjacent or contiguous Zone such that the overall mixed use intention of this Ordinance will be achieved and the uses in the non-mixed use phase promote and advance the County regional goals for employment and economic development and are compatible and appropriate with principles of the CCD and meet the requirements of the Land Use Table.

11. The minimum area which must be included in a conceptual plan shall be an entire Village Zone, Employment Center Zone or Institutional Campus Zone, or that portion of such zone owned by the applicant.

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#### 8.10.11. Existing Approvals Identified as PDs.

8.10.11.1. In order to recognize existing approvals, that do not fit into a base zoning district, the following developments that have received master plan approval prior to the effective date of this SLDC are identified on the zoning map and listed below:

1. Galisteo Basin Preserve.
2. Aldea.
3. Tessera.
4. Bishops Lodge Resort
5. The Downs at Santa Fe
6. Tavelli Mixed Use Subdivision.
7. Santa Fe Canyon Ranch.
8. Cimarron Village.
9. Saint Francis South Business Park.

10. Avanti Business Park/Santa Fe Metro Center
11. Sunrise Springs Resort.
12. Santa Fe Horse Park.
13. Ten Thousand Waves Spa and Resort
14. Rancho Encantado Resort
15. Las Campanas

8.10.11.2. The above approved developments ~~may shall~~ be developed in accordance with governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan.

8.10.11.3. **Expansion of existing PDs.** An expansion of an existing PD is a request for any enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid PD. There are two types of PD expansion, a Major Expansion and a Minor Expansion. Non-residential structures within an existing PD may expand up to twenty five (25%) under a conditional use permit. Any increase in intensity of non-residential uses or increase in residential density shall require submittal of a new PD application request and a rezoning if applicable.

**1. Minor Expansion.** Shifts in on-site location of the development and changes in non-residential size, shape, intensity, or configuration of less than twenty-five percent (25%) of impervious surface or floor area over what was originally approved, may be authorized under a conditional use permit, provided that such expansion complies with the following criteria:

- a. No minor expansion has been previously granted pursuant to this section;
- b. The expansion is consistent with the scope of the approved development; and
- c. The proposed expansion conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

**2. Major Expansion.** Any proposed expansion, other than minor expansion, including an increase in residential subdivision density shall require the submission of a new PD application or rezoning request.

**3. Relaxation of Development Percentages.** Any expansion of an existing PD may not be required to comply with the maximum and minimum percentages for residential and non-residential used identified in table 8-19.

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**8.11.4.7 Turquoise Trail Environmental and Resource Protection Overlay (TT O-ERP).**

**1. Purpose.** Some of the County's most significant resources are the views from the Turquoise Trail National Scenic Byway. The Turquoise Trail National Scenic Byway was forged centuries ago by Native Americans, miners and Spanish Conquistadores. The character of rural and scenic highway corridors should be preserved and protected as an important resource.

**2. Applicability.** The Turquoise Trail Environmental and Resource Protection Overlay (TT-OERP) is a segment of the Turquoise Trail National Scenic Byway on State Road 14 that extends one thousand (1,000) feet on either side of the centerline of SR14 and is identified on the Zoning Map.



## CHAPTER 9 – COMMUNITY DISTRICTS

**9.1. PURPOSE.** The Community District is a zoning tool intended to preserve and protect unique communities and areas through the implementation of an adopted Community Plan that is consistent with the SGMP as set forth in Chapter 2. Santa Fe County is committed to preserving, protecting, enhancing, and perpetuate the value of these areas through the establishment of Community Districts. The Board, pursuant to Chapter 8, may establish Community District Overlay Zones (O-CD) that are consistent with the SGMP, an adopted Community Plan and any applicable County Land Use Plans.

**9.2. ESTABLISHMENT OF COMMUNITY DISTRICT OVERLAY ZONES.** Chapter 8 sets forth the standards and procedures for establishment of a Community District Overlay Zone (OCD) to implement the zoning-related provisions of an adopted Community Plan. With the adoption of the SLDC, local communities are encouraged to revise their Community Plans to be consistent with the SGMP and this ordinance, and to propose appropriate overlay zoning regulations to establish an O-CD in accordance with Chapter 8. Upon the establishment of an OCD for any given Community District, the regulations of the applicable O-CD will be inserted into this section and become part of the SLDC.

**9.2.1. Adoption of Community District's Overlay Zone.** This community district overlay zone shall be established upon adoption by the BCC of an overlay zone ordinance specific to this community district which includes adoption of base zoning set forth in an attached map.

### 9.3. EFFECT OF OVERLAY DISTRICTS ON SLDC.

**9.3.1. General Provisions.** The regulations, standards and provisions described herein are specific to each community district's overlay zone. Where conflict arises between SLDC regulations and the community district standards and provisions, the district's standards and provisions shall prevail. However, when the district's standards are silent on an issue that would otherwise be governed by the SLDC or other applicable County codes, the SLDC or those other codes shall prevail.

**9.3.2. Use Matrix.** Community Districts in Chapter 9 of the SLDC include community-specific Use Tables that shall prevail over any uses set forth in the Appendix B Use Matrix for that community. Where a community district overlay has established a Use ~~Matrix~~ Table that Use ~~Matrix~~ Table shall prevail. Where a community district overlay has not established a Use ~~Matrix~~ Table, the SLDC Use Matrix other than exceptions identified by the community district overlay shall prevail.

**9.3.3. Effect on Zoning Map.** As stated in Chapter 8 of this Code, an approved overlay community district does not replace the underlying zoning of the area. Instead, it allows for a modification of the regulations of the underlying zoning district to accommodate unique conditions that do not fit the base zoning district.



## Chapter 14 – Inspections, Penalties, Enforcement, Miscellaneous Permits and their Expirations

**14.9.9 Conceptual Plan.** For approval of certain large scale and phased development as set forth below.

**14.9.9.1. Purpose.** A Conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports.

**14.9.9.2. Applicability** A conceptual plan is required for the following developments:

1. all subdivisions containing more than 24 lots
2. All developments in MU, P/I, I, IL, CG, CN that are to be built in phases
3. All new PD developments
4. All development in the CCD in accordance with Section 8.10.3 of this SLDC.

**14.9.9.3. Application.** An applicant may apply for a conceptual plan by filing an application with the Administrator. A conceptual plan shall include any SRAs required pursuant to Table 6-1 in Chapter 6. The minimum area which must be included in a conceptual plan application is the entire property owned by the applicant or the portion of the property within a the zoning district under which the application is being made.

**14.9.9.4. Review.** The application shall be referred to the Planning Commission and/or Board for the holding of a quasi-judicial public hearing in accordance with the procedures in Table 4-1.

**14.9.9.5. Phasing.** The conceptual plan shall establish the phasing of a development.

**14.9.9.6. Approval Criteria.** The criteria for approval of a Conceptual Plan are as follows:

1. Conformance to the Sustainable Growth Management Plan;
2. Viability of the proposed phases of the project to function as completed developments in the case that subsequent phases of the project are not approved or completed;
3. Conformance to applicable law and County ordinances in effect at the time of consideration, including required improvements and community facilities and design and/or construction standards.

**14.9.9.7. Conditions.** Conditions may be imposed in addition to any general standard specified in the SLDC or the SGMP, as may be deemed necessary.

**14.9.9.8. Amendments.** An amendment is a request for any enlargement, expansion, greater density or intensity, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid conceptual plan.

**1. Minor Amendments.** Shifts in on-site location and changes in size, shape, intensity, or configuration of less than five percent (5%), or a five percent (5%) or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Administrator, provided that such changes comply with the following criteria:

- a. No previous minor amendment has been previously granted pursuant to this section;
- b. Nothing in the currently valid conceptual plan precludes or otherwise limits such expansion or enlargement; and
- c. The proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

**2. Major Amendments.** Any proposed amendment, other than minor amendments, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original conceptual plan approval.

**14.9.9.9. Recording Procedures.** A certified copy of the approved conceptual plan shall be recorded at the expense of the applicant in the office of the County Clerk, and another certified copy filed in the office of the Administrator.

**14.9.9.9. Expiration of a conceptual plan.** The development order granting a conceptual plan shall expire after five (5) years, but may be renewed by the Board for up to two (2) additional years at a time. If a phasing schedule is approved, the conceptual plan expiration shall be in accordance with that phasing schedule.

## Appendix A – Definitions

Media Special Needs Structure: A facility that houses or supports a media use that requires additional height to accomplish the use based on industry standards. Media special needs structures include sound stages, recording studios, and broadcasting studios.

## Appendix B – Use table

In the use table the Special trade contractor row has been changed to be titled:

~~Special~~ Trade contractor, plumbing, electrical, roofing, painting, landscaping



# SLDC 2015 Public Comments

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
1	Russ	Deal	General	Unhappy with development being portrayed as sustainable.	Staff reviewed the comment and no changes were requested.
2	Lesley	Mansfield	Chapter 8 Community College District	Appendix F of the CCD documents has a map displaying a road in the eastern section that would impact an archaeological site. What are the plans for this road prior to the finalization of the SLDC.	No change requested, staff spoke with individual and answered questions and identified map amendments which addressed the comment.
3	Gary	Sanford	Chapter 9 San Marcos use table	Concerned that the ranching, grazing and other livestock uses being listed as prohibited or conditional uses does not line up with the existing San Marcos Community Plan.	Changes have been made to the Use Matrix for the County and Community Districts to clarify ranching, grazing and livestock uses.
4	James K and Janet L	Laignel	Use Table	In the General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited What is Conditional and Accessory Uses? Do you have another table explaining them?	Staff reviewed comment and recommends no change as the item is already included in Chapter 8 and Appendix B.
5	Michael	Wright	Use Table and Permits	Can permitted uses avoid having to get special permits?	Staff reviewed comments and recommends no change. Staff communicated with the individual and answered questions.
6	Kyle	Harwood	Definitions	Movie Ranch: Is primarily a facility for sets and scenery for the production of motion pictures whose use and supporting structures may include movie sets, sound stages, recording studios, distribution facilities, set construction facilities, backlots, temporary special effects facilities, dining facilities, mobile living and dressing quarters and any other theme based commercial enterprise which may include, special events, sightseeing tours and photography, public and private gatherings, music & arts events, education seminars, retail sales, food and entertainment as related to the location. Movie ranches are most appropriate for large parcels where the activities and uses of the movie ranch will not impact neighboring residential areas. All standards of the underlying zoning district where the movie ranch is located shall apply.	Staff reviewed comments and recommends no change. Options for additional suggested uses are addressed in the use table.



ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
7	Chris	Furlanetto	1) 5.4.3 (p. 5-1 or 8/349)	This seems like it should include a list of land divisions not deemed subdivision but there's no list included	Staff reviewed the comments and the list is in the text which identifies all 13 exemptions. Additional plat reviews have now been added.
8	Chris	Furlanetto	2) 7.11.3.1 (p. 7-5 or 15/349)	Does this mean 5 lots total whether or not they are built on or 5 lots that are developed	Staff reviewed the comments and it is 5 lots in total, staff recommends no change.
9	Chris	Furlanetto	3) 7.13.11.2 (pp 7-10,11 or 20-21/349)	"Temporary swimming pool" should be clarified. Does this include inflatable pools - if so, is there a size limit?	Staff reviewed the comment and this section does include temporary inflatable pools. Staff has recommended a change to include 3,000 gallon fill capacity limit.
10	Chris	Furlanetto	4) 7.17.11 (pp 7-21,22 or 31-32/349 in the 1st part of SLDC changes)	Should this say "requirements over and above those for development at or above 7400 feet?"	Staff reviewed the comments and the change has been made to address development above 7400 feet.
11	Chris	Furlanetto	5) Table 8-13 (p 8-1 or 33/349)	Here and in tables 8-14 and 8-16 densities are given in acres/dwelling unit whereas later in the chapter densities are - more logically, we think - given as dwelling units/acre. The units should be consistent throughout. Also the footnote (**) says "the density shall be 1 acre" which doesn't make sense.	Staff has reviewed the comments and recommends no changes because the densities are written differently as some are 1 dwelling per multiple acres, and there are some districts that allow multiple dwellings per acre and need to be written differently (e.g. 15 dwellings per acre is easier to understand than 1 dwelling per 1/15 acre).
12	Chris	Furlanetto	6) Table 8-15 (p 8-4 or 36/349)	Doesn't have the zoning industrial district that it applies to in the column heading.	Staff has reviewed the comments and a change has been made to the zoning district.
13	Chris	Furlanetto	7) Table 8-19 (p 8-19 or 44/349)	The first row say it shows minimum and maximum values but only one number per column is shown	Staff has reviewed the comments and will be making this change.

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
14	Chris	Furlanetto	8) 12.14.1.1 (12-14 or 24/59 in 2nd part of SLDC changes).	PDR is not defined. It must mean Purchase of Development Rights but I didn't notice it being used later on.	Staff has reviewed this comments. The PDR reference has been removed.
15	Chris	Furlanetto	9) 13.9.3 (13-2 or 31/59)	We wonder why this paragraph was deleted??	Staff has reviewed this comment and this section was amended to reflect the current affordable housing ordinances. Staff recommends no further changes.
16	Ed	Shedd	Chapter 8 and 9	Is there any allowances in the allowable lot sizes? For example, a property owner has 19.95 acres of property in the Rural Residential (1 dwelling unit per 10 acre zoning district), can this property owner subdivide? Can this property owner build to primary dwelling units?	Staff reviewed this comment and recommends a change to Chapter 14 to allow administrative authority for minor deviation of 0.5% of the gross acreage allowed.
17	Ross	Lockridge	Chapter 10 section 10.19	A request to increase set backs for small scale and sand and gravel extraction.	Staff reviewed the comment and recommends no change.
18	Walter	Wait of the San Marcos Association and Others	Chapter 8 and Use Matrix	A request to change from Light Industrial to Rural Fringe or Mixed Use along MM Hwy 14. Letter sites increased truck traffic, toxic impacts, congestion and the size and height of the buildings from Light Industrial uses. The letter states if the zoning change does not occur the uses should be changed from permitted to conditional.	Staff reviewed the comment and recommends no changes for to the SLDC for this comment. Staff will add this comment to the zoning map database for review of the zoning map database comments.
19	Ross	Lockridge	Chapter 11 section 11.7.7.4 and 11.7.7	There appears to be a contradiction between section 11.7.7.4 and 11.7.7 dealing with sand and gravel operations, specifically size and tonnage.	Staff reviewed the comment and recommends a change to address the contradiction in this section of the SLDC.
20	Chip	Farley	General	Concerns over the zoning map and SLDC standards.	Staff reviewed comment. No change recommended.

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
21	Jay	Dratler Jr	Appendix B Use Matrix	Requesting that Manufacturing Plants be removed from the Use Matrix and be replaced with Light Manufacturing. Please see letter for a definition of Light Manufacturing. This use makes Light Industrial deceptive and misleading.	Staff reviewed comment and recommends a change to prohibit higher intensity industrial uses in the Industrial Light district.
22	Jay	Dratler Jr	Appendix B Use Matrix	Requesting that Mill-type factory structures should either be removed or more defined. The use is overboard and vague. This use makes Light Industrial deceptive and misleading.	Staff reviewed comment and recommends a change to prohibit higher intensity industrial uses in the Industrial Light district.
23	Carl	Cavasos		Concerned about being able to build house on property if he doesn't have 160 acres.	Section 14.10 of the SLDC establishes that legal non-conforming lots have a right to develop under the base zoning district in which the lot is located.
24	Scott	Hoelt	Appendix B Use Matrix	Concerned that the Special Trade Contractor and Construction related businesses uses are not permitted in all zones and these uses are very common and should be permitted in more zoning categories.	Staff reviewed comment and determined an omission was made on the Use Matrix and the Use should have indicated Special trade contractor, plumbing, electrical, roofing, painting, landscaping. Staff recommends change.
25	Valerie	Nye	Chapter 8 - Mixed Use	Requesting an adjustment in the allowed height to 24 feet.	Staff reviewed this comment and determined that this district was established to allow for higher intensity development. No change recommended.
26	Mayra	Diaz	Chapter 7 Floodplain regulations	Requesting an ordinance checklist.	Staff will review the checklist and work with FEMA, there are no proposed amendments to the floodplain regulations.
27	David	Birnbaum	Chapter 4 Procedures	Concerned over the Amma Center application and lack of master plan requirement.	Churches are permitted in all zoning districts. No change recommended.

ID	First Name	Last Name	SLDC Chapter	Comment Summary	Staff Review and Recommendation
	David	Birnbaum	Chapter 8 Mountain Special Review District	Concerned about the lack of protections that had existed in the Mountain Special Review District.	Change made to incorporate standards for protection of steep slopes and mountainous areas as previously included in MSRD. Change made in 7.17.10 of the SLDC.

