



# Santa Fe County

SLDC 6 Month Review Draft Changes

Sustainable Land Development Code

**BCC Review Draft Changes**  
**September 2016**



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## Staff Proposed SLDC Changes

### Chapter 1

**1.11.4. Approved Master Plans.** Properties that have received final approval of a master plan within five years of the effective date of the SLDC shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall nevertheless expire. In the case of a phased master plan that has moved forward with a phase or phases in accordance with an approved phasing plan, the master plan shall be considered a conceptual plan and expiration shall be pursuant to section 14.9.9.10. Any zoning established by an expired master plan shall be included in the Zoning Map as described in ~~sub~~Section 1.11.1 of the SLDC.

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# Staff Proposed SLDC Changes

## Chapter 2

### 2.1.4.5. Area, Community, and District Planning Process.

1. An area, community, or district plan ~~The community planning~~ process is initiated by filing a letter of application with the Administrator. Alternatively, the Administrator may initiate the planning process *sua sponte*. The application shall include:

a. A **representative** list of members who are proposed to be the initial members of the planning committee. ~~The representative list ,which~~ shall include residents, property owners, and business owners who are generally representative of the **area, community, or district**;

b. An explanation of the conditions that justify undertaking the **area, community, or district** planning process, ~~or an explanation of conditions that justify amending an existing Community Plan~~; and

c. A map of the proposed **area, community, or district** boundary. ~~, or, in the case of an application for amendment of an existing plan, a map of the existing community boundary and a map of the proposed community boundary where a change to the boundary is proposed.~~

2. The application shall be reviewed by the Administrator for completeness and referred to the Board of County Commissioners. If the application is approved, the Board shall, by resolution, establish the planning committee and **area, community or district plan boundary**. ~~if the application is for a new planning area, establish the planning area.~~ The Board shall approve the planning committee upon recommendation of the Administrator. Once the committee is approved, County planning staff may initiate **the process with the planning committee activities**. Additional persons may participate as members of the planning committee throughout the planning process without the necessity of appointment by the Board.

3. All planning sessions and activities shall be open to the public and advertised throughout the community and coordinated by County planning staff. Open discussion and diversity of opinion shall be encouraged. The **area, community, or district** plan shall document resident, property owner and business owner participation and representation.

### 2.1.5.3 4.6. Review and Adoption.

5. ~~Notice of the public hearing shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.~~ Following the completion of the public **meetingshearings**, the Administrator shall review all comments **received during the public hearings** and make a recommendation on the **area, community or district plan proposed plan or amendment** to the Planning Commission and the Board of County Commissioners.

~~6. Following the completion of the public meetings/hearings, the Administrator shall review all comments received during the public hearings and make a recommendation on the area, community or district plan proposed plan or amendment to the Planning Commission and the Board of County Commissioners. Notice of the public hearings to the Planning Commission and the Board of County Commissioners shall be provided by publication once a week for two consecutive weeks in a newspaper of general circulation within the community, and by posting notices for at least two weeks prior to the public hearings in a conspicuous place in the community.~~

**2.1.5.5 4.8. Implementation.** Following approval of an area, community, or district plan, County staff shall ~~may~~ develop the an appropriate overlay district(s) to implement the approved Community Plan.

**2.1.5.7 Plan Amendments.**

~~2.1.5.7. The applicant, and any person that could have proposed a plan amendment under this chapter, may appeal the decision of the Planning Commission to the Board so long as the person or the applicant files a written notice of appeal with the Administrator within ten (10) days of the date of the Planning Commission's development order or decision.~~

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# Staff Proposed SLDC Changes

## Chapter 3

### 3.3. PLANNING COMMISSION.

**3.3.1. Creation and Responsibilities.** There is hereby created a County Planning Commission (“Planning Commission”) which shall have the responsibilities and duties specified in the SLDC and in NMSA 1978, § 3-19-1 *et. seq.* (1965)(as amended) and NMSA 1978, § 3-21-1 *et seq.* (1965) (as amended) .

**3.3.2. Duties and Powers of the Planning Commission.** The duties and authority of the Planning Commission are as follows:

**3.3.2.1.** To perform the functions specified in NMSA 1978, §§ 3-19-1 and 3-21-7 (1965);

**3.3.2.2.** To review and recommend to the Board, for adoption, text and map amendments to the SLDC, SGMP amendments and the adoption and amendment of an Official Map, a Capital Improvement Plan (“CIP”) and other programs for public improvements and services and financing;

**3.3.2.3.** To hold public hearings and prepare written recommendations to the Board on certain discretionary development approvals subject to appeal to the Board in the matters designated in Table 4-1;

**3.3.2.4.** To hold public hearings and recommend action on an Area, District or Community Plan, ~~preliminary and~~ final development orders, and quasi-judicial discretionary development applications;

### 3.4. ADMINISTRATOR.

**3.4.2. Responsibilities.** The Administrator shall have the responsibility to administer and enforce the provisions of the SLDC, make advisory opinions on the interpretation of the SLDC, the SGMP, an Area, District or Community Plan, hold and determine the adequacy of security instruments and issue ministerial development orders as set forth in the SLDC, ~~subject to appeal to the Planning Commission.~~ The Administrator shall make a reasonable interpretation of the SLDC that is not inconsistent with the SGMP.

### 3.5. HEARING OFFICER.

**3.5.4. Qualifications.** A Hearing Officer shall have a J.D. degree from a law school certified by the American Bar Association or Association of American Law Schools, with not less than six (6) years of legal experience, and shall be licensed to practice law in New Mexico ~~for a period of not less than three (3) years.~~ During the term of the Hearing Officer’s appointment and during three (3) years immediately preceding the Hearing Officer’s appointments, neither the appointed Hearing Officer nor the Hearing Officer’s law firm shall represent or have represented persons or

entities with regard to land use applications submitted to the County or in appeals of or lawsuits regarding County land use decisions. In addition, a Hearing Officer shall not during the term of their appointment:

~~hold other appointed or elective office or position in government during his/her term:~~

a. hold elective office;

b. be employed by the County; c. be appointed to any County or joint board or committee of the County and City of Santa Fe;

d. be employed by any political subdivision of the State of New Mexico or tribal government the geographic boundaries of which are located either wholly or partly within the geographic boundaries of the County;

e. be employed by a governmental entity from which the County requests opinions pursuant to Section 4.4.7 and Section 5.7.5.1 of the SLDC.

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# Staff Proposed SLDC Changes

## Chapter 4

**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;

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### 4.4.8. Land Use Facilitation.

**4.4.8.1 Purpose.** Land use facilitation 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 facilitation 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 facilitation uses a professional 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 facilitator, who will focus on the process and assist and guide the participants in principles of dispute resolution and decision-making. The 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, may be referred to facilitation.

#### 4.4.8.4. General Process.

**1. Referral.** An application may be referred to a land use facilitation by the Administrator or the applicant ~~coincidentally with the finding of completeness.~~ A matter may also be referred ~~by the Administrator~~ to land use facilitation following the TAC meeting ~~if the case has a high potential for controversy. but, more likely, will be referred to land use facilitation coincidentally with the finding of completeness.~~

**2. Assignment of a Land Use Facilitator.** The Administrator shall assign a case referred to facilitation to a land use facilitator contracted ~~or employed~~ by

the County. Any facilitator selected for a given case shall have no interest in the case and shall not be an employee of Santa Fe County.

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**4.4.12. Notice of Decision by the Administrator.** Written notice of a final decision of the Administrator to approve an application or approve an application with conditions pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit. Written notice of a final decision of the Administrator to deny an application shall be provided to the Applicant and a copy shall be filed in the office of the Administrator. If an Application has not been approved, the specific reasons for disapproval shall be indicated in the written notice.

**4.4.13. Notice of Decision by the Planning Commission or The Board; Findings of Fact, Conclusions of Law.** Written notice of a final decision of the Planning Commission or the Board to approve, or approve with conditions, an application pursuant to NMSA 1978, Sec. 39-3-1.1 , which can be in the form of a development order, shall constitute the issuance of the permit. Staff or the Hearing Officer where one is used as indicated in Table 4-1, shall prepare findings of fact and conclusions of law pursuant to NMSA 1978, Sec. 39-3-1.1 to document final action taken on each application. Such findings and conclusions shall be approved by the decision-making body and filed with the County Clerk.

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**4.4.16. Subsequent Applications.** A subsequent application, after the application's failure is not allowed unless there is a material change to either the facts or law governing the application.

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## **4.5. APPEALS.**

**4.5.1. Applicability.** Any aggrieved person with standing may appeal a development order to the Planning Commission or Board, as designated in this chapter.

# Staff Proposed SLDC Changes

## Chapter 5

### **5.4. LAND DIVISIONS, ~~AND~~ SUBDIVISION EXEMPTIONS AND OTHER PLAT REVIEWS.**

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**5.7.3. Preliminary Plat Requirements.** The application for preliminary plat approval shall, at a minimum, include all of the following:

**5.7.3.3.** For Subdivisions connecting to the County Utility, a public utility or publicly-regulated water or waste water system, a letter of commitment to serve for domestic and fire protection purposes and a water allocation approval from the utility shall be provided prior to preliminary plat approval by the Board. If the County utility will provide water, the water allocation must be in the form of a resolution by the Board.

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### **5.8.4. Final Plat Requirements.**

#### **5.8.4.5. Water permit required for final plat.**

1. Pursuant to NMSA 1978, § 47-6-11.2 (2013), before approving the final plat for a subdivision containing ten (10) or more parcels, any one of which is two (2) acres or less in size, the Administrator shall:

a. require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use.

b. not approve the final plat unless the OSE has so issued a permit for the subdivision water use or the subdivider has provided proof of a service commitment from a water provider and the OSE has provided an opinion that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1).

c. not approve the final plat based on the use of water from any permit issued pursuant to NMSA 1978, § 72-12-1.1.

**2.** For Subdivisions connecting to the County, a public or publicly-regulated water or waste water system, a water delivery agreement or a wastewater collection agreement, which shall include provisions governing any required

water or wastewater line extension, shall be entered into with the County at or prior to final plat approval by the Board.

3. For Subdivisions connecting to the County, a public or publicly-regulated water or waste water system, all conditions of the water delivery agreement or wastewater collection agreement relating to the subdivision's entitlement to water or waste water service shall be complied with prior to recordation of the final plat.

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#### **5.9.5. As-Built Drawings.**

**5.9.5.1. Submittal.** Prior to final inspection of the required improvements, and prior to the issuance of any ministerial development approval for any tract, parcel or lot in the subdivision, the applicant shall submit to the Administrator a digital disk and two prints of as-built engineering drawings for each of the required improvements that have been completed. Each set of drawings shall be recertified by the applicant's professional engineer, indicating the date when the as-built survey was made.

**5.9.5.2. Sewer and Storm Drainage.** As-built drawings shall show the constructed vertical elevation, invert elevation, horizontal location and size of all sanitary and storm sewers; rainwater capture swales, pervious pavements, filtering and treatment facilities; manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. Sewer and storm drain lines shall be videotaped and a copy of the videotape shall be provided with the as-built drawings. Copies of any and all test results or other investigations shall be provided to the Administrator.

# Staff Proposed SLDC Changes

## Chapter 6

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

Application Type	SRA Type				
	TIA	APFA	WSAR	FIA	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (between 10k sf and 25,000 sf)	yes*	yes	as needed**	no	no
Development Permit-non-residential (over 25k sf)	yes*	yes	yes	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision 24 or fewer lots	yes*	yes	as needed	as needed	as needed
Major subdivision more than 24 lots	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) Overlay or Conditional Use Permit	yes	yes	yes	yes	yes

\* See NMDOT State Access 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.

### 6.2. PREPARATION AND FEES.

**6.2.1. Applicant prepared.** An applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. The applicant shall deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover all of the County’s expenses in reviewing the SRA, including engaging consultants.

**6.2.2. Expert Review.** The County may hire outside experts to review any of the submitted SRAs at the expense of the applicant in accordance with the approved fee schedule.

**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, 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;

**6.2.3.2.** a detailed description of the development uses, activities and character of the development proposed for the project site;

**6.2.3.3.** the approximate location of all neighboring development areas, subdivisions, residential dwellings, neighborhoods, traditional communities, public and private utility lines and facilities, public buildings, structures or facilities, community centers, and other non-residential facilities and structures within one (1) mile of the site perimeter;

**6.2.3.4.** the approximate location, arrangement, size, ~~floor area ratio (FAR)~~ of any buildings and structures and parking facilities proposed for construction within the development project;

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**6.5.5. The WSAR shall include:**

**6.5.5.1** An evaluation of the water supply as described in Section 7.13.6.1.

**6.5.5.2.** If the proposed development will rely on groundwater, the WSAR shall also include but not be limited to, the following:

~~7. if there is no public water system, or if the identified public water system supplier fails to deliver an assessment within the thirty (30) day period provided, then the County shall prepare the assessment after consulting with any domestic water supplier whose service area includes the project site, the State Engineer any public or private utility, system or company adjacent to the project site and the County's cost of preparation shall be charged to the applicant.~~

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**6.6. TRAFFIC IMPACT ASSESSMENT (TIA).**

**6.6.7. Expiration of TIA.** A TIA shall expire and be no longer valid for purposes of this section on a date which is three (3) years after its creation. ~~The Administrator may require an update or a revision to the TIA before it expires if it is determined that there are significant changes in traffic conditions since the creation of the TIA.~~

## Staff Proposed SLDC Changes

### Chapter 7

#### 7.3 RESIDENTIAL PERFORMANCE STANDARDS

**Table 7-A: Setback Table**

Zoning District	Front Setback (Min) ft	Front Setback (Max) ft	Side Setback (Min) ft	Rear Setback (Min) ft
Agriculture/Ranching (A/R)	25	n/a	50	50
Rural (RUR)	25	n/a	25	25
Rural Fringe (RUR-F)	25	n/a	25	25
Rural Residential (RUR-R)	20	n/a	25	25
Residential Fringe (RES-F)	10	n/a	25	25
Residential Estate (RES-E)	10	n/a	25	25
Residential Community (RES-C)	5	n/a	5	5
Traditional Community (TC)	5	n/a	5	5
Commercial General (CG)	5	<del>100</del> 25	0	30
Commercial Neighborhood (CN)	5	<del>100</del> 25	0	30
Industrial (I / IL)	20	n/a	30	30
Mixed Use (MU)	0	n/a	0*	5
Public/Institutional (PI)	5	n/a	<del>10</del> 5	<del>25</del> 10

**7.3.3.8. Exceptions to Setback Requirements.** Notwithstanding other provisions to the contrary, the following exceptions to setback requirements shall apply provided that a ten foot distance between structures is maintained:

13. An addition to an existing structure that is already located within the setback, provided that the addition will not be built closer than the existing structure is to the property line; and

14. In cases where setback requirements prohibit development of a parcel the Administrator may allow a reduction of the setbacks to a minimum of 5 feet.

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## 7.4 ACCESS AND EASEMENTS

### 7.4.2. Access and Utility Easements.

**7.4.2.1. Access Easements.** Consistent with § 5.8, legal access shall be provided to each lot through an appropriate easement, deed or plat dedication.

**7.4.2.2. Utility Easements.** Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7½) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer shall be made. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities. No new trees or shrubs shall be planted in utility or drainage easements

1. Drainage easements between lots containing storm or drainage pipes with an inside diameter larger than 12 inches shall have a minimum width of 30 feet, or larger as determined by the Administrator. The minimum utility easement width shall be 30 feet. In no case shall the width of a drainage easement containing an underground pipe or facility be less than that calculated by the following formula:

Minimum Easement Width = (2) × (Depth of Pipe) + (Pipe Diameter + 7')

**7.4.2.3. Combined.** Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching. No new trees or shrubs shall be planted in utility or drainage easements.

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## 7.6. LANDSCAPING AND BUFFERING.

### 7.6.4. Landscaping for Non-Residential Uses.

**7.6.4.1.** For all non-residential and multi-family development that is not already buffered by the requirements of subsection 7.6.4, a landscaped area twenty-five (25) feet in width shall be provided at the front of the property that abuts a public right of way that serves a highway or arterial and a landscaped area ten (10) feet in width shall be provided at the front of property that abuts a public right of way that serves a collector or local road.

**7.6.4.2.** The landscaping shall include a combination of trees, shrubs, grasses and flowers, ground cover or other organic and inorganic materials.

**7.6.4.3.** Evergreens and canopy or shade trees shall predominate; ornamental trees and shrubs and smaller native trees may be interspersed in groups which simulate natural tree stands.

**7.6.4.4.** Landscaped areas shall be permitted to be clustered closer to structures if this enhances the buffering or visual impacts.

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**7.6.8.6. Alternative Landscaping.** The Administrator may approve the submittal of an alternative landscaping plan in conjunction with the site development plan, which modifies or removes required landscaping in the following circumstances:

1. in open lands characterized by an absence of significant natural vegetation;
  2. where there is no practical purpose for screening or buffering;
  3. where the subject development or use is not visible from the area otherwise required to be buffered;
  4. where existing landscaping or topographic features provides adequate buffering; ~~or~~
  5. where landscaping is prohibited by the International Wildland-Urban Interface Code.
  6. fire stations where a six foot high solid fence is constructed in lieu of landscaping;
  7. where a building has a zero lot line; or
  8. where there is no adequate space for landscaping due to existing building location.
-

## 7.9. SIGNS

**7.9.11.2.** The temporary permit may specify such conditions and limitations as are deemed necessary to protect adjoining properties and the public. The permit may not be approved for a time period exceeding thirty (30) ~~consecutive~~ days in any calendar year for each property, or each business in a multi-tenant center.

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**7.9.12.4 Setbacks.** All freestanding signs shall be setback at least 5 feet from the property line.

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**Table 7-5: Allowable Height for Freestanding Signs.**

Distance from R-O-W (feet)		Max. height (feet)
at least	but less than	
<u>5</u>	<u>25</u>	<u>5.0</u>
25	50	10.0
50	75	15.0
75	100	20.0
More than 100		25.0

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## 7.10 PARKING AND LOADING

**7.10.7 Shared Parking.** Shared parking is permissible where an executed parking agreement is submitted. Shared parking may be allowed for projects with multiple uses, the applicant shall provide an analysis of required parking and the amount that can be shared by different uses, to be approved by the Administrator.

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## 7.11. ROAD DESIGN STANDARDS.

**7.11.2. Applicability.** The standards of this section shall apply to all development. Tables 7-12 and 7-13 provide road design standards. Urban road standards shall apply to all roads within SDA-1 ~~and SDA-2~~, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all roads within SDA-2 and SDA-3. Local roads serving a major subdivision, multi family development or non residential use over 10,000 sq ft in SDA-2 and SDA-3 may be required to provide paving, sidewalks or bikelanes for continuity if existing roads have this level of improvement.

**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.
<b>Major Arterial or highway</b>	5000 +	2-6	12	Two 5'	Two 5 ft on-road	150	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
<b>Minor arterial</b>	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	120	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
<b>Collector</b>	601 to 1999	2	11	Two 5'	Two 5 ft on-road	80	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
<b>Sub-collector</b>	301 to 600	2	11	Two 5'	Two 5 ft on-road	60	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
<b>Local</b>	0 to 400	2	10	One 5'	n/a	50	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7%	6"	3"	5%
<b>Cul-de-Sac</b>	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	3"	n/a
<b><u>One Way Alley</u></b>	n/a	1	12	n/a	n/a	19	n/a	7%	6"	3"	n/a
<b><u>Residential Driveway</u></b>	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a

**Table 7-13: Rural Road Classification and Design Standards (SDA-2 and 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	Double-penetration chip-seal-with-fog coat	Min. bit. pavement	Max % Super- elev.
<b>Major arterial or highway</b>	5000 +	2-4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	<del>7"</del>	6"	8%

<b>Minor arterial</b>	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	120	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	n/a	5"	8%
<b>Collector</b>	401-1999	2	11	n/a	n/a	80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	n/a	4"	8%
<b>Local</b>	<del>201-400</del>	2	10	n/a	n/a	50	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	3"	8%
	0- <del>200</del> 400								6 3/4"	yes	n/a	
<b>Cul-de-Sac</b>	0 to 300	2	10	n/a	n/a	38	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6 3/4"	n/a	n/a	n/a
<b>Residential Driveway</b>	n/a	1	14	n/a	n/a	20	n/a	10%	n/a	n/a	n/a	n/a

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#### 7.11.4. Base Course and Soil Compaction Standards.

**7.11.4.1.** Soil classification and sub-grade conditions shall determine the base course thickness required. A minimum of six (6) inches of base course shall be required in all cases and more than six (6) inches may be required if soil conditions so indicate. In wet or swampy ground, rock or an acceptable alternative to rock as recommended by a licensed soils engineer shall be placed so as to establish a sub-base for placement of base course. Base course shall be watered and rolled to a compaction of not less than ninety-eight (98) percent of maximum density, according to methods specified by the AASHTO, T-180 modified proctor moisture density test.

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#### 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 or access a public road.
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.

#### **7.11.11.2. Access to Highways and Arterial Roads.**

1. All driveways and roads into developments shall be designed to have the minimum number of intersections with roads, arterials or highways specified in subsection 7.11.12.3 below.
2. Where a development accesses a State or federal highway, an access permit is required from NMDOT or the Federal Highway Administration.

#### **7.11.11.4. Standards for Land Divisions and Subdivisions Exemptions.**

1. Divisions of land for grazing or farming as identified in Section 5.4.3.8. are exempt from on-site and off-site road requirements.
2. Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Section 5.4.3.11 are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Administrator may require on and off-site road improvements.
3. Other land divisions and subdivisions exemptions may reduce the road easement width for off-site and on-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.
4. required off-site and on-site road improvements shall be constructed prior to plat recordation.
5. Plats creating a sending area for TDR purposed shall be exempt from on-site and off-site road improvements.

#### **7.11.11.5. Standards for Residential Development .**

1. Residential development may reduce the road easement width for off-site and on-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.

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**7.11.12. Driveways.** Access to individual lots and parking areas shall be designed in accordance with the requirements of this subsection.

#### **7.11.12.1. Driveway Standards .**

1. Driveways shall not be located within the functional area of an intersection or located in such a manner as to interfere with the entry into or exit from an adjacent driveway.
2. All driveways shall conform to all minimum sight distances specified per AASHTO. For driveways accessing roads with a posted speed limit of fifteen (15) mph or less, the sight distance shall be a minimum of 80 foot.
3. The entrance of a driveway to a road shall not impede the flow of stormwater along the road or highway. Installation of culverts may be required to ensure compliance with this section. If installed, a culvert shall be at least eighteen (18) inches diameter. In addition, end sections and/or riprap may be required at driveways along steeper terrain.
4. The entrance to a driveway shall be a minimum of 100 foot measured from the return radius of an intersection.

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**7.11.12.3. Additional Standards for Non-Residential, Multi-Family and Mixed-Use Driveways.**

7. A 50 foot asphalt or concrete apron shall be required on driveways accessing a paved road, the Administrator may reduce this to require paving to the end of a 30 foot return radius for small scale non-residential.
8. Driveway access to non-residential, multi-family and mixed-use developments shall meet local road standards at a minimum.

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**7.11.15.2.** The minimum sidewalk or walking path width shall be ~~four~~ five feet.

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## **7.13. WATER SUPPLY, WASTEWATER AND WATER CONSERVATION.**

**7.13.1. Water Supply and Distribution.** The water supply and distribution system required of any development is dependent upon the nature of the development, the Sustainable Development Area (SDA) in which the development is located, and the proximity of the development to public water and wastewater infrastructure .

### **7.13.2. General Requirements.**

**7.13.2.1. Water and wastewater systems required.** Each development shall provide water and wastewater systems within the development as required by this section.

### **7.13.2.2 Construction standards.**

1. Water and wastewater systems shall comply with all applicable construction and operational standards of the SLDC and applicable federal and State law.
2. Water and wastewater infrastructure that will become a part of the County’s water and wastewater utility, either upon completion of the development or when service becomes available, shall be constructed to standards established from time to time by the County’s water and wastewater utility construction specifications, most recent edition. Each such facility shall be constructed so as to permit connection to the County utility when such a connection becomes feasible.
3. Water and wastewater infrastructure that will become part of the water and wastewater system of another entity shall be constructed to meet the standards established by that entity.

**7.13.2.4. Required connection to the County, or a public water and wastewater systems.** Persons desiring to develop property may be required to connect to the County’s water and wastewater utility for water and wastewater service as described in subsection 7.13.3, or connect to a public or publicly-regulated water and wastewater system as described in subsection 7.13.4, or to self-supply water and wastewater service as described in subsection 7.13.5.

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

		Property Location		
		SDA-1	SDA-2	SDA-3
<b>Development Type</b>	<b><u>New Residential Dwelling Development</u></b>	if within 200 feet	if within service area and within <del>400</del> <u>200</u> feet	if within service area and within <del>600</del> <u>200</u> feet
	<b>Residential Land Division</b>	if within 330 feet	if within service area and within <del>1,320</del> <u>330</u> feet	if within service area and within <del>2,640</del> <u>330</u> feet
	<b>Multi-family (5+ units)</b>	Yes	if within service area	if within service area
	<b>Minor Subdivision</b>	Yes	if within service area	if within service area and within 2,640 feet
	<b>Major Subdivision</b>	Yes	if within service area	if within service area
	<b>Non-residential (using up to 0.25 AF water)</b>	if within <del>400</del> <u>200</u> feet	if within service area and within <del>600</del> <u>200</u> feet	if within service area and within <del>800</del> <u>200</u> feet
	<b>Non-residential (using over 0.25 AF water)</b>	Yes	if within service area	if within service area and within 2,640 feet

<sup>1</sup>For 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.

**7.13.4. Required connection to public water and wastewater systems other than the County.**

7.13.4.1. Unless the provisions of subsection 7.13.3 apply, connection to public water and wastewater systems or publicly-regulated private systems shall be required if specified in Table 7-18.

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

		Property Location		
		SDA-1	SDA-2	SDA-3
Development Type	<b><u>New Residential Dwelling Development</u></b>	if service area and within 200 feet	if within service area and within <del>400</del> <u>200</u> feet	if within service area and within <del>600</del> <u>200</u> feet
	<b>Residential Land Division</b>	if within service area and within 330 feet	if within service area and within <del>1,320</del> <u>330</u> feet	if within service area and within <del>2,640</del> <u>330</u> feet
	<b>Multi-family (5+ units)</b>	Yes	if within service area	if within service area
	<b>Minor Subdivision</b>	Yes	if within service area	if within service area and within 2,640 feet
	<b>Major Subdivision</b>	Yes	if within service area	if within service area
	<b>Non-residential (using up to 0.25 AF water)</b>	if within service area and within <del>400</del> <u>200</u> feet	if within service area and within <del>600</del> <u>200</u> feet	if within service area and within <del>800</del> <u>200</u> feet
	<b>Non-residential (using over 0.25AF water)</b>	Yes	if within service area	if within service area and within 2,640 feet

**7.13.4. Required connection to public water and wastewater systems other than the County.**

7.13.4.3. If connection to a public ~~water and wastewater system~~ or a publicly-regulated ~~private~~ water or wastewater system is not required in Table 7-18, or the public or publicly-regulated ~~water-private~~ water or wastewater system is unable to immediately provide service, but the property ~~in-question~~ is located within SDA-1 or is within the service area of a public ~~water or wastewater system~~ or a publicly-regulated ~~private or public~~ water or wastewater system, necessary facilities to connect to the public or publicly-regulated water and wastewater system shall be provided. When a public or publicly-regulated water and wastewater system becomes available to such a development, the development shall be required to connect; that requirement will be

<sup>2</sup>For 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.

clearly specified in the development order, relevant plat, or subdivision disclosure statement, and shall be made a part of the voluntary development agreement.<sup>3</sup>

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**7.13.5. Self-supplied water and wastewater systems.**

**7.13.5.1.** Unless the provisions of subsections 7.13.3 or 7.13.4 apply, water and wastewater systems shall be self-supplied by the applicant.

**7.13.5.2.** Self-supplied water and wastewater systems are subject to all the requirements in subsections 7.13.6. and 7.13.7 below.

**7.13.5.3.** If water and wastewater service is to be self-supplied, all the costs of providing water and wastewater infrastructure and water and wastewater service shall be borne by the applicant, although the applicant may make appropriate arrangements to delegate the operational expenses of water and wastewater to a homeowner's association or appropriate entity. Infrastructure associated with a self-supplied system shall be private infrastructure and the County shall have no responsibility therefor; similarly, the obligation to operate and maintain a self-supplied system and the obligation to serve residents shall remain a private obligation and the County shall have no responsibility therefor.

**7.13.5.4.** If connection to the County, ~~water and wastewater utility or connection to~~ a public or publicly-regulated water ~~and/or~~ wastewater system is not required ~~by operation of in~~ Table 7-17 or 7-18 but the property is located within SDA-1 or is within the service area of the County, ~~water and wastewater utility or a public or~~ publicly-regulated ~~private or public~~ water or wastewater system, then all necessary facilities to subsequently connect to County, ~~water or wastewater service or to~~ public or publicly-regulated water and wastewater, shall be provided. When County, ~~water and wastewater service, or~~ public or publicly-regulated water and wastewater becomes available to such a development, the development shall be required to connect; that requirement will be clearly specified in the development order and relevant plat, and shall be made a part of the voluntary development agreement.<sup>4</sup> If the County, ~~public or publicly regulated utility or a public~~ water or wastewater system provides written confirmation to the Administrator that water or wastewater service will not be available for a period of five (5) years, then the requirements of the foregoing shall not apply.

**7.13.6. Water Supply Requirements.**

**7.13.6.2. Water Service Availability Report.** The Water Service Availability Report (WSAR) required by Chapter 6 shall provide details on the source of water, including whether the source of water will be the County, ~~utility or a~~ public or publicly-regulated water system, and shall discuss in detail any required water supply infrastructure to be

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<sup>3</sup>The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

<sup>4</sup>The development agreement may provide that such interconnection be provided later so long as adequate security is also provided.

provided (its cost, details of the design and construction, construction schedule, financing of design, construction cost, and operational cost including capital replacement), and shall discuss in detail whether the proposed system is capable of meeting the water requirements of the development as required by the SLDC.

### **7.13.7. Self-Supplied Water Systems.**

#### **7.13.7.1. Community Water Systems.**

1. A subdivision shall be required to create a community water system or connect to an existing community water system if specified in Table 7-19.
2. A community water system shall meet or exceed all applicable design standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer and Santa Fe County Utility.
3. Water wells supplying a community water system shall be capable of providing the water needs of the development for at least 99 years (see footnote 5 of Section 7.13.6.1), or shall put in place a reasonable and funded capital replacement program through which the construction of necessary replacement wells and other infrastructure can be assured. A community water system shall be designed to provide a reasonably anticipated peak rate of production. An applicant proposing or required to use a community water system whose source of water is, in whole or in part, groundwater, shall submit a geo-hydrologic report that conforms to the requirements of this SLDC for approval by the County. As an alternative, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by section 7.13.7.4.1.
4. A community water system shall provide adequate water for fire protection consistent with the requirements of the New Mexico Fire Code and the Santa Fe County Fire Code.
5. A community water system shall possess a valid water permit, vested right, adjudicated right, or license issued and verified by OSE or produce proof of a valid service commitment from a water provider to meet the maximum annual water requirements of the proposed development. Pursuant to NMSA 1978, § 3-20-91, if irrigation water rights that are appurtenant to the land to be subdivided have been severed, a community water/mutual domestic system shall acquire sufficient water rights through a permit issued pursuant to NMSA 1978, § 72-5-1, §72-5-23, §72-5-24, § 72-12-3, or § 72-12-7 for subdivision water use. own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. Additionally, if irrigation water rights that are appurtenant to the land to be subdivided have been severed, a community water system shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. An application failing to provide proof of the

permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

6. All distribution mains within a community water system shall be a minimum of eight (8) inches in diameter and shall be pressure tested in accordance with the latest versions of the New Mexico Standard Specifications for Public Works Construction, Section 801.16 ~~(as amended from time to time), the Santa Fe County Utility Water System standards and American Water and Wastewater Association standards.~~

7. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of individual and/or shared domestic wells is strictly prohibited on property supplied by a community water system.

8. A community water system shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. All applicable requirements of the Public Utility Act, Articles 1 through 6 and 8 through 13 of Chapter 62, NMSA 1978, shall be met, as applicable.

10. A community water system shall be designed ~~by~~under the supervision of a New Mexico registered professional engineer. Any expansion of an existing community water system to supply new development shall likewise be designed ~~by~~under the supervision of a New Mexico registered professional engineer.

11. Easements, including construction easements, shall be provided.

12. ~~The community water system shall demonstrate compliance with all applicable state and federal law. The community water system shall provide proof that the system is operated by a qualified and certified operator and include compliance documents required by NMED, PRC and the OSE. Management of a community water system shall be accomplished by competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted. The management structure of a community water system shall be capable of ensuring that all reports and submissions required by NMED, PRC and the OSE are submitted on a timely basis.~~

13. Financial security shall be deposited to secure the construction of a new or expanded community water system.

14. An applicant proposing or required to use a community water system whose source of water is, in whole or in part, groundwater, shall ~~perform~~submit a geo-hydrologic report that conforms to the requirements of this SLDC, to be approved by the County.

15. As an alternative to the previous paragraph, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

16. A community water system within a Traditional Community District zoning district shall minimize the use of local water resources.

#### 7.13.7.2. Shared Wells Systems and Individual Wells.

1. A development that is not required to connect to the County water utility pursuant to Table 7-17, or to a public or publicly-regulated water system pursuant to Table 7-18, or to a community water system pursuant to Table 7-19, may self-supply water service through a shared well system or individual well.

2. A shared well system or an individual well shall provide all water needed for domestic use and fire protection.

3. A shared well system or an individual well shall meet or exceed all applicable design and operational standards of the New Mexico Environment Department, the Construction Industries Division of the Regulation and Licensing Department and the Office of the State Engineer.

4. A shared well system or an individual well shall be capable of providing the water requirements of the proposed development for up to 40 years or 99 years respectively.<sup>5</sup>

5. A shared well system or an individual well, together with its associated equipment and infrastructure, shall provide adequate water for fire protection, including storage, consistent with the requirements of the Fire and Building Codes specified in Section 7.2.

6. Water storage to address requirements of the Fire and Building Codes specified in Section 7.2, or to maintain deliveries during periodic drought ~~or as a result of climate change~~, shall be provided.

7. A shared well system or an individual well shall possess a valid water permit, vested right, adjudicated right or license issued and verified by the Office of the State Engineer with sufficient capacity or water rights to meet the maximum annual water requirements of the proposed development. Pursuant to NMSA 1978, § 3-20-91 if irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the developer must fulfill the requirements of Paragraph (1) of Subsection F of NMSA 1978, §47-6-11 or acquire sufficient water rights through a permit issued pursuant to NMSA 1978, § 72-5-1, §72-5-23, §72-5-24, § 72-12-3, or § 72-12-7 for subdivision water use. ~~owners of a shared well system or an individual well shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision.~~ In all other cases, a shared well system shall own water rights permitted by the Office of the State Engineer; the water rights shall have an appropriate place and purpose of use, and

<sup>5</sup> Pursuant to NMSA 1978, § 72-1-9, water provided by or on behalf of a member-owned community water system (e.g., a mutual domestic) or a special water users' association, must be capable of meeting a 40-year water supply for its members or association. Pursuant to § 6.5.5.1 of this Code, water provided by or on behalf of an individual must be capable of meeting a 99-year water supply.

the quantity permitted and any conditions imposed on the permit shall be sufficient to meet the maximum annual water requirements of the proposed development. An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

8. A shared well system or an individual well shall be capable of supplying the volume of water required for the development and shall be designed to provide a peak rate of production reasonably anticipated.

9. Easements, including construction easements, shall be provided.

10. Financial security shall be deposited to secure the construction of a shared well system.

11. The development order, plats, disclosure statement and private covenants, as applicable, shall clearly specify that the drilling or use of other wells within the area to be served by an individual well or shared well system is strictly prohibited.

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 (i) develop a single family residential dwelling or accessory dwelling unit on a lot existing prior to the effective date of the SLDC using a single domestic well permitted under NMSA 1978, ~~See-§~~ 72-12-1 as the water supply, (ii) develop a single nonresidential use that has a water budget of 0.25 acre foot per year or less, (iii) divide land through a land division or exempt subdivision, or (iv) create a minor subdivision or no more than five (5) lots, shall not be required to provide a ~~geo~~-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the well permit issued pursuant to NMSA 1978, ~~See-§~~ 72-12-1 by the Office of the State Engineer.

13. As an alternative to a geo-hydrologic report, a reconnaissance report may be substituted for a geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC.

#### **7.13.7.3. Standards for geo-hydrologic reports.**

1. A geo-hydrologic report,<sup>6</sup> if required, shall demonstrate that groundwater sufficient to meet the maximum annual water requirements of the development is physically available and can be practically recovered to sustain the development for a continuous period of 40 years or 99 years as the case may be<sup>7</sup>. The contents of the report shall be consistent with well-established engineering and geological

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<sup>6</sup>A geo-hydrologic report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

<sup>7</sup> See footnote 7.

practice, and shall be certified by those professionals contributing to the study and conclusions.

2. The geo-hydrologic report shall take into account the production from existing wells in making conclusions about the ability of a particular well or wells to provide adequate water for the development for 40 years or 99 years as the case may be. (See footnote 7.)

3. The geo-hydrologic report shall be predicated upon actual testing results from wells within at the location of the proposed development. Test requirements for wells are set forth in Table 7-20. If no well is present at the proposed development location of each of the proposed well or wells, an exploratory well shall be drilled provided. If more than one well will be used to provide water to the proposed development provided, the Administrator shall determine whether the number of test wells and their locations to adequately profile the aquifer. ~~The geo-hydrologic report shall adequately~~ characterize the aquifer in accordance with the requirements listed herein.

**Table 7-20: Well Test Requirements**

<b>TABLE 7-20: WELL TEST REQUIREMENTS</b>			
	<b>Pumping Hours</b>	<b>Recovery Days</b>	<b>Additional Tests for Large Areas</b>
<b><u>INDIVIDUAL WELLS (NON RESIDENTIAL USE UP TO 1 ACRE FOOT PER YEAR AND SUBDIVISIONS OF 5 OR FEWER LOTS)</u></b>			
Miscellaneous locations	48	5	one per 40 acres
Part of Santa Fe Formation	36	5	one per 160 acres
Cretaceous	24	5	one per 40 acres
<b><u>INDIVIDUAL WELLS (NON RESIDENTIAL USE OVER 1 ACRE FOOT PER YEAR AND SUBDIVISIONS OF MORE THAN 5 LOTS)</u></b>			
<u>Miscellaneous locations</u>	<u>72</u>	<u>5</u>	<u>one per 40 acres</u>
<u>Part of Santa Fe Formation</u>	<u>48</u>	<u>5</u>	<u>one per 160 acres</u>
<u>Cretaceous</u>	<u>72</u>	<u>5</u>	<u>one per 40 acres</u>
<b>COMMUNITY WELLS</b>			
All Areas	96	10	one per 40 acres

4. Geo-hydrologic reports shall provide detailed data and information reports concerning each pumping test as set forth in Table 7-20.

5. The geo-hydrologic report may rely upon previously developed geo-hydrologic reports with appropriate pumping test on wells within one (1) mile in lieu of drilling a new well or wells so long as the geo-hydrologic report that is relied upon adequately characterizes the aquifer beneath the proposed development as specified herein and establishes that the hydrogeologic conditions are comparable. Notwithstanding the foregoing, no more than one (1) test well ~~per four (4) dwelling units shall be required, and no more than one (1) test wells~~ per up to ten (10) dwelling units shall be required where cluster or shared wells are to be used, provided that the entire development is served by the same geologic formation.

6. The geo-hydrologic report shall provide a schedule of effects over the applicable time period from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of ~~climate and~~ drought. The geo-hydrologic report shall analyze the effect of pumping of existing wells. Predicted draw down of each well shall be calculated in a conservative manner.

7. The geo-hydrologic report shall calculate the lowest practical pumping water level in the proposed well or wells so long as there is no presumption made as to additional available water below the bottom of the proposed well or wells, and the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought, reduction of well efficiency over time, and peak production requirements. The lowest practical pumping water level may be established by any one of the following methods:

- a. By using the results of acceptable on-site aquifer pump tests where the lowest allowable pumping level is the lowest water level reached during the test;
- b. By setting the lowest practical pumping water level at the top of the uppermost screened interval;
- c. In wells completed in fractured aquifers, by setting the lowest practical pumping water level above the top of the fracture zone; or
- d. In wells completed in alluvial aquifers, by setting the lowest practical pumping water level at a point equal to seventy percent (70%) of the initial water column.

8. The geo-hydrologic report shall present all pertinent information. All sources of information used in the report shall be identified; basic data collected during preparation of the report shall be provided if available.

9. The geo-hydrologic report shall contain all of the following information, in the following order:

- a. Geologic maps, cross-sections and descriptions of the aquifer systems proposed for production, including information concerning the geo-

hydrologic boundaries, intake areas and locations of discharge of those aquifers;

b. Maps and cross sections showing the depth-to-water, water-level contours, direction of ground water movement and the estimated thickness of saturation in the aquifers; and

c. Probable yields of the proposed wells (in gallons per minute and acre feet per year) and ~~probable~~calculated length of time that the aquifer system will produce water in amounts sufficient to meet the demands under full occupation of the development for the appropriate time period, including any underlying pump test analyses, hydrologic boundaries, aquifer leakage and historic water level changes, logs and yields of existing wells, aquifer performance tests, and information concerning interference by the proposed wells with existing off-site wells and among the proposed on-site wells.

10. If a pumping test has been submitted to the OSE to support an application to change the place or purpose of use of water rights from agricultural to domestic or subdivision use and OSE accepts the pumping test, then the pumping test can be utilized for the purposes of this Section if it complies with Table 7-20.

#### 7.13.7.4. Standards for reconnaissance reports.

1. A reconnaissance report<sup>8</sup> may be provided in lieu of a geo-hydrologic report only if all of the following circumstances ~~exist~~prevail:

a. ~~the~~ the geo-hydrologic report has been completed on a well within one (1) mile of the proposed well or wells;

b. ~~the~~ the geo-hydrologic report indicates that the geology and well completion is~~are~~ comparable to the conditions existing at the site of the proposed well or well;

c. the total amount of water to be drawn by the development will not exceed three (3) acre feet per annum; and

d. ~~except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development. The previously submitted geo-hydrologic report has been deemed valid and acceptable by the County.~~

2. A reconnaissance report shall contain the following information in the following order:

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<sup>8</sup>A reconnaissance report may be provided as a part of a required study, report or assessment as described in Chapter 6, or separately.

- a. Detailed information on the geology at the site of the proposed well or wells from the previously-performed geo-hydrologic report, including data from a pump test;
- b. A copy of the well log for the well upon which the previous geo-hydrologic report was ~~performed~~based, ~~and~~ a complete analysis of the data contained therein and an explanation of how the findings from the previous geo-hydrologic report as—it pertains to the proposed development; and
- c. A calculated ninety-nine (99) year schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of ~~elimate~~, drought ~~and change~~. The reconnaissance report shall analyze the effect of pumping of existing wells and the predicted draw down of each well, calculated in a conservative manner; ~~and~~
- d

#### 7.13.11. Water Conservation.

##### 7.13.11.1. General Requirements.

1. All plats and non-residential development shall file signed water restrictions and covenants included in this Section with the plat or site development plan. All applications subject to water restricitons and conservations requirements shall file a declaration with the County Clerk memorializing the restricitons of this Section. These restricitons shall run with the land and any violations shall be enforceable by the County pursuant to Section 14.3.

12. Total water use shall not exceed that specified in the development order, plat note, or the SLDC.

23. Annual water use for ~~domestic purposes~~ for a single family residential dwelling ~~from any source~~ shall not exceed 0.25 acre foot per year. In applying this limitation to a dwelling, the County shall not include any water used on the parcel: (a) from 72-1-1 wells for the purposes of irrigation on the parcel not to exceed one acre of non-commercial trees pursuant to NMSA 1978, Section 72-12-1.1, livestock watering pursuant to NMSA 1978, Section 72-12-1.2, or temporary uses pursuant to NMSA 1978, Section 72-12-1.3; (b) pursuant to the parcel owner's water rights or permit to appropriate water other than those arising under NMSA 1978, Sections 72-12-1 or 72-12-1.1 (except as provided above); or (c) in accordance with any water right that a court has adjudicated through entry of any form of subfile order, decree, judgment, or other court order adjudicating the amount, purpose, and place of use. 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 for non 72-12-1 wells, permitted by the Office of the State Engineer and to the use of water derived from such water rights for agricultural or other purposes.

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**7.13.11.2. Outdoor Conservation.** This section is applicable to all lots within the County.

- 1.** Low water use landscaping techniques or xeriscaping shall be utilized for all new landscaping in development. ~~Drip irrigation and landscape mulching shall be provided.~~
- 2.** Drip irrigation and landscape mulching shall be provided for all new landscaping required by this SLDC. ~~Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. Sod or grass seed that contains Kentucky bluegrass is not permitted.~~
- 3.** New sod or grass seed that contains Kentucky bluegrass is not permitted.  
Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.
- 5.** Watering or irrigation ~~shall be that is~~ provided through a timed drip irrigation system shall include a timer that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.
- 10.** All permanent swimming pools, and any temporary pools with a fill capacity over 3,000 gallons, shall ~~be prohibited~~ only be permitted in accordance with Section 7.24. of this SLDC.

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**7.13.11.3. Indoor Conservation.** This section applies to all lots within the County.

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**7.13.11.5. Domestic Well Use Metering Program.**

- 1.** ~~Every person engaging in All~~ development utilizing a well after the effective date of this Code shall participate in the well use metering program.
- 2.** Meters shall be installed on wells for any development subject to the SLDC. All meters shall be a Santa Fe County-approved meter. The meter shall be read by the property owner annually ~~within the first two weeks of each calendar year.~~ Meter and meter readings shall be provided to the Administrator no later than April 30 of the same calendar year. Submissions shall include name and address of well owner, location of well, OSE well permit number, meter reading, date of meter reading, number of residences served by the well, make and model of meter and photograph of the meter. **1** If a property is required to submit meter

readings to the OSE, these readings may be sent to the Administrator in lieu of the above requirement.

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### 7.13.11.7. Water Harvesting.

**1. Rainwater Catchment Systems.** Rainwater catchment systems are required for all new residential and all new or remodeled non-residential development, including a change of use from residential to non-residential, as required below.

2. Overflow from a cistern shall be directed into a designated retention pond or landscaped area.

3. The requirements of this section shall not apply where a development proposes to utilize gray water recycling for all outdoor landscaping.

~~a. Rainwater catchment systems are required for all new construction whose roof area is 2,500 square feet or greater. Rainwater catchment systems are required for all remodeling of an existing structure whose roof area, after the remodeling, is 2,500 square feet or greater. Rainwater catchment systems are required of any accessory structure whose roof surface is 500 square feet or greater.~~

~~b. Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.~~

~~c. Structures whose roof surface is 2,500 sq. ft. or greater shall install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey water to the point of use.~~

~~d. A structure whose roof surface is 2,500 sq. ft. or less, and any accessory structure shall install as its rainwater catchment system: (i) rain barrels, (ii) cisterns, or (iii) passive water harvesting systems using berms, swales, or tree wells. The system shall capture water from at least 85% of the roofed surface.~~

~~e. Cisterns shall be sized to hold 1.15 gallons per square foot of roof area.~~

#### **2a. Catchment Requirements, Residential Structures.**

~~a-i.~~ Systems shall be designed to capture rainwater from a minimum of 85% of the roofed area.

**b-ii.** Residential primary or accessory Sstructures whose roof surface is 2,500 sq. ft. of heated floor area or greater and additions of 2,500 sq. ft. of heated floor area or greater, shall

install a cistern that is buried or partially buried and insulated. The cistern shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

**e-iii.** A structure whose roof surface is 2,500 sq. ft. of heated floor area or less, ~~and any accessory structure whose roof surface is 500 sq. ft. or greater~~ shall install rain barrels, cisterns or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater ~~from a minimum of 85% of the roofed area.~~

**d-iv.** Cisterns shall be sized to hold 1.15 gallons per square foot of roof area that is captured but this figure may be adjusted based on proposed landscaping, to be approved by the Administrator.

### **3 b. Catchment Requirements, Non-residential structures:**

**a i.** Systems shall be designed to capture rainwater from all of the roofed area.

**b ii.** Cisterns shall be buried, partially buried or insulated and shall be connected to a pump and a drip irrigation system to serve landscaped areas. Alternatively, if captured water is to be used for domestic purposes, appropriate plumbing and pumps may be used to convey that water to the point of use.

**e iii.** Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area or the equivalent of a one month supply of water, to be approved by the Administrator.

**iv.** Where no new landscaping is required, the Administrator may approve the use of rain barrels or other water catchment system including passive water harvesting and infiltration techniques, berms, swales, and tree wells to capture rainwater.

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## **7.14. ENERGY EFFICIENCY.**

### **7.14.2. Residential Structures.**

**7.14.2.1.** Each new residential structure, excluding accessory buildings, mobile homes, and manufactured homes and structures constructed 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). After completion of the residential structure, a final HERS rating, indicating a score of 70 or less, shall be submitted to the County as part of obtaining a Certificate of Completion from the County pursuant to this Section.

**7.14.2.2** The HERS 70 standard or equivalent shall be certified by a qualified, independent, third-party accredited HERS rater for both the designed and final constructed HERS or equivalent rating.

**7.14.2.3.** As an alternative to a HERS 70 requirement, other energy efficiency performance measures or methodologies may be utilized to demonstrate compliance with the requirement, provided that:

1. The residential structure achieves an equivalent or lower level of energy performance (in BTUs per square foot per year) as a HERS 70 rated structure; and
2. A New Mexico licensed engineer, architect, or qualified independent building science professional performs the analyses, inspections and certifications.

**7.14.2.4** In addition to the energy performance standard above, new residential structures shall also:

1. Comply with the following whole-house mechanical ventilation requirement. In order to maintain indoor air quality, continuous mechanical ventilation is required based on the following formula: Required minimum cubic feet per minute of ventilation = {(Total heated floor area in square feet X 0.01) + [(number of bedrooms + 1) x 0.75]} ~~the most recent version of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 62.2, “Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings”;~~ and
2. Complete the United States Environmental Protection Agency’s “Thermal Bypass Inspection Checklist” or “Thermal Enclosure System Rater Checklist” during the building process, as determined by the Checklist’s guidelines. The Administrator shall determine which updated version of the checklist, or equivalent, shall be applicable at any given time.

**7.14.2.5.** To demonstrate compliance with these requirements, a preliminary certification of energy performance, signed and/or stamped by the independent third party verifier, shall be documented on a form provided or approved by the County and included as a part of the application package submitted for development review. Similarly, compliance with the ventilation and thermal enclosure checklist requirements will be documented by submittal of forms to the County signed by an independent third party verifier. These submittals are required as part of obtaining a Certification of Completion pursuant to Section 14.2.

**7.14.2.6.** Larger multifamily residential structures that are not included under RESNET’s HERS index rating system shall comply with the energy efficiency requirements for nonresidential structures in ~~sub~~Section 7.14.3.

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**7.14.3. Nonresidential Structures.**

**7.14.3.1.** All new nonresidential buildings that are eligible to achieve EPA’s “Designed to Earn Energy Star” certification shall obtain written confirmation from the United States Environmental Protection Agency that the building is designed to meet this certification ~~“Designed to Earn the EPA Energy Star Certification”~~. This certification shall be submitted to the County along with the other required materials required to support and application for development approval.

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**7.17. TERRAIN MANAGEMENT.**

**7.17.3. Buildable Area.** A buildable area shall be identified for all lots on any plat and on any site development plan.

**7.17.3.1.** Development shall occur only within the area designated for building on the final plat. If there is no buildable area designated on the plat, then the Administrator shall designate a buildable area upon request.

**7.17.3.2.** A buildable area shall not be less than 2,000 square feet and shall include all required working areas around the structure, this does not apply to high density PD or MU areas. ~~include the footprint of the proposed structure, a working area extending thirty feet from the structure, and any areas of expected site disturbance necessary for construction, all of which shall not be less than 2,000 square feet.~~

**7.17.3.3.** The Administrator may approve an alternative buildable area upon proof of compliance with the requirements of this SLDC.

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**7.17.6 Grading, Clearing and Grubbing.**

**7.17.6.1.** Prior to engaging in any grading, clearing or grubbing, a development permit shall be obtained. A development permit is not required to maintain a driveway or road; provided, however, that any major change in the driveway or road or a capital improvement to a road or driveway, shall require a development permit.

**7.17.6.2.** Grading and clearing of existing native vegetation shall be limited to approved Buildable Areas, road or driveways, drainage facilities, liquid waste systems, and utility corridors.

**7.17.6.3.** Topsoil from graded areas shall be stockpiled for use in revegetation.

**7.17.6.4.** The boundaries of the development area shall be clearly marked on the site with limits of disturbance (LOD) fencing or construction barriers prior to any grading or clearing.

7.17.6.5. No grading is permitted within one foot of a property line, except for roads driveways and utilities.

7.17.6.6. Temporary fencing shall be installed to protect natural vegetation.

7.17.6.7. Retaining walls shall not exceed ten (10) feet in height.

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### 7.17.9 Steep Slopes, Ridge tops, Ridgelines, and Shoulders.

**7.17.9.1 Applicability.** This subsection applies to development of any structure on a slope whose grade exceeds fifteen percent (15%), areas where slope exceeds thirty percent (30%); and to a ridge, ridge top, ridgeline, or shoulder.

1. Where a ridgetop measures more than five hundred feet (500') from shoulder to shoulder, the ridgetop standards and requirements shall apply within two hundred feet (200') of the shoulder of the ridge.

#### 7.17.9.2 Standards.

1. No structure may be constructed on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property. Only single story structures are allowed on ridges, ridge tops, and shoulders.

2. Buildable areas on a ridge top, ridgeline, or shoulder shall be set back ~~50~~25 (twenty five) feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

3. No structure may be constructed on a natural slope of thirty percent (30%) or greater.

4. Utilities, drainage structures, slope retention structures, and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they disturb no more than three separate areas not exceeding 1,000 square feet each. ~~Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).~~

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**7.17.11. Development at or above 7800 Feet in Elevation.** Development at or above an elevation of 7800 feet is a restricted build area and will be subject to additional requirements as follows:

1. Proposed development in this area shall not be visible from major arterial roads.

~~2. Proposed development in this area is subject to a conditional use permit.~~

## 7.22. FINANCIAL GUARANTY.

**7.22.3. Engineer's Cost Estimate.** A cost estimate for all required public and private site improvements or reclamation shall be prepared by a New Mexico registered professional engineer and shall be submitted with the financial guaranty. The cost estimate shall be valid for a period of 12 months.

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## 7.25. SPECIAL PROTECTION OF RIPARIAN AREAS.

**7.25.1. Applicability.** This section applies to any development depicted in documents or activities, including but not limited to a subdivision plat, land division or site plan.

**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.

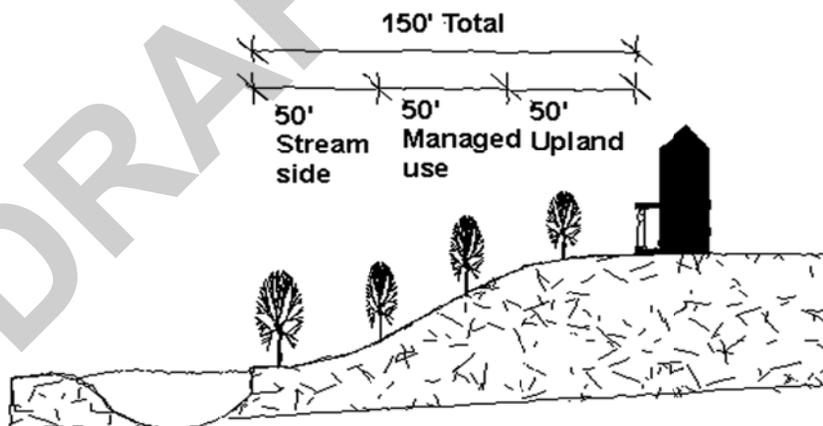
**7.25.3. Beneficial Use Determination.** A person aggrieved by restrictions applicable to property pursuant to this Section may apply for a beneficial use determination pursuant to Section 14.9.8 of the SLDC.

**7.25.4. 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. ~~These areas shall be measured as shown on Figure 7.7. 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." The Managed Zone and Upland Zone shall be measured as shown on Figure 7.7. Areas designated as Special Flood Hazard Zones under Section 7.18 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."~~

**Table 7-22 Definition of Stream Corridor Zones**

(A) Corridor	Applicability			(E) Location and Required Width of Zone
	(B) Perennial Stream	(C) Intermittent Stream	(D) Perennial Water Body	
Stream Side Zone	Yes	Yes	Yes	50 feet from stream bank
Managed Use Zone	Yes	-	-	50 feet from outer edge of stream side zone
Upland Zone	Yes	-	-	50 feet from managed use zone, <del>or out to resource conservation district elevation,</del> whichever is greater
Total corridor area	150	50	50	150 feet minimum from each side of stream bank

Figure 7.7 Riparian Corridors



**7.25.5. Permitted Uses and Activities in Riparian Corridors.** Provided a specific use is permitted within the applicable zoning district, a use permitted in Column (A) of Table 7-23 is permitted within the applicable corridor zone as defined in Table 7-22. Such uses are restricted to the corridor zones indicated in Columns (B), (C), and/or (D) of Table 7-23.

**Table 7-23  
Permitted Uses Within Riparian Buffer Corridors**

(A) Use	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Pastures or plant nurseries that do not require land-disturbing activities or use of pesticides, or extensive use of fences or walls.	<del>N</del> P	P	P
Gardens, play areas, <u>recreational uses</u> and other similar uses that do not require the use of pesticides for routine maintenance.	<del>N</del> P	P	P
Lawns, golf course fairways, play fields, and other areas that may require the use of fertilizers or pesticides.	N	N	P
<del>Archery ranges, picnic structures, playground equipment, and other similar public and private recreational uses that do not require the use of fertilizers, pesticides, or extensive use of fences or walls.</del>	<del>N</del> P	P	P
<del>Public utility and storm drainage facilities where there is a practical necessity to their location within the resource conservation district (RCD).</del>	P	P	P
<del>Sidewalks, streets, bridges, and other similar transportation facilities where there is a practical necessity to their location within the RCD.</del>	C	C	C
<del>Sidewalks.</del>	P	P	P
Accessory land-disturbing activities ordinarily associated with a single- or two-family dwelling, such as utility service lines, <u>gardens</u> , and similar uses.	N	P	P
<del>Public maintenance of streets, bridges, other similar transportation facilities and/or public utility and storm drainage facilities.</del>	P	P	P

*P = the activity is permitted as of right; N = the activity is prohibited; and C = the activity is permitted only upon approval of a conditional use permit or a subdivision application.*

# Staff Proposed SLDC Changes

## Chapter 8

**8.5.2. Agriculture, Grazing and Ranching Uses.** Agriculture, Grazing and ranching of livestock shall be allowed anywhere in the County. A development permit is not required for this use, however, a development permit is required for any structure(s) related to this use in accordance with the siting and design standards of this SLDC.

### 8.7. NON-RESIDENTIAL ZONING DISTRICTS.

#### 8.7.1. Commercial General (CG).

**Table 8-13: Dimensional Standards – CG (Commercial General).**

CG Zoning District	CG-Base	With TDRs
Density (# <del>acres per</del> dwelling units <u>per acre</u> )	2.5**	<u>20</u>
<del>Multifamily Density with TDRs*</del>	<del>Up to 15</del>	
Frontage (minimum, feet)	50	<u>25</u>
Lot width (minimum, feet)	<del>n/a</del> <u>50</u>	<u>25</u>
<del>Lot width (maximum, feet)</del>	<del>n/a</del>	
Height (maximum, feet)	<del>48</del> <u>40</u>	<u>48</u>
Lot coverage (maximum, percent)	<del>80</del> <u>60</u>	<u>80</u>

\*Multi-Family Residential shall comply with supplemental use standards in Chapter 10.

\*\* Density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.

### 8.8 PUBLIC/INSTITUTIONAL ZONING DISTRICT.

**8.8.3. Dimensional Standards.** The dimensional standards within the PI district are outlined in Table 8-17 below.

**8.8.4. Review/approval procedures.** All PI developments must meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development in accordance with procedures outlined in Chapter 4.

**Table 8-17: Dimensional Standards – PI (Public/Institutional).**

P/I Zoning District	P/I
Density	2.5*
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage (maximum, percent)	80
*density shall be 1 acre if the surrounding zoning district is RC, or reduced to 0.75 acres if the surrounding zoning district is TC.	

~~8.8.5. Side and Rear Setbacks. For buildings in the PI district that are over 12 feet in height, side and rear setbacks adjacent to any A/R, RUR, RUR F, RUR R, RES F, RES E, R C, or TC districts, and any predominantly single family detached or attached dwelling districts or sub-districts in areas subject to community district zoning, as well as any existing or approved development consisting of predominantly single family detached dwellings or 1 or 2 story duplex or single family detached dwellings in MU or PDD districts, are outlined in Table 8-17.1 below.~~

~~Table 8-17-1: Side and Rear Setbacks—PI (Public/Institutional).~~

<del>Building Height</del>	<del>Minimum Side and Rear Setbacks</del>
<del>Greater than 12 but less than or equal to 24 feet</del>	<del>40 feet</del>
<del>Greater than 24 but less than or equal to 36 feet</del>	<del>100 feet</del>
<del>Greater than 36 but less than or equal to 48 feet</del>	<del>150 feet</del>

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

**8.9.5. Dimensional Standards.** The dimensional standards within the MU district are outlined in Table 8-18.

**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	20
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 <u>from edge of MU district</u> where existing residential uses adjoin residential property (ft)	100	100
Setback <u>from edge of MU district</u> to adjoining community district (ft)	1000	1000

**8.10.3 Planned District Santa Fe Community College District.**

**8.10.3.4. Conceptual Plan.** A ~~e~~Conceptual ~~p~~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 bear 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 Section 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.~~

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**8.10.3.7. District Development Standards.** The development standards of Chapter 7 of this Code shall be applicable to all development, except as otherwise specified herein.

**1. Off-site Improvements.** The County may require developers, as a condition of approval, to enter into a development agreement pursuant to which the developer shall be required to pay a pro-rata share of future off-site improvements.

**a. Advancement of Public Facilities and Services by Applicant.** Advancement of public facilities and services by applicant shall be in accordance with Section 12.2.6. of this Code.

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**5. Road Design Standards.**

**b. Road Circulation and Design Standards.** The following standards are applicable to all development in the CCD district:

**ix.** Minimum distance required between driveways ~~or~~ and road intersections are as specified in Table 8-20 below:

**Table 8-20: Driveway ~~or~~ and Intersection Separation.**

<b>DRIVEWAY <del>OR</del> <u>AND</u> INTERSECTION SEPARATION</b>	
<b>Roadway Classification (1)</b>	<b>Minimum Separation (feet)</b>
Living	75
Mixed	125
Traffic	200

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**Delete floor area ratio from all dimensional tables for each zoning district.**

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**8.10.3.13. Employment Center Subdistrict Development Standards (CCD-EC).** The Employment Center Subdistrict is intended to accommodate mixed uses, where large scale employers, anchor businesses and light industry can locate in support of New Community Center Subdistrict development. Businesses with special needs for access; buffering for visual, noise or other impacts; technology; storage and size can located in the Employment Center Subdistrict. The Employment Center Subdistrict provides a concentrated planned multi-use environment for light industrial and business uses. Retail uses may be included as necessary to support the needs of anchor employees.

**1. General.** The Employment Center Subdistrict shall be located on Flatlands/Grasslands and Flatlands/Piñon, Juniper land types, provided housing opportunities and a New Community Center Subdistrict are located within one mile.

Development shall be in accordance with applicable requirements of this section and the following sustainable development requirements:

- a. There is no minimum or maximum size on a EC.
- b. Each phase of development in a multi-phase project shall may include mixed use, unless the EC complies with Section 8.10.9.3.3.9 of this SLDC.
- ~~c. A mix of housing types appropriate to the characteristics of the Employment Center Subdistrict shall be required, including single family and multi-family.~~
- d. Living or Mixed Priority Roads are required and shall include direct primary road connection to a New Community Center with potential transit connections.
- e. The Neighborhood Center Subdistrict may be utilized and located within the Employment Center Subdistrict.

**8.10.3.19 CCD Use Matrix.** The following Use Matrix shall apply within the CCD.

Use	CCD V	CCD NCC	CCD NC	CCD VN	CCD F	CCD IC	CCD RUR	CCD EN	CCD Open Space	CCD EC	CCD M	Special Conditions
<b>Residential</b>												
Assisted living facility	p	P	P	P	P	P	P	P	X	<del>X-P</del>	X	
Life care or continuing care facilities	p	P	P	P	P	P	P	P	X	<del>X-P</del>	X	
Nursing facilities	p	P	P	P	P	P	P	P	X	<del>X-P</del>	X	
Community Home, NAICS 623210	P	P	P	P	P	P	P	P	X	<del>X-P</del>	X	
Barracks	X	X	X	X	X	A	X	X	X	X	X	
Dormitories	X	<del>X-A</del>	<del>X-A</del>	<del>X-A</del>	X	A	<del>X-A</del>	X	X	<del>X-A</del>	<del>X-A</del>	
<b>Hotels, motels, or other accommodation services</b>												
Resorts	X	P	P	X	X	X	P	X	X	<del>X-P</del>	P	
Retreats	<del>X-P</del>	P	P	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	P	X	X	<del>X-P</del>	<del>X-P</del>	
<b>Commercial</b>												
Shop or store with drive-through facility	X	<del>X-P</del>	<del>X-P</del>	X	X	X	X	X	X	P	P	
Restaurant, with incidental consumption of alcoholic beverages	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	X	X	<del>X-P</del>	X	X	X	<del>X-P</del>	<del>X-P</del>	
Restaurant, with no consumption of alcoholic beverages permitted	<del>€P</del>	P	P	<del>X-P</del>	X	<del>X-P</del>	X	X	X	P	P	
<del>Stand-alone</del> Store or shop no drive-through facility	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	X	<del>X-P</del>	X	X	X	P	P	
Department store	X	<del>X-P</del>	<del>X-P</del>	X	X	X	X	X	X	C	C	
Market shops, including open markets	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	<del>X-P</del>	X	<del>X-P</del>	X	X	X	<del>€P</del>	<del>€P</del>	
Tap or Tasting Room	X	P	P	C	X	P	X	X	X	P	P	

Use	CCD V	CCD NCC	CCD NC	CCD VN	CCD F	CCD IC	CCD RUR	CCD EN	CCD Open Space	CCD EC	CCD M	Special Conditions
Beer, wine, and liquor store (off-premises consumption of alcohol)	X	EP	C	C	X	C	X	X	X	EP	C	
Shopping center	X	PC	PC	X	X	X	X	X	X	EP	EP	
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities	P	P	P	P	P	P	P	P	XP	P	P	
<b>Institutional or community facilities</b>												
Child care institution ( <del>basic</del> )	XP	P	P	EP	P	P	P	XP	X	P	P	
<del>Child care institution (specialized)</del>	X	P	P	C	P	P	P	X	X	P	P	-
Day care center	XP	P	P	EP	P	P	P	XP	X	P	P	
Community food services	P	P	P	P	P	P	P	XP	X	P	P	
<b>Utility</b>												
Composting facility	XC	X	X	X	X	C	XC	X	XC	C	X	
New Wireless Communication Facility/Modification of existing wireless communication facility with substantial changes	X	X	X	X	C	P	X	X	XC	EP	P	
<b>Agriculture, forestry, and conservation/open space</b>												
Commercial greenhouses	C	C	C	C	C	C	C	C	XC	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses.	EP	C	C	C	EP	EP	EP	EP	EP	EP	EP	
Apiary and other related structures	P	P	P	P	P	P	P	P	XP	P	P	
Crop production outdoor	P	P	P	P	P	P	P	P	XP	P	P	
Crop production greenhouse	P	P	P	P	P	P	P	P	XP	P	P	
Other farm and farming-related structures (Sale of farming products)	A	A	A	A	P	A	P	A	XA	EA	XA	
Sheds, or other agricultural facilities	A	A	A	A	P	A	P	A	XA	XA	XA	
<b>Mining and extraction establishments</b>												
<del>Small Scale Sand and Gravel Extraction Mining</del>	X	X	X	X	C	X	C	X	C	C	X	
Sand and Gravel <del>Extraction mining with blasting</del> (as specified in Section 11.102.7)	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	

\* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.

## 8.11. OVERLAY ZONES.

### 8.11.7. Agriculture Overlay (O-AG).

**8.11.7.1. Intent.** The intent of the Agriculture Overlay (O-AG) is to support goals and policies in the Agriculture and Ranching Element of the SGMP, the County's Code of the West and the County Agriculture and Ranching Implementation Plan.

The O-AG accommodates the development of agricultural use and business that would not cause a detriment to any abutting residential lands. This overlay is appropriate for areas where agriculture and ranching may logically locate because of established land use patterns, and agricultural potential in either greenhouse or land-based environments. The O-AG allows a mixture of agricultural land uses and also establishes appropriate scale and intensity for these uses.

**8.11.7.2. Location.** The Agricultural Overlay (O-AG) is appropriate for use throughout the County.

**8.11.7.3. Accessory Uses.** In addition to those uses allowed by the underlying zoning, the following uses are allowed in the O-AG as accessory uses, and may be approved administratively:

1. Crop production greenhouses, hoop-houses, other controlled-environment agricultural structures and related season extension structures for personal and/or commercial use provided the combined maximum covered area shall not exceed fifteen thousand (15,000) square feet; and
2. Agricultural-related structures including but not limited to barns, sheds, farm buildings, animal housing, propagation houses for accessory agricultural uses and seasonal protection for livestock or horses provided the square footage shall not exceed twenty thousand (15,000) square feet.

**8.11.2.4. Conditional Uses.** The following uses may be allowed in the O-AG upon the issuance of a conditional use permit:

1. Crop production greenhouses, hoop-houses, other controlled-environment agricultural structures and related season extension structures for personal and/or commercial use greater than fifteen thousand (15,000) square feet; and
2. Agricultural-related structures including but not limited to barns, sheds, farm buildings, animal housing, propagation houses, for accessory agricultural uses and seasonal protection for livestock or horses greater than twenty thousand (15,000) square feet.

**8.11.7.5. Dimensional Standards.** Dimensional standards for all agricultural related structures are as prescribed in the underlying zoning district.

# Staff Proposed SLDC Changes

## Chapter 9

### 9.4. LOS CERRILLOS COMMUNITY DISTRICT OVERLAY.

**9.4.6. Use Table.** Uses permitted in the base zones and planned development zoning districts are shown in the LCCD Use Table 9-4-8. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-4-7. 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.

**Table: Los Cerrillos Community District Use Table**

Use	Function	Structure	Activity	LCCD RUR-R	LCCD RES-E	LCCD TC	LCCD PI	Special Conditions
<b>Commercial</b>								
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	X	X	
<b>Public assembly structures</b>								
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	*
<b>Institutional or community facilities</b>								
Child care institution ( <del>basic</del> )	6562			P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<b>Mining and extraction establishments</b>								
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

### 9.5 TESUQUE COMMUNITY DISTRICT OVERLAY.

**9.5.6. Use Table.** Uses permitted in the base zones and planned development zoning districts are shown in the TCD Use Table 9-5-10. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-5-9. 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.

**Table: Tesuque Community District Use Table**

Use	Function	Structure	Activity	TCD RUR-R	TCD RES-F	TCD RES-E	TCD RES-C	TCD TC	TCD PI	Special Conditions
<b>Commercial</b>										
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	C	X	C	C	X	
<b>Public assembly structures</b>										
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	P	P	
<b>Institutional or community facilities</b>										
Child care institution ( <del>basic</del> )	6562			P	P	P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	-
<b>Mining and extraction establishments</b>										
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

**9.6. MADRID COMMUNITY DISTRICT OVERLAY.**

**Table: MCD Use Table**

Use	Function	Structure	Activity	MCD RUR	MCD TC	MCD CN	MCD PI	Special Conditions
<b>Commercial</b>								
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	P	X	
<b>Industrial , manufacturing and wholesale trade</b>								
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	
<b>Institutional or community facilities</b>								
Child care institution ( <del>basic</del> )	6562			P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>			<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	-
<b>Mining and extraction establishments</b>								
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

## 9.7. SAN PEDRO COMMUNITY DISTRICT OVERLAY.

Table: SPCD Use Table.

Use	Function	Structure	Activity	SPCD RUR	SPCD RUR-F	SPCD RUR-R	Special Conditions
<b>Commercial</b>							
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		P	P	P	Ch.9
<b>Public assembly structures</b>							
<del>Churches, temples, synagogues, mosques, and other</del> <del>Religious facilities</del>		3500		P	P	P	*
<b>Institutional or community facilities</b>							
Child care institution ( <del>basic</del> )	6562			P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	-
<b>Mining and extraction establishments</b>							
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	Ch.11

## 9.8 LA CIENEGA AND LA CIENEGUILLA COMMUNITY DISTRICT OVERLAY.

**1. LCLCCD Agriculture/Ranching (LCLCCD A/R); Purpose.** The purpose of this district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the A/R district are limited to agricultural, ranch, residential and other compatible uses. This designation reflects areas whose present use is agricultural, such as grazing or dry land farming. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback a minimum of 25 feet from the property line.

**ii.** The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

**iii.** In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**1. LCLCCD Rural Fringe (LCLCCD RUR-F); Purpose.** The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. The RUR-F designation provides an intermediate step in development density between typical open space and agricultural/ranching lands and primarily residential (low density) parcels. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**a. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback 25 feet from the property line.

**ii.** The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

**iii.** In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**2. LCLCCD Rural Residential (LCLCCD RUR-R); Purpose.** The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, farmers markets and produce stands. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback a minimum of 25 feet from the property line.

**ii.** The rear and sides of the buildings shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**3. LCLCCD Residential Fringe (LCLCCD RES-F); Purpose.** The purpose of this district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The RES-F district provides an intermediate step in single family residential development between open space and/or agricultural/ranching lands, and typically suburban residential densities. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback 25 feet from the property line.

**ii.** The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**4. LCLCCD Residential Estate (LCLCCD RES-E); Purpose.** The purpose of the Residential Estate (RES-E) district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The RES-E district supports single-family homes on medium sized lots consistent with contemporary community development. Generally this district applies to low to medium density residential development in established neighborhoods (lands that are already committed to residential uses and have been subdivided for a specific development) and undeveloped or underdeveloped areas with a moderate to high development suitability. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback 25 feet from the property line.

**ii.** The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**6.LCLCCD Traditional Community (LCLCCD TC); Purpose.** The purpose of this district is to designate areas suitable for residential, small-scale commercial and agricultural uses consistent with the existing development patterns of traditional communities. The TC district accommodates traditional community patterns, preserves historic and cultural landscapes, and protects agricultural uses, including agriculture found in traditional communities with acequia systems, from encroachment by development. Density bonuses and transfers of development rights may be utilized to achieve the purposes of the district. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**iv.** The front, sides and rear of the building shall be setback a minimum of 25 feet from the property line.

v. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**5. LCLCCD Commercial Neighborhood (LCLCCD CN); Purpose.** The purpose of this district is to allow for low-intensity convenience retail and personal services, as well as office uses that are intended to serve and are in close proximity to individual residential neighborhoods.

**c. Setbacks.** Standards shall be regulated as identified in Chapter 7 of this Code with the following exceptions:

**i.** The front of the building shall be setback 25 feet from the property line.

**ii.** The rear and sides of the building shall be setback a minimum of 50 feet from the property line.

iii. In cases where setback requirements prohibit development of a parcel the Administrator may approve setback requirements in accordance with Section 7.3 of this SLDC.

**9.8.7. Use Table.** Uses permitted in the base zones and planned development zoning districts are shown in the LCLCCD Use Table 9-8-15. All uses are designated as permitted, accessory, or conditional, as further explained in Table 9-8-14. Accessory uses may be subject to specific regulations as provided in Chapter 9, 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.

Table: LCLCCD Use Table.

Uses	Function	Structure	Activity	LCLCCD A/R	LCLCCD RUR-F	LCLCCD RUR-R	LCLCCD RES-F	LCLCCD RES-E	LCLCCD RES-C	LCLCCD TC	LCLCCD CN	LCLCCD PI	Special Conditions
<b>Commercial</b>													
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	X	X	X	X	C	P	A	Ch. 9
<b>Public assembly structures</b>													
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	P	P	P	P	P	*
<b>Institutional or community facilities</b>													
Child care institution ( <del>basic</del> )	6562			P	P	P	P	P	P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>			<del>P</del>									
<b>Mining and extraction establishments</b>													
Hard rock mining	8200			DCI	Ch. 11								
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				C	C	C	C	X	X	X	X	X	
Sand and Gravel <u>Extraction mining</u> with blasting (as specified in Section 11.102.7)				DCI	Ch. 11								

9.9 EL VALLE DE ARROYO SECO HIGHWAY CORRIDOR DISTRICT OVERLAY.

Table: ASHCD Use Table.

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
<b>Commercial</b>							
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		C	P	X	
<b>Public assembly structures</b>							
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	*
<b>Institutional or community facilities</b>							
Child care institution ( <del>basic</del> )	6562			P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	

Use	Function	Structure	Activity	ASHCD TC	ASHCD CN	ASHCD PI	Special Conditions
<b>Mining and extraction establishments</b>							
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	Ch.11

9.10 US 285 SOUTH HIGHWAY CORRIDOR DISTRICT OVERLAY.

Table: 285 SHCD Use Table.

Use	Function	Structure	Activity	285 SHCD A/R	285 SHCD RUR	285 SHCD RUR-F	285 SHCD RUR-R	285 SHCD RES-F	285 SHCD RES-E	285 SHCD CN	285 SHCD PI	Special Conditions
<b>Commercial</b>												
<u>Stand-alone</u> Store or shop <u>no drive through facility</u>		2230		X	X	X	X	X	X	P	X	
<b>Public assembly structures</b>												
<u>Churches, temples, synagogues, mosques, and other</u> Religious facilities		3500		P	P	P	P	P	P	P	P	*
<b>Institutional or community facilities</b>												
Child care institution ( <u>basic</u> )	6562			P	P	P	P	P	P	P	P	
<u>Child-care institution (specialized)</u>	6562	-	-	P	P	P	P	P	P	P	P	-
<b>Mining and extraction establishments</b>												
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	X	X	X	X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

**9.11 TRES ARROYOS DEL PONIENTE COMMUNITY DISTRICT OVERLAY.**

**Table: TAPCD Use Table.**

Use	Function	Structure	Activity	TAPCD RES-E	Special Conditions
<b>Commercial</b>					
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	
<b>Public assembly structures</b>					
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	*
<b>Institutional or community facilities</b>					
Child care institution ( <del>basic</del> )	6562			P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	-
<b>Transportation-related facilities</b>					
Commercial automobile parking lots <del>or garages</del>		5200		X	
Commercial automobile parking garages				X	
<b>Mining and extraction establishments</b>					
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	
Sand and Gravel <u>Extraction mining</u> -with blasting (as specified in Section 11.102.7)				DCI	Ch.11

\* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use District and Planned Development District.

**9.12 VILLAGE OF AGUA FRIA COMMUNITY DISTRICT OVERLAY.**

**9.12.3.2. Base Zoning Districts.** Base zoning districts approved for use in the Community District are listed in Table: 9.12.1.

**1. VAFCD Residential Estate (VAFCD RES-E); Purpose.** The purpose of this district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The VAFCD RES-E district supports single-family homes on medium sized lots consistent with the Village of Agua Fria’s development north of the river. This category may include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**i. Non-residential uses.** As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) **Setbacks.** New development shall be set back no less than 25 feet from the front property line.

(b) If a parcel does not have 100 feet on one or more sides the setback may be ~~0~~5 feet from that property line.

**ii. Residential uses.** As regulated in Chapter 8 of this Code and Appendix B of this Code with the following exceptions:

(a) **Setbacks.** New development shall be set back no less than 5 feet from the front, rear and side property lines.

(b) If a property does not have 100 feet on one or more sides the setback may be ~~0~~5 feet from that property line.

**Table: VAFCD Use Table.**

Use	Function	Structure	Activity	VAFCO RES-E	VAFCO TC	VAFCO CN	VAFCO PI	Special Conditions
<b>Commercial</b>								
<del>Stand alone</del> Store or shop <del>no drive through facility</del>		2230		X	C	P	C	
<b>Public assembly structures</b>								
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	*
<b>Institutional or community facilities</b>								
Child care institution <del>(basic)</del>	6562			P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
<b>Mining and extraction establishments</b>								
<del>Small Scale</del> Sand and gravel <del>Extraction Mining</del>				X	X	X	X	
Sand and Gravel <del>Extraction mining</del> with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch. 11

**9.13. POJOAQUE VALLEY COMMUNITY DISTRICT OVERLAY.**

**Table 9.13.6: PVCD Use Table.**

Use	Function	Structure	Activity	PVCD TC	PVCD PI	Special Conditions
<b>Commercial</b>						
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		C	X	
<b>Public assembly structures</b>						
<del>Churches, temples, synagogues, mosques, and other</del> <del>Religious facilities</del>		3500		P	P	*
<b>Institutional or community facilities</b>						
Child care institution ( <del>basic</del> )	6562			C	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>C</del>	<del>P</del>	-
<b>Mining and extraction establishments</b>						
<u>Small Scale</u> Sand and gravel <u>Extraction Mining</u>				X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	Ch. 11

**9.14 SAN MARCOS COMMUNITY DISTRICT OVERLAY.**

**3. SMCD Rural Fringe (SMCD RUR-F); Purpose.** The purpose of this district is to designate areas suitable for a combination of estate-type residential development, agricultural uses and other compatible uses. This zone also serves to protect agricultural and environmental areas that are inappropriate for more intense development due to their sensitivity. The SMCD RUR-F zone accommodates primarily large lot residential, retreats, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development.

**a. Use Regulations.** Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

**i. Commercial greenhouses:**

**(a)** There shall be a minimum 500 foot setback from property lines for commercial greenhouses.

**b. Dimensional Standards.** As regulated in Chapter 8 of this Code, except as prescribed in Dimensional Standards Table 9-14-3.

**Table 9-14-3: Dimensional Standards SMCD RUR-F (Rural Fringe).**

Zoning District	SMCD RUR-F
Density (# of acres per dwelling unit)	20
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), <u>hay or animal barn, silo</u>	36
Lot Coverage (maximum)	20%
Setbacks from front, rear and side property lines	100 feet

**4. SMCD Rural Residential (SMCD RUR-R); Purpose.** The purpose of this district is to provide for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities, and farmers markets.

**a. Use Regulations.** Uses shall be permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code, with exceptions identified on the SMCD Use Table.

**i. Water wells, well fields, and bulk water transmission pipelines:**

(a) This does not prohibit private wells.

**ii. Movie Ranch**

(a) This use must be on a parcel over 65 acres in size.

(b) This property must be accessed from a County or State Road.

(c) Maximum individual building size of new permanent structures is 5,000 square feet.

(d) Maximum aggregate building size for new permanent structures is 15,000 square feet.

Table: SMCD Use Table.

Use	Function	Structure	Activity	SMD RUR	SMD RUR-F	SMD RUR-R	SMD CN	Special Conditions
<b>Commercial</b>								
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	X	P	
<b>Public assembly structures</b>								
<del>Churches, temples, synagogues, mosques, and other</del> <del>Religious facilities</del>		3500		P	P	P	P	*
<b>Arts, entertainment, and recreation</b>								
Movie Ranch				X	X	<del>XP</del>	C	
<b>Institutional or community facilities</b>								
Child care institution <del>(basic)</del>	6562			P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	-
<b>Transportation-related facilities</b>								
Commercial automobile parking lots <del>or garages</del>		5200		X	X	X	X	
Commercial automobile parking garages				X	X	X	X	
<b>Mining and extraction establishments</b>								
<del>Small Scale</del> Sand and gravel <u>Extraction Mining</u>				X	X	X	X	
Sand and Gravel <del>Extraction mining</del> -with blasting (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	Ch.11

9.15. GALISTEO COMMUNITY DISTRICT OVERLAY.

Table: GCD Use Table.

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
<b>Commercial</b>										
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	X	X	C	X	
<b>Public assembly structures</b>										
<del>Churches, temples, synagogues, mosques, and other</del> <del>Religious facilities</del>		3500		P	P	P	P	P	P	*
<b>Institutional or community facilities</b>										
Child care institution <del>(basic)</del>	6562			P	P	P	P	P	P	
<del>Child care institution (specialized)</del>	<del>6562</del>	-	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	-
<b>Transportation-related facilities</b>										
Commercial automobile parking lots <del>or</del>		5200		X	X	X	X	X	X	

Use	Function	Structure	Activity	GCD A/R	GCD RUR	GCD RES-F	GCD RES-E	GCD TC	GCD PI	Special Conditions
garages										
Commercial automobile parking garages				X	X	X	X	X	X	
<b>Mining and extraction establishments</b>										
<u>Small Scale Mining</u> Sand and gravel <u>Extraction</u>				X	X	X	X	X	X	

## 9.16 CHIMAYO COMMUNITY DISTRICT OVERLAY.

Table: ChCD Use Table.

Use	Function	Structure	Activity	CHCD RUR-R	CHCD RES-F	CHCD RES-E	CHCD TC	CHCD CN	CHCD PI	Special Conditions
<b>Commercial</b>										
<del>Stand-alone</del> Store or shop <u>no drive through facility</u>		2230		X	X	X	C	P	X	
<b>Public assembly structures</b>										
<del>Churches, temples, synagogues, mosques, and other</del> Religious facilities		3500		P	P	P	P	P	P	*
<b>Institutional or community facilities</b>										
Child care institution ( <del>basic</del> )	6562			P	P	P	P	P	P	
<del>Child care institution (specialized)</del>	6562	-	-	P	P	P	P	P	P	
<b>Transportation-related facilities</b>										
Commercial automobile parking lots <del>or</del> garages		5200		X	X	X	C	C	X	
Commercial automobile parking garages				X	X	X	C	C	X	
<b>Mining and extraction establishments</b>										
<u>Small Scale Mining</u> Sand and gravel <u>Extraction</u>				C	C	X	X	X	X	

# Staff Proposed SLDC Changes

## Chapter 10

### 10.3. ACCESSORY STRUCTURES.

**10.3.1. Applicability.** Where a principal use or structure is permitted, the Use Matrix may permit certain accessory structures subject to this section. Accessory structures shall be clearly incidental and subordinate to the principal use, customarily found in connection with the principal use, and located on the same tract or lot as the principal use.

#### 10.3.2. Requirements.

**10.3.2.1.** Accessory structures shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established; however, an accessory structure may be constructed before the principal structure when development approval has been granted for both the principal and accessory structures.

**10.3.2.2.** The accessory structure shall share a driveway and utilities with the principal use or structure unless prohibited by terrain constraints.

**10.3.2.3.** The accessory structure shall not contain a kitchen or cooking facilities, including kitchen appliances, unless approved as part of an approved home occupation or non-residential use. If a kitchen is provided for such use, the accessory structure shall not also contain a half bathroom or shower.

**10.3.2.4.** Agricultural and grazing and/or ranching accessory structures shall be permitted on property where the principal use is agriculture, grazing and/or ranching, provided that a development permit is obtained in accordance with the siting and design standards of this SLDC.

**10.3.2.5.** Residential accessory structures shall not be designed such that they can be used for dwelling purposes. Accessory structures used for dwelling purposes are governed by § 10.4.

**10.3.2.6.** Residential accessory structures shall not contain a full bathroom; a toilet and sink shall be permitted but no shower or bath shall be permitted.

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### 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 shall 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. Number Permitted.** Only one accessory dwelling unit shall be permitted per legal lot of record. Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this.

**10.4.2.2. Size.** The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the heated floor area building footprint of the principal residence; or (b) 1,400 square feet.

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**10.6. HOME OCCUPATIONS.**

**Table 10-1: Home Occupation Requirements.**

	No Impact	Low Impact	Medium Impact
<b>Permit type</b>	Business Registration	Development Permit	Conditional Use Permit
<b>Non-resident employees (max)</b>	1	3	5
<b>Area used for business (maximum)</b>	25% of heated square footage	35% of heated square footage	50% of heated square footage
<b>Accessory building storage</b>	100 SF	600 SF	1,500 SF
<b>Appointments/patron visits (max/day)</b>	0	4	12
<b>Business traffic</b>	none	see §10.6.5	see §10.6.5
<b>Signage</b>	not permitted	see <del>§7.9.4.3-7.9.8.3</del>	see <del>§7.9.4.3-7.9.8.3</del>
<b>Parking and access</b>	Resident and employee only	see §10.6.5	see §10.6.5
<b>Heavy Equipment</b>	None	Up to 2	3-6

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**10.6.6. Noticing Requirements for Home Occupations.** Low and Medium Impact Home Occupations shall comply with the noticing requirements of Section 4.4.6. Noticing is not required for No Impact Home Occupations.

**Table 10-3** Wireless Communications Facility Height Limitations by Zoning District.

Zoning District	New tower and substantial modification (ft)	No substantial modification (ft)	Roof Mounted	Surface Mounted	Stealth
A/R	150	75	See 10.17.6.1.	See 10.17.7.1.	See 10.17.8.1
RUR	120	75	"	"	"
RUR-F	90	50	"	"	"
RUR-R	75	50	"	"	"
RES-F	<del>60</del> <u>n/a</u>	40	"	"	"
RES-E	<del>40</del> <u>n/a</u>	36	"	"	"
RES-C	<del>40</del> <u>n/a</u>	30	"	"	"
TC	<del>40</del> <u>n/a</u>	24	"	"	"
CG	75	50	"	"	"
CN	<del>60</del> <u>n/a</u>	40	"	"	"
I/IL	90	50	"	"	"
P/I	60	40	"	"	"
MU	60	40	"	"	"
<b><u>PD</u></b>	<del>60</del>	<del>40</del>	<del>"</del>	<del>"</del>	<del>"</del>

**10.17.3.2. Setbacks.**

**3.** In addition to any minimum setback requirements described in paragraph 1 above, antenna supporting structures with a tower height of at least 20 feet sited adjacent to residential property shall be set back a minimum of 100 feet, or a distance equal to twice the tower height, whichever is greater, measured from the property line of any property on which a residence is located. An antenna supporting structure shall be sited such that if it falls, it will not fall outside of the boundaries of the property on which it is sited nor will it fall onto any residence or accessory structure of an abutting property. It shall be certified in writing by a

New Mexico professional engineer duly licensed by the State of New Mexico Board of Licensure for Professional Engineers and Professional Surveyors that an antenna supporting structure satisfies these setback and fall restrictions. This section shall not apply in a P/I district for emergency communication facilities.

#### **10.17.6. Standards for Roof-Mounted Antenna Supporting Structure.**

##### **10.17.6.1. Height.**

1. For purposes of public safety in order to prevent or reduce the potential for damage and bodily injury from such an antenna supporting structure or modification thereto, any roof-mounted antenna supporting structure, attachment device, equipment enclosure, and/or any ancillary appurtenance may not extend above the roof line of the building upon which it is attached by more than twenty (20) feet.

~~2. Roof-mounted wireless structures with an overall height of greater than 50 feet are considered antenna supporting structures subject to the applicable standards of this chapter.~~

32. Roof-mounted antenna supporting structures proposed within proximity of an airport as set forth in 47 CFR § 17.7 (Antenna Structures Requiring Notification to the FAA) and Title 14 CFR Part 77 (Safe, Efficient Use, and Preservation of the Navigable Airspace) both as most recently amended, shall comply with the provisions of those regulations and provide the Administrator with a copy of either the Determination of Hazard to Navigation or the No Determination of Hazard to Navigation notice, whichever is issued pursuant to 14 CFR § 77.9.

43. An antenna located on a building roof shall, in addition to the requirements of paragraphs 1 to 3 above, be governed by the regulations for the maximum height of structures of the applicable district.

**10.17.6.2 Location and placement.** Roof-mounted antennas may be placed only on commercial non-residential, institutional, industrial, and multifamily buildings ~~that are at least 35 feet in height.~~

**10.17.10.5. Application for a new wireless communication facility.** Notwithstanding any other review/approval timeframes for development permits or CUP permits under this SLDC, an application for the siting of a new wireless communication facility shall be reviewed and a final decision issued by the Administrator or Planning Commission within 150 days from the date of submittal of the application ~~to the Administrator or Planning Commission.~~

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#### **10.18. SATELLITE DISH ANTENNAS.**

**10.18.1 Applicability.** This section applies to any satellite dish antenna use except:

**10.18.1.1.** An antenna that is one meter (3.28 feet) or less in diameter and is used to

receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite;

**10.18.1.2.** An antenna that is one meter (3.28 feet) or less in diameter or diagonal measurement and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite;

**10.18.1.3.** An antenna of any size that is used for residential purposes to receive television broadcast signals and high speed internet; and

**10.18.1.4.** A mast no higher than 24 feet in height supporting an antenna described in ~~the~~ subsections ~~1 through 3~~ 1 through 3 above.

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## **10.19. SMALL SCALE SAND AND GRAVEL EXTRACTION.**

**10.19.1. Applicability.** This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials that affects less than 10 acres of land and extracts less than 20,000 tons of construction material and does not use blasting. Such activity shall be allowed where permitted by the Use Table, Exhibit B, subject to approval of a conditional use permit (§ 14.9.6.) and the additional requirements of this section. If the extraction activity requires blasting, then this section shall not apply and the operation will be treated as a Development of Countywide Impact under Chapter 11. The extraction activity includes all areas for removal, stockpiling, processing, and all ancillary uses such as office, parking, vehicle storage and loading and is limited to a total of 10 acres under this section.

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**17. Setbacks.** The extraction activity shall comply with the following setbacks:

- a. 200 feet from all property lines.
- b. 200 feet from all public road rights-of-way, public recreational easements, and environmentally sensitive lands.
- c. Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the entire operation site shall be preserved to the maximum extent possible

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## **10.22. LAND USE RESTRICTIONS ON MEDICAL USE OF CANNABIS.**

**10.22.1.** The sale, cultivation, licensing, certification, and regulation of the medical use of cannabis is governed by the Lynn and Erin Compassionate Use Act (“Act”) [NMSA 1978, §§ 26-2B-1 to 26-2B-7].

**10.22.2.** The Act is implemented by the New Mexico Department of Health, ~~which has enacted through its adoption of three (3) rules codified in the New Mexico Administrative Code that governing all aspects of~~ the facility certification and placement, regulation, licensing, authorized sales, and production of medical cannabis and its lawful uses. ~~See 7.34.2 NMAC, 7.34.3 NMAC, and 7.34.4 NMAC (02/27/2015, as amended through 02/29/2016).~~

**10.22.3.** ~~Any restrictions governing the sale and distribution of medical cannabis shall be governed by~~ For the purposes of the Use Matrix attached as Appendix B to this Code- ~~and determining where the sale, distribution, cultivation, and growing of medicinal cannabis is allowed:~~

**10.22.3.1.** the distribution or dispensing of medical cannabis shall be considered a Store or Shop;

**10.22.3.2.** the cultivation and growing of medical cannabis shall be considered a Commercial Greenhouse;

**10.22.3.3.** the manufacturers shall be considered Food, Textiles, and Related Products;

**10.22.3.4.** the laboratories shall be considered a Research and Development Services (scientific, medical, and technology); and

**10.22.3.5.** cultivation and growing, manufacturers, and laboratories, if applicable, may apply as a Home Occupation.

**10.22.4.** Production of medical cannabis by a qualified patient holding a personal production license issued by the Department of Health for that patient’s personal use is allowed anywhere in the County.

**10.22.5.** Any licensed non-profit producer who sells, distributes, cultivates, or manufactures medical cannabis shall obtain a business license.

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## **10.24. TAP ROOM OR TASTING ROOM.**

**10.24.1. Applicability.** This section shall apply to all tap rooms or tasting rooms.

**10.24.2. Standards.** Tap rooms or tasting rooms shall meet design standards within this SLDC in addition to the following standards:

**10.24.2.1.** Tap rooms and tasting rooms may sell for consumption on and off premises but shall not be permitted to sell for resale.

10.24.2.2. Hours of operation shall be limited to 9 p.m. within a residential zone.

10.24.2.3. The tap room or tasting room may only sell products produced by the winegrower, distillery, or brewery and must hold a Winegrower's, Craft Distiller's, or Small Brewer's License issued through the State of New Mexico.

10.24.2.4. The tap room or tasting room may sell products from multiple winegrowers or breweries but may not also serve products from a distillery.

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# Staff Proposed SLDC Changes

## Chapter 11

**11.4.4. Application for a DCI Overlay Zoning District.** An applicant who submits an application for approval of a DCI Overlay Zoning District shall submit a concept plan that includes:

**11.4.4.4.** All Studies, Reports and Assessments (SRAs) required in Chapter 6 of the SLDC, ~~which~~ shall be prepared and submitted by the applicant. The County may hire outside consultants to review the SRAs at the expense of the applicant. ~~(see Appendix A).~~

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### 11.5. REVIEW CRITERIA.

**11.5.1.** The Hearing Officer, ~~County Development Review Committee~~ Planning Commission and Board of County Commissioners shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Overlay Zoning District:

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**11.5.2.** The Hearing Officer and ~~County Development Review Committee~~ Planning Commission shall consider the following criteria when making recommendations and determinations for approval, conditional approval or denial of a DCI Conditional Use Permit:

**11.5.2.1.** consistency with the Sustainable Growth Management Plan and any applicable Area, District and Community Plan;

**11.5.2.2.** consistency with the DCI Overlay Zoning District approval; and

**11.5.2.3.** to determine the operator's compliance with federal, state and local laws pertaining to the DCI during the development of previous phases of the DCI.

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**11.10.4.** This Section 11.7.7 does not apply to:

**11.10.4.1.** Excavation related to basements and footings of a building, or retaining walls.

**11.10.4.2.** Sand and gravel operations that are less than 10 acres in size and extract less than 20,000 tons of earth materials and which do not utilize blasting, are regulated by Section 10.19 of this SLDC.

**11.10.4.3.** Mineral Exploration and Extraction regulated by County Ordinance 1996-10, Article III, Section 5 ~~of this Ordinance~~.

# Staff Proposed SLDC Changes

## Chapter 12

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

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
<b>Roads</b>	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
<b>Emergency Response</b>	Fire Vehicles and Facilities	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
<b>Water Supply and Liquid Waste</b>	Water	0.25 acre ft/year (residential)*	per residence
		To be determined by the Administrator based upon water budget approval	per 10,000 sf nonresidential
	Sewer	Must be created in accordance with § 7.13.10.	county utility, local treatment facility, or project site
<b>Parks, Trails and Open Space</b>	Parks	<del>4.25</del> <u>3.35</u> acres/1,000 residents	countywide
	Trails	<del>0.5</del> <u>0.88</u> miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	<del>85</del> <u>138</u> acres/1,000 residents	countywide

\*Subject to reduction pursuant to Section 7.13.6.1.

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### 12.14. TRANSFER OF DEVELOPMENT RIGHTS.

#### 12.14.3. General Standards.

##### 12.14.3.1. Development Rights may be sent:

1. from sending sites identified by a Community Overlay District;
2. from sites designated as an environmental and resource protection overlay, historic preservation overlay or agriculture overlay;
3. from sensitive environment lands; e. g. riparian habitats, endangered or threatened species habitat, archeological sites;

4. from ~~traditional~~ agricultural land;
5. from lands providing open space and preserving scenic vistas, natural features and areas of special character; and
6. through a transfer of development rights as part of a development order granting BUD relief.

**12.14.3.2** Development Rights may not be sent:

1. from areas of required open space within a development;
2. from areas of required setbacks; ~~and~~
3. from MU and PD districts within SDA-1-; ~~and~~
4. from CG, I and IL districts.

**12.14.3.3** MU and PD districts shall not be both a sending and a receiving site.

**12.14.3.4.** Development rights may be used on receiving sites to provide additional density.

**12.14.4. Allocation of development rights.**

**12.14.4.1.** A development right shall be transferred only by a Development Right Certificate to which Santa Fe County is party. A Transfer of Development Rights Easement ~~deed restriction accompanied by either an easement restricting development or a~~ conservation easement shall be placed on the sending area limiting future construction to the total number of development rights established by the zoning of the property minus:

1. all development rights transferred in accordance with this Chapter;
2. any development rights previously extinguished or limited as a result of a recorded covenant and plat against the property;
3. the number of development rights to be transferred by the proposed transaction;
4. the number of existing single-family dwellings or square footage of development allowed on the sending site.

**12.14.4.2** The Transfer of Development Rights Easement ~~easement restricting development or the~~ conservation easement shall be created and identified on a survey plat clearly noting the development rights being sent from the parcel and the development restriction on the property. The plat shall be approved in accordance with Chapter 4.

**12.14.4.3.** Each transferor shall have the right to sever all or a portion of the rights to develop from the parcel in a sending site and to sell, trade, or barter all or a portion of those rights to a transferee.

**12.14.4.4.** Any transfer of development rights pursuant to this Chapter authorizes only an increase in maximum density and shall not alter or waive the development standards of the receiving site, nor shall it allow a use otherwise prohibited in the receiving zoning district, unless otherwise provided in the regulations applicable to the receiving site.

**12.14.4.5.** Transfer of development rights shall not be available for land restricted from development by covenant, easement or deed restriction.

**12.14.4.6.** Any transfer of development rights shall be recorded in the land records of Santa Fe County, New Mexico.

**12.14.4.7. Value of Transferable Development Rights.** The monetary value of transferred development rights is completely determined between the seller and buyer.

#### **12.14.5. Sending Sites.**

**12.14.5.1. Calculation of development rights.** ~~The size of the sending areas shall be the size of the allowable base density of the zoning district. Sending areas must not be occupied by a habitable structure. The number of development rights associated with a sending property shall be the larger of:~~ Calculation of development rights shall be based on the base density of the parcel and the size of the sending areas. Sending Areas may not include any residential dwelling. The number of development rights associated with a sending area shall be determined based on the following:

1. One development right for each primary residential dwelling that could potentially be constructed on the sending property.
2. Sending areas shall meet the criteria for a sending site established by this Chapter 12.
3. Sending sites with valid irrigation water rights ~~appurtenant to 90% or more of the sending site and with a consumptive use right of 1.5 acre feet per acre or more,~~ shall receive an additional unit of density for each area of irrigated land equivalent to the base density. This additional unit shall be made available only if the owner agrees to an enforceable restriction on the transfer of water rights acceptable to the County. The party sending the development rights shall bear the burden of demonstrating to the County's satisfaction the validity, amount and other elements of the water right.
4. If the parcel with the sending areas contains any residential dwelling units ~~then the sending site already has development on it, then~~ the calculation of development rights pursuant to the subsections ~~1 and 2~~ above shall be reduced to reflect such existing development, so that the resulting calculation reflects only additional potential primary residential development available on the property.

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**12.14.8. Development Approval Procedure.** The procedures for review and approval of an application including the use of transferred development rights shall be the same as those procedures that would apply if no transferred development rights were being used. A rezoning of the receiving site shall not be required for use of development rights consistent with the provisions of this Chapter unless it is part of a rezoning to a qualifying district. If the County approves the proposed development, the documentation of the approval shall include the numbers of the development right certificates necessary to support the number of residential dwelling units or nonresidential square footage in the development.

**12.14.8.1.** Development Right Certificates shall be acquired prior to recordation of a final plat.

**12.14.8.2.** The Development Rights Certificates will be extinguished at the time of the plat recordation.

**12.14.8.3.** A ~~e~~Conceptual ~~p~~Plan shall establish the number of TDRs required for the development. A receiving site may be established by a conceptual plan, including location, size and general development parameters. The normal subdivision and rezoning processes, if needed, will be required ~~following in addition to~~ the ~~e~~Conceptual ~~p~~Plan approval.

# Staff Proposed SLDC Changes

## 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 to be submitted with a development permit application for any non-residential use, mixed use or multi-family use requesting a development permit. For non-residential permitted uses, an applicant may request that staff review a site development plan prior to a complete application for a development permit being submitted. A Site Development Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk. A development permit shall be required for any of the following activities:

**14.8.2.10. Change of Use.** To authorize a change of use from residential to non-residential use as allowed in the Use Table of Appendix B or a Community Overlay Use Table in Chapter 9.

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**14.9.6. Conditional Use Permits (CUP).** For approval of certain conditional uses as set forth in the Use Matrix and elsewhere in the SLDC, pursuant to this ~~sub~~Section.

**14.9.6.2. Applicability.** The provisions of this ~~s~~Section apply to any application for approval of a CUP as required by the Use Matrix. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the use matrix may be authorized by the Planning Commission. No inherent right exists to receive a CUP. Concurrent with approval of a CUP, additional standards, conditions and mitigating requirements may be attached to the development order. Additionally, every CUP application shall be required to comply with all applicable requirements contained in the SLDC. ~~Additionally, every CUP application shall be required to comply with all applicable requirements contained in the SLDC.~~

**14.9.6.3. Application.** An applicant may apply for a CUP by filing an application for discretionary development approval with the Administrator. A site development plan is required to be submitted with any for a CUP application and shall include any SRAs required pursuant to Table 6-1 in Chapter 6.

**14.9.6.4. Review.** The application shall be referred to the Hearing Officer and Planning Commission for the holding of a quasi-judicial public hearing.

**14.9.6.6. Conditions.** In approving any CUP, the Planning Commission may:

1. Impose such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary. Such additional standards, conditions, or mitigation requirements may include, but are not be limited to:

~~g. area requirements;~~

**14.9.6.8. Recording Procedures.** ~~The CUP showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk.~~

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#### 14.9.7. Variances.

**14.9.7.1. Purpose.** The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements ~~and standards~~ of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

**14.9.7.2. Process.** All applications for variances will be processed in accordance with this chapter of the Code. ~~A letter addressing Section 14.9.7.4. review criteria must accompany the application explaining the need for a variance.~~

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**14.9.7.6. Administrative minor deviations.** The Administrator is authorized to administratively approve minor deviations upon a finding that the ~~deviation is required, that the~~ result is consistent with the intent and purpose of this SLDC, and ~~that the deviation is~~ not detrimental to adjacent or surrounding properties as follows:

- ~~1.~~ minor deviations from the dimensional requirements of Chapters ~~7, 8 and 9~~ of the SLDC not to exceed ten percent (10%) of the required dimension.
  - ~~2.~~ minor deviations from the density ~~requirements dimensional standards~~ of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.
- 

#### 14.9.9 Conceptual Plan.

**14.9.9.9. Recording Procedures.** ~~A certified copy of t~~The approved conceptual plan ~~showing the site layout and conditions of approval~~ 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.~~

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**14.10.9. Nonconforming (Legal) Lots of Record.**

**14.10.9.1.** Any lot that does not conform to a dimension established in Chapter 8 for the relevant zoning district but that is shown on the initial zoning map as being within that zone, shall not be deemed nonconforming.

**14.10.9.2.** The owner/applicant shall submit evidence demonstrating ~~the lawful existence of the lot on the effective date of the Santa Fe County Land Development Code [January 1, 1981]~~ that the lot was either legally created prior to January 1, 1981, or that it was part of a subdivision or land division approved by the Administrator or the Board after January 1, 1981.

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## Staff Proposed SLDC Changes

### APPENDIX A – RULES OF INTERPRETATION, DEFINITIONS AND ACRONYMS

**Advisory Committee:** a five-member committee appointed by the Board pursuant to NMSA 1978, § 5-8-37 ~~NMSA 1978~~ of the Development Fees Act, of which 40% shall be representative of the real estate, development or building industries, and whose function it is to advise the Board in adopting land use assumptions, to review, monitor and evaluate CIPs, and to file annual reports on the progress of CIPs.

**Affordable Housing:** means single-family dwellings provided pursuant to Chapter 13 of the SLDC that meet the requirements of the affordable housing regulations. ~~an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible or Entry Market Buyer or Renter, where the Eligible Housing Unit is occupied by the Eligible or Entry Market Buyer or Renter as a primary residence.~~

**Affordable Housing Administrator:** means the County employee charged with administering Chapter 13 of the SLDC, making recommendations and taking other actions as set forth in this Chapter 13.

**Affordable Housing Agreement:** means a recorded, enforceable contract between the County and a subdivider ~~an applicant~~ that specifies how the subdivider will comply with Chapter 13 of the SLDC and the affordable housing regulations. ~~the number of Affordable Units and types that will be built, along with specific locations, and which is recorded along with the final plat or development plan.~~

**Affordable Housing Plan:** means a written conceptual plan that generally describes how an applicant subdivider ~~intends to~~ will comply with the Affordable Housing requirements of Chapter 13 of the SLDC. ~~this Ordinance, and which specifies the general location, number and types of Affordable Units that will be built.~~

**Affordable Housing Regulations:** refers to regulations developed and updated periodically by the ~~Affordable Housing Administrator and~~ Board of County Commissioners to govern implementation and administration of Chapter 13 of the SLDC. ~~this Ordinance.~~

**Affordable Dwelling Housing Unit:** means a dwelling that is sold to an eligible buyer at or below the maximum target housing price or leased for the maximum target monthly rent and that otherwise meets the requirements of Chapter 13 of the SLDC and the affordable housing regulations. ~~an Affordably Priced Housing Unit or an Entry Market Housing Unit.~~

**Affordably Priced Housing Unit:** means an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible Buyer or Renter within Income Ranges 1, 2, or 3.

**Appeal:** an appeal is an administrative challenge, where permitted by Chapter Four or elsewhere in this Code, to the Board or Planning Commission, that alleges there is an error of law or erroneous finding of fact in any development order, ~~requirement decision,~~ or final determination on an application made by the Administrator, Hearing Officer, or Planning Commission. [Note: this definition should not be interpreted as creating nor does it create a right of appeal.]

**Church:** as a place of worship, which includes any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship or practice. ~~The term “church” includes~~

~~ancillary uses, such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanent residences.~~

**Community Water System:** a water supply system or community well that is under central or common ownership and/or management ~~that serves fifteen (15) or more service connections used by year-round residents or regularly serves at least twenty five (25) year-round residents or commercial units, including a Water and Sanitation District,~~ that uses permitted water rights rather than domestic wells licensed by the State Engineer under NMSA 1978, § 72-12-1.1 ~~NMSA 1978~~.

**Comprehensive Plan:** the long-range general plan, authorized by NMSA 1978, Section § 5-11-3 ~~NMSA 1978,~~ consisting of the adopted Santa Fe County Sustainable Growth Management Plan (SGMP) including any adopted Area or Community Plans, the Capital Improvements Plan and the Official Map, intended to guide the growth and development of the County. Also see Sustainable Growth Management Plan.

**Development:** any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; ~~and~~ the storage, deposit or extraction of materials, public or private sewage disposal systems or water supply facilities; any change of use; the division, reconfiguration or platting of a parcel of land.

**Disclosure Statement:** a statement required to be given to persons acquiring an interest in subdivided land complying with the requirements of NMSA 1978, § 47-6-17 ~~NMSA 1978~~ of the “New Mexico Subdivision Act”.

**Dwelling or Dwelling Unit:** a structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, and multi-family dwellings; manufactured homes, ~~and~~ mobile homes, and tiny houses.

**Dwelling, Multifamily:** a dwelling or group of dwellings on one lot containing separate living units for threefive (5) or more families, ~~but~~ which may have joint services or facilities.

**Eligible Buyer:** means the buyer of an affordable dwelling ~~Eligible Housing Unit~~ whose annual gross income is one hundred and twenty percent (100120%) or less than the Area Median Income.

~~**Eligible Housing Type or Unit:** means a housing unit, attached or detached, that is constructed in compliance with applicable codes. Design standards for an Eligible Housing Type or Unit shall be further categorized within the Affordable Housing Regulations according to housing type, number of bathrooms and minimum square footages of heated residential area.~~

**Eligible Renter:** means the renter of an affordable dwelling ~~Eligible Housing Unit~~ whose annual gross income is one hundred and twenty percent (100120%) or less than the Area Median Income.

~~**Entry Market Buyer:** means a buyer of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.~~

**Entry Market Housing Unit:** means an Eligible Housing Type or Unit that is sold at or below the Maximum Target Housing Price or rented at or below the Maximum Target Monthly Rent to an Entry Market Buyer or Renter within Income Range 4.

**Entry Market Renter:** means a renter of an Eligible Housing Type or Unit whose annual gross income is between one hundred one percent (101%) and one hundred twenty percent (120%) of the Area Median Income.

**Floor Area Ratio (FAR):** the ratio of the total building floor area in square feet to the total land area in square feet.

**Hearing Officer:** the person appointed by the Board for a term not exceed four (4) years to conduct certain public hearings as assigned by Chapter 34 of the SLDC.

**Income Range:** means the income range used to determine the Mmaximum Ttarget Hhousing Pprice or Mmaximum Ttarget Mmonthly Rrent for that an affordable dwelling may be sold or leased to an eligible buyer or renter, respectively, each Eligible Housing Type, using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.

**Major Project:** means any division of property into twenty five (25) or more parcels for purpose of sale, lease or other conveyance of one or more single family residences.

**Maximum Target Housing Price:** means the highest price at which an Eligible Housing Type or Unit affordable dwelling may be sold to an Eligible or Entry Market Buyer in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

**Maximum Target Monthly Rent:** means the highest rent at which an Eligible Housing Type or Unit affordable dwelling may be rented to an Eligible or Entry Market Renter in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

**Minor Project:** means a subdivision of a parcel or parcels into between five (5) and no more than twenty four (24) parcels (inclusive of any Affordable Housing provided) for purpose of sale, lease or other conveyance of one or more single family residences.

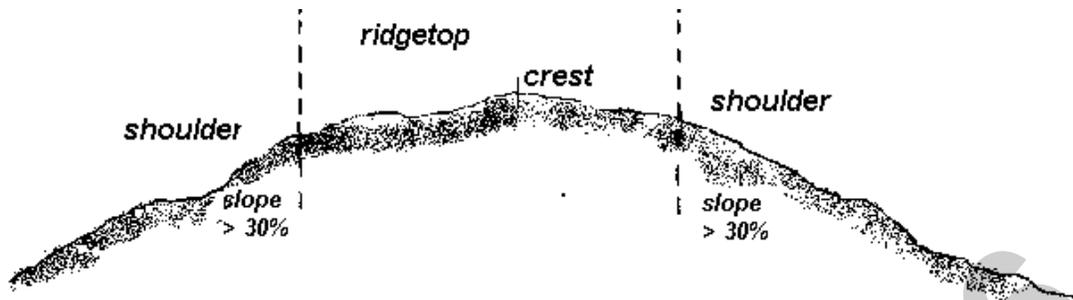
**Religious Facilities:** a property or facility primarily used for religious worship or practice, including but not limited to, churches, synagogues, temples, and mosques.

**Resort:** a building or group of buildings containing guest rooms, with a majority of the property devoted to recreational activities, for example, tennis, horseback riding, yoga, a spa, swimming, and/or golf, which may or may not provide meals.

**Retreat:** a property or facility used for professional, educational, health-related or religious meetings, conferences, or seminars and which may provide meals, overnight accommodations, and/or recreation for participants. a facility or property used for professional, educational or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. A retreat may not be utilized by the general public for meals or overnight accommodations.

**Ridge or Ridge Top:** the uppermost elevations, between the shoulder and crest, of any hill or ridge as shown in Figure A-1 below.

**Figure A-1 Ridgetop Diagram**



**Shoulder:** the line along which the profile of the upper slope of an elevation (hill, ridge, mountain, escarpment, etc.) changes from 2030 percent or greater slope to less than 2030 percent slope.

**Site Development Plan:** a report and scaled drawing for a project that shows/identifies the proposed development of the lots, parcels, or tracts, including elevations, sections, architectural, landscape, engineering, ~~and~~ ecological drawings and compliance with all code requirements as required for development approval.

**Tap Room or Tasting Room:** a place where a business or person who holds either a Winegrower's License pursuant to NMSA 1978, § 60-6A-11; a Craft Distiller's License pursuant to NMSA 1978, § 60-6A-6.1; or a Small Brewer's License pursuant to NMSA 1978, § 60-6A-26.1 may sell both for consumption on or off premises, but not for resale, the product that the business or person has produced and bottled.

**Vested Rights:** ~~right to initiate or continue the use or occupancy of land, buildings or structures, or to continue construction of a building, structure or initiation of a use, pursuant to a prior lawful development approval obtained in good faith, where such use, occupancy of land, or construction is currently prohibited by the SLDC or other applicable county ordinance, statute, judicial decision or regulation in effect. Vested rights include rights obtained under principles of equitable or quasi-equitable estoppel; there must be an 1) issuance of written approval to the applicant for the proposed project; and 2) a substantial change in position by the applicant in reliance upon such approval.~~

**Wastewater Collection Agreement:** an agreement between a waste water utility and a developer or a user that specifies terms by which the utility will provide wastewater collection services.

**Water Allocation:** a reservation of water supply set aside by a water utility for an expressed purpose as approved by the appropriate governing body; the allocation will include necessary water supply components like infrastructure capacity, water rights, and availability of water

**Water Delivery Agreement:** an agreement between a water utility and a developer or a water user that specifies terms by which the utility will provide water and the terms under which the developer or user will receive water. A water service agreement may include delivery locations, quantity, and other obligations.

**PART 3: ACRONYMS AND ABBREVIATIONS.**

**EIR:** Environmental Impact Report

**FIA:** Fiscal Impact Assessment

**SRAs:** Studies, Reports, and Assessments

**TAC:** Technical Advisory Committee

**WSAR:** Water Service Availability Report

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## Appendix B: 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.

**Table 8-4: Use Matrix Labels.**

<b>P</b>	<b>Permitted Use:</b> 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.
<b>A</b>	<b>Accessory Use:</b> 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 shall be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
<b>C</b>	<b>Conditional Use:</b> 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.
<b>DCI</b>	<b>Development Of Countywide Impact:</b> 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.
<b>X</b>	<b>Prohibited Use:</b> The letter "X" indicates that the use is not permitted within the district.

**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.

Use	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 General	Industrial Light	Public Institutional	Planned Development	Special Conditions
<b>Commercial</b>																			
Shop or store with drive-through facility		2210		X	X	X	X	X	X	X	X	C	X	C	C	C	X	P	
<del>Stand-alone</del> Store or shop no drive through facility		2230		X	X	X	X	X	X	X	C	P	P	P	C	P	X	P	
<u>Tap or Tasting Room</u>				C	C	C	C	C	X	X	C	P	P	P	P	P	X	P	
<b>Public assembly structures</b>																			
<del>Churches, temples, synagogues, mosques, and other r</del> Religious facilities		3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
<b>Mining and extraction establishments</b>																			
Oil and natural gas exploration or extraction	8100			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
Hard rock mining	8200			DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11
<u>Small Scale Sand and Gravel Extraction Mining</u>				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Sand and Gravel <u>Extraction mining with blasting</u> (as specified in Section 11.102.7)				DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	Ch. 11

\* Subject to inclusion in approved list of uses that is part of the site plan for the Mixed Use and Planned Development District.