

Sustainable Land Development Code - Part II

Dear Santa Fe County residents:

In Part II of the description of our proposed new Sustainable Land Development Code (SLDC), I will focus on some of the major improvements in the way that development will be controlled in the County. There are some significant differences between what we do now and what is envisioned for the future based on our new Sustainable Growth Management Plan (SGMP).

The new code will work to make the current procedure for development more efficient and more comprehensible. It will allow for a streamlined application process, but will bring in public notice and participation from the beginning. This should reduce the number of cases that have significant public opposition, by working on compromise from the outset. A significant factor in slowing down cases and in creating community ill-will is the failure to bring the community in from the beginning to participate in solutions that everybody can live with. I know that this won't be possible with every application that comes in. But often, early communication can resolve differences in a positive way for all parties.

In addition, staff will develop procedural tables that identify different permits, as well as the exact requirements and review process for each type of permit. Noticing procedures will also be laid out so that everyone understands their obligations and their rights. This will increase the ability of applicants to work through the system efficiently.

I will try to describe in a clear, concise way how things might change in a number of different areas highlighted below.

In Part III, I will summarize briefly the 14 chapters in the code. Also, I will give more detail on next steps for adoption of the code, including information as to when major public input meetings will be scheduled.

Sincerely,
-Kathy

Sustainable Land Development Code

Zoning

Believe it or not, our current code does not include zoning restrictions, in the traditional sense. Development densities are determined by geohydrological zones (although there are so many exceptions to the minimum lot size allowed that, for all practical purposes, any developer can get down to a 2.5 acre minimum lot size anywhere in the County). Nowhere in the Code is zoning defined, detailing what type of land uses are permitted in a given (geohydro) zone. The one exception to this is found in the ordinances that implement Community Plans, which often lay out land uses in the area covered by them according to different locations.

In the new code, development densities and land uses are determined through the establishment of Base Zoning Districts and the further option of Planned Development Districts. A use table will be

created that will identify allowed uses (including accessory and conditional uses) as well as prohibited uses in each of the types of zoning districts. In addition, different standards can be set in each of the zones for buildings, roads, etc..

Overlay Zoning Districts will be created in order to implement the current special Community Districts that we have already created. There can also be Overlay Environmental Resource Protection and Historic Districts. There will also be the concept of a Rural Community Overlay District that will allow non-residential uses within residential areas, e.g., agriculture. In the future, the new Code might be extended to allow more types of planned development districts, such as a Regional Center District or a Transit-Oriented Overlay District.

Another concept that will be implemented within the zoning part of the new code is the idea of "conditional uses" and "accessory uses." At the current time, we have many people applying for variances in order to be able to put a temporary modular home on their property, in order to help provide a house for another family member dealing with medical issues. An applicant for this kind of a variance usually cites this as a "hardship" variance, and is only asking for a non-permanent type of land use. But in the strict sense of our current code, a hardship variance can only be granted for a situation in which there is a non-self-imposed problem with the physical configuration of the lot, such as steep slopes, for example. Medical or financial hardships are not addressed at all in the current code, but regulations for accessory dwellings, or conditional use dwellings for family members, will be. (There will also be other kinds of conditional uses and accessory uses than the example that I gave.)

In addition, there will be an improvement in the way that home occupations are regulated. There will be three tiers of home occupations established, and those that have very little impact on the neighborhood will be subject to far less stringent requirements than those that are more noticeable.

Supplemental zoning regulations will also be established for wind energy facilities, wireless communication facilities, and sexually-oriented businesses -- whatever that means...

Standards

Design standards will be established for such infrastructure as buildings, roads, water delivery, and wastewater disposal.

New residences and commercial buildings will be required to have stricter energy efficiency standards. They will be required either to have a Home Energy Rating System (HERS) score of 70 (i.e., 30% better than standard construction) or some equivalent to that. In addition, setback standards will be implemented, varying according to the type of building.

Of course, urban roads will, in general, have more stringent standards than rural roads.

The water and wastewater standards will vary according to the type of Sustainable Development Area (SDA) that the development is in, as well as the type of development being considered.

Parking standards will also be implemented for businesses and clustered housing. These will allow for possibilities of shared parking (i.e., reduced parking area) based on the type of building use.

Standards for parks will also be mandated for larger subdivisions. And archaeological studies will be required as well for any subdivision that disturbs a significant amount of land.

Adequate Public Facilities

Depending on the size and scope of a new development, there will be mandated requirements for "adequate public facilities" to exist or to be planned for, at a certain Level of Service (LOS). What this means is that large developments in remote areas will not be approved unless the developer provides adequate public facilities and services to the people in the development. The County will continue to expand the scope of facilities and services as it can afford to do so, but these improvements will occur first of all in the areas close to town (SDA 1) before expanding out into the less-populated areas. The County's Capital Improvement Plan (CIP) will specify exactly how the County plans to move forward with infrastructure improvements and upgrades.

Developers may also be asked to contribute financial help to capital improvements, depending on the scope and location of development.

Procedures

Procedures for processing applications for development will be thoroughly specified in the new Code. The goal is to streamline the process for consideration and possible approval, so as not to waste unnecessarily anybody's time. A procedural table will be developed that identifies the types of permits required, the noticing process, and the review process, for each type of development.

In addition, the process for communities to develop Community Plans will be streamlined.

Another important component of any development or planning process overseen by the County will be to encourage community notification and participation. People in a neighborhood (or of like mind about a given issue) can form a Community Organization or a Registered Organization by notifying the County Land Use Department. These organizations will be informed -- right from the outset -- when a development application comes forward, if it is deemed that they might be affected by such a development. These organizations will also be able to participate in the planning process for that development, if they so choose.

Approvals

There are a couple of major changes in the approval process proposed for the new Code. One is the creation of a position for a Hearing Officer, and another is to have a Planning Commission replacing the current County Development Review Committee (CDRC).

The Planning Commission will have more authority than the current CDRC. It will decide whether to approve or deny cases for certain types of land use, whereas now the CDRC only makes recommendations to the Board of County Commissioners (BCC). It isn't completely clear yet exactly what kinds of cases the Planning Commission will rule on. But the BCC will still have the ultimate

authority; that is, applicants or protestants can appeal decisions, and that appeal will then be first heard by the BCC (before the case might go to the courts). Also, subdivision approval will go directly to the Board in order to expedite the process.

The Hearing Officer will be brought in for cases that involve variances, rezoning, and planned development districts. The Officer's qualifications will include complete familiarity with the County Code, and he or she will hear testimony from both sides in a case, and then make a recommendation based on the Code, either to the Planning Commission or to the BCC.

For subdivisions of a certain size, more reports and assessments will be required as part of the approval process. Depending on the size or location of a development, studies may be required that consider the environment, traffic impact, whether there are adequate public facilities, water availability, and fiscal impact.

One final note is that for larger subdivisions, financial guarantees (bonds) may be required to ensure that the developer follows through on providing required infrastructure. As the infrastructure is built, the County Attorney and the Land Use Administrator must sign off before the releases of the guarantees can proceed.

-Kathy Holian
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