

Adoption Draft Changes

This document includes all proposed changes from November 19, 2013 and December 3, 2013. In addition, additional changes are included and highlighted in yellow.

Chapter 1

1.4 Purpose and Intent

1.4.2.4. Require that development and administrative fees; dedications; public improvement district taxes, assessments, charges and fees; homeowner association assessments; public and private utility rates, fees and charges; development fees; and other appropriate mitigation fees and conditions that are required as conditions of development approval, ~~and are not legislatively required by the SLDC~~; be roughly or reasonably proportional to the need for adequate public facilities and services at adopted levels of service, the need for which is generated by the development at the time of development approval;

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 Upon the ~~adoption effective date~~ of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance of 2008-10; Ordinance No. 2012-10, the Santa Fe County Land Development Code,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 To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply.

1.11. TRANSITIONAL PROVISIONS.

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

~~1.11.1. Application for Development Approval. Any application for a development approval, including but not limited to: rezoning; establishment of an overlay zone; amendment to the SLDC; development of countywide impact; amendment to the SGMP or to an Area, District or Community Plan; a conditional use permit; variance; or development permit; may be approved and completed in conformance with the terms and conditions applicable at the time of submittal. If the development approval is not completed within the time allowed under the original development approval or permit, then the development may be constructed, completed or occupied but only in strict compliance with the provisions, criteria and standards of the SLDC as adopted herein.~~

1.11.2. Prior Development Permits and Approvals without Vested Rights. Except as otherwise provided in subsection 1.11.1, development permits Permits and approvals previously granted by the

Board, County Development Review Committee or the Administrator ~~before prior to~~ the effective date of ~~the SLDC this Ordinance~~ for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

1.11.3. Permits and Approvals With Vested Rights. Permits and approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of ~~the SLDC this ordinance~~ for which rights have vested shall be recognized by the County.

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 this ordinance~~ 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 expire. Any zoning established by an expired master plan shall nevertheless be included in the Zoning Map as described in subsection 1.11.1 of the SLDC.

1.11.5. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plan, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within 24 months of said approval (or such other period as may be ~~specified~~ specified in Section 5.8.7. of the SLDC) file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.6. Approved but Unrecorded Final Development Plans and Plats.

1.11.6.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

1.11.6.2. Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within 24 months or the approval will expire and standards established by the SLDC for approval of development shall apply to any application for development of the property.

1.11.6.3. Any subdivision for which a Preliminary Plat was approved prior to the effective date of the before the first reading of this amended SLDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. Provided that, if the final plat approval is not received within 24 months of approval of the Preliminary Plat (or such other period as may be specified in Section 5.8.7.), shall file an application for approval of a final plat in accordance with the Preliminary Plat or the approval of the Preliminary Plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.7. Previously Approved Subdivisions and Land Divisions. ~~Reserved~~ Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots not subject to the SLDC.

1.13. PERIODIC REVIEW. The Board shall periodically review the SLDC and make appropriate amendments. The Board shall review the SLDC within six months of the effective adoption date. The Administrator, the Planning Commission, other interested persons or groups may make recommendations to the Board for amendments to the SLDC.

1.15. SLDC TEXT AMENDMENTS OR ZONING MAP AMENDMENTS.

1.15.6.3. Subsequent Applications.

~~2. **Withdrawal after Planning Commission Hearing.** No SLDC text or map amendment application shall be received or filed if, during the previous twelve (12) months, an application was received or filed and withdrawn after a public hearing has been held by the Hearing Officer; unless the owner/applicant acknowledges with a sworn affidavit that new, relevant, and substantial evidence is available, that could not have been secured at the time set for the original hearing. The Administrator shall receive and process the new application subject to compliance with all of the provisions of this section.~~

~~3. **Denial.** No application for an SLDC text or map amendment shall be received or refiled with the Administrator within two (2) years after the County has denied the an application for an SLDC text or map amendment with regard to any portion of the same property.~~

Chapter 2

2.1.2. Area Plans.

2.1.2.1. An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP. Area Plans provide basic information on the natural features, resources, and physical constraints that affect development of the planning area. They also specify detailed land-use designation used to review specific development proposals and to plan services and facilities. An area plan may consist of goals, objectives, policies, and implementing strategies for capital improvement and service programs, zoning, subdivision regulation, official map, the level of service required for adequate public facilities and services; physical and environmental conditions; environmentally sensitive areas; cultural, historic and archeological resources, land-use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions. An area plan provides specific planning, design, and implementation, for the defined geographic area of the County to guide development applications, provision of governmental facilities and services, and to implement the official map, capital improvement and services programs, public and private utility and infrastructure plans, annexations, and creation of assessment and public improvement districts.

2.1.2.2. An Area Plan may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other area needs.

2.1.2.3. An Area Plan is consistent with and is adopted as an amendment to the SGMP.

2.1.2.4 It is the intent of this subsection to establish a process for the adoption of an Area Plan directed by County planning staff following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.3. District Plans.

2.1.3.1. A District Plan provides specific planning and design for single use and mixed use development specialized around a predominant activity. A District plan may contain specific planning and implementation steps and may be used to guide development applications, to develop facilities and services, infrastructure, annexation, assessment districts and other district needs.

2.1.3.2. A District Plan is consistent with and adopted as an amendment to the SGMP and any Area or Community Plan.

2.1.3.3 It is the intent of this subsection to establish a process for the adoption of an District Plan process directed by County planning following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.4.5 Area, Community, and District Planning Process

2.1.5.1. The Board, the Planning Commission or the Administrator may initiate proposed amendments to the SGMP, Area, District or Community Plans. Proposed-a Amendments to an Area, District or a Community Plan shall be accomplished through the a procedure determined by the Administrator and may involve applicable sections of set forth above Section 2.1.4.5, as applicable.

2.1.5.2. No amendment to the future land use maps of the SGMP, Area, District or Community Plan or the zoning map, involving a majority of the land within a single tract or parcel of land in the same ownership shall be adopted unless it is demonstrated that there has been a substantial change in the condition of the area surrounding the owner's property, or there was an error or mistake made in the adoption of the future land use or zoning map and -An application to amend any plan described in this chapter shall be processed according to the procedures set forth in Chapter 4.

2.1.5.5. The Planning Commission shall hold either a legislative or quasi-judicial public hearing upon the proposed plan or zoning map amendment depending upon whether the proposed amendment is applicable only to a single development tract, parcel or lot or to a single parcel of land under common ownership which constitutes the majority of land affected by the proposed amendment, or whether the proposed amendment is applicable to multiple development tracts, parcels or lots. The Planning Commission shall issue a development order.

2.1.5.6. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No-~~SGMP amendment~~, Area, District or Community Plan amendment or

SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, District or Community Plan.

Community Participation

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

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

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

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

Chapter 4

Table 4-1: Procedural Requirements by Application Type

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

Change “Area, District or Community Plan” to “Area, District ~~or~~ Community Plan or Plan Amendment.”

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

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

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

4.4.4. Pre-application meeting

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

4.4.6. Completeness Review

4.4.6.2. Completeness Review Determination. The Administrator shall issue a written determination on completeness after review of an application and attachments within fourteen (14) days, which may be extended an additional ten (10) days if determined to be necessary by

~~the Administrator due to the complexity of the application. a reasonable period of time. The Administrator shall transmit such determination to the owner/applicant.~~

4.4.6.3. Determination that an Application is Incomplete. If the Administrator determines that the materials submitted to the review agency or department in support of the application are not complete, any completeness determination may be revised by the Administrator and the applicant shall be notified in writing of the information required. The owner/applicant may resubmit the application with the information required by the Administrator. The owner/applicant shall not be required to pay any additional fees if the application is resubmitted or the Administrator's decision is appealed within ~~six months~~ thirty days.

4.4.8. Mediation. Land Use Facilitation

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

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

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

4.4.8.4. General Process.

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

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

3. Initiation of Process. The ~~mediator~~facilitator shall contact the applicant and relevant persons affected by the proposed development to determine the level of interest in a ~~mediated~~ facilitated

meeting. If the Administrator is aware of a ~~homeowners' association~~ Community Organization or Registered Organization in the vicinity of the proposed development, the ~~mediator~~ facilitator shall contact the ~~homeowners' association.~~ Community Organization or Registered Organization. If there is no interest in a ~~mediation~~Land Use Facilitation or if there is no person affected by the proposed development, the ~~mediator~~ facilitator shall generate a "no ~~mediation~~ facilitation held" report and refer the matter back to the Administrator.

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

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

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

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

4.4.9. Review and Final Action by the Administrator. Within ten (10) days of the receipt of all necessary referral comments, or as soon thereafter as possible, the Administrator shall complete the review. If an application has been referred for agency or department review under § 4.4.7 and referral comments have not been received by the Administrator within thirty (30) days, then the Administrator shall complete the application review absent the comments. Provided however, that if a referral agency indicates in writing to the Administrator that more time is needed to complete its review, the Administrator may extend time for completing his/her application review by an additional fifteen (15) days. Following completion of the review, the Administrator may take final action, make the appropriate recommendation to the Planning Commission or the Board, or may take other appropriate action. The Administrator may, in the Administrator's discretion, refer an Application that is committed to the Administrator's authority for review and final action to the Planning Commission or the Board. Consistent with Chapter 12 herein, all final actions on applications for approval shall contain a finding as to whether the application addresses the adequacy of public facilities and services associated with the proposed development. Failure to meet the adequate public facilities and services requirements in Chapter 12, either because both the proposed development is located in a sustainable development area other than SDA-1 and adequate public facilities are not available, or because a level of service is not met, ~~may shall~~ result in an application being denied.

4.5.4. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the ~~Planning Commission to the~~ Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal must be placed on the docket of the Board for ~~further~~ consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

4.6 Notice

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

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

4.7 Hearing Standards

4.7.1.2. Special Rules: Contested Zoning Matters. If the owners of twenty percent ~~or of~~ more of the area of the land lots or representing more than twenty percent (20%) of the lots and of land included in an area proposed to be changed by a zoning regulation, or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a two thirds vote of the Board. ~~Per~~ NMSA 1978, §3-21-6(C).

Chapter 5

5.4.3 Qualifying Exempt Land Divisions

5.4.3.3. Large Agricultural Tracts. ~~As a~~ A sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve-month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, for the preceding three years.

5.6. Summary Review

~~**5.6.5. Limitation.** Any tract of land originally created through the summary review process may not be further subdivided by the summary review process if the total number of tracts created from the parent tract is to exceed five (5) within a period of seven (7) years from the date~~

~~of recording of the original plat. The language of this section shall be referenced in any disclosure statement prepared in conjunction with approval of a minor subdivision.~~

5.7.4. Endorsements

5.7.4.3. The application shall provide proof of legal access to the property. ~~from a public road~~

5.7.9. Preliminary Plat Amendments

5.7.9.1. Minor amendments may be approved by the Administrator without a public hearing and without the filing of a new preliminary plat. Minor amendments are limited to the following:

1. changes in the internal alignment of roads that do not affect external properties or the connectivity of roads;
2. changes in internal parcel or lot boundaries;
- ~~3.~~ changes in setbacks along internal property lines; ~~or~~
- ~~4. changes to lot numbering or addressing; or~~
4. changes in the internal routing of trails and pedestrian ways.

5.8.4 Final Plat Requirements

5.8.4.3.4. Dedications

~~4. The owner shall deliver a title insurance policy insuring the interest of the party receiving the dedication of all dedicated lands and improvements in the amount of their fair market value as of the date of dedication.~~

5.8.4.5. Water permit required for final plat.

1. 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 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.

2. The Administrator shall 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).

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

5.8.6 Consideration and Approval of Final Plat

5.8.6.3. Review Standards. The Board shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the approved preliminary plat. However, the Board shall not issue a development order approving a final plat unless and until:

1. the final plat approval application has been received and deemed complete;
2. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;
3. the final plat and all documents required are in a form acceptable for recording with the County Clerk;
- ~~4. bonds or other acceptable financial security have been deposited with the County;~~
5. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and
6. the administrative and final plat fees have been deposited with the Administrator, together with proper security.

5.9 Subdivision

5.9.5.2. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical 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. ~~The applicant shall cause all grading, excavations, open cutting, and similar land surface disturbances to be mulched or otherwise protected.~~ 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.

5.9.5 As-Built Drawings

5.9.5.3. Water. As-built drawings shall depict water lines, valves, fire hydrants, and other appurtenances or elements of the water distribution system constructed to serve the project. Such information shall include the horizontal location and size of water lines and the location and description of valves with dimensional ties. Copies of any and all test results or other investigations shall be provided to the Administrator.

Chapter 6

~~**6.1.3. Role of SRAs in Application Review.** The findings, conclusions and recommendations of the SRAs shall be become part of the record of the public hearing and shall be utilized as substantive standards with a presumption of validity for the findings, conclusions, recommendations and terms of the development orders issued by such agencies as to whether the application for development approval meets the requirements of the SLDC and should be approved, approved with conditions and mitigation requirements, or denied.~~

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

Application Type	SRA Type				
	TIA	APFA	WSAR	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
<u>Development permit, non-residential (between 10k sf and 25,000 sf)</u>	<u>Yes</u>	<u>Yes</u>	<u>as needed***</u>	<u>no</u>	<u>no</u>
Development Permit-non-residential (over 25k-10k sf)***	yes*	yes	yes+	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision	yes	yes	yes+	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes+	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* ~~If project generates over 100 trips/day based on the Institute of Transportation Engineers' Trip Generation Manual. See NMDOT State Access Manual to Determine level of TIA required~~

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

~~*** Non-residential~~

6.2 Preparation and Fees

6.2.1. Applicant prepared. Except for DCIs, an applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. ~~All such consultants shall disclose any information as to conflict of interest, financial interests, or other disqualifying interest that would prevent their ability to provide to the County fair and independent SRAs.~~ 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 ~~and for a Hearing Officer where required.~~

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to

facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

6.2.3.1. an accurate map of the project site ~~and of all property in common ownership~~, depicting: existing topography; public or private buildings, structures and land uses; irrigation systems, including but not limited to acequias; public or private utility lines and easements, under, on or above ground; public or private roads; public or private water or oil and gas wells; known mines; parks, trails, open space and recreational facilities; fire, law enforcement, emergency response facilities; schools or other public buildings, structures, uses or facilities; nonconforming building, structures or uses; environmentally sensitive lands; archaeological, cultural or historic resources; scenic vistas and eco-tourist sites; agricultural and ranch lands; and all other requirements of the Administrator as established at the Administrator's pre-application meeting with the applicant;

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

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

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

6.3. Environmental impact Report

6.3.8. Significant Irreversible Environmental Changes. Uses of nonrenewable resources during the initial and continued phases of the development project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary effects and impacts and, particularly, secondary effects and impacts (such as highway improvements required to provide access to a previously inaccessible area) generally commit future generations to similar uses. Irreversible damage can result from environmental and other accidents associated with the development project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. ~~Any and all potential effects on climate change attributable to the development project must be thoroughly analyzed, including necessary mitigation to minimize such effects and impacts.~~ Applicant must comply with all federal and New Mexico statutes and regulations regarding climate change.

6.3.10. Mitigation (SRAs)

6.3.10. Mitigation Measures.

6.3.10.1. The EIR shall identify mitigation measures for each significant environmental effect identified in the EIR, which impacts include but are not limited to: inefficient and unnecessary consumption of water and energy; ~~pollution attributable to the project; contribution to climate change; water and air pollution;~~ degradation of environmentally sensitive lands; sprawl; and noise, vibration, excessive lighting, odors or other impacts.

6.3.13. Discussion of Cumulative Impacts. The EIR shall discuss cumulative effects of a project. A cumulative effect and impact is created as a result of the combination of the project evaluated in the EIR together with other development projects causing related effects and impacts. ~~An EIR should not discuss other project effects and impacts which do not result in part from the project being evaluated.~~ The discussion of cumulative effects and impacts shall reflect the severity of the effects and impacts and their likelihood of occurrence.

6.4 Adequate Public Facilities and Services

6.4.2.6. Existing Deficiencies. Subsection 12.2.3.2 of the SLDC describes the ramifications of an existing failure of infrastructure and services to meet the LOS specified in the SLDC. Existing deficiencies that affect the proposed development project shall be identified and any proposed projects that will address the deficiency in the CIP shall be identified.

6.5 Water Service Availability Report (WSAR)

6.5.3. The WSAR shall contain a detailed analysis of the following matters: existing system capacity of the public water or wastewater supply proposed for use ~~or a publicly regulated private system;~~ capacity of a well field (as applicable), stream, spring, or other source of raw water supply (as applicable); historical average use of potable water; and historical peak use of potable water; the number of hook-ups and the estimated potable water demand per hook up; and the number of hook-ups for which contractual commitments have been made or previous development orders have been approved. Applications requiring use of the County system or a public water or wastewater system, as described on Tables 7-17 and 7-18 and the accompanying text, need only supply the letter from the relevant supplier agreeing to provide service.

6.5.5. The WSAR shall include:

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

6.5.5.2.3 Well requirements.

3. in the case of a proposed final plat approval, a copy of the water permit issued by the State Engineer ~~pursuant to NMSA 1978, §§ 72-1-5, 72-5-23, 72-5-24~~ or if the proposed development is within a declared underground water basin, §§ 72-12-3 or 72-12-7;

6.5.5.9. Water Quality. The applicant shall provide:

1. an analysis of all ~~single or multiple units or~~ aquifers ~~within a two (2) mile radius of the project site~~ to be used by the project;

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

6.6.2. Reserved Fees. ~~The applicant shall deposit cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the Traffic Impact Assessment, engaging consultants, and as applicable pursuant to Table 4-1, for a Hearing Officer to conduct a public hearing on the Traffic Impact Assessment.~~

6.6.3. General Requirements. The TIA shall follow the NMDOT State Access Manual requirements, which requires a general assessment for smaller impact projects which generate little traffic, and a detailed analysis for those projects that generate larger traffic volumes. These larger impact projects will require a detailed traffic impact assessment shall identify the improvements needed to:

~~**6.6.3.8.** If applicable, after identifying any deficiency in road capacity as required by subsection 6.6.3.2. of the SLDC, determine, after taking into consideration improvements to be provided through development fees, improvements to be provided by the County through the mechanisms described in Provide a basis for applicant financing of all County and State road improvements as shown on the CIP, and through the mechanisms described in use of a voluntary development agreements, or through an Improvement District Assessments for capacity needs, how all infrastructure that is required will be provided;~~

~~**6.6.3.15.** Establish the monetary contribution that the applicant will be required to provide to the County or to any established assessment or improvement district for the provision of all roads and highways shown on the CIP, the need for which is generated by the project;~~

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

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

6.6.5 Contents

6.6.5.9. If the applicant fails to advance the improvements in accordance with Chapter 12, the application for the development approval may shall be denied for lack of adequate transportation system capacity, safety, and design.

6.6.5.2. Study Area. The study area shall identify the roadway segments, and all intersections of roads classified as sub-collector or larger and access points for all transportation routes from the site to the nearest state road or interstate.

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 ~~twelve (12) months~~ three (3) years after its creation.

6.7 Fiscal Impact Assessment

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

Chapter 7

7.3 Residential Performance Standards

7.3.1.5. Double Frontage Lots. Double frontage or through lots are prohibited except in commercial or industrial districts or for alleyways approved as part of a subdivision. A double frontage lot is not created when an alleyway is provided. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.1.6. Flag Lots. Flag lots are prohibited except when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.3. Setbacks.

7.3.3.5. Commercial and Industrial Zones. Notwithstanding anything to the contrary in the Setback Table, a setback of 100 feet from the property line is required between any residential district and any structures or uses within a commercial or industrial district. For purposes of this paragraph, the phrase “commercial district” shall not include the MU zone.

7.4 Access and easements

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 (7 ½) ten (10) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer must 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.

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.

7.4.3. Drainage Easements. Where a property is traversed by a water course, drainage conveyance, channel or stream, a storm water or drainage easement shall be established which conforms substantially with such water course. All drainage components, including detention or retention basins, water courses, acequias, drainage conveyances, channels or streams which impact more than one lot, shall be included in drainage easements.

7.4.7 Acequia Easements. All structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any acequia, ditch, lateral or drain under the authority of an acequia association, organization or irrigation district. Minimum setback requirement can be waived if easement is otherwise prescribed by a recognized acequia association or irrigation district. Applicants shall provide notice to impacted acequia associations, organizations or irrigation districts of development projects within 25 feet of an acequia, ditch, lateral or drain.

7.6.4. Landscaping for Non-Residential Uses.

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

7.6.6. Landscaping Parking Areas

7.6.6.5. Divider Medians. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces. The minimum width of divider medians shall be five feet if wheel stops or raised curbs prevent vehicle overhang of the median. If vehicle overhang is allowed, the minimum width shall be eight feet. ~~All tree planting areas shall have a minimum width of seven feet.~~

7.6.7. Parking Area Perimeter Walls

7.6.7.1. Parking areas with ten or more spaces or 4,000 square feet, whichever is less, shall be screened from view along the front property line (adjacent road rights-of-way) by an opaque, ~~four-six~~ foot masonry wall or fence.

Table 7-2: Minimum Plant Size Requirements.

Plant type	Minimum size
Deciduous Trees	1½ inch caliper (measured 6 inches above ground) and 6 feet tall
Evergreen Trees	6 feet tall
Shrubs	Between 1 gallon and 5-gallon container size and up to 24 inches tall

7.6.8.4. Irrigation.

1. All landscaped areas shall include a permanent, underground irrigation system to ensure long-term landscape health and growth. Irrigation systems ~~may shall~~ utilize storm water, grey water or other non-potable irrigation water. Irrigation system design shall

take into consideration the water-demand characteristics of plant or landscape materials used.

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

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

7.8 Lighting

7.8.5. Road Lighting.

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

7.10 Parking and Loading

7.10.3.4. Floor Area. Unless otherwise expressly stated, all square footage-based off-road parking and loading standards shall be computed on the basis of the net usable square footage ~~sum of the gross horizontal floor areas~~ of all space used.

7.10.9. Surfacing and Maintenance. Parking lots of forty or more spaces shall be paved, and parking lots containing fewer than forty spaces shall have a properly compacted base course surface. Where paved parking is required, permeable pavement ~~shall~~ may be used ~~if technically feasible~~. Parking areas shall be maintained in a dust-free, well-drained, serviceable condition at all times.

7.10.12. Internal Circulation System.

7.10.12.1. The layout of the circulation system shall be designed to provide access between parking spaces and roads, and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties.

7.10.12.2. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors, such as the visual impact of the road pattern and the highlighting of special site features.

~~7.10.12.3. Parking areas shall be designed to provide for internal circulation so that backing is not required to leave a given space.~~

~~7.10.12.4. No backing onto public roads or rights of way shall be allowed.~~

7.10.16 Vehicle Stacking Areas

7.10.16.1. Minimum Number of Spaces. ~~Where stacking spaces are required by Table 7-10, stacking spaces shall be provided in the amount provided. The minimum number of stacking spaces shall be provided pursuant to Table 7-10.~~

7.11 Road Design Standards

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

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

*Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.

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

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

***Sidewalks and bike lanes are not required if a 10' wide multi-use paved trail is provided located adjacent to the roadway.**

7.11.7. Cul-de-sacs (dead end roads).

7.11.7.1. Cul-de-sacs (dead end roads) shall not ~~be longer than five hundred (500) feet and may not~~ serve more than thirty (30) dwelling units.

7.11.13.2. Additional Standards for Residential Driveways.

1. Residential driveways shall serve no more than two (2) lots.

~~1.2.~~ Lots within residential subdivisions shall be limited to a single access point or driveway.

2. 3. Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.

3.4. A twenty-five (25) foot asphalt or concrete apron shall be required on a driveway that accesses ~~an arterial or highway. paved road.~~ **A twelve (12) foot asphalt or concrete apron shall be required on a driveway that accesses a paved collector, subcollector or local road.**

7.11.13.3. 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.

7.12. Utilities

7.12.4 Utilities serving agricultural operations are exempt from the provisions of this section.

7.13. Water Supply, Wastewater and water Conservation

7.13.2 General Requirements

7.13.2.3. Readiness. Each applicant for a development order shall establish in writing that a proposed service provider (County utility, mutual domestic water association, water and sanitation district, municipal water or wastewater utility, water or wastewater cooperative) is ready, willing, and able to provide service. The applicant shall provide such additional details concerning the proposed service provider and its readiness to provide service as the Administrator may deem appropriate.

7.13.2.4. Required connection to the County, or a public ~~or publicly-regulated~~ 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.¹

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

Non-residential (over 10,000 sf)	Yes	if within service area	<u>if within service area and if within 2,640 feet</u>
-------------------------------------	-----	---------------------------	--

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

7.13.3.6. Where the County water and wastewater utility provides written confirmation to the Administrator that water, wastewater service, or both, will not be available to a development within five (5) ~~twenty (20)~~ years, the requirements of subparagraphs 1, 2, and 3, above, shall not apply

7.13.4 Required connection to public ~~or publicly-regulated~~ water and wastewater systems other than the County.

7.13.4.2. Water and wastewater systems to which this subsection applies are (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, ~~or~~ (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission, or (e) a cooperative that is regulated by the Public Regulation Commission.

7.13.4.4. Where a public or publicly-regulated water or wastewater system provides written confirmation to the Administrator that water, wastewater service, or both, is not presently available or will not be available within five (5) ~~twenty (20)~~ years, the requirements of subparagraphs 1, 2 and 3, above, shall not apply.

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

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

		660 feet	1,320 feet	2,640 feet
	Non-residential (over 10,000 sf)	Yes	if within service area	if within service area and within 2,640 feet

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

7.13.5 Self Supplied Water and Wastewater Systems

7.13.5.4. If connection to the County water and wastewater utility or connection to a public or publicly-regulated water and wastewater system is not required by operation of 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 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 development agreement. If the County 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**

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years³. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit residential dwelling per annum notwithstanding that the owner or developer claims that less water is to be used. The Administrator may reduce this planning assumption to the actual amount of water expected to be used given the type of construction and use contemplated upon a showing from the applicant that a lesser planning figure is reasonable. Annual water use limitations are established in subsection 7.13.11 (“Water Conservation”) of the SLDC, and shall also apply.

7.13.7 Self Supplied Water Systems

7.13.7.1. Community Water Systems

5. A community water system shall own water rights permitted by the Office of the State Engineer; the water rights must have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit must be sufficient to meet the maximum annual water requirements of the proposed development. Additionally, if irrigation water rights

that are appurtenant to the land on which the subdivision is to be located 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.

12. 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.

15. As an alternative to the previous paragraph, a reconnaissance report may be substituted for geo-hydrologic report as permitted by subsection 7.13.7.4.1 of the SLDC, when: (a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; (d) no more than one (1) well will be utilized; and (e) a reconnaissance report is appropriate pursuant to the standards of subsection 7.13.7.4.(1) below.

7.13.7.2. Shared Wells and Individual Wells

7. A shared well system or an individual well shall possess a valid permit, vested right, adjudicated right or license issued by the Office of the State Engineer with sufficient licensed capacity or water rights to meet the maximum annual water requirements of the proposed development, when: (a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; and (d) no more than one (1) well will be utilized. If irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the 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 must have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit must 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.

12. An applicant proposing or required to use a shared well system or an individual well shall perform a geo-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a reconnaissance report. An applicant proposing to develop a single lot existing prior to the effective date of the SLDC using an individual single domestic well permitted under NMSA 1978 Sec. 72-12-1 as the water supply, shall not be required to provide a

geo-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the well permit issued pursuant to NMSA 1978, Sec. 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. :-(a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; (d) no more than one (1) well will be utilized; and (e) a reconnaissance report is appropriate pursuant to the standards of subsection 7.13.7.4.(1) below.~~

7.13.7.3. Standards for Geo- Hydrologic reports

3. The geo-hydrologic report shall be predicated upon actual testing results from wells at the location of the each proposed development well or wells. Test requirements for wells are set forth in Table 7-20. If no well is present at the location of each of the proposed well or wells, an exploratory well shall be provided. If more than one well will be 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.

6. The geo-hydrologic report shall provide 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 climate and drought ~~and climate change~~. 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.

7.13.7.4 Standards For Reconnaissance Reports

1. A reconnaissance report may be provided only if all of the following circumstances prevail:
 - a. a geo-hydrologic report has been completed on a well within one (1) mile of a proposed well or wells;
 - b. a geo-hydrologic report indicates that the geology is 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. the proposed development will contain no more than four (4) dwellings or parcels;~~
 - ~~e. each parcel within the proposed development will be no less than 2.5 acres;~~
 - ~~f. except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development; and~~
 - ~~g. if, after considering the reconnaissance report, the Administrator determines that sufficient information has been provided from which to make a determination of water availability.~~

7.13.8. Individual or shared well systems

7.13.8.3. 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.⁴

7.13.8.8. The development order, plats, disclosure statement and private covenants, as applicable, on a development where a shared well system is used, shall clearly specify that the drilling or use of other wells is strictly prohibited, except for agricultural wells or wells to supply the County water system or a public water system.

7.13.10. Wastewater systems

7.13.10.1. General requirements

1. Regardless of whether the County's wastewater system is utilized, all development shall include wastewater systems built to standards established by the County wastewater utility and may shall be designed and constructed so that they may be connected to the County utility when available.

7.13.10.3.2 Alternative wastewater systems

2. Where a development is not required to connect to the County's wastewater system or a public system pursuant to Table 7-17 or 7-18, and the development creates three (3) or more lots, the development shall provide a separate tertiary sewer treatment facility with full grey water capture, treatment and reuse. Where a development is not required to connect to the County's wastewater system pursuant to Table 7-17, and three (3) or fewer lots are being created, an on-site septic sewer system or systems may be provided so long as the an alternative wastewater disposal system shall be used when specified on Table 7-19 so long as the appropriate liquid waste permit is obtained from the New Mexico Environment Department and presented to the Administrator as a part of the application.

7.13.11 Water Conservation

7.13.11.1. General Requirements.

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

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

7.13.11.2. Outdoor Conservation.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May

⁴ See footnote 6

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.

7.13.11.3. Indoor Conservation.

7.13.11.3. Indoor Conservation.

1. Water saving fixtures shall be installed in all new construction. Toilets shall consume no more than 1.6 gallons (6.1 liters) per flush. Blowout urinals may be installed in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses. Water conserving fixtures shall be installed in all new construction and in all remodels and renovations when a fixture is being replaced.

a. All toilets and flush urinals shall be EPA WaterSense certified or equivalent.

b. All lavatory faucets shall be EPA WaterSense certified or equivalent.

c. All showerheads shall be EPA WaterSense certified or equivalent.

2. Water conserving appliances shall be installed in all new construction and in all remodels and renovations when an appliance is being replaced.

a. Residential dishwashers shall be EPA Energy Star certified or equivalent.

b. Residential clothes washers shall be EPA Energy Star certified or equivalent.

~~**2.** Faucets shall be equipped with aerators and shall not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute. Self-closing, metering or self-closing faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants and convention halls. These faucets shall consume no more than .25 gallons of water (1.0 liters) of per use. Emergency safety showers are exempted from this provision.~~

~~**3.** Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.~~

~~**4.** Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a water saving option that provides for reduced water to be used for reduced loads. No more than one dishwasher may be provided in each residential dwelling unit.~~

~~**5.** Washing machines shall be front loading only.~~

3. Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.

6 4. Hot water systems shall ensure that hot water is delivered within five seconds of a

tap being opened. This requirement can be achieved through the use, either alone or in combination, of the following devices or designs: (i) an on-demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot-water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super-insulation methods

~~7.5.~~ A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.

Renumber remaining subsections

7.14 Energy Efficiency

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

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

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

Renumber the remaining Sections of 7.14

7.15.3.4. Trail standards.

1. A trail easement shall be dedicated in accordance with the Official Map or adopted plans. ~~on lands through which a trail shown on the Official Map, adopted plans or are otherwise recognized by Santa Fe County.~~
2. Trails identified on the Official Map shall be constructed.
3. Minimum trail widths for trails identified on the Official Map shall be ~~8~~ 5 feet with a 20 foot easement.
6. Trails shall be prepared and designed in accordance with approved plans and may be natural or other permeable soft surface or may be constructed of four inch (4") thick concrete, asphalt, or other hard surface permeable materials including compact crusher fines, brick or unit pavers.

7. Multi-use trails shall be designed in accordance with approved plans and may be constructed of concrete, asphalt, or other hard surface permeable materials including compact crusher fines.

7.16 Protection of Historic And Archeological Resources

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

7.16.3.1. Development that proposes to remove or demolish a Registered Cultural Property is not permitted unless the applicant first obtains a beneficial use and value determination pursuant to subsection 14.9.8 of the SLDC.

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

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

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

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

7.17.5 Storm Drainage and Erosion Control

7.17.5.1 General.

1. No fill shall be placed in natural drainage channels and a minimum setback of twenty five feet shall be maintained from the natural edge of all streams, rivers, or arroyos with flows exceeding twenty-five (25) cubic feet per second during a one hundred (100) year frequency storm, twenty-four (24) hour duration;

7.17.5.2. All Other Development. Subdivision, multi family, non-residential and single family residential development shall comply with the following standards:

4. No development shall disturb any existing watercourse or other natural drainage system, in a manner which causes a change in watercourse capacity or time to peak, time of concentration or lag time or other natural drainage system or increase of the pre-development stormwater discharge-"Q".

5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat. ~~All land disturbance~~

~~activity, both within and outside the limits of the Special Flood Hazard Area (SFHA), must provide a Stormwater Management Analysis pursuant to Ordinance No. 2008-10 ("Santa Fe County Flood Damage Prevention and Stormwater Management Ordinance") as amended.~~

~~6. Pursuant to Santa Fe County Ordinance No. 2008-10, erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 50' must be provided from all arroyos not mapped as SFHA with flow rates in excess of 25 cubic feet per second (25 cfs); or (b) a minimum setback of 75' must be provided from all unstudied SFHA.~~

~~7. 6. Pursuant to Santa Fe County Ordinance No. 2008-10, e~~ Erosion setbacks shall be provided for structures adjacent to natural arroyos, channels, or streams such that: (a) a minimum setback of 50²⁵' must be provided from all arroyos ~~not mapped as SFHA~~ with flow rates ~~in excess of 25~~ of 100 cubic feet per second (25¹⁰⁰ cfs) ~~generated from a storm of 100 year recurrence, 24 hour duration~~; or (b) a minimum setback of 75' must be provided from all FEMA designated 100 year Floodplains ~~unstudied SFHA~~.

7.17.6. Grading, Clearing and Grubbing

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

7.17.7. Restoration of Disturbed Areas

7.17.7.1. Disturbed areas not stabilized by landscaping shall be permanently revegetated to approximate the density and species or vegetation at the site prior to grading.

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.

7.17.9.2 Standards.

2. All buildable areas on a ridge top, ridgeline or shoulder shall be set back 50 feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.

4. Utilities and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they utilities 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%).

7.18 Flood Prevention and Flood Control

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective June 17, 2008 December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be

supplemented by subsequently conducted studies designated and approved as set forth herein. The Floodplain Administrator shall keep a copy of the FIS, FIRMs and/or FBFMs on file and available for public inspection during normal business hours.

7.18 Flood Prevention and Flood Control

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

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

7.20. Solid Waste.

7.20.2.5. All solid waste, ~~including manure,~~ shall be removed from the property on a regular basis, but not less than monthly. ~~Because it is considered a breeding place for flies, rodents and/or pests, and a source of groundwater contamination, the unhealthful accumulation or stockpiling of manure has been declared a public nuisance pursuant to Santa Fe County Ordinance No. 2009-11, and will be treated accordingly.~~

7.20.2.6. All facilities generating manure shall have a plan for manure management, which can include:

1. Removal of manure from the property on a regular basis, but not less than monthly
 2. Utilization of a composting system; or
 3. Spreading or harrowing of the manure on the ground to enrich the soil.
-

7.22 Financial Guaranty

7.22.1. Applicability. Prior to the recording of a final plat and issuance of a development permit, an applicant for any of the following development projects shall submit for approval to the Administrator a financial guaranty for construction of any required public or private ~~infrastructure site~~—improvements, landscaping or reclamation in accordance with the requirements of this section:

7.22.2.3. Deposited with the Administrator cash, a letter of credit, an escrow agreement, surety bond, or a payment and performance bond, sufficient to cover the cost of completion of all improvements, together with costs, expenses and attorney's fees in the event of default (as set forth in the engineer's cost estimate below), required to be made pursuant to the conditions of the development order granting final plat approval, the development and subdivision improvement agreements executed pursuant to this Chapter and the approved construction plans. The acceptance issuance of any surety bond or letter of credit shall be subject to the approval of the Administrator and County Attorney.

7.22.6. Maintenance Bonds. The applicant shall warranty any public improvements against defects in workmanship and materials for a period of five (5) years from the date of acceptance of such improvements. ~~At the time the improvements have been completed and accepted, a warranty shall be provided through a letter of credit, escrow agreement, payment and performance bond, cash in an amount equal to 50% of the annual cost of maintaining the improvements.~~

7.22.8. Releases and Financial Guaranty.

7.22.8.1. When an applicant has given payment and performance security in any of the forms provided in this Chapter, and when ~~fifty (50%) percent of the~~ required site improvements have been completed and accepted, the original guaranty may be substituted with a new guaranty in an amount equal to 125% of the cost for completing the remaining site improvements. Such new guaranty need not be in the same form as the original guaranty. However, in no event shall the substitution of one security for another in any way alter or modify the obligation under the performance and payment bonds, letter of credit, or cash. Releases shall not be requested more than once a month.

7.22.8.2. As ~~fifty (50%) percent of the~~ improvements are completed, applicant may submit a written request, prepared by the project engineer, for a partial or full release of the financial guaranty. Such application must show, or include:

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

- 2. Less 100 percent of the cost of any required landscaping, which shall be retained for at least one year following the landscape installation release to guaranty its the survival ~~of the landscaping~~; and

7.23 Operation and Maintenance of Common Improvements

7.23.3. Homeowner’s associations

7.23.3.2.3. The HOA shall be responsible for maintenance of insurance and taxes on undivided improvements, enforceable by liens placed by the County on the HOA. The HOA shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments. Such liens may require the imposition of penalty or interest charges. Should any bill or bills for maintenance of undivided improvement be unpaid by November 1st of each year, a late fee ~~of 15 percent~~ shall be added to such bills and a lien shall be filed against the premises;

7.23.3.2.6. The HOA shall have or hire or contract for staff to administer common facilities and properly and continually maintain the undivided improvement;

7.25 Special Protection Of Riparian Areas.

7.25.2. Relation to Flood Prevention and Flood Control.

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

7.25.3. Beneficial Use Determination.

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

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

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

Table 7-24—Dimensional Regulations in Riparian Buffers

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

Renumber the remaining of section 7.25

7.25.5. Development Standards in Riparian Buffers. The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance, within a riparian buffer:

7.25.5.1. ~~No~~ stormwater may be discharged ~~is permitted directly off from~~ an impervious surface into a stream channel consistent with regulations of the Environmental Protection Agency without appropriate treatment pursuant to the Clean Water Act [33 U.S. Code § 1252 *et seq*] and, as applicable, the County’s MS4 discharge permit as set forth in subsection 7.19.

Chapter 8

Table 8-1: Base Zoning Districts.

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

Table 8-4: Use Matrix Labels.

P	Permitted Use: The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.
A	Accessory Use: The letter “A” indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.
C	Conditional Use: The letter “C” indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.
<u>DCI</u>	<u>Development Of Countywide Impact:</u> <u>The letters “DCI” indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.</u>
X	Prohibited Use: The letter “X” indicates that the use is not permitted within the district.

Lot coverage – remove for all residential districts as setbacks apply

8.5.2. 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:

8.5.2.1. 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) *See <http://www.planning.org/lbcs/standards/>*.

8.5.2.2. 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). *If the use cannot be located within the NAICS, the Administrator shall make a determination whether the proposed use is materially similar to a use if it falls within the same industry classification of the NAICS manual; if so, the Administrator shall approve the use. If not, the Administrator shall deny the use. See <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.*

8.6 Residential Zoning Districts

Add the following language to the purpose section of Rural Fringe, Rural Residential, Residential Fringe, Residential Estate, Residential Community, Traditional Community

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.

8.7. NON-RESIDENTIAL ZONING DISTRICTS.

8.7.1. Commercial General (CG).

8.7.1.1. Purpose. The purpose of the Commercial General (CG) district is to designate areas suitable for general commercial activities such as retail and wholesale sales, offices, repair shops, limited manufacturing, warehouses and indoor and outdoor display of goods. The CG district promotes a broad range of commercial operations and services while ensuring that land uses and development are compatible with surrounding areas.

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

8.7.1.3. Dimensional Standards. The dimensional standards within the CG district are outlined in Table 8-13.

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

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

<u>Zoning District</u>	<u>CG</u>
<u>Density</u>	<u>n/a</u>
<u>Multifamily Density*</u>	<u>Up to 20</u>
<u>Frontage (minimum, feet)</u>	<u>40<u>50</u></u>
<u>Lot width (minimum, feet)</u>	<u>n/a</u>
<u>Lot width (maximum, feet)</u>	<u>n/a</u>
<u>Height (maximum, feet)</u>	<u>48</u>
<u>Front setback (minimum, feet)</u>	<u>5</u>
<u>Front setback (maximum, feet)</u>	<u>100</u>
<u>Side setback (minimum, feet)</u>	<u>0</u>
<u>Rear setback (minimum, feet)</u>	<u>30</u>
<u>Lot coverage (maximum, percent)</u>	<u>80</u>
<u>Maximum building size (individual buildings, square feet)</u>	<u>25<u>50</u>,000</u>
<u>Maximum building size (aggregate)</u>	<u>75<u>150</u>,000</u>

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

8.7.1.5 Architectural Design Requirements

1. Buildings 25,000 square feet or less shall be designed with two distinct masses to be defined by four (4) feet change in both vertical and horizontal direction.
2. Buildings over 25,000 square feet shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and horizontal direction. The maximum uninterrupted length of any façade shall be 50 feet.
3. Fifty percent of the horizontal length of a facade must have features to reduce scale and break up uniform façade appearance.

8.7.2

Table 8-~~13~~14: Dimensional Standards – ~~CG~~ CN (Commercial ~~General~~ Neighborhood).

<u>CN Zoning District</u>	<u>CN</u>
<u>Density</u>	<u>n/a</u>
<u>Frontage (minimum, feet)</u>	<u>30<u>50</u></u>
<u>Lot width (minimum, feet)</u>	<u>n/a</u>
<u>Lot width (maximum, feet)</u>	<u>n/a</u>
<u>Height (maximum, feet)</u>	<u>24</u>
<u>Lot coverage (maximum, percent)</u>	<u>80</u>

Maximum building size (individual buildings, sq. ft aggregate)	50,000*
Maximum size of individual establishments (sq. ft.)	10 15,000**

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

**Establishment size may be increased up to ~~2~~30,000 square feet with the issuance of a conditional use permit.

8.7.2.5 Architectural Design Requirements

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

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

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

8.7.2.3 Industrial (I).

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

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

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

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

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

Zoning District	I
Density (maximum, dwelling units/acre)	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a

Height (maximum, feet)	50
Lot coverage (maximum, percent)	70%
Maximum building size (individual)	50,000*
Maximum building size (aggregate)	100,000*

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

8.9. Mixed Use Zoning Districts

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

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

MU Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
<u>Multi-Family Residential Density *</u>	<u>15</u>	<u>20</u>
Frontage (minimum, feet)	50	50
Lot width (minimum, feet)	50	50
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a**
Maximum building size (aggregate)	n/a	n/a**

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

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

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

8.9.6. Design requirements.

8.9.6.6. Architectural Design Requirements

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

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

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

8.10 Planned Development Zoning Districts

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

Table 8-18: Dimensional Standards – PD (Planned Development).

PD Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
<u>Multi-Family Residential Density *</u>	<u>15</u>	<u>20</u>
Frontage (minimum, feet)	50	50
Lot width (minimum, feet)	50	50
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a*
Maximum building size (aggregate)	n/a	n/a*
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

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

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

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

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

8.11 Overlay Zones

8.11.2. Rural Commercial Overlay (O-RC).

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

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

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

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

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

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

8.11.2.5. Dimensional Standards. Dimensional standards are as prescribed in the underlying zoning except as prescribed in this section. Minimum lot size for a non-residential use within a Rural Commercial Overlay is 2.5 acres in A/R, RUR, RUR-F, RUR-R, RES-F, RES-E.

8.11.6. Airport Noise Overlay Zone (O-AN).

8.11.6.1. Short Name and Map Symbol. The City of Santa Fe Municipal Airport Noise Impact Overlay Zone is referred to as the O-AN Zone, and is shown on the Zoning Map as O-AN.

8.11.7 Agricultural Overlay (O-AG). Reserved

Chapter 9

9.3 Effect of SLDC On Existing Community Districts

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

- ~~9.3.2. Santa Fe Community College District (Ordinance 2000-12).~~
- 9.3.3. ~~2.~~ Tesuque Community District (Ordinance 2000-13).
- 9.3.4. ~~3.~~ Madrid Community Planning District (Ordinance 2002-1).
- 9.3.5. ~~4.~~ San Pedro Community District (Ordinance 2002-2).
- 9.3.6. ~~5.~~ La Cienega and La Cieneguilla Community Planning District (Ordinance 2002-9).
- 9.3.7. ~~6.~~ El Valle de Arroyo Seco Highway Corridor District (Ordinance 2003-7).
- 9.3.8. ~~7.~~ U.S. 85 South Highway Corridor District (Ordinance 2005-08).
- 9.3.9. ~~8.~~ Tres Arroyos Del Poinente District (Ordinance 2006-10 and Ordinance EZA 2007-01).
- 9.3.10. ~~9.~~ Village of Agua Fria Planning District (Ordinance 2007-2).
- 9.3.11. ~~10.~~ Pojoaque Valley Community District (Ordinance 2008-5).
- 9.3.11. San Marco Community Plan (Resolution No. 2003-83)
- 9.3.12. Galisteo Community Plan (Resolution No. 2012-36)
- 9.3.13. Chimayo Community Plan (Resolution Pending)

Chapter 10

10.4 ACCESSORY DWELLING UNITS.

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

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

~~**10.4.2.1. Occupancy.**~~

- ~~1.— Only immediate family members may occupy the principal~~

~~dwelling unit and the accessory dwelling unit.~~

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

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

10.4.2.3. Size. The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the building footprint of the principal residence; or (b) 1,200 square feet.

10.4.2.4. Building and Site Design.

1. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling.

2. An accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.

3. An accessory dwelling shall be accessed through the same driveway as the principal residence. There shall be no separate curb cut or driveway for the accessory dwelling.

~~4. A manufactured home shall not be considered to be an accessory dwelling~~

10.6. Home Occupations.

10.6.1. Purpose. The Purpose of this section is to stimulate economic development in the County and promote ~~ing~~-energy efficiency by promoting home occupations and home businesses while ensuring the compatibility of home based businesses with other uses permitted in the community. Any home-based business that exceeds the standards of this section, either at its commencement or through business growth, must be located in or relocated to an appropriate nonresidential area.

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

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

Table 10-1: Home Occupation Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit

Non-resident employees (max)	1	3	5
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	<u>None</u>	<u>Up to 2</u>	<u>3-6</u>

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

10.8 BORROW. No on-site borrow may be removed from a site except removals associated with a grading permit granted by the Administrator, without a conditional use permit; provided, however, that building materials such as adobes and rammed dirt may be excavated as a part of construction on the property without a permit.

Table 10-2: Temporary Uses.

Activity	Permitted district	Duration	Maximum times/year per lot/parcel	Permit required?
Auctions	any	3 days	1	no
Christmas tree sales	C, I	60 days	1	no
Office in a model home	any	6-24 months, renewable for additional (up to) 6 12 month periods	n/a	yes
Fireworks stand	C, I	30 days	1	yes
Temporary outdoor retail sales	C	10 days	4	yes (unless shown on approved site development plan)

Produce stand or farmers' market	Ag/Ranch, RUR, RUR-F, RUR-R, RES-F, TC	90 days renewable for additional (up to) 6 month periods	n/a	no
Public assembly (carnival, fair, circus, festival, show, exhibit, concert, or similar)	C, I	up to 2 weeks	n/a	yes
Yard/garage sales	any residential	2 consecutive days, limited to daylight hours	n/a	no
Film production	any	As needed	n/a	yes

10.9 temporary uses

10.9.4. Public Assembly. Temporary buildings, structures, or tents for public assembly (including carnivals, circuses, and similar events) are permitted in areas zoned for commercial and industrial uses, provided that:

10.9.4.1. No such building, structure, or tent shall be permitted to remain on the site for a consecutive period exceeding ~~two~~ one weeks;

10.16 Wind Energy Facilities

10.16.5.2. Design and Installation.

2. Setbacks.

d. ~~Small~~ large-scale wind energy facilities are prohibited within 500 feet of public parkland, areas of historical or cultural significance, natural areas and nature preserves.

10.19. 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. Such activity shall be allowed where permitted by the Use Table, Exhibit B, use index, subject to approval of a conditional use permit (~~§ 4.9.6.~~) and the additional requirements of this section. If the extraction activity ~~requires~~ includes any blasting, then this section ~~shall~~ does not apply and the operation will be treated as a Development of Countywide Impact mining operation under Chapter 11-~~(Developments of Countywide Impact—DCIs²).~~ Similarly, if the extraction operation covers an area larger than twenty (20) acres, it ~~shall~~ will be treated as a DCI under Chapter 11.

10.19.2. Related Uses. Related office and material processing uses may be permitted at the sand and gravel extraction sites where approved as part of the conditional use permit and constructed and operated in compliance with the SLDC and so long as the use is consistent. Such related uses may include, but are not limited to, road materials fabrication plants, asphalt hot mix plants, concrete batch plants, and the use of mobile equipment such as crushers, stackers and conveyors.

10.19.3. Application. In addition to the submittal requirements for a conditional use permit (§ 4.9.6.), including any studies, reports and assessments required by Table 6-1, an application for approval of a sand and gravel extraction facility shall include the following:

10.19.3.1. Operations Plan. An operations plan for the facility consisting of the following:

1. Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:
 - a. a detailed description of the method(s) or technique(s) to be employed in each stage of the operation where any surface disturbance will occur;
 - b. the size and location of area(s) to be disturbed, which includes excavations, overburden spoils, topsoil stockpiles, driveways and roads;
 - c. pursuant to the standards of §7.17 (Terrain Management), a description of all earthmoving activities, including backfilling of cuts and leveling or compaction of overburden;
 - d. if applicable, the location and size of all water diversions and impoundments or discharge of water used in extraction operations;
 - e. areas to be used for storage of equipment and vehicles;
 - f. location and size of any structures;
 - g. areas designated to be reclaimed;
 - h. hours of operation and, if applicable, a description of outdoor lighting; and
 - i. fire protection plans.
2. A description of how construction materials will be processed on and/or removed from the site.
3. A description of how each phase of exploration or extraction correlates to the reclamation plan.
4. A timetable for each phase of operations and reclamation.
5. A description of the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards.
6. A drainage control plan showing methods which will be utilized to avoid erosion on and adjacent to the site.
7. A description of all hazardous materials to be used and transported in connection with the activity and a description of steps that will be taken to insure that the use of such materials will have no adverse impact on the residents or environment of Santa Fe County.
8. A description of the projected noise to be generated and an explanation of how the operator will comply with ~~meeting~~ the requirements of § 7.21.4 (Noise).

9. A statement concerning compliance, as applicable, with regulations of the Federal Aviation Administration (FAA).

10.19.3.2. Reclamation Plan. A plan that provides for reclamation of the site. For extraction activities involving open pit operations, the plan shall account for recontouring and reseeding or revegetation of the site. The reclamation shall include reseeding or revegetating of all disturbed areas of the site, excluding roads, with reasonable allowances to recognize areas that cannot be practically seeded or revegetated because of slope, rock conditions or other limitation factors. The applicant shall be responsible for maintaining revegetation for two growing seasons, in an attempt to provide roughly comparable vegetation to that which existed in the area prior to extraction, through a single reasonable effort.

10.19.3.3. Other Permits. A listing of all permits required to be obtained to engage in the extraction activities on the site. Copies of the submittals or other data presented in support of obtaining required permits shall be provided to the Administrator upon request and the listing of the regulatory agency under which the permit is required. Upon obtaining the required permits, a copy of each shall be submitted to the Administrator.

10.19.4. Water for Site Control. The applicant shall possess a suitable water supply to meet the requirements of the New Mexico Environment Department pursuant to the applicant's air quality permit and for general dust control. As necessary, a WSAR may be required by the Administrator as described on Table 6-1 to establish the necessary water supply.

10.19.5. Approval Standards. In addition to meeting those standards required for approval of a conditional use permit under § 14.9.6, the applicant must demonstrate each of the following with respect to the proposed sand and gravel extraction facility:

10.19.5.1. The existence of significant mineral resources at the site;

10.19.5.2. That the proposed use is reasonably compatible with other uses in the area, including but not limited to traditional patterns of land use, recreational uses, and present or planned population centers;

10.19.5.3. That the site is suited for sand and gravel extraction, in comparison with other reasonably available areas of the County;

10.19.5.4. That the operations plan and reclamation plan are feasible and adequately protective and the application can be conditioned upon carrying out both plans; and

10.19.5.6. A history of significant mining activity in the area, if mining has been conducted in the area.

10.21 Multi-Family Housing:

10.21.1 Parking. Multi-family Development shall provide the following minimum off street parking spaces:

10.21.1.1. One (1) space for units with one bedroom or efficiency apartments,

10.21.1.2. One and a half (1.5) spaces for units with 2 bedrooms,

10.21.1.3. Two (2) spaces for units with 3 or more bedrooms,

10.21.2 Units. There shall be no more than 12 units per building.

10.21.3. Egress. Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.

Chapter 11

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

11.2.1. oil and gas drilling and production;

11.2.2. mining and resource extraction;

11.2.3. substantial land alteration;

11.2.4. landfills;

11.2.5. junkyards; ~~and~~

11.2.6. large-scale feedlots and factory farms; and

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

11.3 Regulation

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

Chapter 12

12.2 Adequate Public Facilities Regulations

12.2.1. Purpose and Overview. The purpose of APFRs is to ensure sustainable growth by requiring that adequate public facilities and services are available concurrently with new development. Evaluation of public facilities occurs at the time of application using the Adequate Public Facilities Assessment (APFA) and applicable SRAs described in Chapter 6. The adequacy of infrastructure and services are measured against the County’s adopted, funded, and prioritized CIP and the adopted levels of service (LOS) set forth in this Chapter. Facilities evaluated through the APFR process include water, sewer, storm water, emergency services including fire protection and law enforcement, parks, open space and trails, and transportation. An applicant may expect that the County will construct facilities identified in the CIP and applicants are only expected to provide

infrastructure and services to the extent the proposed development degrade the expected level of service.

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

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

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
Emergency Response	Fire Vehicles <u>and Facilities</u>	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
Water Supply and Liquid Waste	Water	0.25 acre ft/year (residential)* 0.27 acre ft/year To be determined by the Administrator based upon water budget approval	per residence per 10,000 sf nonresidential
	Sewer	Capacity to treat the amount of wastewater created per §7.5.2. Must be created in accordance with § 7.13.10.	county utility, local treatment facility, or project site
Parks, Trails and Open Space	Parks	1.25 acres/1,000 residents	countywide
	Trails	0.5 miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	8.5 85 acres/1,000 residents	countywide

*Subject to reduction pursuant to Section 7.13.6.1.

12.2.6. Advancement Of Public Facilities and services by Applicant

12.2.6.3. Public facilities and services that are advanced may be phased along with the proposed development so long as the applicant provides the capacity needed to meet the adopted LOS for each phase of the development as it is completed; ~~advancement of only a portion of a public facility or services shall not be approved if the adopted LOS is not achieved.~~ Where advancement of only a portion of infrastructure and services is approved, funding for the construction or funding of the balance of the public facility or service shall be identified and the future expenditure committed to in a development agreement.

12.4 Development Agreements

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

12.4.4.15 and, if a contribution from the County is to be provided pursuant to a voluntary development agreement to upgrade infrastructure that is not meeting the adopted LOS.

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

12.5 Development Fees

12.5.5. Applicability. This section shall be applicable to all development where more than five (5) lots are created either as a result of a land division or a subdivision, and shall apply uniformly within each service area. ~~The current development fee ordinance adopting fees for fire and emergency response facilities and equipment shall be repealed and shall not apply to new development approvals occurring after the date of adoption of the SLDC.~~

12.14. Transfer or Purchase of Development Right

12.14.3 Receiving or Sending Properties.

12.14.3.1. Receiving areas within the County for receipt of development rights are properties located within SDA-1 and SDA-2.

12.14.3.4. Receiving areas shall be located in approved ~~areas planned districts~~ and shall be and SDA-1 or SDA-2. Receiving areas shall be entitled to a bonus incentive of three (3) dwelling

units per acre, or three (3) EDUs (equivalent dwelling units) per acre for non-residential sites. The receiving area shall, as appropriate, apply to amend its final subdivision plat or final site plan to accommodate the TDRs.

Chapter 13

13.2. AFFORDABLE HOUSING REQUIREMENTS.

13.2.1. Applicability. This Chapter shall apply to each Project within the unincorporated areas of central and northern Santa Fe County shown on Appendix E. ~~Map 14-1.~~

Chapter 14

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

14.9.6 Conditional Use Permits

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

~~**14.9.6.10. CUP for a Large Wind Energy Facility.** A large wind energy facility shall obtain a conditional use permit.~~

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. ~~This section pertains specifically to the provisions of the SLDC relating to height, area and yard requirements.~~ The granting of an area variance shall allow a deviation from the dimensional requirements of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

14.9.7.4. Review criteria. A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) where authorized by NMSA 1978, Section 3-21-8(C):

1. where the request is not contrary to the public interest; ~~and~~
2. where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant; and
3. so that the spirit of the SLDC is observed and substantial justice is done.

14.9.7.6. Administrative variance/minor deviations. The Administrator is authorized to approve administrative variances from ~~the all~~ dimensional requirements of Chapter 7 of the SLDC ~~not to exceed up to~~ ten percent of the required dimension, but only upon a finding that the result is consistent with the intent and purpose of this code and not detrimental to adjacent or surrounding properties.

14.9.8 Beneficial Use Determination

14.9.8.2. Application. In order to evaluate whether, and if so, the extent to which, application of the SLDC unconstitutionally creates a regulatory taking without just compensation, or other constitutional deprivation, ~~an each~~ applicant ~~for a development project~~, once denied development approval or granted conditional development approval ~~or as otherwise provided in subsection 7.16.3.1, may shall be required to exhaust all administrative remedies, and~~ apply to the Administrator for a beneficial use and value determination, the application for which shall describe:

14.9.8.3. Timing. ~~Except for an application filed pursuant to subsection 7.16.3.1, a~~An application for a BUD shall be within twelve (12) months subsequent to a final development order denying or conditionally approving an application for development approval. The application shall be filed with the Administrator together with the application and administrative fees payment as established by the Board.

14.9.9. Nonconforming Uses

14.9.9.8.3 nonconforming Structures

3. Nonconforming Uses and ~~Residential~~ Structures. A ~~residential use or~~ structure that was established in accordance with all regulations in effect at the time of ~~its~~ establishment shall not be deemed nonconforming solely due to the fact that it does not comply with the ~~maximum density standards established by of~~ the SLDC. If such a structure is destroyed by accidental means, it may be rebuilt provided that the number of dwelling units does not exceed the number that existed prior to destruction or the maximum density limit of the subject zoning district, whichever is greater.

14.9.9.10.3 Uses for Nonconforming Lots

3. Prohibition on Reduction of Size. A nonconforming lot may not be further reduced in size except by application of the principles of accretion or reliction, by order of a court of competent jurisdiction or by application of the principles of eminent domain.

Appendix A – Definitions

Accessory Structure: a subordinate structure or building, excluding fences and walls, customarily found in connection with the principal use, clearly incidental and subordinate to the principal use, and located on the same lot as the main use or building.

Affordable Housing: means ~~residential housing primarily for persons or households of low or moderate income~~ 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 contract between the County and an applicant that specifies 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 plan that describes how an applicant intends to comply with the Affordable Housing requirements of 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 this Ordinance.

Affordable Housing Unit: ~~a designated affordable housing dwelling or unit~~ means 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.

Area Median Income: means the median income of Santa Fe County, adjusted for various household sizes, published by the United States Department of Housing and Urban Development and amended annually pursuant to data published by the United States Department of Housing and Urban Development.

Community Garden: Places where neighbors and/or community members gather to grow food and plants together in a common community space.

Community Plan: ~~a plan that guides the extension of the boundaries, platting, development or redevelopment of an historical traditional neighborhood or other community in order to make reasonable use of all land, correlate street patterns, and achieve the best possible land-use relationships. A Community Plan constitutes a part of the SLDC. A Community Plan is a future land use and development plan that provides detailed planning, design and implementation guidelines for a community pursuant to the SGMP. A Community Plan should be consistent with the SGMP while addressing the communities desired future land use goals. An adopted Community Plan is an amendment to the SGMP and may be implemented through a Planning District Ordinance.~~

Eligible Buyer: means the buyer of an Eligible Housing Unit whose annual gross income is one hundred percent (100%) 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 Eligible Housing Unit whose annual gross income is one hundred percent (100%) 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.

Income Range: means the income range used to determine the Maximum Target Housing Price or Maximum Target Monthly Rent for 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.

Minor Project: means 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.

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

Public Water and Wastewater System, Public Water System, Public Wastewater System: ~~a the~~ water or wastewater system that includes all of the following: (a) a mutual domestic water association, (b) a water and sanitation district, (c) a municipal water or wastewater utility, or (d) a water or wastewater system, public or private, that is regulated by the Public Regulation Commission. and maintained by the Santa Fe County Public Works Department.

Project: means any Major Project or Minor Project.

Q: see Peak Flow. The design capacity of a channel or conveyance or the volume of water they generate; "Q" is measured in cubic feet per second (cfs). Manning's or Chezy's formulas shall be utilized to establish Q, but the rational formula does not apply.

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

Appendix B:
(Insert before the use matrix)

Use Matrix. Uses permitted in each zoning districts are shown in the Use matrix in Appendix B. All uses are designated as permitted, accessory, or conditional, or prohibited as further explained in Table 8-4. Accessory uses may be subject to specific regulations as provided in Chapter 10, and conditional uses are subject to the conditional use permit standards provided in Chapter 14. In addition, uses may be subject to modification by the overlay zoning regulations included in this chapter.

<u>P</u>	<u>Permitted Use: The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of the SLDC.</u>
<u>A</u>	<u>Accessory Use: The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses must be clearly incidental and subordinate to the principal use and located on the same tract or lot as the principal use.</u>
<u>C</u>	<u>Conditional Use: The letter "C" indicates that the listed use is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 14.</u>
<u>DCI</u>	<u>Development Of Countywide Impact: The letters "DCI" indicate that the listed use is permitted within the zoning district only after review and approval as a Development Of Countywide Impact.</u>
<u>X</u>	<u>Prohibited Use: The letter "X" indicates that the use is not permitted within the district.</u>

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

Appendix C: Official Map series

- Change Maps 1 through 6 in the adoption versions of the SLDC Official Map Series, follows:
- The word “Draft” has been removed from all of the maps;
- “Sustainable Land Development Code” has been added to the title of all maps;
- The date on each map is set to a consistent date, “December, 2013”, or the actual adoption date of the SLDC when it occurs;
- The road right-of-way and road maintenance responsibility data on Map 2 is updated to Nov. 1, 2013, based on the property appraiser’s parcel data (for the R.O.W.s) , and the date of this information is added to the map;
- The County water and sewer line data on Map 6 is updated to Nov. 1, 2013, using the latest GIS data from the Utilities Division, and the date of this information is added to the map.
- Any county-owned open space, trails, and parks properties that did not appear on previous drafts of the Official Map 5 for Open Space, Trails, and Parks have been added, including planned or proposed trails and trail corridors;
- All Santa Fe County Community Plan District boundaries have been added Official Map 5, in order to make reference to proposed open space, trails, and parks in adopted Community District Plans and ordinances, with the wording “Community plan area open space and trails plan and ordinance maps apply”;
- All trails through public lands (U.S. Forest Service, Bureau of Land Management, National Park Service, etc.) in Santa Fe County for which GIS data is available, have been added to Official Map 5;
- All City of Santa Fe trails and multi-use paths for which GIS data is available, have been added Official Map 5;
- Parks and open space parcels that are owned by municipalities have been added to Official Map 5;
- The Santa Fe River watershed closure by the U.S. Forest Service has been added to Official Map 5; and
- Add a note that Official Map 5 for Open Space, Trails, and Parks is to be used and interpreted consistent with the applicable Official Map section of the SLDC.

Search and replace “impact fees” with “development fees”

Search and replace “must” with “shall”

Search and replace “Development agreement” with “voluntary development “agreement” and amend related paragraphs to make it clear it is voluntary.

Search and replace “Development Approval” with “Development Order”

Typos, incorrect punctuation etc. will be corrected as found.

Renumbering will be done as needed