

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
1	1	The County has not honored its agreement with the communities of San Pedro, Golden and Cerrillos to treat all commercial sand and gravel operations as DCIs. The sentence we got inserted into the SGMP in section 2.2.6.2 states that: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC. There was a special mining session with the BCC at which time this sentence was created by Karen Yank. There was discussion at the time by the County Staff of a threshold of 1 or 2 acres. This was rejected by the representatives from San Pedro, Golden and Cerrillos present at the meeting in favor of designating all commercial sand and gravel operations as a DCI. Now in section 10.19.1 of the Draft SLDC a threshold of 20 acres has been set for designating sand and gravel operations as a DCI. We know from first hand experience that a 5 acre sand and gravel operation equates to 40 to 50 trucks a day driving by the residences of San Pedro with most of them continuing on to drive half the length of the Turquoise Trail. A 20 acre threshold could be 200 trucks a day, which I believe is clearly of County wide Impact. The Santa Fe Gold Corporation is working to open a gold mining operation in the Ortiz Mountains. They have publicly stated that they intend to sell the gravel generated by their gold mining operation, with an initial estimated 100 trucks a day climbing to 200 trucks a day by the end of the decade. All of these trucks will be driving on the Turquoise Trail National Scenic Byway. By the end of the decade we could have hundreds of sand and gravel trucks routinely driving the Turquoise Trail from multiple sand and gravel operations. All of the County sand and gravel operations need to be regulated by as DCIs. Please remove the 20 acre threshold from section 10.19.1 and classify all commercial sand and gravel operations as DCIs. Honor your previous commitment to the communities of Santa Fe County.	2
1	1.1	Add "Words, phrases, and terms used in reference to oil and gas development shall be given the meanings set forth in SF County Ordinance 2008-19."	
1	1.11	Last sentence, the first "approval" should be deleted.	
1	1.12	The code should specify which concurrent development applications are dependent upon the others. Sometimes it's clear (master plan > development plan) but not necessarily always.	2
1	1.3	Regarding, :The SLDC shall become effective thirty (30) days after recordation of the SLDC and the accompanying zoning map." WHM: The above doesn't read right (recordation "of" the SLDC? Recordation might be a legal term of art, but it is better represented in the form of general language usage), I suggest the following (it also outlines the future process): "1.3. EFFECTIVE DATE. The SLDC shall become effective thirty (30) days after recording the SLDC and the accompanying zoning map with the Santa Fe County Clerk's Office."	
1	1.3	1.3 EFFECTIVE DATE. The SLDC shall become effective thirty (30) days after recordation the SLDC and the accompanying zoning map. UCSFC: The above doesn't read right (recordation "of" the SLDC? Recordation might be a legal term of art, but it is better represented in the form of general language usage), We suggest the following (it also outlines the future process): 1.3. EFFECTIVE DATE. The SLDC shall become effective thirty (30) days after recording the SLDC and the accompanying zoning map with the Santa Fe County Clerk's Office.	
1	1.7	Should be changed to: Developments of County-wide Impact; listing is missing Madrid 2002-1 (listed in Chapter 9) and San Marcos 2010-6.	1
1	1.7	Delete " until amended following adoption of Chapter 11, Developments of County Impact." replace with "and is incorporated by reference following adoption of Chapter 11, Developments of Countywide Impact, until and unless specifically amended."	2
1	1.7	add "except that regarding definitions of terms specific to oil or gas development Ordinance 2008-19 shall take precedence over conflicting definitions in the SLDC."	2
1	1.7	Should be changed to: Developments of County-wide Impact; listing is missing Madrid Ordinance #2002-1 (listed in Chapter 9) and San Marcos Ordinance #2010-6.	

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1	1.9	<p>Thank you for your response and please excuse my delay in responding.</p> <p>Looking at 1.9 (p 9) in the proposed Code:</p> <p>"District and Community Plans that are consistent with the SGMP shall be deemed to be a part of the SGMP or an amendment to the SGMP." That clearly states that Community Plans are part of the Master Plan only to the extent that they "are consistent with" the Master Plan. In other words, the Community Plan gives way. Any densities or anything else in our Community Plan give way. They are dead men walking. I see no reason for you to cite them to me. Thus our Community Plan attempted to preserve our rural character, but the Master Plan will urbanize the Pojoaque Valley (which is SDA-2) within the next 10-20 years -- see page 44. (Is that now 8-18 years?) Look at the map on page 40. My five acres north of the Dairy in Nambe are just as suitable for development as the frontage on Airport Road. I am not making this up. And the code gives preference for proposals anywhere in the Pojoaque Valley and the village of Nambe that are either higher density or commercial. "SLDC text or map amendments shall be granted primarily to promote compact development, economic, commercial and residential mixed uses, traditional neighborhood and transit oriented development, sustainable design and higher densities within the SGMP SDA-1 and SDA-2 areas." (page 9 of the Code) You state that we are SDA-2, but you should note the the code quoted above obliterates the distinction between SDA-1 and SDA-2. Again my place two miles up a dead end road in Nambe is equally suitable for development with the frontage on Airport Road. A Blake's LotaBurger is equally welcome either place.</p> <p>NOTE: the Code, once adopted, shall be law and will be enforced the courts. Below is a photograph of my neighbors' place a mile down the road with El Cuchillo in the background. We should all look at it now because planners and lawyers intend to replace it with what? A shopping center? Quail Run North? Excuse for caring intensely about this -- but why? Why do this? Nambe is a beautiful place with the nicest people in the world. We are at the beginning of New Mexico's most famous scenic road. Why not let us be Nambe? Your stated justification for this is fallacious. Nambe is not an example of "sprawl." Your experts demonstrate only that they know little of our development and history and culture and peoples. I moved here, but I have never stopped learning about us. I would be happy to discuss this with you. I sincerely hope that you can convince me that I am wrong.</p>	4
1	4.2	<p>Much of th SLDC, when examined closely, is frankly incomprehensible:</p> <p>"1.4.2.3. Establish sustainable design and improvement standards and review processes by which development applications shall be evaluated, including the preparation of environmental, fiscal impact, traffic, water availability, emergency service and response, consistency and adequate public facility and services studies, reports and assessments ("SRAs");"</p> <p>What is the word "consistency" doing here? This incredibly complex phrase is hard enough to read without a word that does not seem to relate to anything else.</p> <p>It gets worse:</p> <p>"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;"</p> <p>First, all of this is simply the middle part of a sentence. This phrase (or whatever it is) is 85 words long, and a period is still in the future.</p> <p>[Standard readability indices indicate that] you need at least 19 years of education to understand this mush..</p> <p>And it says that Santa Fe County can apportion the funds of homeowners's association -- which is total nonsense.</p> <p>And your target population has an average of how many years of education?</p>	4
1	1.10.2	"higher" standard should be "more stringent" standard.	1
1	1.11.6.1	Any time limit on recording?	
1	1.15.2.1.	There is concern over the concurrent text amendment language: for specific tracts, parcels or lots which could result in applications that violate common law restrictions on spot zoning.	2

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1	1.15.2.2	<p>We think this concurrency directive goes too far in streamlining development applications.</p> <p>The directives here in the draft for applicants to simultaneously apply for code &amp; plan amendments along with their development applications remains an issue. This kind of streamlining could be abused so that a community could have unwanted developments imposed upon them at the discretion of a future administrator along with a future Board.</p> <p>With such a malleable code there would be less motive for communities to plan knowing that their ordinances could be amended concurrently under the pressure from development applications, so that any appeal based on code violations would be undermined, as the law, the amended code or ordinance itself will already have been molded to conform with a development application. In this light, there's little comfort with relying on broad statements that such amendments must conform to the SLDC.</p> <p>Staff wisely removed all such directives from the SGMP. The Plan does not contain or address this "principal" of concurrent code amendment and development applications. The SGMP does not suggest concurrency in this manner but clearly only in relationship with levels of service (LOS) as follows:</p> <p>'Adequate Public Facilities' and 'concurrency' are two similar techniques that tie development pace and location to the availability of public facilities and services. Both terms refer to land use regulations that are designed to ensure that the necessary public facilities and services, at adopted levels of service required to support new development, are available and adequate at the time that development occurs." -- 1.2.6 ADEQUACY AND CONCURRENCY [SGMP, P. 104]</p> <p>Although we think we understand the motives for the section of concern may be in part to insure that decisions of any Board are protected from legal challenge, the citizens and communities of the County could be stripped of protections that the code should strive to sustain. Section 1.15.2.2, if retained, could preempt community plan ordinances.</p> <p>It's our understanding from our meeting that amending the SGMP &amp; community plans etc. will not occur concurrently with applications to amend the code. Also that the time-frame relates only to subdivisions and not DCIs. And that this will be clarified in the SLDC process chapters.</p>	2
1	1.15.2.2	<p>Remove concurrent processing of text amendments with an application.</p> <p>Rationale: We agree that concurrent processing that includes map amendments is appropriate and can help display the issues up front, however providing an expedient process for altering existing regulations would induce its use and remove incentive for compliance with existing ordinances.</p>	
1	1.15.2.2,	<p>Code text or Plan amendment applications should not be processed at the same time with a development application as that would be an invitation to amend a community plan and ordinance rather than meet the parameters of a community-developed plan &amp; code. Likewise, 11.1. Developments of Countywide Impact (DCIs) should not be subject to concurrent development and text amendment applications.</p>	2
1	1.15.6	<p>1.15.6 is a poignant example explicitly exempting consistency with the SGMP by the use of concurrent amendment &amp; development applications. Note that it is assumed that it's the SGMP that is amended or molded to accept an application "to eliminate any inconsistency" rather than meeting the code requirements.</p> <p>If we accept the notion that the SGMP is the constitution, this section along with 1.5.2.2. is quite bendable, and Consistency (1.15.7.1.) from this perspective appears to offer little firm support.</p>	4
1	1.15.7..2.1.5	<p>add: [...open space], buffer zones, trail corridors, flood zones, streams, wetlands, other areas for the conservation of natural and cultural resources, and wildlife linkage areas;</p>	1
1	1.15.7.2	<p>This gives guidance for the application of SLDC text &amp; zoning map amendments. One might assume this is primarily intended to counter the adverse consequences of sprawl. But nothing including economic &amp; non-residential development, is pointedly exempted from amendments commingled with development applications. Under the Criteria (1.15.7.2.) DCIs are not exempt. Consequently we remain concerned about concurrent applications especially were they are not connected with Level Of Service as in the SGMP.</p> <p>We wish to see a code with sustainability criteria that can't be dodged via loopholes if some future Board has a majority less interested in sustainability issues, disinterested in such issues as climate change or the impacts of oil/gas and mining. Under the pressures of the shock of the economic downturn we're apt to, in the course of streamlining, inadvertently create loopholes.</p>	
1	1.15.7.3.3	<p>Comment: The two year restriction on subsequent applications is excessive.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this provision to restrict the filing of subsequent applications for only a one year period</p>	
1	1.4.1	<p>Add, "[conservation of] productive soils, [water resources...]"</p>	2
1	1.4.1	<p>Suggestion to replace word "approvals" with "application process". Further, there are no time "limits" (or suggestions that such be implemented) to be found or encouraged in the SGMP associated with development applications. Placing time limits on the processing of applications could have unintended consequences, for example, resulting in the approval of applications that might bring with them detrimental impacts to the public welfare.</p> <p>Also, sometimes things reappear in this draft code that we'd all agreed to removed in the SGMP. Some language is a case in point. Staff had agreed to fix this language problem: a framing of development applications as "development approvals", thus rendering the process non-neutral. Thank you for addressing the language issue here.</p>	

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1	1.4.1	1) As there are no "time limits" encouraged in the SGMP associated with development applications, to be consistent with the SGMP replace "time limited" with "timely". So as not to tie the hands of representatives and officials, specific time limits should only be mandated were directed by state law. 2) Throughout the SLDC, where it states "development approvals" this should be changed to "development applications" or "reviews". Where it states a development is "reviewed for approval" it should be reviewed and acted upon for a "decision".	
1	1.4.2	Insert new points between 1.4.2.8 and 1.4.2.9: Provide for the protection and conservation of unique, rare, and vital natural resources, such as threatened and endangered plant and animal species, unique ecosystems, in particular wetlands and riparian zones, and connective linkage areas for wildlife; Provide for the protection and conservation of open space in areas of significant conservation value and trails between such areas to ensure a connective network of effective linkages for open space recreation and alternative transportation across Santa Fe County;	
1	1.4.2.1	Comment: This purpose and intent statement appears to require that capital facilities and services be in place and available to a development prior to a development approval being issued. It overlooks instances in which, through a development agreement, an applicant makes provisions to provide the capital facilities and services at the established levels of service as part of a project. Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise the Draft SLDC to modify this purpose and intent statement accordingly.	
1	1.4.2.10	The section should be changed to reflect the quasi-state authority of acequias as follows; acequias and Tribal governments should also be defined in the Appendix: 1.4.2.10. Establish rights for communities, community organizations, registered organizations, acequia associations established under authority of state statute 73-2-11 NMSA 1978, Tribal governments (as sovereign nations), adjoining property owners, neighborhood and homeowner associations and non-profit organizations with respect to attendance at pre-application meetings with applicants for development approval;	
1	1.4.2.14	County should not commit to "maximize" any private economic return. This kind of phrasing has been used to force economics into the dominant position in development planning, which is the opposite of what the community wants. Thus, I suggest substituting 'encourage' here	
1	1.4.2.16	I would put "Planning Commission" in quotes since you are introducing the term for the first time. Then in the Appendix I would cite the state statute that authorizes such a body.	2
1	1.4.2.16	We would put "Planning Commission" in quotes since you are introducing the term for the first time. Then in the Appendix We would cite the state statute that authorizes such a body.	2
1	1.4.2.2	The language "without fear of being overridden by newly adopted regulations" should be deleted. It is vague and subject to abuse. The County cannot guarantee that approvals are "without fear" of anything, and this language could embroil the County in lawsuits. "Vested rights assuring completion of approved stages" is a clearer guarantee without the likelihood of being misconstrued.	
1	1.4.2.22	add graywater	2
1	1.4.2.22	add " and retrofitting of solar, wind, rain catchment, and graywater where appropriate"	
1	1.4.2.28	Delete "including but not limited to pipelines, wells and isolation valves," This clause is specific to oil and gas, which is covered in the incorporated Ordinance. The clause is too specific for other DCIs and should be deleted to provide broader requirements for DCIs such as gravel operations.	
1	1.4-1.4.1	Concerning the streamlining of the time frame in the processing of applications, throughout the SLDC "time limits" should only apply were mandated by state law. We are otherwise concerned about how streamlining and fast-tracking could work against the health and general welfare of the county, and undermine sustainability of our diminishing ecological resources. Developments of Countywide Impact (DCI) applications (11.1.) should also not be time-limited in any way that puts limits upon consideration by the Board of County Commissioners, Administrators, etc.	2
1	1.5.2	Replace "will be available" with "provided as part of each approved development"	
1	1.5.2	add "and by assuring that provision of adequate public facilities and services is a condition of development approval with costs born proportionally by each development " after "on or off-site"	
1	1.5.3	specify scenic vistas AND STRUCTURES	
2	2.2	La Bajada fully expects to participate in the County's development and definition of these particular overlay districts through our CO/RO.	
2	2.1.4	This section should reference the Chapter 9 on page 199. Likewise, the District Plans, like San Marcos, should be included in Chapter 9.	1
2	2.1.4	This section should reference the Chapter 9 on page 199. Likewise, the District Plans, like San Marcos, should be included in Chapter 9.	2

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2	2.1.4	<p>Suggested new language:</p> <p>2.1.4.5. 8 AMENDING A COMMUNITY PLAN</p> <p>2.1.4.5.8.1. Proposals to amend an existing Community Plan may be made :</p> <p>a. At the direction of the BCC or Planning Commission</p> <p>b. By County Planning acting upon a public request for amendment</p> <p>c. By a planning committee approved by the BCC</p> <p>d. By a CPO approved by the BCC for the specific geographic area encompassed by the Community Plan.</p> <p>2,1,4,5,8,2, COMMUNITY PLANNING AMENDMENT PROCESS</p> <p>The amendment process is initiated by either a written directive to the Administrator by the BCC or through the filing of a proposal application to the administrator by any of the entities listed in 2.1.,4.5.8.1.</p> <p>The proposal Application must :</p> <p>A. Clearly identify the entity that is proposing the amendment. If the proposed amendment is being submitted by Planning as part of a public request, the identity of the requester must be clearly stated and any corporate affiliations or links identified.;</p> <p>B. State the date that the amendment proposal has been submitted;</p> <p>C. List the organizations, entities, and Agencies that the proposed amendment has been provided to for comment.</p> <p>D. Include Any responses received</p> <p>E. Present all proposed amendments to the existing plan, together with any existing language, charts, maps, and/or numbered sections that have relevance to the proposed changes.</p> <p>F. state an explanation that justifies the proposed amendments,</p> <p>G. provide a map of the existing community plan boundaries.</p> <p>2.1.4.5.9. The Administrator will review the application for completeness and notify all parties listed in 2.1.2.5.8.1 and any organization with standing that an application for a community plan amendment has been received.</p>	2
2	2.1.4	See attachment regarding community plan.	4
2	2.1.4.4	add "Community and District Plans shall not override any regulations concerning Developments of Countywide Impact"	
2	2.1.4.5.1.c	Add " showing proposed amendments" after "community boundary"	1
2	2.1.4.6	<p>Title should read: "2.1.4.6. Review and Adoption of Community Plan Amendments. ". Section 2.1.4.6.1 should be edited as follows, "County planning staff shall review and analyze the proposed amendment for consistency with the SGMP. ". Additional sections should be added stating the following:</p> <p>** Proposed amendments originating with County Staff shall be reviewed by either the Community Plan's "planning Committee" or by its approved CPO and any organization with standing.</p> <p>**All reviews shall be incorporated into the public record by the Administrator. And shall be made available to the public at any subsequent public hearing.</p> <p>** The Administrator shall hold either a legislative or quasi-judicial public hearing upon the proposed amendment, as described in Chapter 4, or shall request that the BCC conduct such a public hearing.</p>	8
2	2.1.4.6.5	Add " Notice will also be placed on the County Web-Site, and sent via E-mail to all organizations with standing.. "	
2	2.1.4.8	Edit as follows: Implementation. Following approval of a community plan amendment, County staff shall develop the appropriate overlay district(s) changes to implement the Community Plan amendments.	2
2	2.1.4.9	Add: The BCC shall approve or reject recommendations for amendments to a Community Plan following the process described in 2.1.4.5.8.	2
2	2.1.5.1	Edit as follows: The Board, the Planning Commission or the Administrator may initiate proposed amendments to the Community Plans. Proposed amendments to a community plan shall be accomplished through the procedure set forth in 2.1.4.5.8..	2
2	2.1.5.1	"procedures set forth above"... does that mean procedures in 2.1.4?	4

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2	2.1.5.3	<p>From the SGMP: "14.4.1.1 BOARD OF COUNTY COMMISSIONERS [p. 247]  The Board of County Commissioners (Board), in addition to other powers and responsibilities, will have the following powers and duties in relation to the SLDC:  -Initiate amendments to the SGMP for annual consideration.  -Initiate amendments to the text and map of the SLDC after a recommendation from the Planning Commission; (Initiate amendments any time?)"      Comment: Concerning applications "to amend any plan" to "be considered twice a year", this does not seem to square with a SGMP that has the Board initiating amendments to the SGMP annually, as follows: . . . If the Board has such constraints, it seems counter intuitive that the PC would be working away on this 2 times a year. Arguments for annual rather than biannual opportunities for amendments were persuasive during the drafting of the SGMP, but here they reappear but under the PC. This use of the PC is not suggested under the SGMP as far as we have found.  Elsewhere in the SLDC applications for development &amp; applications for amendments are to be concurrently processed. Are the applications being discussed here (2.1.5.3.) separate from those "concurrent" applications?  We remember that you may have taken note of these inconsistencies.</p>	1
2	2.1.5.3	Code text or Plan amendment applications should not be processed at the same time with a development application as that would be an invitation to amend a community plan and ordinance rather than meet the parameters of a community-developed plan & code. Likewise, 11.1. Developments of Countywide Impact (DCIs) should not be subject to concurrent development and text amendment applications.	2
2	2.1.5.3.	Text amendments associated with development applications here could be made at any time, rather than annually or biannually, but as with 1.15.2.2. concurrent processing of text amendments with an application should not be encouraged or allowed. Note any discrepancies in this section 2.1.5.	2
2	2.1.5.4	<p>How does the administrator determine completeness. What process permits report review? Is the review done by TAC? the Public? Expert written testimony? For all parties, the adequacy of studies and reports must be determined in order to avoid costly and lengthy legal appeal. Where in the SDLC does it specify what attachments must be submitted in order for a determination of "completeness" to be made? How will the public access this information? Will records of pre-application meetings be included in pre-application meetings?  There is no code language to permit the rejection of submitted studies or reports. There is no process to return ap-pealed applications to the administrator. The code should indicate that when a development order is overturned by an appeal to the planning commission and a development order is deemed incomplete, that the application must be returned to the administrator.  What happens if the reason for rejection is inadequate or inaccurate studies or reports? Who would pay for the re-write or re-draft of a new report? Would it be the County's obligation? I would be concerned about inadequate or incomplete reports and studies being passed as "complete"... without some sort of appeal. Poor studies might easily form the basis for most of the appeals that reach the courts. Here is the kind of legal language one could expect: The development Order should be overturned because it was predicated upon false, forged, fraudulent and/or inaccurate documents.</p>	2
2	2.1.5.8	Code text or Plan amendment applications should not be processed at the same time with a development application as that would be an invitation to amend a community plan and ordinance rather than meet the parameters of a community-developed plan & code. Likewise, 11.1. Developments of Countywide Impact (DCIs) should not be subject to concurrent development and text amendment applications.	2
2	2.1.5.8	<p>Comment: another use of concurrent amendment &amp; development applications that would need to be reconsidered. Amendments of community plans etc should be a hearing in itself.  We think you agreed that Plan amendments would be heard apart from and prior to development applications with Code amendments; and if this is right, that might be made clear in the Code.</p>	
2	2.1.5.8.	Remove the concurrent processing of applications with plan amendments. A Plan or text amendment should be a plan amendment process of its own prior to and apart from the development hearing process.	2
2	2.1.5.9	Add "All recommended amendments shall be processed as described in 2.1.5.8."	

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2	2.2.1.1	Comment: sometimes a new application draws with it an assemblage of people with pointed concerns about the application. Perhaps they would have no trouble joining with an existing RO or CO. However this might result in the creation of a new organization. In this situation, "maximizing public input" might be hindered or slowed if an existing CO or RO has a "purpose" that does not reflect issues raised in the new application. Meanwhile the existing CO or RO might have registered an exclusive boundary that contains the siting of the new application. Given the possible short notice, streamlining of the application process, joining an existing organization might not always be fair or politically feasible. Considering the fast-tracking intentions of processing applications, how are ad hoc organizations to be recognized in a timely manner? Of course, applications for DCIs by their very nature must not be subject alone to the standing of an existing organization that holds monopoly over a boundary, ie. 2.2.2.2.	
2	2.2.2.13	Add, "(COCO)" as follows: The right to participate in CO leadership retreats and training programs which may include an annual Congress of Community Organizations (COCO), as applicable.	
2	2.2.2.13	provide acronym as follows: The right to participate in CO leadership retreats and training programs which may include an annual Congress of Community Organizations (COCO), as applicable.	
2	2.2.2.2	Comment: Although it makes sense that people local to the siting of a proposed development should be especially recognized, membership of organizations often overlap. Some organizations are better equipped to deal with certain issues. As memberships can overlap, more than one organization should not be dismissed standing on boundary issues alone. We could have a situation where the County is empowering one organization and disenfranchising others. Under stringent boundaries, applicants might find it handy to cynically challenge the standing of organizations critical of their applications. There should be a statement that notes that COs & ROs are not restricted from standing solely on the basis that an application is outside of their "boundaries" if they have concerns that the case could effect, or be of interest to them.	4
2	2.2.2.3	Add a new: 2.2.2.3.8. Description of the member's official representation of other organizations within the Community.	
2	2.2.2.3	Add a new section, 2.2.2.3.8, stating, "Description of the member's official representation of other organizations within the Community."	
2	2.2.2.3.2	Cos & Ros, if they have concerns that the case could effect or be of interest to them, should not be restricted from standing solely on the basis that an application is outside of their "boundaries". DCI applications (as the name states) should also be noticed county wide to any organizations wishing to be on a DCI Notice list.	
2	2.2.2.3.4	examples of "organizing documents of a CO" should be given: Charter, Articles of Incorporation, Bylaws, etc. Also, the term "Board" should be spelled out to be the BCC or the Board of County Commissioners so it is not confused with a CO board.	
2	2.2.2.3.4	examples of "organizing documents of a CO" should be given: Charter, Articles of Incorporation, Bylaws, etc. Also, the term "Board" should be spelled out to be the BCC or the Board of County Commissioners so it is not confused with a CO board.	
2	2.2.2.5	Rights of COs. Shouldn't the next eight paragraphs be denominated as 1 through 8 as with ROs? Should COs and ROs right to appeal be specified?	1
2	2.2.2.6	Add "of County Commissioners" as follows: The right to receive notice and provide written recommendations for any discretionary development application pending within the geographic area designated in the resolution of the Board of County Commissioners recognizing the CO or notice of any public hearing or public meeting concerning such application;	
2	2.2.2.6	Use Board of County Commissioners instead of "Board"	
2	2.2.2.9	Add, "public infrastructure project in the CIP/ICIP" as follows: The right to participate and make recommendations in the development of a community strategic work plan, studies, public infrastructure project in the CIP/ICIP, public improvement and assessment districts, and levels of service for community infrastructure and services;	
2	2.2.2.9	Add "public infrastructure project in the CIP/ICIP" as follows: The right to participate and make recommendations in the development of a community strategic work plan, studies, public infrastructure project in the CIP/ICIP, public improvement and assessment districts, and levels of service for community infrastructure and services;	

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2	2.2.3.3	<p>Comment: after discussion, the requirement for sumitting email addresses of members was removed from the SGMP. Hopefully the requirement's inclusion in the SLDC is just a mistake. It's data mining and unethical considering that many ROs membership lists are held in confidence with the understanding that lists will not be shared or placed in the public record. Would the same be ask of a corporate applicant to list the e-mail addresses of all the owners &amp; stockholders? We think we have agreement on removing the phrase concerning e-mail addresses. We recall Commissioner Stefanics expressing concern at the 1st Study Session about the requirements re standing for organizations. Here's an opinion addressed to us from the Law Office of Mary E. Humphrey and Connie Odé on standing that includes some suggestions under State law, that we hope is perhaps still relevant and useful. These were in comments submitted for the 1999 Redraft of Santa Fe County Land Use Code, Ch. 1-5:</p> <p>Registered Organizations</p> <p>Because this section (2.4.3.) is only a notice provision, we generally agree with your comments that any organization that takes the time to register for notice should only have to give geographical area, interest and name and contact number. However, for purposes of standing— the legal right of a person or organization to contest or appeal a decision, etc.—something more detailed may be necessary. For instance, the law on "Unincorporated Associations" provides at NMSA 1978, §53-10-1:</p> <p>Whenever two or more persons shall desire to form an association for the promotion of their mutual pleasure or recreation of any hunting, fishing, camping, golf, country club, or association for a similar purpose, or an association not for the individual profit of the members thereof, and without incorporating the same as a corporation, or maintaining the title of its property in trust for the interest of its several members as they may exist from time to time. . . . The said persons or members desiring to form such an association or club may file in the office of the county clerk of the county in which it may maintain its headquarters and pursue its objects and purposes, a statement containing the name of such association, its objects and purposes, the names and residences of the persons forming such association, together with a copy of its articles of association and any rules and/or regulations governing the transactions of its objects and purposes and prescribing the terms by which its members may maintain or cease their membership therein.</p> <p>The courts are the arbiter of any standing issues. As for simple notice requirements, it would seem to be in the County's interest to give greater notice in the beginning (especially if notice is electronic). However this statute (2.2.3.3.) goes beyond the State requirements for notification and we question the rationales, reasons which are not so apparent. Also, for simple notification, we think that county residents that request notification should be allowed placement on an electronic notification list.</p>	1
2	2.2.3.3	Add, "i.e., an officially designated neighborhood association;" as follows:	
2	2.2.3.3.2	COs & ROs, if they have concerns that the case could effect or be of interest to them, should not be restricted from standing solely on the basis that an application is outside of their "boundaries". DCI applications (as the name states) should also be noticed county wide to any organizations wishing to be on a DCI Notice list.	
2	2.2.3.3.3	Clarify as follows: A list of the organization's topic(s) of interest, i.e., an officially designated neighborhood association;	
2	2.2.3.3.4	The names, numbers, email addresses of members of an Registered Organization (RO) should not be required for standing.	1
2	2.2.3.3.4.	Remove the requirement for the names, phone numbers and email addresses of "all members" of an RO. As with COs, a list of the officers would be sufficient. For purposes of Notice, see comments below on 4.6.3.4.	1
2	2.2.3.5	Comment: If there isn't one, shouldn't an appeal process be recognized, as standing is ultimately judged in District Court. Such an appeal would of course be a great burden for any organization.	
2	2.2.3.5.	If the Administrator denies an RO application, s/he must state the reasons. An appeal process should be referenced.	2
3	3	A new section, 3.6, should be created to address mediation	
3	3	Add section 3.6 to address mediation	
3	3.5	<p>Comment: Chapter 3 is entitled "Decision-Making Bodies." Its purpose is "to establish the authority of the Board, Planning Commission, Administrator and Hearing Officer." Despite the title of the chapter, it is clear that the Hearing Officer is not a "Decision-Making Body." The role of the Hearing Officer is strictly limited to assisting the Board and the Planning Commission (and possibly the Administrator) with their duties by conducting public hearings and making recommended written findings of fact and conclusions of law.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise the chapter to clarify that the Hearing Officer is not a "Decision-Making Body."</p>	2
3	3.3.2.6	I could see that the temporary installation of story poles to publicly display building heights could be a function.	
3	3.3.2.6	We could see that the temporary installation of story poles to publicly display building heights could be a function.	
3	3.3.3.2	I like the 3 consecutive terms but 4 would coincide with the Commissioner's maximum term.	4
3	3.3.3.2	We like the 3 consecutive terms but 4 would coincide with the Commissioner's maximum term.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
3	3.4.3.3	Comment: it would be correct to add "All TAC meetings shall be subject to the Open Meetings Act". You explained that this must be an intra-governmental meeting so that TAC members can feel free to brainstorm without fear of public criticism. But you thought the TAC agenda can be web posted along with materials presented. If the county is willing to post agendas, please consider placing this in the code. If we remember that correctly, the implication is that these potential applicants would be required to leave or lone presentation materials apropos with the county to give staff time to scan & post.	2
3	3.4.3.3.	TAC meetings; Can the agendas of these meetings be posted so communities can view and be advised of possible upcoming applications? At what point in the process would a case planner be assigned to interface with a potential applicant? Should that be specified in the code and then listed on the County website?	
3	3.5.1	Add "A Hearing Officer shall be an independent contractor hired through a competitive proposal process with the qualifications as specified in 3.5.4."	
3	3.5.1	Add "A Hearing Officer shall be an independent contractor hired through a competitive proposal process with the qualifications as specified in 3.5.4. "	
4	4	The definition of development permit encompasses everything, yet there isn't a clear distinction the between building permit requirements and development permits. Lack of clarity leaves a question as to what the requirements are for individuals for each. While there is a very real difference between a development permit for construction of a home and a commercial center it is not clear in the code the process to follow for each, nor the level of submittals needed.	1
4	4	The development review process is all over the place and in many cases are different than what is stated in the plan (SGMP). Examples: Developers must produce a report but it is not clear how and when the public can review the report or how long the public has to review the report. Who interprets and reviews reports? Initially the understanding was that the County would be responsible for producing the Studies, Reports and Assessments, (SRA's) now it is up to developers. Strong agreement, staff needs more information address change from County generated SRA's to developer generated SRA's. Recommended actions: clarify the rational for developers producing SRAs versus the County and spell out in the code how the public will be notified and able to access SRA's and timeline for public review.	2
4	4	The code should include a flow chart showing steps in the development review process.	2
4	4	b. Provide flow charts for specific submittal requirements and process for each development.	2
4	4	Issue: The Draft SLDC Development Review Process: The Draft SLDC proposes a review process that is unduly burdensome for property owners and developers and is likely to stifle development opportunities, and ultimately growth, in the County. The Draft SLDC creates a very elaborate process for development approvals, particularly for what it deems "discretionary development approvals," which include: any non-residential projects (regardless of size), major and minor subdivisions, conditional use permits, variances, and development agreements. The process for most development projects in the County will require the following development review steps: 1. Review by the Administrator of the Planning Commission; 2. Preparation of studies, reports, and assessments; 3. Review by a Technical Advisory Committee 4. Review by state, tribal, and County agencies; 5. Appointment of a Hearing Officer and review through a quasi-judicial hearing process; 6. Review by the Planning Commission during a quasi-judicial or legislative public hearing; and 7. Review by the Board of County Commissioners. The Santa Fe Association of REALTORS® is concerned that the Draft SLDC development review process is unduly burdensome for property owners and developers and that they may stifle development opportunities, and ultimately growth, in the County. The Association recommends that the County should: ☑ Limit the information required by an applicant for the pre-application meetings and remove the unnecessary reporting requirements associated with these processes. ☑ Limit the discretion granted to the Administrator during the review process by imposing additional timeframes for action and limit the Administrator's discretion to refer applications to the Planning Commission and the Board. ☑ Reduce the filing requirements and broad scope of review for the SRAs, particularly for smaller projects or for those that consist of infill or redevelopment. ☑ Revise the general review processes for discretionary approvals (Conditional Use Permits, Variances) to add review timeframes and eliminate the need for a Hearing Officer in smaller matters. ☑ Scale back the post-approval administrative processes and, in particular, eliminate the requirement that every project that requires an APFA also require a Development Agreement. Without changes to the development approval process, the Draft SLDC's complicated and time-consuming approval process is likely to stifle development opportunities and undermine the SGMP's goals for development in the County. PLEASE SEE ATTACHMENT FOR FURTHER DETAIL	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4	Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise the Draft SLDC to clearly define the scope of discretionary decision-making authority granted to the Administrator. More specifically, the County should revise the Draft SLDC to narrow the categories of projects over which the Administrator has discretionary decision-making authority and to incorporate standards to guide the Administrator's exercise of discretion. Such revisions are in the County's best interests, both to facilitate the administration of the Draft SLDC and to reduce the potential for legal challenges based on arbitrary decision-making. PLEASE SEE ATTACHMENT FOR FURTHER DETAIL	2
4	4	Would like to see sample application forms for development permits, etc. that the new code will require.	4
4	4	Staff attempted to walk a hypothetical small lot family transfer application through the new code. This application was a submittal for a family transfer which with a density of ½ the minimum lot size. TRT reviewed the draft SLDC and determined that this project would not be able to submit under a small lot family transfer and would need to submit as a family transfer which is an Administrative approval. It appeared that the applicant would be required to meet the minimum lot size requirement for the base zoning density and would not be able to have a density 1/2 the minimum lot size. Is this intentional	
4	4	Is Table 4.1 complete? It appears that no notification is required for minor subdivision final plat which is a concern...	
4	4	We have concern regarding the absence of a mediation clause in case of disputes	
4	4	A mediation provision should be added to the code in lieu of a County paid attorney to arbitrate. I believe that a developer working face-to-face with community members to try to address problems before appeal or litigation would be more productive.	
4	4	Provide flow charts for specific submittal requirements and process for each development.	
4	4	The definition of development in the proposed code is so broad that it encompasses any change whatsoever. This means that any person who wants to add a room onto their home in order support a home-based business would have to go through a substantially more involved complex and costly process than is required by the current code. One of his stated intentions of the new plan and code was to make it easier for home-based businesses to operate. The way the proposed code is currently structured, would defeat that intention.	
4	4	There should be a provision for mediation of disputes after a developer submits plans to a community. In the past communities have had to hire legal representation to sue either the developer or the County. With mediation it could relieve that hardship (on both the County and the Community). Albuquerque has had a mediation provision for years and it seems to work.	
4	4.5	In general all types of appeals should be at least 30 days rather than just 5 days. RO/COs should be notified of final actions by email and mail.	2
4	4.5	1. 31: Anyone with "standing" may appeal. How will standing be defined?	2
4	4.6	3. 33: For changes in zoning, I would like to see a larger required notification area than within 100'. 100' might only be one neighbor on either side, depending on the area	2
4	4.6	I am uneasy with the 500 and 100 foot issues. In the past Code and City it was 200 feet. In rural areas this is nothing. But in urban 500 foot is a lot. Perhaps having different standards for SDA 1, 2 & # would work better. Or that staff helps determine this distance with a chart. Ideally, in the four directions at least 4 neighbors would be notified. Perhaps the requirement should be to find 5-8 neighbors.	2
4	4.6	We are uneasy with the 500 and 100 foot issues. In the past Code and City it was 200 feet. In rural areas this is nothing. But in urban 500 foot is a lot. Perhaps having different standards for SDA 1, 2 & # would work better. Or that staff helps determine this distance with a chart. Ideally, in the four directions at least 4 neighbors would be notified. Perhaps the requirement should be to find 5-8 neighbors.	2
4	4.6	In general all type of notice should be 30 days. RO/COs should be certified mail and email notification rather than "reasonable effort". The following is an attempt to cover all section where this applies but we might have missed some.	
4	4.6	There should be some requirements here and elsewhere for notifications to be electronically accessible. This plan retains the traditional methods of certified mail, first class mail, newspapers, etc., but does not incorporate newer methods.	
4	4.6	2. 33: There should be some requirements here and elsewhere for notifications to be electronically accessible. This plan retains the traditional methods of certified mail, first class mail, newspapers, etc., but does not incorporate newer methods.	
4	4.7	A new section, 4.7.3, should be added to address mediation	
4	4.7	Add new section, 4.7.3, addressing mediation	
4	4.8	The definition of development permit encompasses everything, yet there isn't a clear distinction the between building permit requirements and development permits. Lack of clarity leaves a question as to what the requirements are for individuals for each. While there is a very real difference between a development permit for construction of a home and a commercial center it is not clear in the code the process to follow for each, nor the level of submittals needed.	1

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4-1	For a Family Transfer in traditional community "Studies, Reports Assessment" should be changed from "as needed" to "no"	1
4	4-1	Family Transfer In traditional community "Studies, Reports Assessment" changes from "as needed" to "no" Family Transfer Outside of traditional community (Remains as same on Table 4-1) Development permit residential Individual lot owner (Remains as same on Table 4-1) Development permit residential Developer lot owner Change to "yes" for Discretionary Review, Pre-application meeting, Pre-application neighborhood meeting Minor subdivision Change to: Minor subdivision Preliminary plat Change to "yes" for Discretionary Review, Pre-application meeting, Pre-application neighborhood meeting, and Agency review	1
4	4-1	"Pre-application meeting" should read "Pre-application TAC meeting". "Review Approval Process" should read "Review Application Process". Shouldn't the table include a column "Notice Required"? The standards in determining "as needed" under Pre-ap neighborhood meeting" should be expanded.	1
4	4-1	Add, Minor subdivision; Preliminary plat Add "yes" for Discretionary Review, Pre-application meeting, Pre-application neighborhood meeting, Agency review	2
4	4-1	All items on table should require notification of RO/COs (Registered Organizations and Community Organizations). Mediation/facilitation should be part of the process, in pre-neighborhood meetings and later in the process.	
4	4-1	"As needed" --- what does this mean?	
4	4-1	For a family transfer outside of traditional community (Remains as same on Table 4-1)	
4	4-1	For a residential development permit for a Individual lot owner (Remains as same on Table 4-1)	
4	4-1	For a residential development permit with a Developer lot owner Change to "yes" for Discretionary Review, Pre-application meeting, Pre-application neighborhood meeting	
4	4-1	Table 4 – 1 sets out some of the procedural requirements by application type. However, the term "as needed" appears far too frequently to allow for any certainty at all in the process.	
4	4-1	"As needed" --- what does this mean?	
4		How will nonconforming uses be dealt with? What about illegal uses?	4
4		Do new procedures consider the cost of procedures?	
4		Will family transfers be easier or harder under the proposed new code?	
4		As a longtime Santa Fe resident as well as longtime facilitator in the City of Albuquerque Land Use Facilitation Program (see <a href="http://www.cabq.gov/legal/legal/adr/luf">http://www.cabq.gov/legal/legal/adr/luf</a> ), I have been following with great interest the emergence of the County's Sustainable Land Development Code. County Commissioners and planning staff are commended for taking on this important and monumental task and seeing it through to completion. In my dozen or more years as a facilitator in the Albuquerque program, I have experienced the value in allowing neighbors and interested organizations review and comment upon development applications that will impact them. Often, early review allows for changes in plans that make projects more suitable for their locations and uses. Indeed, the more savvy private planners and agents often voluntarily request meetings with affected neighborhood associations prior to submittal. For "big box" projects, the City requires significant pre-application effort. With regard to the SLDC, I propose inclusion of a "Facilitated Public Meeting" column in Table 4.1, immediately following "Agency Review;" this allows for a facilitated meeting if the reviewing staff or officials (or, indeed, the developer or affected ROS or COs) deem such as necessary to resolve issues in the application. This would be in addition to the Pre-Application meeting. (I am not entirely clear with regard to the sequence of events in the County process--whether the Pre-app neighborhood meeting takes pace far enough along in the conceptual design phase to allow detailed review.) I would be honored and delighted to express more of my perspective and experience, if such would be helpful as the Code moves toward its final form.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4		The approving body's broad discretion dramatically increases the uncertainty and risks of approval and creates a more politicized approval process. The net effect on development may not change much at all, but the cost will definitely be higher. I know that the SLDP and the SLDC have been in the development phase for a number of years and I'm sure there must be a desire to bring an end to this process by approving the code, but the public review process, comment period, and input process has gone by in a flash. Please take the time necessary to think through the implications of this document so that unintended consequences may be minimized.	
4	4.2.; 4.4.1.8. 4.4.11. 4.8.2. 4.4.1.9. 4.5.4.	<p>The Draft SLDC uses several terms to refer to a project approval (or denial). There are references to the County issuing a "development order," a "development approval," a "development permit," and a "final decision." The following are examples of the use of these different terms (emphasis added):</p> <p>In the context of Approvals:</p> <p>☑Section 4.2. No change in use shall be made ... unless all applicable development approvals and the appropriate development order are obtained in accordance with this chapter. Development orders are required for land division, subdivision, construction, land alteration, land use or development activity to ensure compliance with the Draft SLDC, other County ordinances and regulations and applicable state and federal laws and regulations.</p> <p>☑Section 4.4.1.8. [Generally, the procedures for all applications have these common elements...] Issuance of a development order approving, approving with conditions, or denying the application, together with written findings describing and supporting the action adopted;</p> <p>☑Section 4.4.11. Written notice of a final decision of the Administrator to approve or approve with conditions pursuant to NMSA 1978, Sec. 39-3-1.1 shall constitute the issuance of the permit.</p> <p>☑Section 4.8.2. A development permit is a written document that authorizes a development in accordance with the Draft SLDC.</p> <p>In the context of Appeals:</p> <p>☑Section 4.4.1.9. [Generally, the procedures for all applications have these common elements:] Any appeal of the development order;</p> <p>☑Section 4.5.4. Any party with standing may appeal a final decision of the Planning Commission to the Board.</p> <p>With reference to these examples, there are several instances in which the terms are used interchangeably, suggesting that they have the same meaning. For example, in the outline of general procedures, Section 4.4.1 states that a "development order" is issued to approve or deny a project. Later, the more detailed procedures in section 4.5 refer to the issuance of a "final decision." Table 4.1, however, identifies "Development Permit" as one of the County's approvals.</p> <p>In contrast, Section 4.2 states that: "No change in use shall be made, no land division, subdivision, construction, land alteration, land use or development activity and no building or structure shall be erected, added to, or structurally altered, or occupied unless all applicable development approvals and the appropriate development order are obtained in accordance with this Chapter." This section suggests that there is a distinction between a "development approval" and a "development order" but the chapter does not contain any explanation of this distinction. Nor does it address the regulatory implications of each type of approval.</p> <p>The definitions of these terms in Appendix A of the Draft SLDC do not provide any clarification:</p> <p>Development Approval: authorized action that grants, or grants with conditions, an application for approval of development.</p> <p>Development Order: the written decision of the Board, Planning Commission or Administrator with respect to the granting, granting with conditions, or denial of an application for development approval.</p> <p>Development Permit: any development order granting development approval of an application.</p>	4
4	4.2.; 4.4.1.8. 4.4.11. 4.8.2. 4.4.1.9. 4.5.4.	<p>As defined, these terms do not appear to be mutually exclusive; it is not clear from the text of the Draft SLDC why their meanings overlap.</p> <p>The Draft SLDC's imprecise and inconsistent use of these terms makes the development approval and appeal process unclear, which may confuse and frustrate property owners seeking project approvals and hinder efficient implementation of the Draft SLDC by County staff.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County should revise Chapter 4 (and any related references in other chapters) to clarify the approval process and use terms consistently throughout the Draft SLDC.</p>	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4.4.1.3- 4.4.1.6	<p>Comment: We're concerned about time-limited processes whereby the public could have very little time to read, study, and if need be, prepare response to an application before a hearing. We are looking for any opportunities in the code that could allow public access to an application perhaps before Notice and a 21 or 30 (?) day time-limited countdown to hearing. We've been reading the statutes above as in a time-line sequence placing notice further along in the sequence and consequently giving the public little time. (If this is the case then perhaps 4.4.1.6. should come right after 4.4.1.3.) We have also been assuming that the moment an application is judged complete, that notice &amp; publication could happen ASAP. As "4.6.5.1. Newspaper" suggests, could launch just 21 days to a hearing.</p> <p>But we wish to ask that if for any reason an application completeness judgement takes significant time--say a large application--we think that a member of the public should be able to view it before the completeness determination or before a hearing date is set.</p> <p>Also if an administrator determines that an application is incomplete and there is an appeal, we might assume that the county would, in that event, retain a copy.</p> <p>Here our memories may differ somewhat. We both remember that you (as an Administrator) would not accept an application for reading if it clearly did not have basic requirements whereby it could be judged complete. In this case the county would not have that draft application available for public review. Ross is wondering though that once an administrator agreed to look over an application more closely to see if it really was complete, then the public could view it sooner than 4.4.1.6.</p>	
4	4.4.1.6	Is an application's completeness determination made before it is sent out to reviewing agencies or only after the agencies have responded? If before, would public notice happen as agencies are receiving? Experience suggests that applicants won't share draft applications at community meetings but instead highlight what they want the public to know--without a prior draft application review, the public can't ask very informed questions.	
4	4.4.12	The first sentence would appear to go more properly at the end of §4.4.9 or §4.4.11. Where it is--under Findings and Conclusions--implies that findings and conclusions are necessary only for approvals since that reference is what commences the section. We need to be consistent with the use of the word "filed" and recorded" as what is done with the Findings and Conclusions and what triggers the Appeal time limits.	
4	4.4.13	There should be clarification what the "final action" is: the "written notice of decision" or the "Findings of Fact and Conclusions of Law?" And there does seem to be a multiplicity of terms, final decision, final development order, findings of facts and conclusions of law.	2
4	4.4.14	Comment: Our community experienced a terrible sequence of multiple (around 9) last minute hearing pauses for a DCI type mining development: Buffalo Mountain. To our knowledge, the corporation was not withdrawing or making changes in their application, but it appeared as if the postponements were to weary the community, and the county apparently had to let these repeated postponements happen. We've since heard that the county may have a policy in place that limits the number of such postponements of hearings. But this statute stipulates rationales for "withdraw of an application". What about postponement of hearings? They too should be limited and have rationales.	2
4	4.4.4.1	Notification should include email	
4	4.4.4.4	Materials needed for pre-application meeting. Add "trails and open space, water sources, expected water usage"	1
4	4.4.4.4	Change rough to draft. The City uses "Conceptual" and the promises ,made to a neighborhood under conceptual are not legally enforceable by a neighborhood association in District Court. Shouldn't also a copy of the TAC report be given to the applicant for presentation to the Community?	
4	4.4.4.4	he City uses "Conceptual" and the promises, made to a neighborhood under conceptual are not legally enforceable by a neighborhood association in District Court. Shouldn't also a copy of the TAC report be given to the applicant for presentation to the Community?	
4	4.4.4.4	copy of the TAC report to the applicant should also be included.	
4	4.4.4.5.5	Reccomendation to include copies of display items not included with the distributed materials (the report could reference such items if attached in the application). Comment: Copies of larger displays shown to the public, but not distributed at the meeting, should also be included with the Report. Also an audio recording of the meeting should be provided so that a record of the verbal descriptions and interaction with the public would be in the Report, if needed. This could help encourage both applicants as well as the public to be careful in reporting about the meeting to the county. You seemed receptive to these 2 ideas.	
4	4.4.4.5.5.	add display documents and an audio recording of the presentation at the pre-application meeting. Then what an applicant is telling the public is on record even if the public's voices aren't audible.	
4	4.4.4.6	Any attendee should be able to provide comments.	2

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4	4.4.4.8.	Comment: A mediation for the concerns raised during a pre-application meeting is completely unnecessary. While this section suggests that it is discretionary on the part of the applicant, the inclusion of this provision in the Draft SLDC is likely to be used by disgruntled neighbors to exert leverage on the applicant by claiming that an applicant is not being cooperative if the applicant does not conduct a mediation to address neighbor concerns. Recommendation: The Santa Fe Association of REALTORS® recommends that the County remove the provision referencing the possibility of mediating concerns raised at a pre-application meeting.	
4	4.4.6.2.	Comment: The requirement to act within a “reasonable period of time” is too subjective. For a process as simple as a completeness review, the Administrator should be required to act within a set, relatively quick, timeframe, such as five or ten business days. Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this section of the Draft SLDC to impose a specific timeframe (five or ten business days) by which the Administrator shall issue a completeness review.	2
4	4.4.6.3	“materials submitted . . . are” not “is”.	1
4	4.4.8	Comment: “[T]he Administrator shall complete the application review absent the comments.” Although there is some good discretion in 4.4.8., it is largely undone by the quoted phrase, a phrase that lacks any allowance of the possibility of just cause for a continuance for needed agency input. Prior to dismissing the need for an agency's comments, the Administrator could be required to show that the input requested on a certain agency's subject has been convincingly covered by the TAC. Otherwise, the message here to our NM State agencies is that their comments are not needed by the county under their “sustainable” fast-tracked, streamlined application process. The larger and more potentially impactful a development (application) the more discretion that may be required. Otherwise, this would surely result in degraded applications and lead to negative impacts upon the public and/or environment. Note that DCIs should not be part of such time-limited provisions. That should be stated clearly somewhere in the procedural chapters too. The administrator needs discretion here for reasonable extensions for such agencies input thought necessary. We suggest the word “may” be substituted. Rather than tying an Administrator's hands, “allowing for a showing of just cause recognizes that there are circumstances in which continuances are appropriate.” -RF, p 163. We think you were interested in the above language allowing continuances. We’ve noticed that in the prior 2011 draft of the 1st 4 chapters that the language simply related to a “reasonable” time period and that the Realtor's Memorandum complained of a lack of fixed time-frames. Although we don't buy their argument for haste, it's interesting that their lawyers don't bring up state law in connection with an Administrator's review. Here (4.4.8.), unlike 4.7.2.2. (When Conducted) perhaps an allowing for just cause continuances would be a fair compromise. NMSA 1978, Sec. 47-6-11 appears to be only concerned about limits on the BCC, not Administrators.	1
4	4.4.8.	To allow a reviewing agency response to be delivered, there should be an allowance by the Administrator for extending the review time if needed, if there is just cause for a continuance.	
4	4.5.2	Comment: “... within five (5) working days of the date of the decision”? The short time frame for appeal raises some practical questions. How are the decisions by the Administrator to be made public to those with standing and in a timely way? If there is to be real transparency in the processes, it needs to be reflected in reasonable time frames. Our community has been troubled by several questionable developments that had 5-day appeal time frames. Your thoughts, as we remember, are that 5-day time periods usually concern “little” matters related to such things as building a garage, things that fit a category of developments by right. We have no problem with those smaller situations. Our concern is with matters of larger consequence that might seep through.	
4	4.5.2	Appeals of administrative decision. The current code & the PRD both call for a 5 working day appeal period. Citizens are forced to pay (fairly expensive) for an appeal sometimes just to buy the time to decide whether to appeal. Eight to ten days would seem a bit more reasonable.	
4	4.5.2-4.5.3	Appeals time (5 days should be 30 days). Notification of ROs/COs by mail/email immediately.	2
4	4.5.4	I propose a rewrite as follows: Any party with standing may appeal a final decision of the Planning Commission to the Board. The [strike out: application seeking an] appeal of a decision of the Planning Commission must be filed with the Administrator. [strike out: An appeal from a decision of the Planning Commission must be filed] within thirty (30) working days of the date of the [strike out: decision and recordation] filing of the final development order by the Planning Commission. [strike out: The application shall be submitted to the Administrator.] . . .	2
4	4.5.4	Comment: It is unclear whether the reference to the “recordation” of the final development order is the same as when the filing of the final decision with the County Clerk, which appears to be the operative date for final decisions of the Planning Commission in Section 4.4.12. Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise this section to use clear and consistent terminology for these procedures.	2
4	4.6.11	Minor amendments – these should all require a 30 day re-notification. They are not minor to anyone who lives near them. In general, after all actions are complete RO/COs should be notified by mail and email.	
4	4.6.3.1	Notice time (15 days should be 30 days)	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4.6.3.2-4.6.3.3	Notice time (15 days should be 30 days)	
4	4.6.3.4	What is the definition of "Reasonable effort" ? at least a Registered Mail?	
4	4.6.3.4	What is the definition of "Reasonable effort" ? at least a Registered Mail?	
4	4.6.3.4	Our concern is What is "reasonable notice"? As the county would have email contacts for choice RO and CO directors, and interested persons, email could result in quick efficient supplemental notice within a "streamlined" process. Cos and Ros should also receive written notice by 1st class mail.	
4	4.6.3.5	Suggestion to require that the photograph to document posted notice be taken from a public road.	
4	4.6.3.5.	Photograph should be specified to be taken from a public road.	
4	4.6.4.2	Certified mail (should include RO/Cos)	
4	4.6.4.3	First class mail (should include second layer of adjacent landowners, i.e. the near neighbor and neighbors adjacent to the nearest neighbors or 200', whichever is greater)	2
4	4.6.4.5	(Reasonable notice to RO/Cos should be certified mail	
4	4.6.4.5	(Reasonable notice to RO/Cos should be certified mail	
4	4.6.4.5	Our concern is What is "reasonable notice"? As the county would have email contacts for choice RO and CO directors, and interested persons, email could result in quick efficient supplemental notice within a "streamlined" process. COs and ROs should also receive written notice by 1st class mail.	
4	4.6.5	This section should have a thirty (30) day requirement because a subdivision can have a major impact on a community/neighborhood. Yet, the 4.9.5.2 Posting (15 days) and 4.65.3 Supplemental Notice is weak.	
4	4.6.5	This section should have a thirty (30) day requirement because a subdivision can have a major impact on a community/neighborhood. Yet, the 4.9.5.2 Posting (15 days) and 4.65.3 Supplemental Notice is weak.	
4	4.6.5.1	Notice time (21 days should be 30 days)	
4	4.6.5.1.	The newspaper notice should also contain the name of the owner as well as agent. This is not specified in the SLDC PRD but should be.	
4	4.6.5.2	15 days should be 30	
4	4.6.5.3	Our concern is What is "reasonable notice"? As the county would have email contacts for choice RO and CO directors, and interested persons, email could result in quick efficient supplemental notice within a "streamlined" process. COs and ROs should also receive written notice by 1st class mail.	
4	4.6.9.	Constructive notice. Notice should also require applicant and agent names.	
4	4.7.1.3	A DCI rezoning should NOT be a time-limited process and it shouldn't confine the Board to a number of tablins or to a 30 day period restriction. Where in the code will that be noted?	
4	4.7.1.4.	Comment: Verbatim minutes are likely to be costly, and are not necessarily useful for the review of proceedings. The requirement for verbatim minutes would therefore appear to be excessive, and would likely be a burden for the County to provide. It is also likely that the County would shift the costs of providing verbatim minutes to an applicant, thereby increasing the costs of development in the County. It would be more reasonable if the County required that "detailed "minutes be prepared. Recommendation: The Santa Fe Association of REALTORS® recommends that The County remove the requirement for "verbatim" minutes and substitute it with a requirement for "detailed" minutes, perhaps with the additional requirement for making and preserving an audio recording of each hearing.	1
4	4.7.2.2	A DCI rezoning should NOT be a time-limited process and it shouldn't confine the Board to a number of tablins or to a 30 day period restriction. Where in the code will that be noted?	
4	4.8.1	Add "usually" as follows: 4.8.1. Generally. Ministerial development approval, often referred to as 'administrative approval,' involves the application of the standards of the SLDC to an application by the Administrator. A public hearing is not usually required. The types of applications eligible for ministerial development approval are described below.	
4	4.8.2.2	Add "County roads shall be subject to the same standards as all other road construction\"	
4	4.8.3	Minor subdivision pursuant to Chapter 5 should not be included.	2
4	4.8.3	These should not be included	2
4	4.8.4.5.	As our district experienced a poorly conceived development that could have benefited from the light of day, large lot consolidation applications should have standards and require at least noticing and perhaps public hearing. We understand that state law may have strict requirements including notice.	
4	4.8-4.8.1	The language in both the heading and statutes concerning ministerial / administrative action again need clarifying. We suggest the heading 4.8. suggest a process: "Ministerial Development Permitting Process". In 4.8.1. substitute the word 'approval' with 'permitting'.	
4	4.9.6.8(2)	§4.9.6.8 (2) reference to §11.17.11.1 is invalid. Section doesn't exist. Section ends with §11.3.5	1

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4.9.6.8.	<p>Comment: This section omits any reference to an amendment for a decrease in project size, density or intensity. Perhaps the County's intent is that no formal approval of such a project change is required; however, if so, it would be helpful to have this clarified. In addition, the Draft SLDC remains unclear as to the required process if a decrease in project size, density or intensity results in some other changes to the project site. It is unlikely that the County would not seek to retain some form of post-approval review of these changes.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this section to include a statement that any project change that results in a decrease in the project size, density or intensity does not require formal review and approval through an amendment or any other process. Alternatively, to provide additional clarity in the event that the project change results in some alterations to the site design, the County may want to revise the Draft SLDC to indicate that such changes require nondiscretionary review by the Administrator.</p>	3
4	4.9.7.1	Add "(i.e., geography)" after "...exceptional situations or conditions of the property"	
4	4.9.7.3	§4.9.7. states that variances allow deviation from dimensional requirements " but in no way shall it authorize the owner to establish a use of land that is otherwise prohibited in that zoning district." In §4.9.7.3 which allows the planning commission to "grant a zoning variance from any provision of the SLDC" you might want to make clear that this does not allow a variance from zoning use provisions.	1
4	4.9.7.4	My experience on the CDRC and the City Historic District Review Board applying the "hardship" criteria leads me to plead for a more precise definition. Hardship has come to mean any inconvenience or cost suggested in any sob story an applicant can present. It surely must require more than that.	2
4	4.9.7.4.	<p>Comment: This section is poorly drafted, as there is an "and" between #1 and #2, as well as between #3 and #4, but not otherwise. While the intent of the drafters is, presumably, that all five criteria must be met for the granting of a variance, the imprecise drafting could lead to confusion in the application of these decision-making criteria.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this section to state that "The planning commission may grant a variance request if all the five following criteria are met". In addition, the criteria should be stated more formally, separated by a semi-colon, with "and" being used only between criteria 4 and 5.</p>	1
4	4.9.7.4.2	Capitalize "code"	1
4	4.9.8	<p>Comment: This section of the Draft SLDC creates a new administrative requirement that must be "exhausted" prior to a property owner bringing a regulatory takings claim against the County. Often, local governments impose this type of process solely to introduce an additional procedural layer of defense against takings claims. Property owners are forced to bear the additional procedural costs associated with the BUD review in order to make their claim "ripe" for judicial review.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that this BUD procedure either be eliminated, or a provision added that requires the County to pay an applicant's legal fees if a developer or owner applicant establishes that the application of a SLDC regulation or SGMP or area policy to its project requires some form of relief.</p>	
4	4.9.8.5.3	Hearing officer interventions: any citizen should be allowed to intervene in a hearing. Depending on the land use it could effect people far away. This is extremely important and denies people the right to speak!	
4	4.9.8.5.4	As a general not: there MUST NOT be any clause ANYWHERE in the SLDC that requires approval of any proposed project solely because review failed to be completed within a specified time period. There can be penalties for failure to complete, but NOT automatic approval as a penalty	
4	4.9.9	Wouldn't these include "Vested Rights" definitions page 342 and in Chapter 1 (1.11.3). How about antique subdivisions ("reserved" in definitions)?	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
4	4.9.9	<p>Comment: The caption of this section is “Nonconforming Uses”; however it also addresses nonconforming structures and lots and the caption should be modified accordingly. In addition, the section would benefit from a subsection that addresses nonconforming development features, such as parking, landscaping, or other features, with provisions allowing reasonable modifications of these features. An example of this approach can be found in Will County, Illinois’ Zoning Ordinance, which contains the following provisions:</p> <p>155-15.50 Nonconforming Development Features 155-15.50-A. Description A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this zoning ordinance. Common examples of nonconforming development features are off-street parking or loading areas that contain fewer spaces than required by current standards or otherwise do not comply with applicable regulations, and sites that do not comply with current landscaping and screening requirements.</p> <p>155-15.50-B. General Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this zoning ordinance.</p> <p>The standard that Will County applies to modifications (i.e. no increase to the extent of the nonconformity) is clear and it permits reasonable modifications to existing sites. A similar standard could be included in the Draft SLDC to accommodate development features that are made nonconforming by the newly imposed Sustainable Design Standards of the Draft SLDC.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise the section caption. In addition, it should add a section that addresses nonconforming development features. It should affirmatively state that the nonconforming development features may be continued and that modifications to these features are permitted if the modifications would not increase the extent of the nonconformity.</p>	
4	4.9.9	There is no reference in this chapter to “vested rights” as defined in Chapter 1.11.3. The definition of vested rights can be found on page 342 of the draft.	
4	4.9.9.10.3.	<p>Comment: This section does not contain any exception for situations in which a nonconforming lot is reduced in size by third party action, such as a land taking by a public entity.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County add an exception to this prohibition for reductions in lot size that result from land takings.</p>	1
4	4.9.9.3	<p>Comment: This section is also poorly drafted. For one, it is unclear what practical distinction is intended between #1 and #2, as both seem to refer to similar situations with different wording. Also, presumably, #4 is a mandatory requirement, although there is no “and” or “or” linking it to the earlier numbers, possibly creating the potential for an inconsistent interpretation.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this section to consolidate the situations in #1 and #2 and to state that “The use of land, use of a structure, or a structure itself ... shall be deemed to have nonconforming status when the use, structure or land meet all of the following criteria:”. In addition, the criteria should be separated by a semi-colon, with “and” being used only between criteria 3 and 4</p>	1
4	4.9.9.7.3	specify only one expansion	
4	4.9.9.7.3.e	IS THERE A MISSING SECTION HERE??	2
4	4.9.9.7.4	Abandonment clause needs further clarification. For example, if a house that is considered nonconforming, as left un-lived in and on the market for over one year, is it considered “abandoned”. Does this paragraph mean that it could no longer be occupied? If a piece of property that is considered non-conforming and sits undeveloped for more than one year, can it no longer be built upon? The term “abandoned” does not appear in Appendix A. You need a very clear definition	2
4	4.9.9.8.3	<p>Comment: This section contains the requirements applicable for the reconstruction of a nonconforming residential structure. There does not appear to be any provision addressing the reconstruction of a nonconforming nonresidential structure.</p> <p>Recommendation: The Santa Fe Association of REALTORS® recommends that the County add a provision that addresses the reconstruction of a nonconforming nonresidential structure</p>	2
5	5	Change 1 per 160 acres density for ag/ranch base zone to state standards of 1 per 145 acres as set forth in subdivision act.	2
5	5	11. Somewhere in the evaluation process for new subdivisions, I would like to see analysis of effects on what might be termed “traditional use trails” that are in the path of the new development. Such trails should either be preserved or replaced with an equivalent. There might be language on this issue in the TAP community plan.	4
5	5	Change 1 per 160 acres to state standards of 1 per 145 acres as set forth in subdivision act.	
5	5.12	Advertising standards – very good	
5	5.5	4. 52: I think a subdivision of 24 lots, even with large acreage, is too large for purely administrative review.	2
5	5.7	5. 57: I think the standard for roads – changes that affect connectivity – should apply to trails.	
5	5-1	The table is statutorily based but we are wondering if there is a need to break it out by SDA 1, 2 &3. Can someone doing a minor subdivision break it into phases of 2-5 lots done every month for life---a 100 lot subdivision just transfer the unsubdivided lot into another holding companies name	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
5	5-1	Table 5-1 lists "minor subdivisions" in a manner consistent with State Law? The County "version" of minor subdivision needs a stricter interpretation. This is especially true when you consider how much real property has been divided into 12 acre tracts in the past. In an are zoned RES-E, I could divide the 12 acres into three 4 acre tracts as a minor subdivision, or split the property into two as a family transfer , or as an exempt 5.4.3.13 subdivision subject to a five year penalty. Or I could make application for a planned development zone change for two six acre parcels, which if approved, would permit as many as ten lots to be created. This would require a quasi-judicial review, where the applicant would have to demonstrate substantial changes to the underlying base zoning had occurred that warrant a PD-Z status. I am concerned that there are substantial areas in the county that have many non-conforming subdivisions that could easily subvert the intent of the new zoning laws to permit such PD-Z applications to be approved.	
5	5-2	Table 5 – 2 is misleading as it shows a minor subdivision plat taking 40 days for approval. Our experiences are that it can take up to six months just to meet the qualifications for the application process And all the signatories on the plat itself. The fire marshal was probably The slowest. An example is the cost for a minor lot as stated above the 3 acres was \$3552, including survey and impact fees. One of the planner's initial goals was to clarify zoning regulations and streamline the development review process.	
5		We have concern regarding the lack of coverage of possibilities to consolidate parcels to reduce the footprint on the land (only subdivisions and land divisions are addressed),	
5	5.10.2	ADD SECTION: Nothing in this section shall be construed to exempt inspection of plantings, lighting, irrigation, retaining walls, or any other structural or grading modification of the developed property.	
5	5.10.2.3-5.10.2.6	Add "completion of" all specified actions	
5	5.12-5.13	5.13 and 5.12 appear to be Curious responsibilities for the Board of County Commissioners and the administrator. These are normally responsibilities of the Board of Realtors and the Attorney General. How does the Board intend to enforce these?	
5	5.13.1	Add "Such disclosure must include specific and clear notice of any severed mineral or water rights affecting the property, including the names and contact information of the owners of subsurface rights. Such disclosure is required by the Board, and disclosures lacking this information shall not be accepted to fulfill the requirements of this section."	2
5	5.13.4	4 [lest you think I am not reading carefully] section should read "it is unlawful to sell,. lease ..."	1
5	5.3.3.3	development order should be title capitalized and reference to the page 320 definition given.	2
5	5.4.3.10	add "and does not result in any parcel smaller than the minimum local lot size as determined by this SLDC"	
5	5.4.3.11	I divide my 240 acres into two parts, each 140 acres. I give one to my brother. this division would not be subject to any rules in Section 5? What happens when the 140 acre parcels are sold? If each of us divides them as a class 5 subdivision, where I create 28 ten acre parcels, I would qualify for "minor subdivision" status. This appears to mean that the application would not require WSAF,FIS or EIS reports, and would not require "discretionary review, pre-neighborhood meetings or any hearing what-so-ever. The application would have to be deemed complete within five days and the administrator would have to approve the application within thirty days. Assuming that the 14 ten acre plots are within an appropriate zone... what chance does anyone have to oppose the subdivision and on what grounds?	4
5	5.4.3.12	add "provided that such division does not create parcels smaller than the local minimum lot size as determined by this SLDC."	
5	5.4.3.13	Add "This provision shall not be construed to permit creation of lots smaller than the local minimum lot size as determined by this SLDC"	
5	5.4.3.2	Take out "per tract". Add "in any five year period" as follows: Family transfer: "no more than one parcel per tract of land per immediate family member" should be changed to "no more than one parcel of land per immediate family member in any five year period"	
5	5.4.3.2	Delete "immediate family member". As written, this clause would allow a parent with twelve children to sell or give twelve parcels out of a single tract. This MUST be deleted or changed.	
5	5.4.3.3	Wasn't this formerly restricted at 160 acres? How many parcels can you cut up into 35 acres without any oversight? Same is true in 5.4.3.11. Large Parcels.	2
5	5.4.3.3	5.4.3.3 raises some interesting questions. Specifically, how does vacant land factor into this. If I have a parcel that I wish to claim as "ranch land" because I allowed my horses to wander on it for three years, does that mean that I can claim an exemption to the subdivision rules? If I own a 4000 acre tract in a RUR zone and wish to divide it into 100 forty acre tracts, I would be exempt from any subdivision requirements under 5.4.2 and 5.4.3.3. What rules WOULD I be required to follow? Would reports and studies still have to be created? Since it would not qualify as a subdivision, it does not appear in Table 6 and according to Table 4-1, the only requirement is an "approval" by the Administrator. This land division would therefore not be subject to any of the growth management requirements found in Chapter 12, would not require any public input, and would not require any public meetings. Is this what the County wishes? Is this what the citizens of the county want?	
5	5.4.3.4.	If the sale or lease of apartments within a building are "exempt" from subdivision rules" , and apartments are defined in Appendix A as Dwelling, Multifamily, what is the process needed to approve these "conditionally". Table 4-1 and Table 6-1 seem to be in conflict depending on whether or not the apartment sale or lease is considered "exempt" or requires a "conditional" approval.	
5	5.4.3.8	I know this is an open-ended time period, but many ag resources recommend a seven year resting period.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
5	5.4.3.8.	Are there any time limits associated with this? How long does a parcel have to "remain as farm or grazing land in order to qualify? Can the new owner immediately turn around and sell the divided parcels for some other purpose? If there is a waiting period, where is it found in the Code, how is it documented and registered	
5	5.6.2	."Board" should be identified is 'Board of County Commissioners (paragraph 3. 2.) subsequently referred to as the Board".	
5	5.6.3	Replace "If the Administrator fails to approve or reject the minor subdivision plat within thirty (30) days after that notice, the Administrator shall, upon written demand from the applicant, issue a certificate stating that the minor subdivision plat has been approved." with "the County shall be subject to fines not to exceed on hundred dollars (\$100) per day in excess of thirty (30) days past the notice. Under no circumstances shall failure to approve or reject a subdivision plat within any time period be construed as grounds to approve summarily a plat that does not conform to the standards of the SLDC."	
5	5.7.12	Add "Phased development shall not constitute a vested right; all aspects of development other than plat approval shall be subject to approval. "	
5	5.7.5.1	Agency reviews: Should include Open Space and Trails Department, Environment Department should review for air quality, erosion, toxic waste, and anything else that is environmentally unsound. Also on the county web site, reviews shall be posted as they are provided.	
5	5.7.5.5	It is unclear which tribes are being asked for what information under what circumstances. I think what is intended is that the administrator shall request opinions from those tribes that meet the prerequisites set forth in §5.7.5.5 for the information in §5.7.5.5.b. I don't understand why a tribe would be submitting the information asked for in §5.7.5.5.a—that should be for the agencies identified in those paragraphs to provided.	2
5	5.7.6.3	Specify extension once by majority vote of the Board, or as agreed	
5	5.7.8	5.7.8. conditions of approval cannot be delegated to a non-elected body or person because environmentally sensitive, pollution, negative fiscal impacts, and sustainability are not Clearly defined And are based on subjective judgment decisions to be made only by the Board.	
5	5.7.8.2	and assurance of sustainable water supply for the proposed use	2
5	5.7.9.2.3	Add "water supply from any source,"	2
5	5.8.4.2.1	Isn't this defined by the drawing/plat itself?	
5	5.8.4.3.4.	County has the capability of doing a title search itself. Why should the owner bear the expense for a title insurance policy when he is giving dedicated lands and improvements to the county?	
5	5.8.5	Chapter 12.11 has 16 pages of Development fees. There appears to be no cap on development fees nor limit to their scope. Present impact fees cover fire and rescue only. A recent example is a minor subdivision Lot split cost a \$952 impact fee for a 3 acre lot valued at \$35,000. The new provisions in the SLDC provide for the first seven years of capital Improvements on roadways, water, law enforcement, fire and rescue, Parks and Recreation areas, open spaces, trails, and trailheads. Cost could be enormous and destroy low income housing construction. This is especially onerous for the first developer in an area where subsequent developers are benefiting from his initial outlay. An example is Max Hill paving West Venus road and subsequently used by the Edgewood Middle School and First Choice health clinic. No reimbursement to Max Hill. Will there still be an impact fee on top of the development fees? Will fees come back to the contributing community and not lost in administration as currently occurs?	3
5	5.8.6	§5.8.6 reference to §4.5.6 is invalid. doesn't exist - § ends with §4.5.5	1
5	5.8.6.2	Replace "issue a certificate stating that the final plat has been approved." with " pay a fine not to exceed one hundred dollars (\$100.00) per day past the thirty days after notice. In no case shall failure to act within a specified time be construed as requiring approval of a final plat that substantially fails to meet the conditions of the SLDC."	
5	5.9.2.1	Add section stating, "the impacts of proposed impervious surfaces such as paving upon local and regional precipitation runoff, erosion, and sedimentation;"	
5	5.9.5.2	Add "from erosion and sedimentation such that no increase in off-site runoff occurs" after "The applicant shall cause all grading, excavations, open cutting, and similar land surface disturbances to be mulched or otherwise protected."	
5	5.9.5.4	Add ", and all work to control or prevent increased runoff,erosion, and/or sedimentation"	
5		Attached is an example of the kind of problems that arise when you try to diagram the draft code process. Every time I try to do this, I wind up with conflicts, inconsistent requirements, and problems of interpretation. How many of these diagrams are necessary to show that the problem is basically everywhere in the draft?	2
6	6	a.The SRA's are set forth in Chapter 6, however there is no clarity as to depth and level of information needed for differing developments.	2
6	6	The SRA's are set forth in Chapter 6, however there is no clarity as to depth and level of information needed for differing developments.	3
6	6	How do you appeal this process? As the developer or as the neighborhood association?	4
6	6	How do public studies work? Unclear.	4
6	6	Overall we support increased reporting.	
6	6.2	6.2 72: If minor subdivisions can include 24 lots with a minimum of 10 acres, therefore covering a minimum of 240 acres, then they should be subject to the EIR requirement. The fact that the density is low does not necessarily mean that are no significant effects, particularly when large acreages are involved.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
6	6.2	Payment of SRA's are not clear (section 6.2). If you are the first to come in with a request for a development permit do you have to pay for the entire report? Staff had mentioned reimbursement but such process is not spelled out in the Code.	
6	6.2	d. Payment of SRA's are not clear (section 6.2). If you are the first to come in with a request for a development permit do you have to pay for the entire report? Staff had mentioned reimbursement but such process is not spelled out in the Code.	
6	6.3	7. The criteria "any and all effects on climate change" is meaningless and unenforceable. Everything has effects. More specific criteria are needed. Any and all effects include both positive and negative so the phrasing would not do what is intended. Standards such as zero-net require a great deal of analysis before you know whether or not the standard will kick in, so this one will be difficult to address. 8. Also in this section is a reference to inefficient and unnecessary consumption of water. This phrase has the same problem as "any and all effects on climate change".	2
6	6.3	9. The EIR criteria follow the exact template of a typical federal NEPA document. If you were designing the assessment, never having seen a federal NEPA document, is this the design you would come up with?	2
6	6.4	Does an individual well have to prove 99 water supply or 40?	8
6	6.5	The requirement for 99 year water supply is required for fire protection as well. Yet many community water systems cannot prove 99 year supply. Does that mean a development cannot move forward?	1
6	6.5	The Water Services Availability Report (WSAR) requirements may not be appropriate in rural areas. The allowance for projects under 10,000 square feet to not generate a WSAR could be a loop hole in Rural areas because many MDWA or Community water systems can't serve even developments that are less than 10,000 square feet. Not requiring a WSAR may results in developments being permitted without a sustainable water supply.	2
6	6.5	The requirement for 99 year water supply is required for fire protection as well. Yet many community water systems cannot prove 99 year supply. Does that mean a development cannot move forward? Is the requirement for 99 year water supply applicable in all different SDA's? Does an individual well have to prove 99 water supply or 40? If an individual lot not tied to a subdivision wants to use a well is that still allowed under this code?	3
6	6.5	A BIG concern: what formula/assumptions are used to determine "99 year water availability"? Is the formula being used as up to date as it needs to be – does it account for reduced rainfall & reduced re-supply in the aquifer? Climate change modeling? What are the contingency plans for periods of less re-supply? How to save more of the existing water supply? Who controls this – maybe a County Hydrologist or the OSE? What is the appeal process for the community/citizen?	
6	6.6	Clarify when TIA is needed. The language on pg. 84-85 is too open to subjectivity as to application and level of TIA needed	
6	6.6	e. Clarify when TIA is needed. The language on pg. 84-85 is too open to subjectivity as to application and level of TIA needed.	
6	6.7	10. Regarding the components of a traffic assessment, I would like to see analysis of how the proposed roads would affect existing use by bicyclists, pedestrians, and equestrians.	
6	6-1	< 10'000 sq ' should be "as needed". For example a toxic waste storage building on a commercial property might be less than 10,000 sq '	2
6	6-1	Clarify P.72 square footage v building envelope with regard to 10K development permit.	2
6	6-1	c. Clarify P.72 square footage v building envelope with regard to 10K development permit.	2
6	6-1	Minor subdivisions should also be required to do a EIS. Wetlands, wildlife, and arch sites are relatively small and easily impacted, even by small subdivisions; however, the many small sites make SF County unique and are the jewels of our otherwise semi-arid landscape!	2
6	6-1	The Table 6-1 detailing the necessary SRA's uses (up to 10K) does that mean disturbed area or building square footage?	8
6	6-1	The Table 6-1 detailing the necessary SRA's uses (up to 10K) does that mean disturbed area or building square footage? Table 6-1 uses "as needed" and leaves discretion to the Land Use Administrator as to what submittals are required.	8
6	6-1	"As Needed" is not defined.	
6	6-1	The "As Needed" is not defined.	
6		Why aren't minor subdivisions required to do the SRA's?	2
6		Concern regarding cost of environmental impact statement. Participants' Recommended Actions: Understanding and communicating the costs of a EIR by application type will be helpful for developers.	2
6		Who will review the water report? A hydrologist?	4
6		Should applications for new development prepare a study/ report/assessment to determine the adequacy of public safety services to serve new development as a standalone subject?	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
6		The Studies, Reports, and Assessments in Chapter 6 present several issues that should be carefully considered. First, the cost of housing will increase. These documents and the resulting conditions imposed by the approval process will necessarily be passed along to the consumer, in addition to the costs they will bear for affordable housing, energy efficiency, and impact fees. While all of the goals are admirable, the result could be a significant increase in the cost of housing. The net effect on development may not change much at all, but the cost will definitely be higher. I know that the SLDP and the SLDC have been in the development phase for a number of years and I'm sure there must be a desire to bring an end to this process by approving the code, but the public review process, comment period, and input process has gone by in a flash. Please take the time necessary to think through the implications of this document so that unintended consequences may be minimized.	
6	5.13.2	Add "or by the Board under 5.13.1 above " after "However, any information required in the New Mexico Subdivision Act"	
6	6.1.1	Define acronym TAC. I know this has been spelled out before, but many will turn to this Chapter first in the future.	2
6	6.1.1	We know this has been spelled out before, but many will turn to this Chapter first in the future.	4
6	6.1.2	New section, 6.1.2.6, stating "Community Impact Assessment (CIA). This study is prepared by a qualifying Community Organization (CO) and is submitted to the Administrator. The study evaluates the impacts on the local community by the applicant's project."	
6	6.1.2.1	Recommend that "wildlife; exceeding 20 percent; and native species of greatest conservation need" be added to the section as follows: "This report analyzes adverse effects and impacts on natural wildlife habitats and corridors.... steep slopes exceeding 20 percent and hillsides... archaeological, historical and cultural resources, and native species of greatest conservation need." (SGCN listed in Comprehensive Wildlife Conservation Strategy, New Mexico Game & Fish Department, 2006).	
6	6.1.2.6	New section, 6.1.2.6, should be added to address Community Impact Assessment (CIA). This study is prepared by a qualifying Community Organization (CO) and is submitted to the Administrator. The study evaluates the impacts on the local community by the applicant's project.	
6	6.1.4.	Is there an appeal of this decision? Is the Administrator's decision written and is the decision made available to the public? If so, at what point in the process; before or after a pre-ap neighborhood meeting?	
6	6.2.1	The use of the acronym "DCI" left me lost. Not in acronym list at the back nor identified anywhere nearby here. [I did stumble across it later.]	1
6	6.2.1	There is an inherent problem in 6.2.1 where the county indicates that the method where-by SRA's will be evaluated include engaging consultants. If the county intends to hire consultants to evaluate SRA's then the time frames built into the process are inadequate. The County will not be able to contract expert reviewers without going through the complex contracting process. The draft does not indicate the process by which contract specifications would be written, who determines the estimated costs, or the kind of contract the county would need. Would, for example, a firm be placed on retainer for a certain fee? Would that company then bill the county a fee (based on it's contract), for various types of services? For example, when would the county need the services of a hydrologist to review a submitted report? How long would a review by a consultant take? Who is responsible for informing the applicant and billing the applicant for these services. Where are these processes outlined? When would a fee schedule be created? Is it in the Code? If there is no fee schedule in the code, what happens to the process while such a fee schedule is ironed out? There needs to be some method for independent determination that an applicant created report is adequate. Adequacy must be carefully defined. What is the process by which an applicant prepared SRA is judged. Who gets to review the submission. At what point is the submission made available for public review? After the application is approved? If this is the case, then public finding of an inadequate report is limited to a five day appeal process.... This needs to be given a great deal more thought. See 4.4.6. If the administrator determines that an application is complete (4.4.6.23) then determines that the reports are inadequate ( based on community or other input) what happens? 4.4.6.4 states that a final development order has been received by the applicant under 4.4.6.2. Does the order have to be appealed by the Administrator in order to stay or reverse the original development order?. When does an application "completeness" become "final", when there is a provision under 4.4.6.3 to "take back" the approval. SRA's are a required part of the completeness review, yet there is no provision for public input until after the application has been declared complete ( see public access 4.4.5.4) 4.4.5.4 appears to limit public input to the process of determining "completeness" and thereby eliminating public review of the adequacy of an applicant's reports.	Z
6	6.2.1.	Comment: The requirement that consultants disclose conflicts of interest is odd for applicant-funded SRAs. If the applicant is procuring the consultant services, it presumably results in financial interest for the consultant. This interest, however, should not automatically disqualify the consultant or suggest that the consultant cannot provide a fair and independent review. In addition, we note that the underlined section is poorly drafted – the reference to "such consultants" is unclear, as the immediately preceding sentence does not refer to consultants. Recommendation: The Santa Fe Association of REALTORS® recommends that the County remove this requirement for the disclosure of contrary interests, as it would not be reasonable to apply it to applicant-funded SRAs. The County should also revise the imprecise reference to "such consultants."	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
6	6.2.2	Again, who is to determine "actual administrative costs and consultant fees" prior to the issuance of a contract for these services. Who administers the fees collection, service, and management? Does the applicant pay for these County services as well? Where is this outlined? If the County is responsible for producing the SRA's what mechanism will be put in place to support any arguments that the SRA's are inadequate or inaccurate ( either by the applicant or by protestants). Who reviews a County "produced" SRA. Section 12.11. Development fees, does not appear to address any fees or process associated with the requirement to produce and evaluate SRA's.	2
6	6.2.3	How do you appeal this process? As the developer or as the neighborhood association?	4
6	6.2.3	The following wording can be placed in Chapter 6 under Section 6.2.3 Project Overview Documentation: Habitat Protection Districts for SGCN, similar to Archaeological Districts, will be mapped in cooperation with New Mexico Game and Fish Department. Projects that are located within the Habitat Protection District shall have Project Overview Documentation that includes: 1. Specifying the types of animal species and habitats that need to be surveyed and protected. This includes endangered, threatened and sensitive species listed in the New Mexico SGCN listing. 2. Required protection of (a) any critical habitat for the species referred to above and (b) movement or migration corridors for these species that interconnect the site with adjacent lands or facilitate county-wide, regional or statewide migration or movement of these species, based on the conceptual wildlife corridors that have been delineated by the New Mexico Game and Fish Department and are shown on the Official Map Series. 3. Guidance for how wildlife surveys are to be conducted such as reference to the New Mexico Game and Fish Department "Baseline Wildlife Study Guideline." Note: The SGCN list includes mammals, birds, reptiles, amphibians, crustaceans, and macro invertebrates that are sensitive, threatened or endangered. The majority of these animals exist in waterways and wetlands that are already protected. NMDGF Appendix of species attached.	
6	6.2.3.1	Add existing water, oil, or gas wells and mines, whether in current use or abandoned to the requirements	1
6	6.2.3.2	Add "and for any phased development on property in common ownership"	
6	6.2.3.4	FAR not yet spell out; shouldn't use acronym until spell out.	1
6	6.2.3.4	Floor Area Ratio not yet spelled out; shouldn't use acronym until spelled out.	1
6	6.2.3.6	slopes greater than 11%? Wasn't old Terrain Management guidelines 8% and 15%?	1
6	6.2.3.6	slopes greater than 11%? Wasn't old Terrain Management guidelines 8% and 15%?	1
6	6.2.3.6-6.2.3.8	These all say: "within a five (5) mile radius of the proposed project site perimeter." Wouldn't it be better to have a chart by SDA 1 one mile, SDA 2, 2 miles and SDA 3 5-10 miles?	
6	6.2.3.6-6.2.3.8	"within a five (5) mile radius of the proposed project site perimeter." Wouldn't it be better to have a chart by SDA 1 one mile, SDA 2, 2 miles and SDA 3 5-10 miles?	
6	6.2.3.8	ADD SECTION: any additional information required for Developments of Countywide Impact.	
6	6.3.1	Add ", in the judgment of the Administrator and staff to whom such information must be submitted as confidential," after "No EIR or SRA prepared pursuant to this Chapter that is available for public examination shall require the disclosure of a trade secret, except where the preservation of any trade secret involves"	
6	6.3.5	Recommend that "species of greatest conservation need" be added as follows: Knowledge of the County and the regional setting is critical to the assessment of environmental impacts, and (the EIR) shall analyze environmental, archaeological, cultural, historic, habitat, species of greatest conservation need, and scenic resources that are rare or unique to the County and region and would be affected by the project.	
6	6.3.6	Include: degradation of biodiversity and/or wildlife habitat and linkage areas; ....; and [at the end] the cumulative effects of all stressors and impacts.	2
6	6.4.2.3	If the County or public water connections are being utilized then no AFPA is required. Clarification: If County or public water connections are being utilized, is a WSAR (6.5) required? We believe it is necessary in order to monitor accumulated water demand & usage. State this clearly in 6.4.2.3.	
6	6.4.2.3	Note definition for gray water.	
6	6.4.2.3	Note definition for gray water.	
6	6.4.2.3	Add "except that such County or public water utilities shall be expressly prohibited from providing water or water rights for use in any mining, drilling, or hydraulic fracturing operation regardless of location" after "For water supply, if the County's water utility or a public water system provides potable water to a proposed development and has issued a letter indicating it is ready, willing and able to serve, no AFPA is required for water."	
6	6.4.2.3.7a	Public water supply: is a 40-year water supply sufficient	
6	6.4.2.3.7b	Wells will probably be used in SDA-2 or even SDA-1	3
6	6.4.2.3.7c	Should include black-water as well as grey-water	
6	6.4.2.4	Sewer: Should include black-water as well as grey-water recycling	
6	6.4.2.5.	Trails: should show trail connections to adjacent properties, that might be the result of subdivision	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
6	6.5.2	6.5.2 says "all" applications. Table 6.1 says that minor subdivisions do not require the submission of a WSA report. Which is it?	1
6	6.5.2	Mining, drilling, and hydraulic fracturing operations shall be expressly prohibited from using potable water for such operations, regardless of the source of water or the location of the project. Such projects must be analyzed with respect to the availability of adequate non-potable water, with potential to consider as offsetting factors any independently documented processes of recycling and/or purification of water to Federal drinking water standards.	
6	6.5.5.2.4	Projected future use" – very important, strongly support	
6	6.5.5.6.	Add a new section, 6.5.5.6.8, requiring, An assessment of the anticipated impact of groundwater diversion on potentially affected springs, wetlands and riparian areas with details on the external conditions that may cumulatively with groundwater diversion lead to discharge reductions in such affected wet areas.	
6	6.5.5.7	County should have ability to override. Important	
6	6.5.5.8	Specify sufficient water supply from the same sources as previously assessed	
6	6.6.3.	Add a new section, 6.6.3.20. to, Ensure that the location of roads optimally accommodates optimal water infiltration, and natural storm water evacuation and drainage in ways that avoid either drying of areas or water logging, flooding, or erosion.	
6	6.6.3.15.	This implies there is an organized assessment or improvement district. Suppose there is none, but the project will generate the need for greater infrastructure at some point, like an interchange. Even small projects will contribute to that need.	2
6	6.6.3.2	Add " without compromising general public and private traffic on the same roads"	
6	6.6.3.9	Add " without compromising adequate levels of service for users not associated with the development "	
6	6.6.4	Comment: It is not clear how the standard for the V/C ratio will relate to the Level of Service (LOS) standard. Do both standards need to be met? If so, the County should be prepared to justify situations in which the applicant meets the LOS requirements, but the project cannot be approved. Recommendation: The Santa Fe Association of REALTORS® recommends that the County clarify the relationship between the V/C ratio and the LOS standard.	3
6	6.6.4.4	Add ", nor shall development-generated traffic increase heavy vehicle traffic at any time by more than 5% of the average heavy vehicle usage prior to the development."	
6	6.6.4.6	Add "Development-related traffic, including heavy vehicles, shall not be parked or stored on any public right of way or private property not belonging to the developer."	
6	6.6.4.9	Add "Standards for oil and gas access are governed by Ordinance 2008-19, which takes precedence over this section and requires minimized clearance, grading, and disturbance."	
6	6.6.6.4.	What about a series of small lot subdivisions. Each one may be less than 10%, but cumulatively they can exceed 40 – 50%	
7	7	Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise the Draft SLDC to modify the Sustainable Design Standards that are not consistent with the County's sustainable development goals. Specifically, the minimum parking requirements should be modified to require fewer parking spaces for certain uses and to provide for additional flexibility in applying parking requirements to sustainable design approaches, such as mixed use, that provide the potential for reduced parking demand. In addition, the County should reconsider its roadway design paving requirements, perhaps by consolidating requirements for bike lanes and sidewalks (where appropriate) or by allowing the use of unpaved surfaces to meet the requirements. Furthermore, the County should consider creating additional flexibility in the Draft SLDC to allow for modifications to the Sustainable Design Standards where it can be demonstrated that such modifications promote the County's sustainable design objectives. The County should, of course, establish standards to guide the appropriate decision-making body in evaluating such waivers or modifications. PLEASE SEE ATTACHMENT FOR FURTHER DETAIL	
7	7.1	Add "In case of any conflict with this section, development of oil and/or gas shall be governed by Ordinance 2008-19, with the stricter requirement applying in all cases. Terms defined in this Chapter 7 shall not over-rule definitions specific to oil and/or gas development as defined in 2008-19."	2
7	7.11	15. The road standards for SDA1 and SDA2 should differ. Many of the road standards seem questionable, such as requiring 2 4' wide sidewalks on roads with 0-300 trips per day. Further, bike lanes might be advisable on collector roads, depending on speed limits, amount of traffic, etc.	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.11	<p>Table 7-12 - Maximum grades for Minor Arterials are 8% in the current code, but the proposed urban standard in the SLDC is 5%; Collector roads have allowed a maximum grade of 10%, but in the revised SLDC they are limited to 8%; subcollectors have been 11% until now, but are proposed to be 8%; local roads are currently 11%, but are proposed to be 7% or 6% for alleys and driveways. With this set of changes, allowable road grades would be measurably reduced by the SLDC.</p> <p>Given Commonweal's experience with a "topographically diverse" site (i.e., the Galisteo Basin Preserve), restricting road grades could risk greater impacts on the surrounding landscape. Re-contouring steeper land areas in accordance with the SLDC road grade standards could cause unnecessary site disturbance (especially with 3:1 setbacks for re-vegetation) with little improved public safety.</p> <p>In a time of increasing climactic aridity, we believe that the County would be well advised to pursue development strategies that minimize site, soil and vegetation disturbance whenever possible.</p> <p>Accordingly, allowing road grades in the SLDC to match the current standards would be recommended. The Implications for Trenz are as follows: Given the potential impact of the SLDC's planning and development requirements on Commonweal's proposed mixed-use/mixed income community (i.e., Trenz), the impact of this section of the SLDC requires fuller discussion. This said, our immediate questions include:</p> <p>If Trenz is designated a Planned Development District, we assume that its roads would be considered Urban roads. Urban travel lane widths would be allowed to be narrower in new code: collector roads have been 12', as opposed to a proposed 11' width; local roads have been 10-12', and are now proposed to be 10'. Also ROW requirements are recommended to be narrower (i.e., local subcollector ROW was 50', whereas in the SLDC, the ROW width can be 34'-48').</p> <p>Rural roads in the SLDC are also proposed to be narrower -- i.e., local road and cul de sacs will be allowed to be 10' in width, whereas in the current code, they are 10-12' wide.</p> <p>Given Commonweal's advocacy for cluster development strategies for Trenz and in other areas of Santa Fe County, allowing for narrower road and ROW widths represents a positive change.</p>	2
7	7.11	The plan is very road-oriented. For the areas that are most likely to be "urbanized" or to become commercial hubs, design standards should accommodate public transit systems that are likely to be desired in the future.	
7	7.11	<p>There have been significant changes to the required road grades:</p> <p>EXISTING STANDARDDS</p> <p>Major &amp; Minor arterial roads: 6-8%</p> <p>Collector Roads (25-35 mph): 10%</p> <p>Local Roads (max. 10 mph): 1%</p> <p>PROPOSED STANDARDS</p> <p>Major &amp; Minor arterial roads: 5%</p> <p>Collector Roads (25-35 mph): 5%</p> <p>Local Roads (max. 10 mph): 7%</p> <p>What is the reason/justification for such drastic reduction in road grades? This requires more cut and fill areas and retaining walls where steeper topography is predominant.</p>	
7	7.13	Putting all roof water into cisterns eliminates groundwater recharge by the total roof surface are in future developments.	2
7	7.13	New wells should have depth gauges. With gauges we can have a groundwater monitoring program to determine the hydrology of the basin.	2
7	7.13	17.139 It is not clear to me why plants being irrigated for sale need to be watered in the middle of the day. These businesses, if anyone does, should have the capability to water automatically during the cooler hours.	3
7	7.13	18.143 I'm all for water conservation but have doubts about requiring cisterns and drip irrigation systems on all construction. Depending on the landscaping, a drip irrigation system may be completely unnecessary. Local landscapers routinely install cisterns that automatically switch to domestic water if the water level in the cistern is low. I'm guessing that most people who water from cisterns have no idea when they are using rainwater as opposed to domestic water. My personal anecdote is that I recently interviewed several landscapers regarding construction of a fairly simple rainwater and gravity based system on my property. Several of them tried to push the whole house cistern+drip on me. I finally found someone who did not do that. I will be installing a much simpler system that will use rainwater to meet my water needs at a savings of \$15,000 compared to the cistern+drip system.	3
7	7.13	Moving everyone to Public Utility pipelines and Mutuals is a good step, but assumes that the water is there. If homes must migrate to a public utility and are currently on a well, how are the infrastructure costs covered? Where are the incentives for using less water?	4
7	7.13	In general we support the water conservation requirements in 7.13.	4
7	7.13	Are there provisions for gray water use?	4
7	7.13	If an individual lot not tied to a subdivision wants to use a well is that still allowed under this code?	4
7	7.13	7.13. Do the water utility standards exist? If they do, then the code needs to cite ordinance or resolution number. If they do not, then the wording needs to change.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.13	How can buffer zones located around traditional & planned communities be maintained in light of possible mandatory water hookups to community systems from developments outside of a community district boundary? Buffer zones / open space buffers of 75 to 100 feet seem small in light of SGMP concerns including: 2.2.4.5 LAND USE COMPATIBILITY that "provides buffers between communities"; Note SGMP Ch. 4 Strategy: 14.1.1. and Ch. 5, 5.1.1. Key Issues (1-4). Please attempt to further raise performance standards to address these concerns.	
7	7.14	Requirements for a certain HERS rating or better do not address the issue of Indoor Air Quality. Requirements for ventilation systems providing the requirements of ASHRAE 62.2-2010 would be a good start. Further education of the virtues of Heat Recovery Ventilators, energy recovery and quality of fresh air should be provided with any requirement for ventilation. For example, fresh air entering through cracks is not the same quality as fresh air through the ERV. Then the issue of depressurization of a home to gain fresh air should be discussed with the unintended consequences of unstable pressures.	2
7	7.14	SFAHBA stands in full support of Section 7.14- Energy Efficiency. County staff analysis has demonstrated that a HERS 70, while adding nominal cost to construction achieves savings to the consumer from day one, especially for residents who heat with propane. The 2012 International Energy Conservation Code, which is being adopted by many jurisdictions is presumed to have a HERS equivalency of 70, so this is clearly not radical.	4
7	7.14	Certified Energy audit for residential uses will add a high expense and backlog to new structure [approval].	4
7	7.14	"I would like to comment about the proposed HERS requirement for new county residential construction. I am very much in favor of this for two reasons. 1. It helps take the energy burden off homeowners by lessening the energy bills for them. 2. It provides some parity with builders in the city. I was a HERS rater in the city for several years before becoming the Director of the Center of Excellence for Green Building and Energy Efficiency and the New Mexico EnergySmart Academy at Santa Fe Community College. The additional expense to pay for the building upgrades and the HERS rating have been estimated on average to add an additional 3 - 5% to the construction costs and that has been my experience. My husband, as a general contractor working in the city, also has had this experience. The benefits to the future homeowner are excellent. Their lower energy bills more than offset the additional expense for construction. The fact the Homewise and Centex/Pulte are still frequently building affordable houses in the city attests to the fact that it can be easily done. In fact, Homewise is usually building homes that have a HERS rating around 56, which is much lower than the required 70. As an educator, I find that the response from contractors that this will be too expensive or too difficult is usually from a lack of awareness and education of how to build an energy efficient house. Many of the techniques such as advanced framing and avoiding thermal bypasses adds no extra cost to the job (in fact, advanced framing saves the builder money) but many builders are unaware of these new skill-sets. When I was a HERS rater in Santa Fe I would often have builders come to me for their first house with the new HERS 70 requirement with a very disgruntled attitude. By their second house it was an easy process and they were suddenly embracing the idea that they too were truly building efficient homes, using it in their marketing and in their outreach to homeowners. There is a 4-hour curriculum that we have developed (in English and Spanish) to address this lack of education which is freely available Energy efficiency is important on so many levels and it has been consistently shown that the energy burden on low income families is disproportionately high. I think that by requiring a HERS 70, the County will be enabling those who are looking to live in an affordable home a better opportunity to do so.	4
7	7.14	A HERS rating on every new house in the county gives a buyer the ability to compare energy performance between Samta Fe City and County homes. The additional costs to the owner-builder in the county will provide information leading to wiser decisions and lower energy bills repaying the cost of the HERS many times over the life of the mortgage. The cost to the production builder using the performance path will be minimal and provide a marketing tool.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.14	<p>SERA (Sustainable Eldorado Residents Alliance) has a strong commitment to energy efficiency. In the recent past we have offered local homeowners free energy audits and we have promoted the installation of photo-voltaic electric generating systems at private homes and businesses. Although The Eldorado Subdivision is largely built out, we strongly support energy efficient construction in all new homes throughout Santa Fe County. For this reason we are delighted with Section 7.14 of the Sustainable Growth Management Code as presented in the September 2012 draft posted on the County's web site. The HERS 70 standard called for in Section 7.14.2.3 has been shown to produce energy savings greater than the monthly increase in mortgage payment due to the modest extra cost of meeting this standard. This was demonstrated in the October 24, 2011 study submitted by Erik Aaboe, the county Energy Specialist, done in collaboration with local construction experts. The standard clearly makes new homes in all price categories more affordable over the life of the initial mortgage, and more importantly, over the lifetime of the home.</p> <p>With energy prices predictably increasing over time the savings resulting from HERS 70 (compared to HERS 89, as shown in the Aaboe study) will rise every year. Another advantage of this standard is that the Santa Fe City green building code also stipulates HERS 70. Adoption of this standard for the portions of the County outside the City will mean that builders will have a single, uniform energy efficiency requirement throughout the entire County - always a plus from their point of view.</p> <p>With the wasteful energy systems of older buildings being one the largest contributors to man-made carbon emissions with their impact on global warming and climate change, we believe it is imperative that our Sustainable Growth Management Code does all it can to insure that our future building practices reduce such emissions.</p> <p>Thank you!</p> <p>This statement of support for Section 7.14 of the September 2012 draft was authorized by unanimous vote at the meeting of the SERA Steering Committee held on Oct. 20, 2012, the following attending:</p>	4
7	7.14	<p>I wish to give strong support for the many improvements in sustainability of the Draft Sustainable Land Development Code (SLDC).</p> <p>Climate change, Peak Oil, depletion of aquifers, and other broad issues are going to have an increasingly powerful impact on the lives of people in Santa Fe County, and the more we prepare, the easier it will be for our citizens. Most of these impacts are known to be more serious for low-income people because prices will be rising. For example, with the extreme droughts we have had in our nation and across the world this past summer, the price of food will be rising. The energy efficiency section of the Code (7.14 ENERGY EFFICIENCY) in particular is critical to protect low-income households. Prices for power and fuel will be rising significantly, and the lower the usage of energy, the lower the financial burden for families.</p> <p>Some would say that these energy standards could even be stronger- there are "Net Zero" houses being built right now in Santa Fe by numerous people where families will either pay NO utilities or even receive payment back because their solar puts more energy into the grid than it uses. The more a home is energy-efficient, the more a low-income family will never have to choose between paying high heating bills or buying food or school clothes for their kids.</p> <p>While it does cost a bit more to build a house well, with the reduced monthly energy bills, the slight increase in the mortgage payments is countered by the fact that the monthly utility bills are less. From the very beginning, energy efficiency of a well-built home pays for itself- and more!</p> <p>Thank you for working to make our county more sustainable. Please support this plan.</p>	4
7	7.14	In general we support the energy conservation requirements in 7.14.	4
7	7.14	Retain all of this section (7.14.1 through 7.14.3).	4
7	7.14	<p>I wish to express strong support for the Draft Sustainable Land Development Code (SLDC).</p> <p>One section is especially important. The energy efficiency section of the Code (7.14 ENERGY EFFICIENCY) helps people save money and protects low-income households. When the slight extra expense to build a better home is included in a mortgage, the savings created by energy efficiency reduce utility bills, so there are savings, not higher expenses, even with the first month of buying the home!</p> <p>It is so sad when families have to live without heat in the winter because of high utility bills. This problem can be solved by building houses designed to save money through energy efficiency.</p> <p>Please work for sustainability in our county. This plan is important to support.</p> <p>Thank you</p>	4
7	7.14	The Public Review Draft of the Sustainable Land Development Code is an improvement as we plan for our future. We can not stress energy efficiency enough. I know that people of low income are just as concerned as anyone and don't believe that higher standards will be problematic in home purchases. analysis has been done showing that even though there is a slight increase in the mortgage, when the reduced cost of utilities created by energy efficiency is combined with the mortgage, even the first month of living in the home is cheaper than if the house had not been built for energy efficiency. We also can feel assured that utility bills will go up in the future, making this even more important.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.15	Retain all of this section with change noted below. 7.15.3.2 Pg. 146 Open Space – Trails Location of open space property and trails should be established as part of the development plan or subdivision plat depending on the intended use of the trail and protecting specific features such as scenic, habitat, hydrologic and archaeological resources determined to exist in the property.	3
7	7.15	1. My comments pertain to Section 7.15, Open Space. 2. I agree with the sentiments expressed in 7.15.1, Purpose. Designated open space does add value to a development. 3. However, I believe that much more can be added to this section. The only real planning recommendation is to build a neighborhood park. There is no language in this section about preserving open space or creating trails. Given the detail in other parts of the draft SLDC, this seems to be an oversight. I strongly recommend that county staff add language to the final approved SLDC that will give much greater attention to both open space and trails, as this document will oversee land development for many years to come. 4. I would recommend that the county adopt a percentage open space requirement for new subdivisions. I believe there is history with such a requirement in the EZA. For subdivisions with 2.5 acre lots, a minimum of 30% open space might be appropriate. As the density decreases, the open space requirement could also decrease, perhaps to the point of 160 acre lots requiring no open space dedication. 5. It is unfortunate that there is absolutely no language at all in this draft regarding trails and access to trails. If the county does not act now, in this SLDC, we will find that much of the county will have been "locked up" in terms of trails and access. I think we all understand that our current transportation system of one car, one driver is becoming obsolete. Santa Fe County should be in the forefront of advocating for different travel options. As gas prices continue to rise, it is important that we keep our options open for lower cost ways to travel. Trails that connect that allow for pedestrian and perhaps bicycle movement are essential to this goal. In the draft SLDC there is section 7.15.3.3, Trails, which is an empty line. This is a subject that not only concerns large subdivisions, but also smaller parcels as well. If there are historical trails in place, the county should try hard to make sure that they are not ended by one or two property owners that decide to fence off access. 6. In some parts of the county, there may be a need for trailheads. I recommend language in the trails section that addresses the issue of trailheads, including providing parking for some amount of vehicles. I don't have a specific recommendation, but by inserting language about this now, the county will then have some standing to require this going forward.	4
7	7.15	P.146: It is my understanding that the County Attorney concluded that the bulk of the recommendations of the Open Space and Trails group constituted "takings". Clearly, other communities throughout the state and throughout the country are finding ways to incorporate open space requirements into their development plans. I expect the County Attorney's office, rather than simply ruling out Open Space, to do the appropriate legal research to find out how open space requirements can be incorporated into the Code without triggering "takings" issues.	
7	7.16	"Cultural property" needs to be expanded to include the area of plazas (i.e. adjoining lots, neighborhoods or districts). State statute can create loopholes and have negative effects for neighbors such as parking and traffic. Need to define resources beyond cultural to include water, safety, health, and historic pattern of use.	
7	7.17	Recommend to change slope requirements as follows: Retain all of this section (7.17.11 through 7.17.9.3) with the revision of all slopes of thirty percent (30%) CHANGED to slopes of twenty percent (20%).	2
7	7.17	22. 152 A 25' setback from the natural edge of streams, etc. does not seem adequate protection from a 100 year flood. The setback should be from the edge of the 100 year floodplain, which will vary greatly according to the topography. Or perhaps the intent is to protect any existing riparian vegetation, which will help limit flood effects. If that is the case, then protection of riparian vegetation should be specified.	3
7	7.17	P. 155 The reference to the Wildland Interface Code probably belongs in the earlier section where the other code requirements are listed. The Wildland Interface Code is not an Appearance Standard.	
7	7.18	Can I build on to my agricultural building if in a floodplain?	2
7	7.21	P. 165 Air quality – Air quality is primarily a state issue. To whatever extent the county is involved, I'd like to see the county establish policies appropriate for maintenance of the Class I Air Quality standard that is federally mandated in the Pecos Wilderness, part of which lies within the County. This can include, for instance, emissions from hydrocarbon extraction or other industrial practices.	
7	7.6	12. There are quite a few standards regarding planting of trees. Trees are aesthetically pleasing, effective screens, and can often have a cooling effect. Trees also consume large amounts of water. Many urbanizing areas in the Interior West that have planted trees in greater density than they naturally existed are seeing their water tables drop, specifically as a result of urban tree planting programs. Even if the trees are irrigated with roof water, much of that roof water will be lost to transpiration by the trees rather than ending up recharging groundwater supplies. The amount that would be lost to transpiration can be estimated.	3
7	7.7	WHM: Sometimes the 6 foot height requirement is too high if for instance the fence is on the north side of a residence and blocks the sun from melting ice. Five foot might be better. Then sometimes the 8 foot maximum height requirement is too short and an 10 might be better. Maybe some pictures are in line here.....	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.8	13.104: I would like to see broader application of Dark Skies criterion for outside lighting. There are too many exemptions in this section. 900 lumens, for instance, is too bright to be unshielded. Numerous studies are showing deleterious effects of outside lights on a wide variety of nocturnal animals; this is not just a question of being able to see the Milky Way.	2
7	7-1	39 spaces in two rows, with two-way driving between the rows consumes over 12000 sq. ft., or more than 1/4 acre. Setting 40 spaces as the minimum threshold to require planting is too low. Planting intervals should be 0-19; 20-100; 100+	2
7	7-3	Information here is out of date. LEDs should be preferred or required; incandescent should be last choice among permitted types; HP sodium, metal halide, and halogen should be reserved for sporting events; LP sodium should be prohibited explicitly. I can provide web sources on which I base these concepts; they involve energy efficiency, labor costs and lifespan, and unpleasant color temperature of some lamp types. The table layout mixes types of information and is confusing. I will attempt to paste in another table; if it cannot be pasted, I can send it separately by e-mail in Word format.	3
7	7-3	SEE ATTACHMENT	
7	7-4	This table is also confusing. It shows Nonresidential uses, with a column for Residential, and Residential with a column for Commercial. The values given are excessively high, biased toward commercial, and out of date, typical of the 1970s. Suggested values are in Comment bubble. Also, the standard unit is the Lux (1 lumen per square meter) or footcandle (1 lumen per square foot). 1 FC = 10.76 lux; 1 lux = .09 FC.	3
7	7-12	Table 7-12. This table is unrealistic for Santa Fe County. NONE of our rural roads have sidewalks, let alone four foot walk ways on either side of a rural road., Yet SDA-1 and 2 require "urban" roads.	2
7	7-12	In SDA-2 areas a sidewalk will probably be inappropriate, but a path is definitely appropriate. We support bike lanes as well.	
7	7-13	There definitely needs to be a path in SDA-3 areas on highways or minor arterials. Have you seen people walking on the road along Highway 14 south? It's very, very dangerous. In general trails should accompany roadways. Off-road options should be encouraged if they can make the same connection.	2
7	7-13	Table 7-13 "rural" calls for one 4 foot "non-vehicular trail" What is a "non-vehicular trail"? It is not described. Does it have to be paved as in 7-11.17.1? 7.4.4. "trail Easement" calls for a minimum 20 foot easement? Confused.	4
7	7-13	Rural Table 7-13 "non-vehicular side paths" conflicts with Table 7-12 which requires two, 4 foot sidewalks. I might add that only a very small portion of SDA-2 is "urban". Without paved roads.... I can't imagine paved sidewalks in the middle of our desert landscape.	4
7	7-13	The Village water association wishes to give input however the attorney is still out of town as of today's deadline. Please accept comments.	
7	7-17	Why are there distinctions between residential units for required connections to County Utility Water/Sewer vs. within a designated # of feet? If the County utility is there shouldn't all units be required to connect? If it is a concern over additional cost factors for individual homes couldn't an incentive be offered at time of installation?	4
7	7-17	Distances in this table should be reexamined.	4
7	7-17	Distances in this table should be reexamined.	4
7	7-17	If someone has a well and the County water system comes within a certain distance of their property does that landowner have to hook up to the system? What about being compensated for their well and water rights? Same for septic systems and a wastewater utility.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7-17	<p>Table 7-17 places an unfair burden on residential single family development outside of SDA-1. If a water line is within a quarter of a mile from a proposed water line in SDA 2 or within half a mile in SDA-3, an individual home builder would have to pay between \$200,000 and \$400,000 to bring a pipeline to his building site. This effectively eliminates any individual building in the SDA-2 and SDA-3 areas that are within the proscribed distance to a County waterline.</p> <p>Let's take, for example, the recent line extension to the Turquoise Trail Charter School. This roughly one mile ex-tension was done with federal monies and upgraded to a larger diameter line with County funds. Under this rule, any new construction in the Turquoise Trail subdivision would be required to hook up to the new line, even though the owners of property in that subdivision had no say in the line extension. Would all of the residents of a vested subdivision be required to participate in a PID or other vehicle to assist in the expansion of the final hook-ups to the newly defined "service area", or do these properties fall under Chapter 1.11.3 "vested rights" or chapter 4.9.9 "non-conforming use"?</p> <p>perhaps these cases can be handled under variance, as clearly the requirement puts an insurmountable burden on individual home builders with affected areas.</p> <p>The Table also requires development "within a service area to wait for water services that may or may not be built but are recorded in the County's CIP. Is this meant to discourage building in areas not yet served by the County system or is it meant to encourage developers to provide connections (growth) to the County system at either their expense or at the expense of future home owners?</p> <p>If a Major subdivision in SDA-3 puts in a connection to the County water and sewage system, how will that affect all subsequent residential and minor subdivisions within 2,640 feet of the new lines? What are the implications of such a scenario? How does that affect PID requests? Would all land owners between the "end" of the water system and the end of the proposed pipeline (possibly many miles) be required to participate in increased taxes even if the benefit only initially favors the land developer at the end of the line?</p>	4
7	7-17	<p>Table 7-17 needs clarification; connection to water should be dependent on:</p> <ul style="list-style-type: none"> <li>i. Easement attained.</li> <li>ii. Distance set forth should be to a potable water line and not a water boundary.</li> <li>iii. Title to chart should include community water system;</li> <li>iv. Ability of water system to serve;</li> <li>v. Reasonable expense to connect;</li> </ul>	8
7	7-17	<p>Table 7-17 needs clarification.</p> <ul style="list-style-type: none"> <li>a. Connection to water should be dependent on: <ul style="list-style-type: none"> <li>i. Easement attained.</li> <li>ii. Distance set forth should be to a potable water line and not a water boundary.</li> <li>iii. Title to chart should include community water system;</li> <li>iv. Ability of water system to serve;</li> <li>v. Reasonable expense to connect;</li> </ul> </li> </ul>	
7	7-17	<p>The new code would require hooking up to community water systems if you are within their service area or within 2500 feet of their infrastructure, even just to obtain a building permit. In the south part of the county, many of the co-ops and water systems have established huge service areas in order to stake out future area for them to grow into. So it is possible to be inside of a service area, be required to hook up to community water, and still be miles from the pipe.</p>	
7	7-17	<p>PLEASE SEE ATTACHED WORD DOCUMENT ON THIS TOPIC</p> <p>I find the logic of these requirements very hard to follow. It appears that in SDA-1, already densely populated and already served by utility lines, a home or development can be excused from connecting if more than 330' from a line; but in the other less-dense, rural areas, homes within a quarter or even half-mile must connect. This commits the County to provide far-flung utility service in the outlying areas, and will require many rural homes to pay for a half-mile of pipe, instead of using a well. This does not strike me as the outcome that we (as residents or as government agencies) actually want. I am also not convinced that the same distances can be used to decide the optimal moment for connecting to water and to sewer, since the two systems have very different parameters and efficiency factors. In rural areas with low density, carefully sited septic systems, composting toilets, and possibly constructed wetlands provide highly efficient waste recycling with NO distance-based infrastructure, and make a great contribution to water and energy conservation. The Code should not discourage these systems EXCEPT in areas of high density.</p>	

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7	7-18	Why does lot size and/or No. of lots make a difference in exemption or inclusion of Community Water System Requirement for Developments?	4
7	7-18	Seems to me that a proposed development of 24 lots on 2.4 acre plats in an SDA-2 or 3 area should be required to create a community water system and not submit development plans for individual wells. The developer would then have to prove sufficient water is available for the subdivision, and not just for individual lots. The first builder might prove sufficient water for plot one, but by the time all 24 lots have been developed, there may not be sufficient water for any of the lots. Also, consider this: Assuming that the zoning map permits this as a RES-E zone, and the zone sits in SDA-2, an existing forty acre plot divided into sixteen 2.5 acre plots, would not require a community water system. Should this proposed development fall under a "shared well" or under the more stringent "community well" requirement. Perhaps a "community well" system should be a requiremnt for "planned development zoning districts". There is some confusion as to the applicability of water connection requirements to PDZ districts ( see 8.10.2.7.2 Table 7-17 and Table 7-18 in Chapter 7). There does not appear to be any mechanism for a community to gain knowledge of a proposed extension to the County Water System if that extension is paid for through grants or Federally appropriated funds. What is the process for either public assessment of the extended "service area", or county assessment of the affects of such a publicly funded extension?	4
7		Suggest: The upfront "bond" required of a developer – how long does it stay in existence? Should this be an Escrow account with conditions related to longer-term water availability? If an AFPA and/or WSAR are required, why not maintain such a "guarantee" bond over a period of years with return of the funds linked to the accuracy of the AFPA and/or WSAR?	2
7		Will connection to sewer be required as per table 7.17 in every case? General discussion that at least in Pojoaque Valley there is a need for a water treatment plant but one doesn't currently exist. Table 7.17 is not clear.	4
7		Me and my family have lived in the Pinon Hills community for over twenty years. I do not neccesarly oppose growth, but I want to maintain the aesthetic quality of life that me and my family enjoy. This means being able to enjoy the openness, since we like to hike and bike ride often. When the Travis family moved in, they were able to deny access to some of my favorite trails. I want to have trails available for the entire community to enjoy, and not just a few wealthy individuals. I'm afraid that profit margins will deny us this opportunity. Please, if growth is going to happen, do it in a way that allows all of us enjoy a favorable quality of life. Thank you.	4
7	7.10.13	Replace "on the same lot as principal use" with "or adjacent to the lot containing the principal use. Where located on an adjacent lot, the developer must provide and the owner must maintain safe access from the adjacent parking to the place of principal use. Nothing in this section shall prevent the establishment of shared parking agreements per section 7.10.6."	1
7	7.10.14	For multi-use developments, the number of accessible spaces shall be calculated based on the sum total of all parking provided for the development. Accessible spaces for multi-use and large lots shall not be centralized, but shall be distributed regularly across the building frontages to provide the closest possible access to the largest number of entries to establishments.	
7	7.10.14.1	Add "Where there are multiple entrances from the same lot, accessible spaces shall be distributed near all entrances, rather than centralized, to the greatest extent possible."	2
7	7.10.14.3	add "Of the remainder of the lot uses permeable paving, the accessible spaces shall also use it."	2
7	7.10.6	Section 7.10.6 refers to the requirements of 7.10.5 but they are not applicable. There is no accommodation for shared parking in Section 7.10.5 nor in Table 7-6.	3
7	7.10.6	Add "Nothing in this section shall prevent establishments from sharing parking if their demand schedules for parking are different."	3
7	7.10.8	Add "Where paved parking is required, permeable pavement materials shall be used if technically feasible. Permeable paving may be used for parking stalls only in areas of high traffic, or for stalls and access lanes in low-traffic lots. Infiltration through permeable pavement shall be considered in calculating the requirements for stormwater control structures, which may be reduced by the volume infiltrated."	3
7	7.11.1	Include Context Sensitive Solutions (CSS) to the road design section (reference: the SGMP 10.2.4.4 & Policy 34.2. plus SGMP Ch. 5: Policy 18.2.)	

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7	7.11.13	<p>1) "Driveways may not serve more than 2 lots." Is this a requirement in the current code? It would seem that the SLDC should support shared driveways as a means of reducing the construction area per lot.</p> <p>2) "Driveways shall not be located within 150' of an intersection." This code provision supports – hopefully, unintentionally -- a development pattern that is largely of a suburban and/or rural residential quality.</p> <p>If one of the principal objectives of the new code is to promote denser, clustered development, then extended driveway set backs from intersections will make the creation of “traditional neighborhood development” and New Urbanist-inspired projects impossible.</p> <p>The current code prescribes driveways to be located not less than 100' from an intersection. The current Community College District Ordinance doesn't allow driveways within 75' of an intersection. By the standards of the SLDC, driveways are pushed further away from intersections than either regulatory standard.</p> <p>As noted above, this requirement would work against the County’s stated goal of encouraging a mixed-use clustered development pattern. Trenza's Phase I Preliminary Plat plan has six instances where driveways are located closer than 100' to intersections. Each of the requested variances was approved by the BCC.</p>	1
7	7.11.13.1	add "for new construction. Non-conforming driveways already in existence before the adoption date of this Code shall not be subject to any mandatory upgrades, widening, drainage, or realignment, nor shall any voluntary redesign of such pre-existing driveways trigger any requirement for the whole driveway to conform."	2
7	7.11.13.1.1	Delete. Driveways may be shared, per section 7.11.15.4 and for other reasons, but all shared driveways must be part of a written agreement among the owners of the lots served, and such agreement shall run with the land. Existing shared driveways without such agreements must put one in place within two years of the date of adoption of this Code.	3
7	7.11.13.1.2	Section 7.11.13.1.2: 150 feet seems too high for the distance to an intersection for a driveway for residential types streets at least. This would preclude higher density lots from having access and higher density is more sustainable.	1
7	7.11.15.1.	Should it be 8-9%?	2
7	7.11.15.1.	Should it be 8-9%?	
7	7.11.17.1	Add "Permeable pavement materials shall be encouraged for sidewalks."	1
7	7.11.17.4	Specify concrete sidewalks. Require that brick, asphalt, unit-paver, and permeable pavement shall conform to appropriate landscape engineering standards. Delete "Other hard surface materials may be used if evidence is shown that the design is coordinated with streetscape and project design."	1
7	7.11.19	<p>"Multi-use paths shall be paved with a minimum of 2-inch thick asphaltic concrete top course placed on a 6-inch thick select granular sub-base with weed barrier."</p> <p>The County should allow other all-weather surface treatments to serve a “path-setting” purpose. Concrete and asphalt will impose significant expense and on-going maintenance requirements on homeowner associations. Their imperious quality will also exacerbate stormwater flows and management costs.</p> <p>The SLDC should provide more flexibility in the surface of multi-use paths depending on their location and context. The newly developed section of the Santa Fe/Lamy Rail Trail is an example of a rural multi-use trail that has a hard surface that is not concrete or asphalt. This all-weather trail can be used of bicyclists, pedestrians, equestrians and disabled people.</p>	1
7	7.11.19	Replace "shall align with and connect to the Official Map. Multi-Use Paths shall be paved with a minimum 2-inch thick asphaltic concrete top course placed on a 6-inch thick select granular sub-base with weed barrier." with "shall be located in accordance with the Official Map and future revisions of same. Such paths shall be surfaced in materials appropriate to the mix of expected users, with preference for permeable surfacing where this can accommodate the expected users. Design and construction of multi-use paths shall conform to minimum landscape construction standards appropriate to the selected surface material and to site conditions."	1
7	7.11.19	7.11.19 “multi-use paths” these are not mentioned in Table 7-12 or 7-13 and are not described elsewhere. If they are not allowed, why are they mentioned at all?	2
7	7.11.2	Add a short CSS preamble under 7.11.1. and reference under 7.11.3 "AASHTO Roadside Design Guide, Chapter 10: Roadside Safety in Urban or Restricted Environments".	
7	7.11.2.1	7.11.2.1 As “Capacity” is critical in determining Road LOS, the formula to determine it should be included in this section and should not be buried in the appendix.	2
7	7.11.20	Should it be 8-9%?	2
7	7.11.20	Can planting medians have curb cuts to take advantage of harvested rainfall? As they do in Tucson.	3
7	7.11.20	For locations with multiple trees in such strips, a continuous planting trench shall be used instead of individual planting pits. Soil in the entire trench shall be amended to encourage root spread and improve the survival of plantings, in accordance with horticultural best practices.	3
7	7.11.20	Should it be 8-9%?	
7	7.11.3.4.1	Reference 1. Context Sensitive Highway Design, US Federal Highway Agency, <a href="https://www.fhwa.dot.gov/context/">https://www.fhwa.dot.gov/context/</a> and NMDOT Context Sensitive Design guidelines.	2

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7	7.11.5	ADD NUMBER: Drainage, erosion, and sedimentation related to roads. Design, construction, and maintenance of all County roads shall be subject to the same stormwater, erosion, and sedimentation regulations as other projects in the County. In specific, County roads shall conform to all requirements of section 7.17.5.3, requiring all runoff generated by new impervious surfaces to be retained and infiltrated on-site, with no increased overland flows leaving the road right of way and no constricting fill in watercourses. County roads must comply with the erosion, sedimentation, and re-vegetation requirements of the federal NPDES regulations. Plans for County roads shall be subjected to the same design and construction standards that would apply to any other development, and shall be reviewed by the County Planning Department, whether or not County Public Works is required to obtain formal permits for such work.	2
7	7.11.5.1	"Culverts shall be installed with a downside gravity flow...."	2
7	7.11.5.1	Rewrite as follows: "Adequate provisions for drainage shall be installed at all waterway crossings. Paved and stabilized low water crossings shall be deemed adequate provision for rural roads crossed by existing arroyos, and shall be used to avoid placing major fill in arroyos to accommodate culverts. Culverts, where used, shall be sized to accommodate a one hundred (100) year storm; if the 100-year storm calculation would result in a culvert smaller than eighteen (18) inches in diameter, a low water crossing shall be used. Culverts shall also be of sufficient gauge or thickness and length, and placed appropriately deep to withstand projected traffic loading and storm runoff.	3
7	7.11.5.1.	Add "Culverts shall be installed with a downside gravity flow...."	3
7	7.11.5.2	Curb and Gutter is required only when road is to be dedicated to the County and "where necessary for drainage". We regard this proposal to be a positive change relative to the current code.	3
7	7.11.5.2	Curbs should NOT be a one-size-fits-all requirement for ALL County roads. (Visit CR 42, ca. 1.25 miles east of NM 14, for examples of mis-use of curbs that actively cause erosion and sedimentation on the roadway.) On all rural roads, curbs should be used ONLY where actually needed for drainage control.	4
7	7.11.5.2.1	Replace "be dedicated to the County" with "with raised, paved sidewalks"	
7	7.11.5.2.2	Curbs must not concentrate surface flow of water in such a way as to increase turbulence and erosion at the edges of pavement.	
7	7.11.6.3	Delete "and shall provide for arc radius, as required for arterial roads.". This is entirely unclear and appears unnecessary.	3
7	7.11.6.6	"Grades at approaches to intersections shall not exceed 5% of 100' linear feet from the radius return of the intersection, excluding vertical curve distance." This will be a good change from current code -- one that mandated that grades could not exceed 3%. Notwithstanding the more lenient grade allowance, staff should consider reducing the approach distance requirements. One of the variances afforded to Trenza's Phase I Preliminary Plat was a maximum grade of 5% at intersections with a 50' approach. In cases where topography and TND design strategies are better served by shorter approach distances (i.e., tighter neighborhood blocks, less grading impacts), the new code should provide for such design allowances.	4
7	7.11.7	In the SLDC, cul de sac lengths are limited to 500 ft. Commonweal won administrative support for a variance request to have longer cul de sacs to serve Trenza's Phase I Preliminary Plat. While cul-de-sac lengths seem to be a fire access and safety issue, staff has supported administrative variances on longer cul-de-sacs in the past. Past allowances would seem to suggest that a relatively short (500 ft) length may be overly restrictive.	
7	7.125.3.1.1	The National Recreation and Parks Association (NRPA) standard is 10 acres of park for every 1000 people. While this is not a legal requirement, it is twice as much as the requirement for subdivisions being proposed.	
7	7.13.1.1	Specify new developments. Add " Nothing in this section 7.13 shall apply to existing private or shared wells or existing water systems; nor shall the owner(s) of an existing well be prevented by the existence of County or community water systems from repairing, re-drilling, or replacing such a well. "	2
7	7.13.1.1	Maximum water usage per dwelling unit is 0.25 acre feet/year for planning purposes. While this standard maintains the current allowance for a main home, it is unclear as to whether the same standard will be required for guest homes (i.e., will 0.5 ac/ft be required for a lot that includes a home and guest home?). In Planned Development Districts wherein water and wastewater systems can be centrally managed, it would seem appropriate for the County to encourage lower per unit water standards. In the case of Trenza, water use is limited to 0.16-0.17 acre feet/year.	3
7	7.13.1.1	These points need more consideration! I think that it is very useful to anticipate in the code a sub-set of dwellings and developments that are very advanced in their water recycling and savings methods, that use primarily rain water from roof catchments, etc., and don't have to adhere to the requirement to have a well, to be on a water system, or to consume 0.25 af/y. We already have hundreds (perhaps thousands) of such homes in the Madrid-Cerrillos area and other areas in SF County, and they need to be rewarded as an example in this regard, because they are truly sustainable. That there are perhaps other concerns regarding these kinds of dwellings (or their location or land use patterns) needs to be addressed in a different manner.	4

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7	7.13.1.3	"...if any part of the development is within the distance where connection to the County water utility is required, than the entire development must make the connection when the utility is ready, even if the development is phased." By the language of this section, it is unclear whether a project that has access to local water supplies (i.e., a substantial, proven local aquifer) could pursue a conjunctive use strategy wherein a portion of the project's water is locally supplied and a portion is supplied by the county system. It is also unclear whether this regulation would require more than a "master meter" at the junction of the county water system and a smaller community system. Furthermore, the regulation seems to require that a project's entire water infrastructure be constructed in advance of a phased development program. Such an infrastructure development requirement would be cost prohibitive for larger-scale projects. It would also preclude any design flexibility in a project that is scaled to be constructed over multiple business cycles wherein the demand for various home typologies and businesses may evolve. (This same language is used in Section 7.13.2.1 for community wastewater systems.)	3
7	7.13.1.3.15	What are the standards for doing a reconnaissance report? Put in Appendix the definition.	1
7	7.13.1.5	2) Community water systems must meet standards of NMED, CID and OSE. By referencing state requirements without identifying their specific provisions sets a developer or landowner on the (endless) hunt for relevant agency rules and requirements. Perhaps this is unavoidable, but a more comprehensive appendix noting those standards and rules (or web links) would be very helpful. 3) Water wells supplying a community water system must be individually and collectively capable of serving the water needs of development for at least 99 years. If a project is designed with multiple wells to serve a community of say 20-30 lots, it is not reasonable to mandate that a single well be capable of supplying water for entire community's needs for 99+ years. While it is conceivable that a single well could serve a larger community on a short-term basis, this standard is unlikely to be demonstrable to the satisfaction of the County hydrologist. Integrated, distributed wells should be the standard for community water systems wherein the whole of the system can supply, say, 120% of the project's daily needs for 99+years. 5) When is proof of a water right required in the County approval process under the new code? 6) Distribution lines for a community water system must be 8" in diameter. This is a dramatic increase from the current code that requires community water system distribution lines to be a minimum of 6" in diameter. Trenz's water supply plans for the community water system call for 6" distribution lines. The requirement for 8" lines would be excessive for small community systems and prohibitively expensive for developers. Although an 8" line may be an appropriate guideline for commercial development, it is not a reasonable standard for residential development. 8) Public Utility Act Articles 1 -6 and 8 - 13 of Chapter 62 NMSA 1978 shall be met. See our comment under 2) above. What do these rules cover? Where can they be found? 13) Financial security shall be deposited to secure construction of a new or expanded community water system. Is this currently required? What is the form of the guarantee (i.e., performance bonds, letters of credit, cash)? For small neighborhood development projects, this provision could prove a prohibitive cost burden. 14) Any community water system that uses ground water in whole or in part shall perform a geohydrologic report. Isn't this already required in the water supply plan regulations?	4
7	7.13.1.5	If a home has complete water sustainability eg. Grey & black water systems & catchment, does not utilize well water, and does not require water from an external supply, it is exempt from any requirement to hook up to a public utility or a local mutual	
7	7.13.1.5(15)	What constitutes a "reconnaissance report"? How and where in the Code is it defined? If it is the "Reconnaissance survey" as noted in the Appendix, it is not sufficient	3
7	7.13.1.5.15	WHM: What are the standards for doing a reconnaissance report? Put in Appendix the definition.	1
7	7.13.1.5.3	Is a 99 years till water dries out, sustainable? What about incremental new development? Should the neighboring areas be considered in calculations? How do we guard against a crooked hydrologist?	3
7	7.13.1.6	2) Shared and individual wells shall meet or exceed the standards of NMED, CID and OSE. Is this currently required in the code? 8) Financial guarantee is required for construction of shared well system. Is this currently required in the code?	2
7	7.13.1.6- 7.13.1.6	7.13.1.6 and 7. How will this be operationalized, especially when no community well is envisioned and no "community" exists?	3
7	7.13.1.6.9	If you apply for a "shared well", how can you specify that a "shared well" is prohibited? This paragraph does not make a lot of sense.	
7	7.13.16	7.13.16 regarding shared wells. Do we really need all these requirements for a shared well supplying only two houses? State Engineer's regulations should suffice.	2
7	7.13.2	Add new section, 7.13.2.6 stating, "Nothing in section 7.13.2 shall prevent the installation and use of composting toilets, grey water systems, constructed wetlands for wastewater treatment, or similar alternative wastewater treatment systems, provided that such systems meet all applicable State permit standards and requirements. Where such systems are installed, sewer connection shall not be required if the alternative system provide adequate treatment and reuse."	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.13.2	Specify "Nothing in this section 7.13.2 shall apply to existing septic systems; nor shall the owner(s) of an existing septic system be prevented by the existence of County or community wastewater systems from repairing or replacing such a septic system. However, if an existing septic system poses significant and specific risk to groundwater the owner may be required to correct this condition, with one (but not the only) option being to connect to the County wastewater utility."	3
7	7.13.2.1	What is the resolution or ordinance that establishes County Wastewater standards. If there is one, it should be cited. If it does not exist, then the code should address such a contingency.	3
7	7.13.2.1.2	What process is spelled out in the code for this to occur? "Connection" appears to be the re-responsibility of the landowner... especially in SDA-3, where a half mile of piping might be required to "connect" to the county that is now "ready" . Something not right here.	2
7	7.13.2.2	What is a "higher impact development". It is not described in the appendix or in the body of the chapter.	3
7	7.13.2.3	Greywater treatment is good. Should blackwater also be included? In general there are no requirements or incentives for individual greywater or blackwater recycling. Instead of rooftop capture, if the greywater can be shown to be equal, it should be allowed. Maybe for certain size houses required. In general there are no requirements or incentives for greywater or blackwater recycling. Instead of rooftop capture, if the greywater can be shown to be equal, it should be allowed. Maybe for certain size houses required.	2
7	7.13.2.3	Delete "a separate tertiary sewer treatment facility with full grey water capture, treatment and reuse,". Substitute "a system whose output meets tertiary treatment standards and includes grey water capture and reuse"	2
7	7.13.2.3	As with water system requirements, the code should take into consideration the very sustainable, low-cost, low impact on-site waste water systems that are pioneered by certain off-the grid homeowners and small communities in the County, and include provisions that allow such systems to exist and to be installed.	2
7	7.13.2.3	2) "Where development is not required to connect to County utility, the development must provide tertiary sewer treatment with full grey water capture, treatment and re-use and shall provide for the laying of capped lateral sewer lines so that connection can be made when the County sewer area encompasses the development and appropriate covenants shall be provided to retire the tertiary system or transfer ownership to the County." The wastewater plans for Trenza do not currently include provisions to connect to a future County wastewater utility. Would this provision – on a retroactive basis – mandate that Trenza be "connection ready" to link to a County system? Alternatively, if the project has already won approval from NMED for a wastewater permit, could it be pursued as a stand-alone system? Among the many concerns we would have regarding a centralized wastewater management requirement is the risk that the county would take treated wastewater away from its point of origin and pipe it miles away to a duplicative treatment facility. If a project's treatment strategy is one that would allow treated wastewater to be available for public parks, agriculture, wildlife habitat, etc., requiring county connection would cause this water to be lost to a local development. In Trenza's case, our investment in a habitat serving wetland facility would be completely lost. More generally, this code requirement sets a standard for treatment (tertiary level), grey water capture and reuse that is so ambitious and so unproven as to its engineering and economic feasibility that most new development projects would be unable to meet the standard. Although Trenza has sought to establish a high bar for its local wastewater treatment, capture and re-use methodology, comparable projects have not been able to demonstrate that this collection of purposes is feasible or appropriate. While we celebrate the spirit of this regulation relative to its water conservation ambitions, it is too broadly stated and prematurely required. Instead, these sorts of requirements should be called out as "preferred design strategies" wherein a development capable of manifesting them could be eligible for fee reductions, density bonuses, county financing assistance, etc.	3
7	7.13.3	County staff could consider adding sections for dishwashers and washing machines. Dishwashers should have a maximum of 5 gallons/cycle with cycle adjustment to reduce flows for smaller loads. Washing machines should have a maximum of 18 gallons/cycle with adjustment to reduce flows for smaller loads.  At a minimum, the code should require that dishwashers and washing machines (and other appliances) should be Energy Star certified that demonstrate a reasonable standard of water conservation.	2
7	7.13.3.1	Add a new section, 7.13.3.1.6, as follows: "County departments shall provide indoor and outdoor conservation literature to all persons applying for a development permit and persons initiating water service. The County water division shall supply Mutual Domestic Water Associations (need definition in Appendix) with such literature."	2
7	7.13.3.1	ADD SUBSECTION: irrigation from a system controlled by a 'smart controller' using sensors to determine actual water requirements for plants; 'clock' controllers are prohibited	3
7	7.13.3.1.1	Insert "using treated potable water from County or community water systems" after "Outdoor watering or irrigation"	3
7	7.13.3.1.1(b)	Add "(under direct physical supervision)"	3
7	7.13.3.1.1(b)	Add "(under direct physical supervision)"	3
7	7.13.3.1.1.6	Add "The County water division shall supply Mutual Domestic Water Associations (need definition in Appendix) with such literature."	3
7	7.13.3.1.1.b	add "(under direct physical supervision)"	3
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7	7.13.3.1.1.b	Manual watering is far LESS water-conserving than automatic systems that use the current generation of 'smart controller' (those that use sensors to irrigate only when plants require soil moisture). Most states with serious water conservation regulations require smart-controllers, prohibit 'clock' controllers, and in many cases, prohibit manual watering. (Several of the subsequent sections refer to irrigation as permissible, and some refer to 'timed irrigation' which is the least desirable and efficient method. Permitting smart-controller systems is the best way to resolve these contradictory clauses.) This section needs serious revision.	3
7	7.13.3.1.1.d	Add "acequias" as follows: Irrigation using water derived from an Acequia Association, informal acequia or other agricultural irrigation system.	2
7	7.13.3.1.1.d	Add acequias as follows: "Irrigation using water derived from an Acequia Association, informal acequia or other agricultural irrigation system. "	2
7	7.13.3.2.10	MOVE to Outdoor section, above	1
7	7.13.3.2.3 & 4, 5, 7	7.13.3.2.3 and 4 and 5 and 7: Since 1.6 gallons per flush for toilets, 1 gallon for urinals, 2.5 GPM for faucets and shower heads is now the standard for new fixtures I guess this limit is so people don't install older toilets and urinals. This seems like a place, however, where there could be an incentive for people who put in low flow fixtures.	4
7	7.13.3.2.3.12.a	Timed recirc pumps use a lot of energy. On demand recirculation pumps are better.	1
7	7.13.3.2.5	Faucets can be 1.5 gpm or less these days instead of 2.5 as shown.	2
7	7.13.3.2.7	Faucets can be 1.5 gpm or less these days instead of 2.5 as shown.	2
7	7.13.3.2.7	Faucets can be 1.5 gpm or less these days instead of 2.5 as shown.	2
7	7.13.3.3	ADD NUMBER: All outdoor irrigation systems must be equipped with a rain sensor and 'smart controller' so that the irrigation system does not operate when it is raining or has recently rained.	3
7	7.13.3.3	Subsistitute " automated, 'smart controller'" for "timed"	3
7	7.13.3.4	Well metering is an important inclusion. Suggest: require a depth monitoring gauge & reporting in order to track water table; whats the process for collecting, monitoring & enforcing water usage? OPTIONS: •Major Developments which are connected to public utilities and/or private mutuals: Developers could be required to advance a non-returnable escrow account/fee for a certain period to pay for meter monitoring & reporting. •Private wells: new construction of properties with private wells – monitoring & reporting should be covered thru a Bond Issue or built-in upfront fee.	2
7	7.13.3.4	Make clear "selling OR planting"	2
7	7.13.3.4	This gives no indication of where metering IS established, HOW it is or will be established, nor how QUANTITIES are set for a metered property	2
7	7.13.3.5.2.g	add "...or for testing and completing of new or repaired plumbing systems, public or private"	
7	7.13.3.6.3	Section should be titled 7.13.3.6.2? Add " not designed to be irrigated" after "hard surface"	3
7	7.13.3.6.3	Delete "accumulates as to either create individual puddles in excess of ten feet square in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of –way, arroyo, or other water course, natural or manmade. Fugitive water also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface.". Replace with " accumulates covering ten square feet or more, or flows off the property where the flow originates onto adjacent private or public land, right of way, drainage system, or watercourse natural or constructed. Temporary accumulations or puddles on a property being irrigated are not fugitive water; if extreme or persistent, such accumulations may result in an official demand to adjust the irrigation system under 17.13.3.1"	3
7	7.13.3.7	The section requiring that the cisterns be connected to a pump and drip irrigation system to serve landscaped areas would prohibit water harvestings for domestic re-use such as toilet flushing. This would mean that Commissioner Holian's new house that uses harvesting for domestic uses would be illegal. The section needs more flexibility.	1
7	7.13.3.7	Suggestion to include language which would require rainwater catchment systems for existing housing undergoing renovations/remodeling whose roof surface is 2,500 square feet or greater (tie this to a square footage of renovation as stated in the permit)	2
7	7.13.3.7	Suggest/question: rainwater catchment can be used for indoor use within given health standards &/or filtration systems?	2
7	7.13.3.7	Suggest: include option (as an alternative to the requirement rain barrels, water cisterns, etc.) of water diversion irrigation methods for beneficial use such as personal or traditional community acequias, landscape irrigation channels etc	2
7	7.13.3.7	Water harvesting requirements are excessive and expensive.	4
7	7.13.3.7.1	Would it be possible to add a requirement that systems that use pumps must maintain pumping system in good repair? If not, how about having minimum specifications based on local experience to increase durability?	2
7	7.13.3.7.1	Captured rainwater shall be used for landscape irrigation, for flushing toilets, or in combination with greywater. Use of captured rainwater for any other purpose requires a treatment system certified to potable water standards.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.13.3.7.2.b	Delete "and a drip irrigation system to serve landscaped areas"	2
7	7.13.3.7.2.c	Replace "berms and swales" with: "passive water harvesting and infiltration techniques". Berms and swales are too prescriptive as a technique to mention, and there are many different and more appropriate techniques; in fact berms and swales are often inappropriate in SF County!	1
7	7.13.3.7.2.c	Suggest: structures with roof sizes between 500 sq.ft. and 2500 sq.ft or more are required to install water cisterns, pump controls & irrigation systems if the lot size allows for such installation	2
7	7.13.3.7.2.c	Inadequate definition/description of berms, swales and tree wells	
7	7.13.3.7.3.b	and a drip irrigation system to serve landscaped areas.	3
7	7.14.2.2	7.14.2.2 -- County staff could consider developing a scaled HERS ratings standard for different size and types of new construction. Mirroring the City of Santa Fe's green building code, the county may want to require that larger homes (i.e., larger than 3,000 sf) be required to meet a more stringent HERS rating standard (i.e., HERS standard of 60 or lower).	2
7	7.14.2.3	The City will be moving to require HERS raters that rate for City permit have additional education and receive a certificate from the Santa Fe Community College or equivalent. We have been working with Amanda Evans on this certificate program. I would make sense to have this requirement be the same in the City and County.	2
7	7.14.2.4.2	Rather than this list of professionals who don't necessarily know what to look for, this should be done by a Green Rater. Check with Amanda Evans to see if any other certifications prepare someone to do this. I have a Bachelor of Architecture but that did not prepare me to do these kinds of inspections. This is true of engineers as well.	2
7	7.14.2.5.2	ADD NUMBER: New residential structures whose primary heating system is passive solar, or fan-assisted passive solar, shall be exempt from ASHRAE and EPA 'sealed building' standards, but shall provide adequate ventilation throughout the building.	2
7	7.14.2.5.2	Good approach to have County Manger determine which checklist can apply. Allows for flexibility.	4
7	7.14.3.2	"strongly encourage" means nothing in a code. It should be required.	3
7	7.15.1	add: ", pathways for wildlife and flood zones, landscape-wide buffer zones, as well as agricultural and pasture land."	2
7	7.15.3	There should be some requirement for trailheads. Even if there is one or two cars.	3
7	7.15.3.1	Given that a subdivision CAN refer to a half-dozen small lots, shouldn't there be a minimum total size of development for the full acre requirement? If I have 6 legal quarter-acre lots, that is only 1.5 acres total. "Vest pocket" parks, at the same size as the smallest lot in the development, are of special value and character in dense development. I would urge that they be allowed for developments of under ten acres or 10 units, with the requirement in those cases being dedication of a park equal to the size of the smallest developed lot.	2
7	7.15.3.1	Comment: It is unclear how the Draft SLDC will determine the number of residents in a neighborhood, particularly for new construction. It is also unclear what is meant by "per subdivision." Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise this requirement to either put it in terms of the number of dwelling units, or provide a standard for projecting the number of residents per unit for particular housing types. The County should also clarify what is meant by the "per subdivision" reference.	2
7	7.15.3.2	7.15.3.2 -- Open Space and Trails sections are "Reserved." When will these standards be available for review by the public?	4
7	7.15.3.3	7.15.3.3? (this section should be 3). The goal of the code should be to create a multimodal transportation system. If this can be accomplished off-trail, so much the better. If it can overlap with a recreational trail system, better still.	4
7	7.15.3.5	In our area, when we were governed by the EZA, we had a 30% minimum open space requirement. This worked very well where it was included. We asked developers if this was a problem for them and they said no. Even if the open space is private, if there is a public trail through it, it makes for an excellent area wide trail system. We strongly support and open space and trail system, in areas where density is 2.5 acres – 5 acres. It can also be used to protect wildlife corridors or archaeological areas. When the density is greater, the open space should increase up to 50%. When the density is smaller, the open space in a subdivision should decrease. For example at 160 acres (maybe even 80 or 40), there is no need for open space. So there should be a gradual decrease in the percentage.	4
7	7.15.5.1	IMPORTANT: intensive pedestrian survey should limit sub-surface trowel tests, shovel tests to 0.5% of site area. If not a site then 0.5% of project area. Next step would be subsurface testing.... then maybe data recovery.	1
7	7.16.1	Should add reference to Section 106 of the NHPA of 1966 as amended. Replace "worthy of preservation" with "significant" ie: eligible for listing on State of Federal Registers. Replace "and those cultural properties not yet known or identified as" with "potentially eligible for listing on State... and Federal...". Instead of specifying that resources should be analyzed and treated at the planning stage, state that these actions should occur "early in the planning stage".	
7	7.16.10.1	Substitute "reconnaissance survey" for "intensive survey".	
7	7.16.10.1	Substitute "along with the survey and report" with "with the report."	
7	7.16.10.1	Use Archaeo review board instead of state.	
7	7.16.11.1	Sub "reconnaissance" with "intensive"	
7	7.16.11.1	test excavations at first, then if necessary, data recovery.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.16.11.2	Sub "Applicant" with "Consultant"	
7	7.16.11.2	Sub "plan of excavation" with "testing plan and a data recovery plan as necessary"	
7	7.16.11.2.	Remove "by the applicant" to make it clear that the applicant does not prepare this himself.	
7	7.16.11.4	Specify depth ie: 30 cm below modern ground surface	
7	7.16.11.4	Sub "directed at recovering information" with "Directed at limited/intensive testing or data recovery of artifacts, archaeological features, etc."	
7	7.16.11.5	Sub "applicant" with "consultant"	
7	7.16.11.6	Sub "plan of excavation" with "testing plan and a data recovery plan as necessary"	
7	7.16.11.7	if development MAY adversely affect ... then archaeological monitoring may be best mitigation	
7	7.16.12	follow NAGPRA	
7	7.16.12.1	Provide specific quantitative buffer for determining potential endangerment to cultural remains , ie 10 meters	
7	7.16.12.1	Sub "determine the significance" with "determine the potential for significance-- determining actual significance usually comes in the recommendations section of the results of survey report, testing report, or data recovery report."	
7	7.16.12.1	Sub "shall temporarily cease" with "Shall cease until potential for significance can be assessed by PI."	
7	7.16.12.1	Missing reference	
7	7.16.12.2	Initiate legislation for more severe penalty. Cite NAGPRA.	
7	7.16.13	Try to work in a provision for protection of significant sites on private land, ie the Santuario...	
7	7.16.3	Provisions should apply to any subdivision which creates two or more lots. Three or more lots is too much of a loophole.	
7	7.16.3	Add "However, the provisions of section 7.16.12 concerning unexpected discoveries apply to all development and construction activities throughout the County."	
7	7.16.3	Add (d) concerning any development containing more than 80 acres, otherwise there could be a loophole for not doing a survey if people are creating large tracts.	
7	7.16.4	Section should read, "A report that conforms with US SOI Standards for Documentation of Historic Properties...The report shall include a treatment plan which provides methods by which the property will be protected, preserved or salvaged AND and which identifies and develops a research plan and an historic context..." see <a href="http://www.cr.nps.gov/local-law/Arch_standards.htm">http://www.cr.nps.gov/local-law/Arch_standards.htm</a> "	
7	7.16.4	What are Admin's qualifications? Should have CRM board or Board of Archaeological Standards (to be formed under the supervision of Admin, and shall include 2 archeologists or one archaeo and one historian, one architectural historian, and one or two community members.	
7	7.16.4	The exemption for permits for construction of single dwelling units, accessory structures, agricultural facilities, roads, utility installations and family transfers which do not alter a Registered Cultural Property and lands which have been previously surveyed by a professional archaeologist and accepted by the Code Administrator is not good. Indications of cultural material may become visible via erosion... this section should provide for an "Updated Survey"	
7	7.16.4	As erosion in NM can quickly reveal new cultural sites, there should be no exemptions from surface surveys for cultural artifacts for areas that have been previously surveyed.	
7	7.16.5.1	There needs specific definitions throughout this section that delineates "reconnaissance" from "intensive" survey... This should be "intensive survey". ie: use SOI guidelines..." Survey techniques may be loosely grouped into two categories, according to their results. First are the techniques that result in the characterization of a region's historic properties. Such techniques might include "windshield" or walk-over surveys, with perhaps a limited use of sub-surface survey. For purposes of these Guidelines, this kind of survey is termed a "reconnaissance." The second category of survey techniques is those that permit the identification and description of specific historic properties in an area; this kind of survey effort is termed "intensive." The terms "reconnaissance" and "intensive" are sometimes defined to mean particular survey techniques, generally with regard to prehistoric sites. " <a href="http://www.cr.nps.gov/local-law/Arch_standards.htm">http://www.cr.nps.gov/local-law/Arch_standards.htm</a>	
7	7.16.5.1(4)	Treatment and mitigation plan usually a second report, different than "results of intensive survey" report, which may recommend a Treatment Plan and must include a current, dated ARMS map indicating sites.."	
7	7.16.5.1(4)	§7.16.5.1(4) reference to §7.20.8 is invalid. Solid waste ends with §7.20.2	
7	7.16.5.3	Add language: "And Within a one-mile radius of the proposed undertaking."	
7	7.16.5.3	This says 50 years. If someone is doing an addition, and there is some left over garbage, that could prevent them from building. This seems excessive. Perhaps 100 or 200 years?	
7	7.16.5.4	Regarding linear transects, they should be used where appropriate, otherwise contour survey or variation that is supported by appropriate reasoning in the survey report.	
7	7.16.5.4	add "and verified by the project PI"	
7	7.16.7	Qualifications per the NM HPD consultant list. In addition, verification of consultant's CV should be conducted by Administrator or Board of Archaeological Standards (to be formed under the supervision of Admin, and shall include 2 archeologfists or one archaeo and one historian, one architectural historian, and one or two community members.	
7	7.16.8	Add "in compliance with NAGPRA"	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.16.8	This must emphasize Tribal notification and consultation as spec under NAGPRA. Procedures should indicate in detail, the sequence of events that must occur from the very first discovery of human remains or funerary objects. Sequence starts with a call to the State or County Medical examiner and SHPO, and goes on for there. A treatment Plan would provide detailed procedures for such discovery...	
7	7.16.8.10	include a provision for monitoring by qualified archaeologist as a treatment	
7	7.16.8.6	include historic aerial photographs	
7	7.16.9	Who will mark it received and forward to the Archaeo Review Committee, or what ever name you want to give the Board/committee – this should be kept at County level since NM HPD is short-staffed and overwhelmed by review of its own.	
7	7.17.1	One of the purposes should be to promote permaculture. Any retained water should be encouraged to water outdoor landscaping	3
7	7.17.1	I would recommend adding two more “purposes”: 1. Recharge the groundwater/aquifer 2. Provide passive irrigation of landscaped areas	
7	7.17.1.	Include a new section, 7.17.1.8. "Preserve and maintain the functionality of natural ecosystems with significant ecological value, such as springs, wetlands, riparian areas, wildlife habitat and pathways, and ecological bufferzones to such ecosystems, including the landscape connectivity needed for their continued ecological functionality."	3
7	7.17.1.1	Rewrite: "Protect the natural benefits (a.k.a. "ecosystem services") of the land, such as productive and stable soils, water quality, water purification capabilities of soils and ecosystems, biotic diversity and resilience, natural drainage and flood management, water infiltration and groundwater recharge, ecological integrity, and the natural character of the land."	3
7	7.17.1.2	Rewrite: "Maintain soil and slope conditions, soil erosion, sedimentation, storm water runoff and flooding within ranges of variability of undisturbed or undeveloped terrain conditions."	3
7	7.17.1.7	add "and increases in runoff"	3
7	7.17.3	Specify extending no more than thirty feet	2
7	7.17.3	Delete "which shall not be less than 2000 square feet.". Replace with "To the extent possible, working area and site disturbance areas shall be planned such that they coincide with finished driveways and/or paved landscape surfaces, to minimize disturbance of other soil and vegetation. In no case shall the sum total of working area and expected site disturbance exceed twice the area of the proposed structure's footprint."	3
7	7.17.4.1	Include: "streams and riparian areas, ..., and buffer zones and setback area for the protection of these sensitive areas."	3
7	7.17.4.3	Specify CONTIGUOUS buildable area without regarding	3
7	7.17.5.1	Setbacks need to be much more dependent on the width and activity level of streams - see my comments before on this topic.	2
7	7.17.5.2	7.17.5.2 -- Single family residential can install a retention/detention pond(s) or check dams with a minimum volume of 600 cubic feet, if proposed development site, including patio, garages, accessory structures, driveways and other development that decreases the permeability of infiltration of pre-development surfaces is no more than 6,000 square feet and total impermeable surfaces (roofs, paved areas, patios, etc.) do not exceed 2,500 square feet. Otherwise the development would be required to have a larger drainage plan. How does this compare with the existing code? In clustered development projects where there is an interest in developing at a zero-lot line scale (a scale that is walkable and pedestrian oriented), this standard of retention and detention may push up lot sizes unnecessarily. Relative to Trezza's plans, Commonweal would be concerned that this standard would inflate lot sizes (and block sizes). By increasing the size of lots and blocks, many of the benefits of TND design would be compromised (i.e., traffic speeds, eyes and ears on the street, sidewalk and street shading). As an alternative, the code should allow for neighborhood-scale retention and detention ponds as a means of channeling storm water to centralized catchment systems that could serve small neighborhood parks and open spaces. Additionally, a storm water management strategy could be designed to support a bifurcated approach wherein a portion of a homesite's storm water flow could be retained on site, and a portion could be allocated to a neighborhood system. Providing for a mix-and-match approach would seem to allow for public safety to be served, without forcing a every-house-as-an-island mentality.	3
7	7.17.5.2	Do not require detention ponds: they will break in large storms, and after a year, clay layers will form and make the pond nearly impermeable, making natural or planted vegetation growth nearly impossible, and increasing water losses due to direct evaporation at a rate of about 5 ft a year. All ponds need to have protected spillway overflow capacity with a spill pad (a.k.a. apron) on the outflow side. Also, a detention pond will require water rights from the OSE! Don't call it a pond either; rather a stormwater retention structure or area.	3
7	7.17.5.2.	Specify cumulative volume	3
7	7.17.5.2.	Add "designed where possible to retain and infiltrate water at locations beneficial to existing or planted vegetation" after "(600) cubic feet"	
7	7.17.5.3.1	Eliminate "detain" here and in all following text.	2
7	7.17.5.3.1	add "and to infiltrate all detained or retained water on-site at locations beneficial to existing or planted vegetation"	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.17.5.3.2	The 100-year flood level definition will conform to the most recent FEMA data, US ACE data, professionally calculated level, or whichever is highest for the specific area. BTW, the professional field is going toward using "the 1% chance flood/storm event (area)" rather than the "100-year flood (zone)".	2
7	7.17.5.3.3	specify retained and infiltrated	2
7	7.17.6	Many people have to grade their driveway or internal roads yearly, to maintain them. They own their own tractors. It is ridiculous to require them to get a permit to do this. Some reasonable sense of scale needs to be introduced here. Laws that make criminals out of average citizens are inappropriate.	3
7	7.17.6	Grading private roads needs a permit?	3
7	7.17.6.1	Add "Failure to obtain such a permit before undertaking any clearing, grubbing, grading, or blasting shall result in denial of any development permit for any site within the County to the responsible party or parties for a period of five years."	2
7	7.17.6.2	Comment: The Draft SLDC does not define what is meant by "mass grading," which could potentially lead to arbitrary interpretations and result in disputes. Recommendation: The County should define the term "mass grading."	1
7	7.17.6.6.	Comment: If a property owner has the permission from the abutting property owner to grade up to the property line, there is no reason for the County to restrict it. Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this section to require that grading within one foot of a property line may take place with the consent of the abutting property owner.	2
7	7.17.7.1.	Add standards for successful coverage of the revegetation, consistent with vegetation of surrounding area.	3
7	7.17.7.1.	Add "to approximate the density and species of vegetation of healthy undisturbed sites in the County"	
7	7.17.7.4	Add, "This section shall not prevent use of on-site soils for adobe, rammed earth, or similar construction purposes."	3
7	7.17.8.1.-7.17.8.4.	Comment: It is unclear how "cut and fill slopes" differ from other forms of grading. In general, all grading consists of either cuts or fills. Recommendation: The Santa Fe Association of REALTORS® recommends that the County clarify what situations it intends to regulate with this cut and fill restriction, and how they differ from other types of grading.	2
7	7.17.9.4.	Specify structures or ridgelines	2
7	7.17.9.4.3	Tin roofs age over time and cease to be reflective. They are a traditional northern New Mexico building material. They should be allowed. This should be modified to include a period of time.	2
7	7.18.13.1	Add new section 7.17.13.10. Management of existing vegetation, including pruning, thinning, and removal of non-native and/or invasive species - either by excavation or felling - , and the subsequent replanting of (native) vegetation, provided that any such vegetation management changes do not constrict flow or create a rise in the base flood elevation during a 1% chance flood event, unless allowed under the discretion of the County Flood Plain Manager.	2
7	7.18.14.	This seems to be in conflict with Table 4.1 and section 4.9.7. There does not appear to be any process associated with the application and approval of this type of variance. Chapter 4 is very explicit, but does not appear to apply to variances issued by the Floodplain Administrator. The "Floodplain Administrator does not appear at all in Chapter 3 -Decision Making Bodies, or in Chapter 4, "procedures". How many "hidden" administrators are there in the pages of the code. How do they interact, if at all. What process calls them to account?	3
7	7.19.3.1.5	Insert, "...as well as extreme or persistent ponding on irrigated surfaces and requiring system adjustment," after "Water system leaks"	2
7	7.2.12	I know you have included the reference to the 2009 New Mexico Solar Energy Code. but there are also a set of "Solar Rights" in New Mexico Statutes that should also be referenced. I was also thinking that in here the lighting standards that protect the night sky should be here.	1
7	7.2.12.	We know you have included the above but there are also a set of "Solar Rights" in New Mexico Statutes that should also be referenced	2
7	7.20.1	7.20.1 There is no reference to existing Solid Waste Ordinance. Why has this section not been run through the County's Solid Waste Management Division?	2
7	7.20.1	The term "solid waste" needs to be defined either in the apprndix or by reference to the appropriate ordinance. Reference needs to be made to the County's Solid Waste Management Plan (Resolution 2011-6) and any associated ordinance.	2
7	7.20.2.	While this appears in other County Ordinance, I believe that there needs to be a provision stating that it is prohibited to discard solid waste in unauthorized dumps, arroyos, along roadways, or in any fashion not authorized by either this section or by County ordinance.	
7	7.20.2.1	Is this legal? Why shouldn't county residents be permitted to use transfer stations. You are essentially imposing a tax on SDA-1 residents. The County does not have a curbside collection service. Collection services cost about \$600 annually. Transfer station Permits cost \$70.00. Can the County force it's residents to use a private, for profit service? I don't think that this is defensible.	2
7	7.20.2.4	"Proper disposal" needs to be defined	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.20.2.5.	ADD NUMBER: organic wastes, including vegetative trimmings, manure, compost, wood chips, shall not be disposed of in any landfill or transfer station under any circumstances. Such materials shall be incorporated into soil on-site or through appropriate public yard-waste programs.	2
7	7.20.2.5.	Delete "including manure"	2
7	7.20.2.5.	When is a manure pile considered "waste" and when is it considered "compost". Why are horses singled out? How about cows? In agricultural areas of the County, there are several options with dealing with manure: First, leave it in place and let it decompose and be trampled upon, and 2) clean the corrals and place the manure in piles. 3) Spread the manure on the land as needed as fertilizer. In the first instance, there is no County requirement since manure becomes soil. In the second, you have to remove it monthly. In SDA-1, will the county provide for the removal of animal waste as well as other solid waste with its collection service? A single horse creates a wheelbarrow of waste every three days. Ten wheelbarrows worth a month. How will the county establish whether or not "monthly" pick up has been accomplished. As I understand it, the county Solid Waste management Office would rather not deal with animal waste and would love to close down the only composting site (Eldorado) other than at BART. Does the County expect Edgewood residents to spend three hours a month moving manure to BART, just so that they can keep a single horse? Perhaps language stating that "unsightly Manure piles" may be considered as violations of the County's Anti-Liter ordinance, rather than trying to build a largely unmanageable statement into the Land Use Code.	4
7	7.21.2.	comply not apply	1
7	7.21.3	7.21.3 We think by "average conditions" you mean "average ambient conditions". That would be good and should be clarified. It appears that you mean no noise should exceed these levels. That is good. If this is an average of noise throughout the day, that is useless, because someone could start a jet engine every hour, but the average would be low.	2
7	7.22.1.	Comment: It is unusual for a local government to require financial guarantys for the construction of private site improvements. It is unclear what the County's rationale is for requiring such guarantys, particularly when the County will presumably have other means of recourse (permit revocation and civil enforcement, for examples) if improvements are not constructed as required. Recommendation: The Santa Fe Association of REALTORS® recommends that the County remove this requirement for the submission and review of guarantys for private site improvements.	2
7	7.22.11	As-Built	1
7	7.22.11	As Built Plans?	
7	7.22.11	As Built Plans.	
7	7.22.11.2.	Add "Where an as-built condition represents a change from the approved plans and/or is buried or covered by final construction, submission of digital photographs in addition to the as-built drawings is encouraged"	1
7	7.22.9.	Comment: This provision provides another example of excessive discretion afforded to the Administrator. This section lacks any procedure for obtaining relief in the event that an applicant disagrees with the Administrator's determination. Recommendation: The Santa Fe Association of REALTORS® recommends that the County revise this section to provide an applicant with the ability to appeal the Administrator's determination.	2
7	7.23.3.2	2) The HOA...shall be operated with a financial subsidy from the developer prior to the sale of an adequate number of lots or units within the development to effectively operate the HOA. Is it reasonable to expect that a developer should subsidize the operations of an HOA, or does it make more sense for the developer to continue to own the improvements until an adequate number of lots have been sold? More generally, this requirement seems overly broad and open-ended. Is the County planning to set subsidy standards for different size neighborhoods? Do we have good data on what it costs to manage neighborhoods in Santa Fe County with wildly divergent improvements and amenities? Although we applaud the County's concerns regarding HOA sustainability, this provision, as written, is certain to invite confusion and a substantial cost burden on developers. We would prefer that developer contributions to an HOA (or the lack thereof) be included, instead, in a disclosure statement so that buyers are aware of the neighborhood's resources. By allowing buyers to independently assess and evaluate the viability of a community in all of its capacities and facilities, we feel that the public interest will be fairly served.	2
7	7.23.3.2	Does the proposed Code provide any process to deal with home-owners association (well agreements/road agreements) that has gone bankrupt or no longer has an elected board? Many roads have passed to County this way. Bonds?	4
7	7.23.3.2	It appears that in a worst case scenario a developer could set up an HOA, then get the owners to finance all sorts of improvements that weren't originally outlined. There needs to be some form of protection for members.	
7	7.23.3.2.	Does the proposed Code provide any process to deal with home-owners association (well agreements/road agreements) that has gone bankrupt or no longer has an elected board? Many roads have passed to County this way. Bonds?	4
7	7.23.6.3.	Does the proposed code provide any procedures (process) to deal with a situation where a home-owners association ceases to function, no longer has a functioning board, or is otherwise unable or unwilling to continue its role as "steward"? At what point does the County assume responsibility for public areas should the HOA fall into default- or does it? If not, how will public access areas be maintained? If homeowners will be assessed, what is the mechanism? It doesn't appear in Section 1-4 as a function of the administrator.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.23.7	The narrative associated with this section seems incomplete. Is there quite a bit more text coming with the next draft?	2
7	7.3.1.6	I am so glad you prohibit "Flag lots." It would be really nice to know what flag lots are.	1
7	7.3.3.5	"setback at least twenty-five (25) feet of [from not of] Tribal Lands."	3
7	7.4.1	add "s" to "meet"	1
7	7.4.3	Detention is not drainage! This should be retention. I strongly advise against detention; with the effects of climate change, storm water detention will be difficult to enforce and lead to greater landscape impacts.	1
7	7.6.2.3.	Add "...and unfragmented, connective linkage pathways for wildlife"	3
7	7.6.3.1	Replace "development site whenever to the extent practicable " with "footprint area of structures and a reasonable area for construction operations"	1
7	7.6.3.1.1.b	Care must be given to natural tree densities that can survive in drought conditions without leading to increased fuel loads and fire hazard.	3
7	7.6.3.1.2.c.	Comment: This restriction on the removal of "significant trees" is another example of a restriction in the Draft SLDC that requires a means for some flexible relief. It is possible that a project may require the removal of one significant tree on such a slope, and the Draft SLDC does not appear to allow for a waiver from this requirement. Recommendation: The Santa Fe Association of REALTORS® recommends that the County modify this restriction (and others like it) to allow applicants greater flexibility to modify the sustainable design standards.	3
7	7.6.3.2	Something should be in this 7.6 Landscaping and Buffering section about the planting of invasive trees as prohibited by the N.M. Department of Agriculture (Russian Olives, etc.). A definition of "invasive" (and weeds) should be added to the Appendix.	2
7	7.6.3.2	Something should be in this 7.6 Landscaping and Buffering section about the planting of invasive trees as prohibited by the N.M. Department of Agriculture (Russian Olives, etc.). A definition of "invasive" (and weeds) should be added to the Appendix.	2
7	7.6.3.2	Something should be in this 7.6 Landscaping and Buffering section about the planting of invasive trees as prohibited by the N.M. Department of Agriculture (Russian Olives, etc.). A definition of "invasive" (and weeds) should be added to the Appendix.	4
7	7.6.3.2	Something should be in this 7.6 Landscaping and Buffering section about the planting of invasive trees as prohibited by the N.M. Department of Agriculture (Russian Olives, etc.). A definition of "invasive" (and weeds) should be added to the Appendix.	4
7	7.6.4.1.	Add a new section 7.6.4.1.3 requiring, A buffer zone of natural vegetation and/or undisturbed landscape shall be maintained between any form of development and springs, wetlands, and riparian areas. The buffer width will be 300 feet in case of springs, wetlands and streams with permanent flows, 165 feet for streams with intermittent or ephemeral flows wider than 30 feet, and 50 feet to ephemeral or intermittent drainages that are narrower than 30 feet. If the stream, wetland, and/or buffer area is a known wildlife pathway for mammals, a buffer width of 600 will be maintained regardless of the size of the stream. Upon the discretion of the Land Use Administrator, buffer width for the protection of bird habitat known to be of importance to New Mexico bird species of greatest conservation (SGCN) can be made as large as 5,000 feet. Buffer width is measured from the edge of developed terrain to the edge of the 100-year flood plain (a.k.a. the area with a 1 % chance flood event) or the potential wetland or riparian edges.	2
7	7.6.4.2	No trees shall be planted that exceed tree densities that need artificial watering (e.g., drip irrigation) for their survival, and/or that increase wildfire hazard. (Urban) forestry experts or ecologists may need to be consulted to advise on optimal tree densities suitable for specific site conditions.	3
7	7.6.4.2	With all due respect, these buffer requirements regarding tree planting are unrealistic and undesirable given that tree densities are highly variable across the landscape and that they may not be desirable as indicated in fire hazard areas or areas that do not support any trees and are better served by grass as a ground cover. In such cases, increased buffer zone width or constructed sound barriers are the only appropriate buffer!	3
7	7.6.4.3	You probably don't mean "no plant material". Better "minimal plant material".	1
7	7.6.4.3	specify stormwater retention	3
7	7.6.5.2	Replace "retaining native materials or using grass, groundcovers, or low growing shrubs having a maximum mature height not exceeding two feet, or be treated with a non-vegetative cover such as bark mulch or gravel." with "provided that no planting or other landscape element in this area exceeds two feet in height or blocks visibility for drivers, cyclists, pedestrians, or other users. Retention of native materials is encouraged; grasses, groundcover plants, low shrubs, and non-vegetative cover such as bark or gravel may be used. The owner is responsible for keeping any such materials from interfering with use of the road."	3
7	7.6.5.2.1-7.6.5.2.2	specify native trees	3
7	7.6.6	Unclear why this is in different font and grayscale?	1
7	7.6.7	An "interior" parking lot is one located in a parking structure. This term is confusing and unnecessary and should be deleted throughout this section. "Interior landscaping" has a specific meaning: houseplants	3

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.6.7.4	This is contradictory: islands are 5', yet each must contain a tree, which requires 7'	3
7	7.6.7.6	Delete references to "interior"	3
7	7.6.7.6.1	6 feet instead of 5	1
7	7.6.7.6.3.c	Add, "Location of tree plantings shall be designed to provide the most effective shade and windbreak for the parking area. Smaller plantings shall be located to provide visual interest and to avoid interfering with car doors or movement of pedestrians."	2
7	7.6.9.2.1.d	ADD NUMBER: fences or walls that are solid below and incorporate openwork, trellis, or lattice from five and one-half (5.5) feet upwards may be considered solid screens for purposes of this section. Trellises with vines, as well as planted "greenwalls," may be used for screening if they provide a year-round mass of vegetation that effectively blocks views into the parking area.	3
7	7.6.9.4	ADD NUMBER: Alternative irrigation: permanent irrigation may be waived for specific landscaped areas if the owner and designer submit a water harvesting plan which will capture sufficient precipitation to maintain the species planted. Such plans may combine water capture with graywater and other alternative sources, and shall be encouraged where feasible in order to conserve water.	1
7	7.6.9.6	The added section strikes me as a loophole; it suggests some important issues, but primarily gives excuses not to landscape. I suggest the replacement text shown. Whatever this section retains in the final draft, it should NOT be a simple administrative decision to allow landscape work to be eliminated. Replacement language as follows: The landscape standards in 7.6.4 through 7.6.9.5 may be modified in special circumstances, provided that immediate neighbors are properly notified and do not object. Alternative landscape approaches may be used: 1. to protect and fit in with the existing character of native vegetation, provided that existing lack of vegetation due to prior clearing or grazing of the area shall not constitute a reason to eliminate landscaping requirements 2. where screening would itself be highly obtrusive, in which case re-siting of the unscreened structure may be required as appropriate 3. where there is no current or foreseeable neighbor(s) or other users to benefit from screening 4. where existing vegetation, in good health and with a reasonable life expectancy, provides adequate screening or buffering, or where topographic features do so	3
7	7.7.	Sometimes the 6 foot height requirement is too high if for instance the fence is on the north side of a residence and blocks the sun from melting ice. Five foot might be better. Then sometimes the 8 foot maximum height requirement is too short and an 10 might be better. Maybe some pictures are in line here....	2
7	7.7.5.2	7.7.5.2-1. would prohibit recycled materials and outlaw many creative and historic fences already existing in the County. Suggest replacing this as follows: "recycled or scrap materials UNLESS thoroughly incorporated into a fence or wall structure that is durable, non-hazardous to passersby, appropriately opaque or open to fit the character of the site, with the components visually organized to create unified patterns or textures on all publicly visible surfaces;"	3
7	7.7.5.2	I would add: 4. In subdivisions along the perimeter of a tract or parcel that abuts a lot with an existing non-fire proof fence, or a wooden structure within fifteen (15) feet, only fire-proof materials may be used (chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or adobe).	
7	7.7.5.2.	4. In subdivisions along the perimeter of a tract or parcel that abuts a lot with an existing non-fire proof fence, or a wooden structure within fifteen (15) feet, only fire-proof materials may be used (chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or adobe).	2
7	7.8.2.2	7.8.2.2 is completely duplicate of previous section. Delete.	1
7	7.8.3.1.3	Add " Where IES standards offer a range of illumination levels, the minimum level shall be used unless there the owner presents a compelling reason for brighter illumination."	2
7	7.8.3.3	Here I'm concerned with the free standing solar lights that are often colored for existing homes and how to enforce this.	2
7	7.8.3.3	Add "Individual lamps producing 900 lumens or less do not require shielding. Groups of such lamps may not produce cumulative lighting levels in excess of those permitted under 7.8.3.6, and may be subject to shielding or other controls if they produce glare or spillover. A fixture is fully shielded when, as installed, it emits no light rays at angles above a horizontal plane running through the lowest part of the fixture, as certified by the manufacturer's photometric report. Signs constructed of translucent materials and lit from within do not require shielding but may not produce glare, spillover, or illumination levels in excess of those permitted under 7.8.3.6."	2
7	7.8.3.3.	Here I'm concerned with the free standing solar lights that are often colored for existing homes and how to enforce this.	2
7	7.8.3.3.	Here I'm concerned with the free standing solar lights that are often colored for existing homes and how to enforce this.	2
7	7.8.3.4	Specify "The lowest fixture height that can serve the lighting purpose shall be used in all cases; lighting specifically focused on paths and other items needing illumination shall be preferred to broadcast floodlighting over large areas."	2
7	7.9.2	Section 8.8.4. doesn't exist	1
7	7.9.2	Reference invalid. Section 8.8.4 isn't in Code.	1

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
7	7.9.2	There does not appear to be a corresponding 8.8.4 ??	1
7	7.9.2.	Add "and under Section 7.9.4."	1
7	7.9.3	§7.9.3 reference to is invalid. Numbering sequence is repeated and appears on 3 topics	1
7	7.9.3	add "including" between "signs, signs"	1
7	7.9.3	Why allow electronic signs or message boards? Businesses love them. They are very effective. They are also very intrusive, obnoxious and do we really need to sell more things????? Okay, I am off my soap box now.	2
7	7.9.3	Section should be 7.9.5? Units should be in footcandles or lux throughout, for consistency. footlamberts are so technical (and old) that it is hard even to find a definition on the web, let alone a conversion equation. The values for direct illumination seem excessive.	
7	7.9.4.10.	Sign size of 48 square feet is too large for real estate signs especially when the ROW is rather narrow. Therefore consider placing limits in size to the depth of the ROW otherwise, restrict to 4'x4' or 16 Sq feet along scenic highways.	3
7	7.9.4.11	In rural districts the 4 x 8 sign should be allowed.	1
7	7.9.4.11.	In rural districts the 4 x 8 sign should be allowed.	1
7	7.9.4.2.	Suppose someone is doing an artistic fence, that uses recycled materials in an interesting way. Like putting different hubcaps every few feet, or some other "found" object. This is Santa Fe for goodness sake. Creativity should not be a criminal offence!	1
7	7-13.3.2.	Does this mean that a homeowner cannot install any new plumbing facilities (toilets, heaters, sinks, etc. without; a) a development permit, and b) a certificate by a licensed contractor or permittee? Whatever happened to "home projects"? Is this really in the public's interest?	4
7	Table 7-17	Suggestion to add requirement for multi-family developments to connect to utilities regardless of distance in remote areas to protect health and safety	4
8	8	Need buffers between Planned Development zoning districts and adjacent low density residential land uses in the area of the proposed "Airport Development District".	1
8	8	County should include zoning map in the code adoption process. The County should also provide all reference documents and maps associated with the SLDC PRD.	2
8	8	A flow chart outlining the zoning criteria for the different zoning processes. The Code is hard to follow on the process taken for a development permit in each zone.	2
8	8	Need scenic and land use compatibility standards for mixed use area on S.R. 14 south of SFCCD.	2
8	8	Potential for incompatible uses in Planned Development zoning districts – lack of predictability in this regard.	2
8	8	Need scenic highway buffers.	2
8	8	1. In the current format, it is difficult to determine the exact standards that will apply to the different types of development permit applications, including the type and scope of studies. Specifically, the difference between a residential building development permit verses all other types of development permits as the definition of development encompasses any man-made change to improved or unimproved real estate. It would be very beneficial if the County would provide a chart that delineates the specific requirements for the various development permits because any type of development as defined above will require a permit.	4
8	8	We expect to make use of Agricultural/Ranching Overlay Districting (once fully defined and developed), as required to fulfill the purpose set forth in 8.7.8.1.	4
8	8	I have fielded numerous comments that would seem to indicate that some consideration should be made for residents who bought 40 acre parcels based on hydrological "zoning" (current code) because they did not wish to have close neighbors. They wished to see the draft zoning map incorporate boundaries that would match these pre-existing hydrological zones as much as possible. Why is a "single room occupancy" treated as an accessory use in RUR-F-20 but not in RUR-R-10 and lower. What distinguishes this cut off? Similar questions concerning similar "cut-offs" to other Appendix B determinations. What are the justifications. It would appear that there needs to be an additional chapter to better explain decisions made over Appendix B. It is not clear that lots that were legally platted prior to the "new code" and after 1980 are considered as "conforming", even though they may not conform to the new zoning standards.	4
8	8	14. The zoning predicts increasing "urbanization" of SDA2, but it also seems to promote increasing urbanization of SDA2. I'd like to see a greater attempt to preserve more of the rural character, however much remains, in SDA2.	
8	8	Minimum area for Planned Development zoning districts (5 ac.) is too low.	
8	8	So then. I have a twelve acre lot in SD-1. Through the minor subdivision application I can subdivide this lot into two 6 acre lots without creating a WSA report, an FIS or an EIS, without a pre-application Neighborhood meeting, without discretionary review and without any hearings. The application would be reviewed within 5 days and the administrator has thirty days to approve the application. I could also split it into two parcels by family transfer (exempt). Now I take my two six acre lots and apply for a Planned development Zoning District to place 12 houses on the property. This requires re-zoning so I will have to wait till either January or June to go forward. I will need a master site plan and I will have to go through the quasi-judicial process. I will have to demonstrate substantial changes to the current zoning - however current zoning under the plan has already been abrogated by past development missteps.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
8	8.11	8.11. Overlay Zones: "Create rural historic district overlay zones for historical and cultural landscapes" (SGMP, 5.5 GOALS, POLICIES AND STRATEGIES, Strat., 17.3.1.) Overlay Zones: 1) must be retained and expanded beyond those listed in Table 8-3. 2) Retain and amplify: Environmental and Resource Protection (OERP) and Historic Preservation (O-HP) overlays for the sake of sustainability and balance. 3) Re. O-HP, see directive SGMP 5.5 Goals, Policies & Strategies--Strategy 17.3.1. 4) Other overlays should be noted including cultural landscapes, and wildlife corridors as indicated on map 2-5 B in the SGMP, as well as scenic resources (Goal 17). 5) Provide standards for the overlay zones, criteria as to how and where they can be established. BUDs: We recall that the professional planners (hired by the County to gather information from the citizens) were not fearful of BUDs (takings). We see fear of takings as a false rationale for not having overlay zone recognition. Portions of the county are valuable, irreplaceable and worthy of special recognition.	2
8	8.11	35. 191 Again we need to see the proposed overlay zones. It is difficult to know whether or not the proposed code makes sense without being able to see where it might apply.	
8	8.3	§8.3 reference to §2.25 of "SGMP" is invalid. doesn't exist – § ends with §2.2.3 unless SGMP is a different document	
8	8.5	It is impossible to provide meaningful comments without the draft zoning map.	
8	8.7	29. Regarding the residential zoning districts, is the stated density for each district a minimum?	2
8	8.7	32. RES-F, how will the Density standard be applied to clustered housing?	2
8	8.7	30. I'm surprised by the maximum allowable building height in the RUR and RES categories. These heights seem inappropriate for many of the areas included in these zones. Take a look at the community plans. If most of the community plans within a proposed zoning area have a lower maximum height, then it would be a good idea to reduce these heights.	
8	8.7	33. I'm not sure the various RES and higher density RUR categories need to be distinguished so finely (2.5 acres, 5 acres, 10 acres, etc.). What is the goal here?	
8	8.9	There seems to be some confusion regarding whether and how much industrial uses can be placed in this zone. Regarding the zoning map: we're very concerned that a large area has been randomly misplaced on the draft zoning map that would block the beautiful vistas just south of the penitentiary along the Turquoise Trail Byway. We also question the need for more industrial activities like the similarly zoned area along 599 that includes piles of sand & gravel and is very disruptive.	
8	8.9	Much more discussion is needed. We're concerned that such a large area has been so haphazardly delineated in open space along the NM14 NSB on the draft zoning map. We understand from staff presentations that this would also include "light" industrial and note that the zoning map shows the same zoning along the 599 /Airport Rd. area--including sand & gravel stockpiling, etc. We will also address this in the next round of Open Houses.	
8	8-1	I suggest to include one other Base Zone: W/E: Wilderness/Ecological & Open Space Conservation Area, for the federal, state, county, and private areas designated for wilderness, open space, and conservation of ecologically sensitive landscapes. Such areas have no residential, industrial, or commercial development, and no agricultural or ranching activity. Product harvesting or managed grazing for ecological stewardship purposes would be allowed.	3
8	8-5	36 foot standard does not accommodate silos over 40 feet. What about grading/regrading including in a buildings height? Our 34 foot tall school on the regarded lot was 40 feet then the architect moved it into the area where the 6 foot came off and the effective height is 28 feet.	1
8	8-5	36 foot standard does not accommodate silos over 40 feet. What about grading/regrading including in a buildings height? Our 34 foot tall school on the regarded lot was 40 feet then the architect moved it into the area where the 6 foot came off and the effective height is 28 feet.	1
8	8-12	In Agua Fria we have a usable lot 65 feet in width. Some are also 4 and 16 feet wide. What is diff on Frontage? Mixed use and Planned development 48 foot tall standard seems too high. What are the Reservations in 8.10.3 through 8.10.8? 8.11.3. Overlay Community District (O-CD).	1
8	8-12	In Agua Fria we have a usable lot 65 feet in width. Some are also 4 and 16 feet wide. What is diff on Frontage? Mixed use and Planned development have a 48 foot tall standard ---seems too high. What are the Reservations in 8.10.3 through 8.10.8?	1
8	8-12	Instead of District should it be area? Because we have Contemporary Districts Plans.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
8	8-15	What does 2/5 or 2/12 mean? I take it that it means that I could apply for as few as two houses or as many as five houses on a five acre plot as long as the underlying zoning permits it. If so, by applying for a PD district, I could increase the zoning density by 500% before I take any of the affordable housing or TDR incentives? Since there is no minimum lot sizes (8.10.2.5.3), all I would have to do is meet open space and other subdivision requirements. To apply for this subdivision, would I have to apply under "Planned Development District Rules", or "Minor Subdivision" rules in Table 4-1). Table 6-1 states that I would have to produce all Required Studies and Reports with the possible exception of an EIS, but there is no discussion of process under Chapter 5. Under 5.5 my application for a "Planned Development District" would fall under "minor subdivision" (Table 5-1). 8.10.2.2. States that every PD zone application will be accompanied by a master site plan and a preliminary subdivision plat. 5.3.1 states that the Subdivision rules apply to any division into two or more parcels, so it would appear that a PD district falls under the Minor Subdivision rules. However, Minor subdivision rule in Table 4-1 does not require a pre-application neighborhood meeting, and can be approved by the administrator without any public hearing. Table 6-1 does not require a minor subdivision to produce either a FIS, WSAR OR an EIS report. What to do? What to do? In my way of thinking this is an example of the havoc that can result when legal loop holes are built into zoning requirements.	4
8		Community members asked if the base densities would function as guidelines or requirements for new development and what exemptions would allow property owners to increase density above the base density limits. Community members also asked if current lots that are smaller than minimum lot sizes established in the SLDC could still be built upon.	1
8		Our main comments concern the County's zoning proposal for an area of Glorieta Mesa, located approximately from mile 6 to 9 on CR51 (Ojo de la Vaca Road). The Ojo de la Vaca area is unique in its natural beauty, its archeological history, its strategic location on a major wildlife corridor, and its lifestyle which preserves the traditional rural values in New Mexico. It is sparsely populated and those who live here are sensitive and respectful of its fragile ecology. This was recognized on the maps supporting the Sustainable Development Plan (2009), as the land was designated as "Agriculture, with 40+ acres per dwelling". In the Preliminary Draft Zoning Map dated October 4, 2012 which supports the Sustainable Development Code draft dated September 2012, the zoning of some areas has been changed to "rural fringe" (1 dwelling per 20 acres), as shown is the image below. It should be noted that the concerned area is not on the fringe or a less populated area, rather it is embedded in the "rural" areas (1 dwelling per 40 acres) and public lands as shown on the Draft Zoning Map. The implications of this new zoning proposal include the following, in addition to others resulting from the Use Table in Appendix B: -Existing 40+ acre parcels within the concerned area could be split. This could almost double the number of dwellings which could be constructed in the area. -Owners of 40 acre and larger parcels in the concerned area would be subject to the more restrictive rules applicable to 20 acre parcels as tabulated in Appendix B. For instance some of their traditional livestock activities would become subject to conditional approval by the County. We are not aware of any rational basis for the County's change of zoning in this area of Glorieta Mesa. Increasing housing density on the mesa will have negative impacts on the environment, lifestyles and cultural values on the mesa, it will favor encroachment and weaken its identity, and is contrary to the objectives of the Land Development Plan. We are therefore asking the County to revert to its previous zoning proposal of "rural". Representatives of glorieta mesa.org will be happy to discuss the matter further with you if more clarifications are needed.	2
8		How do I get a variance?	4
8		Community members stated that it is difficult to understand the implications of zoning districts without a zoning map.	4
8		I was wondering if you could answer a couple of questions Ted and I have about the Galisteo Basin Preserve. On the draft zoning map, it seems to show that the eastern side of the Preserve has a hatching pattern overlaying it. What does this designate? I'm not sure if it designates that this area is served by SF County water services or is it a mixed use designation? As you know, Trenza has received master plan approval as a mixed-use, mixed-income community and it also received Preliminary Plat approval for the first phase of its development. On the Future Land Use Map that was part of the SGMP, Trenza's location was shown as a "star" that designated a Community Center. Also, on the Future Land Use Map the Preserve was shown as part of the Rural Fringe Area, but on the preliminary zoning map the Preserve is being shown as part of the "Rural" area with a zoning designation of 1 du/40 acres, instead of 1 du/20 acres. Ted and I are curious about why this switch was made. We would like an opportunity to discuss this with you, either at the open house tomorrow or perhaps at some other time that is convenient for you.	4

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8		<p>"My wife and I have a comment specifically relating to minimum lot size (dwellings per X acres) in the Preliminary Draft Zoning Map of 10/4/2012, viewable online at <a href="http://www.santafecountynm.gov/userfiles/SLDC_2012_PRD_/SLDCstudysessionpreliminary_draft_zoning_map_10_4_12c.pdf">http://www.santafecountynm.gov/userfiles/SLDC_2012_PRD_/SLDCstudysessionpreliminary_draft_zoning_map_10_4_12c.pdf</a>. Our property is at 50 Old San Marcos Trail, Tract A-1-B, in the San Marcos Pueblo Grant. The western boundary of our land lies on the western boundary of the San Marcos Pueblo Grant. The map coordinates of our house are 35°27'25"N, 106°04'45"W. See Book 575, Page 006 of the Records of Santa Fe County.</p> <p>One of the inducements to buying this property was the fact that it lies in an area currently limited to one dwelling per 40 acres. It's difficult to tell from the Draft Zoning Map whether the proposed zoning puts us into a Rural zone (one dwelling per 40 acres) or a Rural Residential zone (one dwelling per 10 acres). Of course we want to keep the original one-dwelling-per-40-acres designation. It would distress us to lose that by an arbitrary zoning change that moves the old boundary line a few thousand feet.</p> <p>I assume that the zoning in this case follows the hydrologic boundaries described in ""Conceptual Hydrologic Systems for Santa Fe County,"" viewable at <a href="http://nmgs.nmt.edu/publications/guidebooks/downloads/46/46_p0299_p0306.pdf">http://nmgs.nmt.edu/publications/guidebooks/downloads/46/46_p0299_p0306.pdf</a>. Figure 1 of that document, a ""Generalized Geologic Map of the Aquifer Systems in Santa Fe County,"" shows that our property lies very near the boundary between the North Santa Fe County and South Santa Fe County aquifer systems. A comparison of the Preliminary Draft Zoning Map and Figure 1 of ""Conceptual Hydrologic Systems"" suggests that your proposed zoning of the San Marcos Pueblo Grant follows that boundary.</p> <p>My comment, in short, is that we should stay in the one-dwelling-per-40-acre zone. A visit to our land, and all the land nearby, will show you just how ""conceptual"" that dotted line is. This property is extremely dry. Our well is more than five hundred feet deep. Denser settlement in the future would be extremely unwise."</p>	4
8		I am strongly, STRONGLY opposed to any development of the King Ranch into commercial and densely populated housing developments! Any development of this sort is wildly irresponsible and hateful to residents of Pinon Hills.	4
8		I am strongly STRONGLY opposed to any development of the King Ranch into densely populated housing or commercial properties. This sort of thing will be met by our organization with strong opposition, both legal and political. Do we want to turn Santa Fe into another slum like Albuquerque??	4
8		<p>The Estancia Basin Water Planning Committee (EBWPC) in its founding MOU has the responsibility to investigate and recommend water resource management policies and strategies for consideration by the various governments with jurisdiction in the Estancia Basin.</p> <p>Under the existing state water laws, a landowner/developer could sell or sever water rights from a property and then turn around and subdivide the property based on water being provided from individual or shared domestic wells for each lot. Those wells could be permitted under the domestic well statutes (72-12.1.1) of the existing water laws. The Office of the State Engineer is required to issue such permits, and does so without review of their potential impairment on surrounding water rights holders.</p> <p>The various County Commissions in the basin, under Subdivision authorities granted to them by state statute, have a mechanism by which to stop this potential for "double dipping" - i.e. selling water rights from a property and then subdividing without re-assigning water rights to the property. However, it would require that the Estancia Basin "overlay" be created by each County and that for the "overlay" area, the existing subdivision ordinances be amended to prevent such a practice.</p> <p>The EBWPC has prepared a resolution addressing this matter for your consideration (Attachment 1). In essence the resolution, if approved by the Commission, would clearly state the County's policy on this matter and would direct County staff to prepare the required amendments to County codes needed to prohibit this practice. The resolution does allow development of lands from which water rights are severed, provided that other water rights are transferred back on to the property, the land is to be served by a community system with appropriate water rights, or if an appropriate portion of the water rights are retained for the development.</p> <p>If you have questions regarding this resolution or would like for the County's EBWPC representative to address this resolution before the Commission, please feel free to contact us.</p>	4
8		What do I need to do to get the zoning I want? The process for creating and adopting zoning map must be outlined. How will county "assign" zoning?	Z
8		Keep zoning along parcel lines!	
8		Are existing uses grandfathered in?	
8		Does the SLDC take into account agricultural preservation?	
8		What is the transition between City and County land? How does this code address the transition? What is to prevent the City to annex land once it becomes higher density?	
8		Community members stated that it might be appropriate for different areas in the County that fall under the same zoning district to have different building and dimensional standards. As an example, Commissioner Anaya stated that it may be appropriate to have higher height restrictions in the South given the area's custom of building tall barns and having pitched roofs on multi-story homes.	

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8		<p>"I have a vacant 9.25 acre lot in the proposed rural residential zone (RUR-R) that I am planning on building on soon. It was part of a approved subdivision for residential use in the 1980s. I purchased the lot in 2006.</p> <p>This proposed zoning (RUR-R) has a density of 1 dwelling per 10 acres: Does that mean that I have to apply for a variance in order to build a Single Family home since my lot is just under that 10 acres?"</p>	
8		<p>We attended the SLDC meeting on zoning in Edgewood last evening and want to register some comments and reactions.</p> <p>Most of the time was spent discussing water issues. Several of the people in attendance appeared to have considerable expertise regarding the subject and had been involved in monitoring the water situation in southern Santa Fe County and in the Moriarty area for many years. They provided considerable information regarding the geology, hydrology, and history as well as current anecdotal reports pertinent to this area, ie, the Estancia Basin.</p> <p>What quickly became apparent is that the proposed zoning in this area of the County is predicated upon twenty-five-year old data which does not reflect the current or future status of water availability, drawdown, and replenishment.</p> <p>So, my question is: How can anyone on the County end of this process think that assigning zoning based upon questionable data has any legitimacy?</p> <p>And yet, that seems to be the agenda. I understand that the purpose of these meetings is to gather information and perspectives, but when faced with the suggestion that the County conduct surveys, speak with EWWA and local people who drill, install, and monitor the current water situation in this part of the County, and conduct hydrology studies to determine what the actual current and projected situation is, especially in view of the drought and its probable continuation for years to come, those running the meeting could offer no positive suggestions for what the County can do to gather information necessary to support any zoning decisions for the future.</p> <p>Before you make decisions on zoning or any other matters (population density assignments, and infrastructure changes, for example), does it not make sense to ascertain valid and verifiable data upon which such decisions should be based?</p>	
8		No SDA 1 adjacent to pinon hills, please	
8		<p>I live on the western boundary of Pinon Hills. I understand new zoning rules are being considered to change the zoning to the west of the subdivision to SDA-1 designation.</p> <p>I am very upset that this is even being considered for this area. It is inappropriate for commercial and industrial development to be put into the middle of an established neighborhood such as ours. Because we rely on septic systems in this area, we also need to keep the density at the current level. There is a reason why many people live outside of the convenience of town: less density, less commercial development, and NO INDUSTRIAL businesses in the middle of neighborhoods. It's very quiet here -- that's what we love about it.</p> <p>We built our house here because of the zoning protection for single family lots. This change seems to only benefit a very few to the detriment of many. Please, please do not allow this to happen. It would really affect the quality of our lives. Thank you for taking into consideration the affect this will have on all of us out here.</p>	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
8		<p>Dear Sir/Madam,</p> <p>I am writing to protest the county's proposed re-zoning of my property under the proposed new sustainable land development code. My husband and I purchased our land parcel 1-042-124-259, tax id 79000703 in 2007 which is currently zoned Rural residential. The county now wishes to re-zone our property as agricultural/ranch as part of the sustainable land development code which we feel will be a financial detriment to us and to our property.</p> <p>The property is located at 215 Rogersville Rd, Cerrillos NM 87010 and we began the process of developing the property in 2009. We built a 1200 sq ft guest house (which we are currently occupying), a horse barn and a storage structure, all fully permitted, on this lot and we have been resident here full time since 2010. We have also spent over \$50,000 in local architects plans and surveys to design a 3,000 sq ft main house on this property which will require us to apply for a mortgage to cover the cost of building.</p> <p>If the county were to re-zone the property from Rural residential to agricultural/ranch this would severely limit our mortgage lender options and increase the mortgage rate vs that available through a traditional lender. We feel it will also devalue the land value when time comes for us to eventually sell, which was valued at \$577,500 for 275 acres i.e. \$2,100/acre by the county in 2010.</p> <p>It seems unfair that other vacant and developed land parcels immediately bordering our parcel to the east, west and north on Rogersville will be allowed to remain Rural residential and thus remain sub dividable into much smaller 40 acre Rural Residential lots while we, the only developed lot of all the proposed Rogersville properties to be re-zoned on Rogersville as ag/ranch, could never subdivide since the lot size would need be 160 acres for Ag/ranch. Several of my neighbors properties are currently used for agricultural grazing and in 2012 we also re-instated the agricultural grazing tax exemption on this lot which the county assessor's office incorrectly removed after we purchased the land.</p> <p>We have no plans to subdivide, in fact we own 4 additional lots to the south and north of this lot ranging from 20-210 acres that we purchased to prevent them from being developed and we plan to continue to use the property for grazing purposes. However, we are very concerned of the negative de-valuation and financial limits for any future mortgaging the re-zoning the 275 acre property to AG/Ranch will bring.</p> <p>This is not a high development growth area, no other property has been built on Rogersville Rd (which is over 6 miles long!) since we built in 2009 and only 1 other house in addition to ours, has been built on Rogersville Rd in the last 10 years during the peak of the property market!! The properties here are remote and all off-grid (i.e. require solar power) and accessed by a private dirt road making it difficult and expensive to build so we think the re-zoning is unnecessary.</p> <p>We therefore hope you will re-consider removing the proposed re-zoning of this property and allow it to remain rural residential. We look forward to hearing back from you.</p>	
8		<p>I am writing to oppose SDA-1 planned for the King Ranch adjacent to Pinion Hills. As a resident and association member of Pinion Hills, I do not feel this change is in the best interest of homeowners. Other SDA-1 zones in the plan are generally located well away from existing residential developments. The designation of the King property as SDA-1 is anomalous and inappropriate.</p>	
8		<p>With this e-mail we want to present our opposition for an SDA-1 development near our Piñon Hills neighborhood. This type of development is inappropriate use of scheduling land development near the type of residential neighborhood like the Piñon Hills where lot sizes range from 2.5 acres and up.</p> <p>We hope that our opinion as tax payers will be taken into consideration and that the plans will be changed to more appropriate planning.</p>	
8		<p>We feel that the preposed change to increase density, commercial &amp; industrial use of the area including the King property, which is currently 2.5 to 10 acre single family lots, is inappropriate. The King property is adjacent to the Pinon Hills subdivision (which is 4-6 acre lots). Our land is very desirable because of it's size and its proximity to town. This proposed action by the county is NOT a desirable action, especially the COMMERCIAL &amp; INDUSTRIAL uses. These areas should be located further from residential / rural living areas. Please seriously reconsider the proposed action</p>	
8		<p>As a resident of Pinon Hills and a member of the West Santa Fe Association, I am opposed to the rezoning of the adjoining King Brothers Ranch property to Sustainable Development Area (SDA-1). The current zoning would be more appropriate. Keeping it zoned for 2.5 to 10 acre single family lots would be more in keeping with our own residential neighborhood. I would not like to live next to increased density, commercial and or industrial area. I'm sure it would reduce the value of our homes.</p>	
8		<p>I oppose re-zoning the King Brothers Ranch to SDA-1.</p>	

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8		<p>As a resident for the past 47 years of the rural residential area bordering the Old Santa Fe Trail, I want to give you my basic comments on the density and related zoning provisions currently appearing in the draft County development code applicable to our area between the city limits and La Canada de Los Alamos.</p> <p>I have every reason to believe that most of the residents in our area generally concur with my comments on density and related matters.</p> <p>The preliminary draft zoning map for our area on both sides of the Old Santa Fe Trail east of I-25 shows the following applicable proposed zoning districts:</p> <p>Rural Fringe (1 dwelling per 20 acres)  Rural Residential (1 dwelling per 10 acres)  Residential Fringe (1 dwelling per 5 acres)  Residential Estate (1 dwelling per 2.5 acres)</p> <p>I have attached a copy of the zoning map showing our Old Santa Fe Trail area between the city limits and La Canada de Los Alamos together with the color code for each district.</p> <p>The basic problem I see with the map is that it proposes a lot of spot zoning in our area based on dominant, current land use. Rather than having all that spot zoning, I would recommend that the entire area be zoned Residential Fringe (1 dwelling per 5 acres) or Rural Residential (1 dwelling per 10 acres) and that the rest of the land in the area whose current uses are more dense be shown as legal non-conforming uses. That would, among others, keep the zoning simpler and biased in favor of preserving the rural residential living in this area adjoining the Santa Fe National Forest. It would also make a more compatible transition to the National Forest.</p> <p>On the related issue of height I think the maximum height for a building in the area, as well as its accessory structures, should be limited to 16' which roughly is the height of the dominant trees in the area – pinon and juniper. Such a limitation would prevent the construction of more two-story buildings which rise above the dominant tree line and create eyesores for neighbors. As you know, the maximum height in the current Mountain Special Review District is 14' and outside of it I think is 24' which is too high and allows second story houses.</p> <p>On the related issue of lighting, I think the whole area should be blanketed with a lighting restriction which requires all exterior lighting to be shaded on the top and sides so that it is just visible on the land of the owner and not an eyesore nuisance to neighbors. We already have enough light pollution in the area in the adjoining City of Santa Fe which prevents a clear view of the night sky.</p> <p>Finally, on the related issue of setback, I think the proposed general boundary setback for structures on a lot of 25' is reasonable although it might be increased to 50' on all sides of a lot in the 10 acre Rural Residential Zone.</p> <p>Aside from trying to protect the rural residential character on the east side of this entrance to Santa Fe, the foregoing zoning would help protect the natural beauty of the entrance and stop further urban and suburban sprawl and reflect some demarcation between the urban city and the rural landscape adjoining it.</p>	
8		Representing the Piñon Hills neighborhood, immediately to the east of the King Ranch, we are most concerned about the designation of that ranch as SDA-1. The close proximity to our established, semi-rural community is inappropriate and unlike other SDA-1 designations in the plan. We would strongly recommend a Rural Residential (1dwelling per 10 acres) to Residential Estate (1 dwelling per 2.5 acres) zoning designation for this area, in keeping with the surrounding community.	
8		27. 175 Obviously, a copy of the zoning map should have been part of this draft so people could comment appropriately. The map is not currently available in a form that is adequate for most people to see precisely where the boundaries are, which is another reason to extend the comment period.	
8	8.1.10-8.1.11	8.1.11 identify and preserve districts and neighborhoods and plazas that need special zoning but which have not been protected by overlay zones.	
8	8.1.4	. 173 8.1.4: The portions of SDA-2 “where adequate public facilities and services presently exist” should be addressed separately in the Code from the areas where such facilities and services do not presently exist. And should have been addressed separately in the SGMP.	
8	8.10.2.1.	There is nothing in Section 8.10 that describes how the process might “protect adjacent properties”. As seen below, If I am in an area zoned for one house on five acres, and a developer wishes to place five house on an adjacent five acre plot and applies for a PD district, there is nothing in this section that would indicate that an administrator would reject such an application due to neighborhood incompatibilities.	2
8	8.10.2.3	Evaluation criteria should include “contain infrastructure to lessen the overall number of automobile trips in the area, compared to if the PD was not implemented”also “Contain internal open space and trails”	2
8	8.10.2.8	In the community college district there is approximately 50% open space. This should be the standard where there is high density.	
8	8.10.2.9	34. 190 I'd like to see a stricter requirement for open space substitution that the discretion of the planning commission. Open space can have many purposes. Terraces and sculptures do not provide any of the ecological benefits of open space. As areas become more density populated, natural areas, not sculptures and terraces, become increasingly important habitat for local fauna and flora. Many small animals have disappeared from the area I live in over the past 20 years; these are the animals no one notices until they show up on a T&ES list.	1
8	8.10.2.9	Limit the open space reduction to a 50% reduction.	1
8	8.10.3-8	. Similar concerns as 8.10.2. PD should minimize overall traffic and contain open space. Otherwise they should not be allowed.	

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8	8.11.2.	Rural Commercial Overlay (O-RC) if applied for in AR, RUR, RUR-F and RUR-R districts on State or County arterial or Collector Roads would appear to promote commercial sprawl. Was this the plans intent? A rural commercial Overlay district can be applied for through application to the administrator. It is considered an application for re-zoning. A development permit could be issued under what criteria? A condition use permit ( as required under 8-11.2.4) only requires a pre-application neighborhood meeting on an "as needed" basis. Who decides "as needed". The "as needed" category in Table 4-1 needs to be changed to "yes" or "no" to prevent arbitrary interpretation of the ordinance and costly legal battles. As it stands, it would appear that aRC-O can be applied for as either under "Overlay Zone" in Table 4-1 or as a "conditional use" in Table 4.	
8	8.11.2.3.7	Delete "renewable energy facilities,"	2
8	8.11.2.3.7	Most of the utility structures permitted here are small single sub-stations. There should not be a blanket allowance for grid-scale "alternative" facilities such as solar or wind "farms" covering dozens of acres. These should be included as DCIs. Add "; and renewable energy facilities provided the area occupied by such facilities does not exceed two (2) acres total."	2
8	8.11.2.4.	Rural Commercial overlay; the uses listed in 3 "should be regulated as DCIs" (2.2.6.5. SGMP). See SGMP for rationale, plus, junkyards & automobile graveyards are likely too large for this overlay.	1
8	8.11.2.4.	This is very confusing. 8.11.2.4. sits under 8.11 "Overlay Zones" and one must assume that an application would be subject to Table 4.1 "overlay Zone" procedural requirements. How does Conditional use procedural requirements fit into such an application. At face value, an applicant could argue that the need for a pre-application neighborhood meeting is at the discretion of the administrator.	
8	8.11.3	Instead of District should it be area? Because we have Contemporary Districts Plans.	
8	8.11.3.1	Strike the word "via"	1
8	8.11.3.3	If a community plan calls for zoning in a specific area within its plan that is greater than that shown on the official zoning map does that make it "inconsistent" to the plan? For example, if the base zoning in the code is 2.5 acres, but the community plan calls for five acre zoning, which works. From a legal standpoint, I could turn to 8.11.3.3. and argue that the County code's (law) intent was to prohibit any increase in zoning dimensions.	
8	8.11.3.4.1	Section 1.15 does not provide any procedures for an organization acting on behalf of a approved community plan, to submit a community overlay district. It only states that such an overlay district zone must be approved by a legislative hearing and not a quasi-judicial hearing. Furthermore 1.15.2.1 does not include community organizations as entities able to petition for a zoning change. Who then makes the request? How is it determined that a community organization speaks for an approved plan? Does this require another legislative approval similar to the original process that sets up a community planning organization? It seems that that would bog down any community plan and ordinance revision for years. The planning dept does not and will not have the staff to deal with all of the current community plan updates in a concurrent manner. If any process identified in the code needs stramlining, this one does.	
8	8.11.3.4.2	It would appear that each community plan must go through a new round of regulatory process in order to establish an overlay district. It was my understanding that existing community plans and boundaries would be incorporated into the zoning map up front. There is no process in any chapter that governs how an existing community plan and ordinance would be re-written in order to accommodate the estblshment of a community overlay district. Would this be the responsibility of planning? Who and how does an existing community plan get revised? Suppose an existing community ordinance is at odds with the new code. Does this mean that the community must defend its plan all over again. What occurs if, because of the new code, the Commission rejects these established and approved community requirements. There is nothing in the draft that speaks to the rejection of an existing community plan and ordinance. Since we do not yet have a zoning map, we cannot see what underlying zoning does to community planning. I believe that any community plan with a defined boundary should be placed on the zoning map as "subject to community planned zoning".	2
8	8.11.3.5	This is based to religious institutions and should be removed.	
8	8.11.3.5	8.11.3.5 states that community plans will not restrict County wide policies and priorities. 2.1.6 states that the Code will be consistent with current community plans. What applies should their be conflict?	
8	8.11.3.5.c.	See apparent conflict with 8.11.3.3.	
8	8.11.4	8.11.4 pgs.194-195 Environmental and Resource Protection Overlay (O-ERP) Retain all of this section (8.11.4.1 through 8.11.4.6).	
8	8.11.4.1	define term "applicant"	1
8	8.11.4.1	specify that archeological resources include historic architecture	2
8	8.11.4.2	Location data should be based on sub-meter equipment	
8	8.11.4.3	Who in the County will be the one to make this determination? If there is no technical/professional basis for this it could easily become political subject to administrative approval	2
8	8.11.4.3	This information should also be obtained from the applicant and best available information/maps.	2
8	8.11.4.3	Sub "may" with "will"	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
8	8.11.4.4	Should buffers be a minimum distance to begin with?	2
8	8.11.4.4	Who determines what is reasonability appropriate?	
8	8.11.4.5	Rewrite: "If the development contains areas or corridors or buffer zones that connect to other off-site areas of similar nature, to the maximum extent feasible, the applicant shall preserve such connections or mitigate any landscape fragmentation that impact such connections."	
8	8.11.4.5(1)	Be specific about the level of restoration, and limit this mandate since some resources are too big or cannot be restored. Also, consider the terms "restoration, renovation, replication etc, as defined in SOI standards and guidelines	
8	8.11.4.5(2)	This should be carefully worded in detail because it is touchy... permission to go on private, state, county, or federal land should be obtained... if not, site boundaries must be determined by property lines, even if they do not include the while site... consultant must infer boundaries that are off the project area.	
8	8.11.4.5(4)	must consult Review Committee. A committee consisting of archeologists or one archaeo and one historian, one architectural historian, and one or two community members must be created.	
8	8.11.4.5(4)	Should the visual context of an area be established in a map?	
8	8.11.4.6.3	Rewrite: "Buffer zones, natural habitat, and connectivity across the landscape as well as ecological functions and associated ecosystem services shall be preserved to the maximum extent feasible."	2
8	8.11.5	We note that the Sustainable Growth management Plan (SGMP) has excellent directives concerning the need for overlay zones (5.5, 17.3.1.) and that the SLDC should better reflect the need to sustain our special county's qualities. We request that the Environmental and Resource Protection and Historic Preservation overlays be expanded (8.11.5.3.) to better reflect the SGMP; that overlays for wildlife corridors, cultural landscapes, & scenic resources (all neglected in the SLDC PRD) be recognized and mapped in a dynamic process to insure that these irreplaceable county resources are not placed subservient to speculation and lost to the short term benefit of the few.	2
8	8.11.5	Historic Preservation (O-HP) overlay needs to be expanded to better cover the SGMP's 5.5 Goals, Policies & Strategies. The Designation Criteria 8.11.5.3. is too restrictive and needs to better embrace Strategy 17.3.1. noted above which includes cultural landscapes. Rationales: The Historic Preservation Overlay is foreshadowed by 7.16 and would not be in conflict with, or redundant to an expanded O-HP. 7.16 contains specific instructions based on state standards regarding both recognized 'cultural properties' and cultural remains found via surveys, etc. when encountered on development sites. If the county is attempting to zone everywhere for various degrees of development, often by "right", historic preservation overlays are very much needed to help "protect and preserve the County's archaeological, historic, cultural, community, and scenic resources." (5.5. Goal 17) When would you need a historic preservation overlay? One example could be O-HP designated endangered historic landscapes to add a needed degree of protection. Criteria for a cultural landscape overlay could include places depicted by artists in paintings, photographs, movies, books. Vistas along designated scenic roads should be included for protection. The NM Heritage Preservation Alliance also lists criteria for Most Endangered Places consideration. Historical, environmental, cultural, scenic, wildlife overlay zoning should be codified initially with the zoning map(s) so that applicants for development are aware of the sustainable-related provisions within protected areas in advance. The process should be ongoing.	2
8	8.11.5.1	Consider SGMP directives for Chapter 5	
8	8.11.5.3	The language "To be designated as an O-HP zone, the site or area must be accepted for listing on the National or State Registers of Historic Places" is vague. Many sites may compose the zone.	2
8	8.11.5.3	Sub "accepted for listing" with "must be eligible for listing or listed on the NRHP". What if site is not accepted for listing but is a critical historic resource in the community?	3
8	8.11.5.3	Santa Fe County needs to arrive at its own criteria so as not to defer authority and enforcement. Leave Santa Fe County's responsibility to its citizens.	4
8	8.11.5.3	Should be reviewed by a Review Committee. A committee consisting of archeologists or one archaeo and one historian, one architectural historian, and one or two community members must be created.	
8	8.11.5.3	The site or area could be considered a cultural landscape as per NPS criteria	
8	8.11.5.4	Add language on boundaries	2
8	8.11.5.4	Santa Fe County needs its own standards as a governing body.	4
8	8.11.5.5	These standards only serve to determine eligibility of a specific site.	4
8	8.11.5.5	Consider adding more specific language referenced to design review process rather than vague or incomplete design standards.	
8	8.11.6.2	What is the Ldn contours in 8.11.6.2? Or the: 1. Ldn Zone 1. ?	3
8	8.11.6.2	What is the Ldn contours in 8.11.6.2? Or the: 1. Ldn Zone 1. ?	3
8	8.5.2.2	This is silly. We have base maps that show all property boundaries. Lets make the zoning reflect real boundaries. A property on the tax rolls as of the initiation of the code is either in or out of a specific zone. Don't make zoning more difficult than it needs to be. There should never be a zoning district boundary dividing already platted property.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
8	8.5.3	Yeah!	4
8	8.5.3.	In the absence of a zoning map, all land in the county would be classified as A/R. Correct me if I'm wrong, that means that no subdivision below 160 acres would be allowed without "re-zoning" (8.7.1). Another reason why the code cannot be released without a zoning map attached.	3
8	8.8.2	Does this include mining and quarrying? I cannot find any references to resource extraction industries in the code up to this point - I know it follows later, but seems isolated from the Zoning and Terrain Management regulations. This is confusing.	2
8	Table 8-15	Table 8-15. There is nowhere in the county where densities of 5 or 12 make sense. This is inappropriate for PD or MU districts. The maximum should be 3.	
8		<p>Page 321 states that "dwelling Unit" includes single family, two family, and multi-family dwellings, manufactured homes and mobile homes. Therefore "dwelling" as defined in Chapter eight, refers to any of these types of dwellings.</p> <p>"Dwellings, multifamily" is defined on page 321, Appendix A, as "a dwelling or group of dwellings on one lot".</p> <p>A dwelling, two family (duplex) is found in the use table as permitted "conditional". It is not an "accessory dwelling unit".</p> <p>Table 8-4 conditional use permit (chapter 10) is required for Duplex structures and mul-ti-family dwellings ( Appendix B use Table).</p> <p>Table 8-4 says see chapter 10 for conditional use. There is no mention in chapter 10.</p> <p>Conditional use requirements are found in Table 4-1. These are:</p> <ul style="list-style-type: none"> <li>b. Pre-application meeting</li> <li>c. Pre-application neighborhood meeting "as needed"</li> <li>d. Agency Review "as needed"</li> <li>e. Approval by a hearing officer and the Planning Commission"</li> </ul> <p>Conditional Use requires all studies and reports as determined by the TAC meeting on an "as needed" basis (Table 6-1) with the exception of a TIA. TIA's are only required if the project generates more than 100 trips a day.</p> <p>A "Dwelling" that covers two families is not mentioned at all in chapter 8 zoning except in 8.7. "permitted uses", which states that appendix B "contains a list of all permitted, accessory, and conditional uses allowed within the various zoning districts. However, page 322, definition of a "dwelling, two family (Duplex) only mentions a detached house "designed and occupied by not more than two families. It does not, as in "Dwelling, Multifamily" explicitly state that the dwellings could be a "group".</p> <p>So then, there does not appear to be any possibility of having a two family detached dwelling, but you can have a multi-family (3 or more).</p> <p>Since all tables in Chapter 8 are based on a per-dwelling unit", how do you fit in two family duplexes and three or more houses into a zoning plan that appears to be based on the assumption of a single family residence that cannot be leased to non-family members.</p> <p>Since you can have multi-family houses on a single lot as long as you go through the conditional use application, why can you not have a guest-house as a rental for non-family members. Whatever the rationale is for this, it doesn't appear to hold water.</p> <p>Since the Approved San Marcos District plan allows for guest-house rentals as part of its plan to provide affordable housing, it would appear that the code, as written, is putting itself in conflict with that plan. How then, if that is what the community wants, can the two be reconciled and any re-write of the District Plan become "consistent" without removing this very important element? Does the San Marcos Plan have to eliminate "guest houses" in its entirety and draw on the multi-family house instead?</p>	4
9	9.1	"Consistent" needs to be fully defined. If it is not, the term will plague the code forever.	
9	9.3	<p>The San Marcos District Plan and the Galisteo Community Plan have been approved by the County Commission. They do not have associated ordinances because of a decision by the planning staff to write the County Plan and Code. It does not seem fair to these communities, which have now been waiting for the County to create ordinances for three or four years - to be excluded from this chapter. 2.1.4.7 states that "a community plan constitutes an amendment to the SGMP so it should follow that these plans be included in Section 9 of the Code. I would recommend that these ordinances, which have been written by staff, be moved forward prior to the adoption of the new code, and placed with the rest of the group.</p> <p>We would recommend that the ordinances needed by these two communities be prepared and submitted concurrently with the Land Use Code. Approval of the code would also mean approval of their ordinances. That would permit these communities to be placed into the zoning map without lengthy additional approvals ( as stipulated in the new code).</p> <p>9.3.12. San Marcos District (ordinance 2012- N)</p> <p>9.3.13. Galisteo Community (ordinance 2012-N)</p>	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
9	9.3	I am very concerned that this chapter and its links to chapter eight, defeat community planning in a big way by miring in unspecified process the adoption of any future alterations that might be different from the underlying zoning map, or code. Conformance with the County Code seems to take absolute precedence over community desire to adopt ordinance that better fits their land use needs. I thought that community ordinance would be left unchallenged. "Conformance" to the County Code appears to insist that communities.... well, "conform".	2
9		When this is adopted will the SLDC Use list apply to properties or will existing Community overlay district use list apply?	4
9		Will densities in community planning ordinances take precedence over the SLDC?	
9		Will community planning ordinances remain in effect under new code?	
9		My main concern with the Sustainable Land Development Code is how it will affect the community plan developed by the Pojoaque community years ago. There was significant time and effort put into developing the community plan. The community plan represents te needs and desires of the community. We need to maintain the community plan. We need to maintain the family transfers that are allowed by the community plan. We need to keep the ability to have home businesses. We need to protect agricultural character of this community.	
9		31. How consistent are the standards for the zones with the standards of the existing community plans in the zones?	
9		Why aren't Galisteo and San Marcos listed in the community plans section? At least list them in chapter nine and get planners to work on community overlay districts for both as the code goes forward so they are part of the overall adoption.	2
9		Missing San Marcos and Galisteo?	2
9		Missing San Marcos and Galisteo?	2
9		How will conflicts between the code and community planning ordinances be reconciled? The County should produce a clear list of what community overlays can and cannot regulate.	4
10	10.1	38. P 210-211. What is the difference between a temporary produce stand (p. 210) and an itinerant vendor selling fruits, vegetables, berries, eggs, or farm produce (p. 211)?	3
10	10.15	In reviewing the draft SLDC, I was dismayed to see that you specifically left out language addressing the development and construction of Community Service Facilities. Paragraph 10.15 on page 215 of the code just says "Reserved." Please provide your draft language for Community Service Facility development as soon as possible for public review and comment by the community of Santa Fe County.	3
10	10.16	40. P 217 It appears that small-scale wind energy facilities are allowed to exceed the noise requirements specified somewhere around p. 165. 55 dB might be way too high at a neighboring dwelling.	3
10	10.19	This activity requires a conditional use permit. Conditional use in Figure 4.1 states that a pre-neighborhood meeting is an "as needed" requirement. This would not be acceptable to the public. ANY new mining application must start with a pre-application neighborhood meeting.	1
10	10.19	This should be completely moved to Chapter 11 as a DCI as directed by the SGMP. Sand and Gravel should be placed under the mining ordinance or regulated under statutes comparable in strength as the mining ordinance.	2
10	10.19	Delete sand & gravel from Chapter 10. Sand & gravel should be referenced in Chapter 11 as a DCI (SGMP, p.55) to be regulated under the mining ordinance or to an equal level of protection. Strength don't weaken.	2
10	10.19	Recommendation to apply the strict language used for sexually oriented businesses to sand and gravel extraction. See attached.	2
10	10.19	would like to see an "effects on Community" section inserted here.	4
10	10.6	Regarding home occupations, allowable hours of operation should be tighter such as 8:00-5:00. No noise should be heard outside the building. No ultraviolet rays or fumes should be outside the building.	2
10	10.6	Home Based Occupations: In our area we had a problem because someone opened a roofing company that was not approved by the BCC. It required the adjacent property owner to go to court, as apparently the county was powerless to stop it. It cost over \$10,000. The code needs to provide a regulatory framework to close down a non-compliant business. In addition the number of trips and associated annoyance factor is not necessarily related to the number of employees. For example, in the roofing business the same few employees made numerous trips, all day. In a service business that has three employees, if they give haircuts every ½ hour, they could have 48 customer trips, plus three employee trips. The code simply does not address the potential impacts.	2

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10	10.6	36. 203 Several years ago, the BCC provided an amnesty to those with unlicensed home occupations, instructing staff to issue permits to unpermitted businesses. These permits were issued without inspection of the premises. This resulted in grossly inappropriate businesses receiving permits, businesses that would not have received permits had an inspection occurred. I want to make sure that these now-permitted but never inspected home businesses are not grandfathered in when the new code passes. As an example of what I'm talking about, the home business owner about 1/8 mile from my house leveled and mass-cleared almost an acre of land, filled an arroyo, constructed 2 outbuildings on the fill, and created a yard for construction equipment (dump trucks, front-end loaders, boom trucks, etc.). This was all unpermitted but he got a permit during the amnesty. The precedent having been set, another contractor – the second one being a concrete business – bought a nearby house and did the same thing. How do we prevent this from being grandfathered in to the new code? Also, I don't think the criteria for home occupations address this kind of situation – multiple family members involved in a heavy-equipment business. They are all family members and no patrons come to the home. The family members leave the home each day to go to work in a parade of dump trucks, boom trucks, tanker trucks, earth-moving equipment, and trailered heavy equipment. This is in an area that would be considered RES-F 5 or RES-E 2.5.	2
10	10.6	37. There should be a neighbor notification requirement prior to granting home occupation permits. Perhaps everyone sharing the access road within ½ mile and everyone adjoining the property.	4
10	10-1	On Appts/patron visits, the answer "none" could be read as "no maximum." On Signage "not permitted" could be read as "no permit required." On Parking access "no impact" should be changed to: "a standard of no impact on neighbors" 6 non-residential employees was the max in old code.	3
10	10-1	On Appointments/patron visits, the answer "none" could be read as "no maximum." On Signage "not permitted" could be read as "no permit required." On Parking access "no impact" should be changed to: "a standard of no impact on neighbors" 6 non-residential employees was the max in old code.	
10	10-2	Even small farmers should be allowed to sell their own produce. They may not be in an agriculture district.	3
10	10-3	In Table 10-3, no reference to what "***" signifies.	1
10	10-3	Table 10-3. What does CUP mean? Assume it means Conditional. It should be in Residential Districts with towers 30-49', instead P.	2
10	10-20	Why are the requirements for a gravel mine, less stringent than a sexually oriented business?	2
10		County should consider supplemental zoning standards for medical marijuana establishments. They have major neighborhood impacts.	2
10		We agree that sand & gravel operations should generally be required to pave dirt roads leading from their mining operations. When finally the road from the edge of the Cerrillos district was paved to the RR tracks, that brought relief from a major dust problem. (As we recall, citizens had to raise some dust to get the paving done.) But the caravan of trucks remained as an unhealthy impact (day-long diesel & noise) along paved roads in the greater community. A family in the Silver Hills area continued to report fine white dust silica seeping into their home a mile away from the site. One thing concerning sand & gravel that we will probably need to reiterate is that as much as we might like the idea of a mom & pop operation, what we learned during the drafting of the SGMP was that there actually were none as they couldn't compete against the larger companies. There's much to be said, and we wish we didn't have to re-argue things that we thought settled in the "constitution" (SGMP). But concerning sand & gravel, we would encourage the BCC to direct staff to cut that weak sand & gravel 2-page section (a weakened version of the current Article XI) with a listing of DCI's as was done with oil and gas and subject to the mining ordinance. Note that strangely other related items that are DCIs in the SGMP have been pulled out and placed in this weak PRD section. One last thing, staff is directed in the SGMP 2.2.6.2., as follows: "The mining ordinance should be incorporated into the SLDC without substantial changes, although it is expected that some aspects of the oil and gas ordinance may also be made applicable to mining. " In general an amending of this ordinance will need to be watched closely and we hope the concept "strength don't weaken" will prevail.	2
10		We support the affordable housing requirements.	2
10		We have concern regarding regulations concerning accessory structures	2
10	10.10.1.2	What is this?	1
10	10.10.3.4	Add "(i.e. a push cart)" as follows: No signs or signage shall be permitted other than that which can be contained on the vehicle or conveyance utilized (i.e., a push cart) or as otherwise allowed	3
10	10.10.3.4	What about a folding sign?	3
10	10.10.3.4	What about a folding sign?	3
10	10.10.3.4	add "(i.e., a push cart)" after "...conveyance utilized"	3

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10	10.10.3.7	Edit as follows: All itinerant vendors shall place at least one (1) thirty (30) gallon garbage rainproof receptacle upon the site of business for customer use, and plastic bags to be changed daily if food is served.	2
10	10.10.3.7.	All itinerant vendors shall place at least one (1) thirty (30) gallon garbage rainproof receptacle upon the site of business for customer use, and plastic bags to be changed daily if food is served.	2
10	10.12.3.1	Should be 8 feet.	2
10	10.12.3.1.	Should be 8 feet.	2
10	10.13.3	Add new section, 10.13.3.8, as follows: 10.13.3.8. Hours of Operation: 7. a.m. to 8 p.m. (Sunrise to sunset).	2
10	10.13.3.8.	Hours of Operation: 7. a.m. to 8 p.m. (Sunrise to sunset).	2
10	10.14.2.5	Add "Solar lighting shall be acceptable."	2
10	10.14.2.5	Add "Solar lighting shall be acceptable."	2
10	10.16.4	Add, "Turbines may have either horizontal or vertical axes. Small-scale facilities may include no more than four turbines on the same site."	2
10	10.16.4.2	Delete "the ground (at grade level) and in addition at least 15 feet above"	2
10	10.16.4.2	Delete "to a building, garage or separate structure.". Replace with "firmly to a solid structure, provided with safe access for maintenance, and reasonable safeguards against unauthorized access to the turbine."	2
10	10.16.4.2.2	Delete. Replace language with "Small-scale wind facilities are only permitted on lots one acre or larger."	3
10	10.16.4.2.2	Replace language with "Small-scale wind facilities are only permitted on lots one acre or larger."	3
10	10.16.4.2.3	The setbacks do not make sense. Many small wind systems are building-mounted, so setback from on-property would not apply. The purpose of a setback 1.X times the height is that a falling tower will not strike the building because the setback is greater than the tower. This setback would make more sense as a distance from the property line. (A one-acre property, if square, is 208 feet on each side. 1.1 plus 2.2 x setbacks could be impossible to achieve on slightly narrower lots of one acre.) Also, as drafted, .4 and .5 apply to the same acreage. Rewrite as follows: "For one acre up to 2.5 acres, the total tower (including height of turbine blade) height is limited to 55 feet and all neighbors must receive notice as part of the application process. A set-back of 1.1 times the total height from the nearest property line is required."	3
10	10.16.4.2.4	Replace "same set-back requirements as less than than 2.5 acres, but" with "; 2x height minimum setback from property line;"	3
10	10.16.4.2.5	5 acres instead of 2.5 acres. Delete "from off-property habitable structure."	3
10	10.16.4.2.6	Delete. Replace with "In all cases, applicant shall show that siting and mounting of the turbine meets setback requirements of this section and additionally minimizes visual and noise impact on adjacent properties to the maximum extent possible."	3
10	10.16.4.3.1	Add, "slogans, logos, or any overt messages,"	2
10	10.16.4.3.2	Delete "with a" substitute, "as provided by the manufacturer with a reasonably...". Add "Notwithstanding the foregoing, no small-scale wind facility shall be prohibited solely on the basis of its standard available finishes, nor shall any owner be required to paint a turbine if in so doing its function would be impaired."	2
10	10.16.4.4(6)	§10.16.4.4(6) reference to §10.16.10 is invalid. doesn't exist – § ends with §10.16.5.8	1
10	10.16.4.5.	Windmill Noise: This should include ambient noise and otherwise conform to the noise ordinance in 7.21.3. Measure should be from at the property line, not a structure on the property.	1
10	10.16.5	Add "Large Wind Energy Facilities are Developments of Countywide Impacts, and the provisions of Chapter 11 of this Code apply to them in addition to the provisions of this section 10.16.5. In case of conflict, the strictest provision for public safety and health shall apply."	2
10	10.16.5.4.	This should include ambient noise and otherwise conform to the noise ordinance in 7.21.3. Measure should be from at the property line, not a structure on the property.	1
10	10.16.5.5.	Signal interference. This should be included for all wind turbines, not just large scale.	3
10	10.17.5.3	§10.17.5.3 reference to §10.17.4.13 is invalid. doesn't exist – § ends with §10.17.4.12	1
10	10.17.6.7	§10.17.6.7 reference to §10.17.4.13 is invalid. doesn't exist – § ends with §10.17.4.12	1
10	10.17.7.3	§10.17.7.3 reference to §10.17.4.13 is invalid. doesn't exist – § ends with §10.17.4.12	1

\* Action Code Legend: 1-Change Made to SLDC Review Draft; 2- Staff Reviewed, No Change; 3- Section Revised; 4-General Comment; Z- Zoning map comment. Action Code provides the staff response to the Public Comment

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10	10.19.1	<p>In the planning stage of the County code we all attended a special meeting that focused on how Sand and Gravel Extraction would be dealt with in the new code. Commissioner Stefanics attend as well. It was agreed upon that sand and gravel would no longer be exempt from the stringent regulations in the mining code and that all mining and related activities including sand and gravel extraction would be treated the same and be considered a DCI. This agreement is in writing in the SGMP in section 2.2.6.2 that states: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC. Furthermore, because we had taken great care to reach this agreement in the planning stage we did not have a focus group to address mining in the writing of the code.</p> <p>Now in the Draft SLDC it is apparent that a large oversight was made. In section 10.19.1 a threshold of 20 acres and/or use of blasting has been set for designating sand and gravel operations as a DCI. We know from firsthand experience that many quarries do not use blasting and that a 5-acre sand and gravel operation equates to 40 to 50 trucks a day. A 20-acre operation could use 200 trucks a day, which we believe is clearly of Countywide Impact. Also, in section 10.19.2 of this Draft it is allowing related uses activities at the same site of a mining operation less than 20 acre with no blasting to be exempt from being looked at as a DCI. These related activities could include road materials fabrication plants, asphalt hot mix plants, concrete batch plants and the use of mobile equipment such as crushers, stackers and conveyors that would all definitely cause Countywide Impact. All of the County's Sand and Gravel Extraction operations and related activities need to be regulated as a DCI. We ask the county to remove Sand and Gravel Extraction from section 10.19.1 and honor our previous commitment to the communities of Santa Fe County. Any other decision would negate the entire planning process and violate the trust built between the County and its people.</p>	2
10	10.19.1	I STRONGLY agree with other citizens who have stated on the record that 20 acres is far too high a threshold for gravel operations before considering them as DCIs. I would suggest 5 acres as a reasonable threshold, but am willing to defer to public (not industry) suggestions as to the exact figure.	2
10	10.19.1- 10.19.2	<p>In the planning stage of the County code we all attended a special meeting that focused on how Sand and Gravel Extraction would be dealt with in the new code. Commissioner Stefanics attend as well. It was agreed upon that sand and gravel would no longer be exempt from the stringent regulations in the mining code and that all mining and related activities including sand and gravel extraction would be treated the same and be considered a DCI. This agreement is in writing in the SGMP in section 2.2.6.2 that states: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC. Furthermore, because we had taken great care to reach this agreement in the planning stage we did not have a focus group to address mining in the writing of the code.</p> <p>Now in the Draft SLDC it is apparent that a large oversight was made. In section 10.19.1 a threshold of 20 acres and/or use of blasting has been set for designating sand and gravel operations as a DCI. We know from firsthand experience that many quarries do not use blasting and that a 5-acre sand and gravel operation equates to 40 to 50 trucks a day. A 20-acre operation could use 200 trucks a day, which we believe is clearly of Countywide Impact. Also, in section 10.19.2 of this Draft it is allowing related uses activities at the same site of a mining operation less than 20 acre with no blasting to be except from being looked at as a DCI. These related activities could include road materials fabrication plants, asphalt hot mix plants, concrete batch plants and the use of mobile equipment such as crushers, stackers and conveyors that would all definitely cause Countywide Impact. All of the County's Sand and Gravel Extraction operations and related activities need to be regulated as a DCI. We ask the county to remove Sand and Gravel Extraction from section 10.19.1 and honor our previous commitment to the communities of Santa Fe County. Any other decision would negate the entire planning process and violate the trust built between the County and its people.</p>	2
10	10.19.1.	Mining must conform to all noise abatement regulations.	1
10	10.19.1.	According to Appendix B, Sand and Gravel Extraction is limited to areas within RUR-F 20 acres (Rural Fringe), RUR-40 (Rural)and Ag/Ranch 160 zones. It implies that sand and gravel operations up to twenty acres would be permitted.	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
10	10.19.1-10.19.2	<p>In the planning stage of the County code we all attended a special meeting that focused on how Sand and Gravel Extraction would be dealt with in the new code. Commissioner Stefanics attend as well. It was agreed upon that sand and gravel would no longer be exempt from the stringent regulations in the mining code and that all mining and related activities including sand and gravel extraction would be treated the same and be considered a DCI.</p> <p>This agreement is in writing in the SGMP in section 2.2.6.2 that states: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC. Furthermore, because we had taken great care to reach this agreement in the planning stage we did not have a focus group to address mining in the writing of the code.</p> <p>Now in the Draft SLDC it is apparent that a large oversight was made. In section 10.19.1 a threshold of 20 acres and/or use of blasting has been set for designating Sand and Gravel Operations as a DCI. I know from firsthand experience that many quarries do not use blasting and that a 5-acre sand and gravel operation equates to 40 to 50 trucks a day. A 20-acre operation could use 200 trucks a day, which we believe is clearly of Countywide Impact.</p> <p>Also, in Section 10.19.2 of this Draft it is allowing related uses activities at the same site of a mining operation less than 20 acres (with no blasting) to be exempt from being looked at as a DCI. These related activities could include road materials fabrication plants, asphalt hot mix plants, concrete batch plants and the use of mobile equipment such as crushers, stackers and conveyors that would all definitely cause Countywide Impact.</p> <p>All of the County's Sand and Gravel Extraction operations and related activities need to be regulated as a DCI.</p> <p>Section 10.19.1 and 10.19.2 need to be reviewed and corrected to comply with the County's original agreement to recognize sand and gravel mining as a DCI and subject to the existing mining ordinance and SLDC. It is important that the County follow through with their previous commitment to the communities of Santa Fe County. Any other decision would negate the entire planning process and violate the trust built between the County and its people.</p> <p>Please join me in asking the County to correct this error.</p>	2
10	10.19.1-2	Community members expressed concern that the SLDC, PRD's provision exempting sand and gravel mining operations of less than 20 acres from being classified as a Developments of Countywide Impact does not protect the public against the considerable neighborhood impacts associated with sand and gravel mining operations less than 20 acres.	2
10	10.19.3.1	Add a requirement for a transportation plan, including number of vehicle trips per day, hours and days of operation, maximum and minimum vehicle weights (loaded and empty), and whether operator status (employee or contractor of gravel operator).	1
10	10.19.3.1	10.19.3.1 . There needs to be a transportation plan that adequately explains potential impacts to roads, and residents along such routes of travel. What types of trucks, implications of weight, noise, time schedules, LOS implications, etc.	3
10	10.19.3.1(1.c)	§10.19.3.1(1.c) reference to §7. ___ is invalid. Terrain Map should be 7.17?	3
10	10.19.3.1.	10.19.3.1. The operations plan becomes part of the application process, and the assumption is that the administrator reviews it. Who else reviews this plan? When does the public get to review the plan for adequacy.	2
10	10.19.3.2.	Delete "may not require seeding or reseeded or revegetation of the open pit, but it" AND "remaining" AND "through a single reasonable effort". Add at the end of the paragraph: "The applicant shall be responsible for maintaining seeded areas for two growing seasons and for ensuring that rates of seed germination and survival of restoration vegetation are comparable to the median rates achieved by recalculation professionals in similar situations in New Mexico and known to the NM Department of Mining, Minerals, and Natural Resources."	3
10	10.20.1.2	"unlawful sexual activities, including prostitution and sexual liaisons of a casual nature;" Are sexual liaisons of a casual nature unlawful?	2
10	10.3.2	How do you establish principal use? Could use be established by an Affidavit? Often people want to build a barn/tool storage before the primary residence.	2
10	10.3.2.1	How do you establish principal use?	2
10	10.3.2.2	Could use be established by an Affidavit? Often people want to built a barn/tool storage before the primary residence.	2
10	10.4.2	What about garage conversions?	2
10	10.4.2	What about garage conversions?	4
10	10.4.2	10.4.2 seems arbitrary and capricious. What is the basis for limiting accessory dwelling units to family members? Surely it cannot be concerns for access or water use. A single family of eight plus eight more relatives would have far greater impacts than a family of two with a two person rental. Furthermore, "group homes( 10.5) permit non-related persons to occupy the same dwelling. This limitation defies common sense and screams for a legal challenge. The San Marcos District plan approved by the County Commission specifically permits guest house rental for this very reason. It promotes young and old residents to either maintain their primary residents through rental income and provides low-cost housing to people wishing to live in the District but without the means to purchase property. See alternative treatment of non-family "rental" in the section proposed for TDRs.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
10	10.5.2	10.5.2. The code needs to define "mentally ill" where this differs from "mental retardation". mental disability, emotional disability, and emotionally disturbed. If someone with a significant temporary emotional disability" is afforded lodging in a guesthouse - how will the county determine when the person is "better"? Must the resident then "kick" the newly recovered renter out? Who determines when a prospective renter is mentally ill rather than suffering from an emotional disturbance. Again, this could be resolved by permitting persons "unrelated by blood" to reside in a house or rent a guest house managed by a property owner living on the premises.	2
10	10.6.2.1	This is not the current policy; it is more of issue them and than work towards compliance.	2
10	10.6.2.1	This is not the current policy; it is more of issue them and than work towards compliance.	4
10	10.6.3.3	Could be as early as 7 am.	2
10	10.6.3.3	Could be as early as 7 am.	2
10	10.6.4.3	A "medium" not "low"	1
10	10.7.1	10.7.1. need a definition of "condominium".	
10	10.9.1	10.9.1 It is imperative that the code address the cumulative effect of mining operations that continually request expansions of a mining operation once started. Any application must therefore list all associated or affiliated owners, businesses, corporations, or other entities that might at some point request adjoining properties to be incorporated into a gravel business.	2
10	10.9.1.	10.9.1. this paragraph states that mining activities over twenty acres or that involve blasting would be treated as DCIs' and refers to Chapter 11. Chapter 11 states that "mining and resource extraction (11.3.2) is "reserved", meaning that no rules are in place. What happens? Do all mining and extraction activities that fall under the category of "DCI " get shelved until 11.3.2 is written, submitted to the Board and passed as a change to the Land use Code?	2
10	10.9.1.	10.9.1. It would be more appropriate for proposed gravel mining applications that all SRA,s be required in Table 6-1 rather than at the discretion of the "Administrator"	2
10	10.9.2	On Appointments/patron visits, the answer "none" could be read as "no maximum." On Signage "not permitted" could be read as "no permit required." On Parking access "no impact" should be changed to: "a standard of no impact on neighbors" 6 non-residential employees was the max in old code.	3
10	10.9.2	Is the home-owner builder included?	
10	10.9.2.3	add "stagnant rainfall" as follows: "Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property resulting from the deposit, existence, and accumulation of construction materials/stagnant rainfall"	3
10	10.9.2.3.	State "construction materials/stagnant rainfall. "	3
11	11	41.249 Do large wind farms require DCI, on account of substantial land alteration?	2
11	11	This chapter deals with one of the most far reaching aspects of land management in the county, yet it consists of but a single page. Surely there is more to say. At the very least the section should refer to Table 6-2 and Table 4-1.	2
11	11.1	Developments of Countywide Impact (DCIs). The SLDC should state 1) DCIs are not subject to concurrent development and text amendment applications, and that 2) DCI applications shall not be time-limited or constrained to a limited number of hearings. Asphalt batch plants should be a DCI along with Concentrated Animal Feeding Operations.	1
11	11.2	ADD NUMBER: solar and wind "farms" whose area exceeds two (2) acres total for a facility, and any similarly large alternative energy facilities.	2
11	11.2	Add, 11.2.6. for "Large scale, regional energy production facilities."	2
11	11.2	Add 11.2.7.for "Military camps, bases, test sites, and operations and/or training centers.:	2
11	11.2	Add 11.2.8. for "Airports, automobile racing courts, and other facilities that typically generate certain forms of regional nuisance and/or public safety concerns."	2
11	11.2	Add: 11.2.6. Riparian and Acequia alteration. Example is the recent Pecos River realignment where no permits were required.	
11	11.2	Add 11.2.7. Ranches/farms with more than 1,000 acres with a scenic view shed or on a officially designated scenic highway.	
11	11.2	Add: 11.2.6. Riparian and Acequia alteration. Example is the recent Pecos River realignment where no permits were required.	
11	11.2	Add: 11.2.6. Riparian and Acequia alteration. Example is the recent Pecos River realignment where no permits were required.	
11	11.2	"Substantial Land Alteration" is not defined. Does a major subdivision reflect a DCI? Are these considered "Substantial Land Altering" activities. Should the Chapter then refer to Chapter 5?	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
11	11.3	If a project is declared a DCI and no "following regulations" exist? what happens.	2
11	11.3	Surely there are other categories of DCI?	2
11	11.3.2.	Is leaving so much of the code out for DCIs a good idea? Why does this section not describe how a proposed project is deemed a DCI and what sections or process must occur to satisfy County requirements to proceed?	2
11	11.3.1	11.3.1 Should at least state that rules for oil and gas as stated in Ordinance 2008-19 over-ride land-use Code requirements when 2008-19 requirements are more stringent.	2
11	11.3.2.	11.3.2. As written any mining activity over twenty acres would be directed to this chapter since there are no other County ordinances devoted to Mining and Resource Extraction. Surely, the code should reference State and Federal Regulations if nothing else. This portion of the Chapter is simply not adequate to protect the County from poorly planned large scale mining and resource extraction activities.	2
11	11.3.2-11.3.3	What does "reserved" mean? Does it mean that "we couldn't get to this subject so we will do it later" If this is the case, what is the impact to the county if a DCI comes along that is not covered elsewhere in either the code or in other ordinance?	4
11	11.3.3.	Would a very large solar or wind generation facility qualify under "substantial Land Alteration DCI? Is this covered in Chapter ten?	2
12	12	The Santa Fe Association of REALTORS® recommends that the County revise Chapter 12 of the Draft SLDC to eliminate redundancy in the various growth management strategies, and better coordinate them to ensure that new development is encouraged in desired growth areas and is not overburdened with unfair costs or requirements. In particular, the County should revise the requirement for entering into a development agreement for virtually all projects, and it should eliminate the provision that suggests future development fees can be applied to remedy existing deficiencies in public facilities and services. The County should also revise the requirement for financing adequate public facilities to properly credit the tax revenues associated with a development project as part of the funding available for the public facilities needed by that development. The County should also ensure that the growth management techniques better relate to the goals of the SGMP, by modifying these requirements to encourage development in priority growth zones as well as development that satisfies other County growth objectives. Lastly, the County should reconsider levying new development impact fees on residential construction in light of the current economic climate. The association asserted this view in public comments to the County's Affordable Housing Committee in October of 2011. In fact, both the Cities of Santa Fe and Albuquerque have recently placed a moratorium on impact fees for residential developments to encourage new projects. The association believes the increased costs resulting from impact fees make it harder for low-and-moderate income households to afford to purchase residential units in new developments. Impact fees can also result in higher prices for existing homes, thus making all homes less affordable. PLEASE SEE ATTACHMENT FOR FURTHER DETAIL	2
12	12	There appears to be very different structure and process described in 12.5.3.2. and in 12.14.2.8. Which is it?	2
12	12.11	How do existing impact fees and development fees already in ordinance (which are not referred to in this draft), differ from the fees and additional requirements for offsite improvements in the Development Agreement?	4
12	12.12	Official Map should be "Official Zoning Map"	2
12	12.12	Should be OFFICIAL ZONING MAP.	2
12	12.13	The success of the Nantucket Land Bank program may provide a workable model for a successful Santa Fe County Program of a similar nature One of the most important aspects to be addressed is the funding of the Land Bank. In my experience, one of the oldest and most successful Land Banks in the United States is located on Nantucket Island, Massachusetts. The Nantucket Land Bank is approximately 25 years old and has been responsible for acquisition of approximately 50% of the Development Rights and/or real estate located on Nantucket Island. The primary funding source for the Nantucket Land Bank is a tax charged to purchasers of real estate on island. The tax, which is equivalent to two percent (2.00%) of the purchase price of a real estate transaction, is paid by the Purchaser. The Land Bank issues tax-exempt bonds, the proceeds of which are used by the Land Bank in acquisition of real estate and/or development rights from real estate. The tax-exempt bonds are repaid with the proceeds of the real estate tax. The establishment and use of a TDR/PDR program, whether the Land Bank is involved or not, is crucial in furthering the preservation of the approximately 300 acres located on Tres Rios Ranch, which is owned by Cohiba Club, LLC..	2
12	12.13	See attached.	2
12	12.13	45. 300 I'm strongly opposed to bonuses for TDR/PDR. Transfers with bonuses are a great way to undermine the objectives of the SGMP/SLDC. These incentives invariably cause inappropriate development and unplanned impacts in the receiving area.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
12	12.2	Based on the SLDC and presentations made by the County regarding Capital Improvements, it appears that the current process by which the County Commission approves Capital Improvement funding is changing significantly such that the majority if not all of Capital Improvement funding will be allocated only to areas identified as a SDA 1. If this is the case, what will be the process for areas outside of a SDA 1 such as the Southern part of the County to receive Capital Improvement funding?	4
12	12.2	Is the priority schedule for the need of public facilities associated with CIP timeline?	4
12	12.2	If the Adequate public facilities is measured by CIP? Will the CIP be focused on needs for specific areas and not SDA levels? The language in the Code is "Based on higher levels of population within the individual SDA's."	4
12	12.2	Is the priority schedule for the need of public facilities associated with CIP timeline? If the Adequate public facilities is measured by CIP, will the CIP be focused on needs for specific areas and not SDA levels? The language in the Code is "Based on higher levels of population within the individual SDA's."	
12	12.3	12.3 Who and how will "total capacity" of a public facility be determined? If this process is covered elsewhere in chapter 4 or chapter 12 it needs to be referenced. If it is only covered in appendix A under "capacity", it needs to be inserted.	1
12	12.3	The process for determining what are adequate public facilities is not clear. Is it based on the County CIP? Or something else?	2
12	12.3	The calculation for how much each development (including building permits) has to pay toward adequate public facilities is nowhere in the code.	2
12	12.3	The Code makes reference to "levels of service" for emergency personnel etc yet it is not clear on how that is calculated, and what and where the boundaries of the service areas are for such a calculation.	2
12	12.3	The process for determining what are adequate public facilities is not clear. Is it based on the County CIP? Or something else.	2
12	12.3	The calculation for how much each development (including building permits) has to pay toward adequate public facilities is nowhere in the code.	2
12	12.3	The Section regarding Adequate Public Facilities is tied to the County's adopted, funded and prioritized CIP and an adopted Level of Service. However, there is no formula or calculation to show the portion that a specific development in a specific area would be required to pay if Public Facilities are not adequate. Also, not all of the defined Level of Services referenced in the SLDC are based on specific standards or requirements instead they are based on general assumptions which make it difficult to determine what would be required at any given time. Additionally, the SLDC does not detail the relationship between existing impact fees and development fees and the new proposed fees for Adequate Public Facilities.	3
12	12.3	42. 255 In many portions of SDA2, LOS D roads are inappropriate and should not be encouraged for the future.	4
12	12.3	43. 255 Parks: does this mean that there is an adequate amount of parks (or open space) as long as, subsequent to the proposed development, 1.25 acres (or 85 acres) remain per 1000 residents, somewhere in the county? The plan needs to ensure that open space will exist within some reasonable distance of residents, not just somewhere within the county. Table 12-1 seems to conflict with 12.3.5.5.2 (p. 257).	4
12	12.3	Section 12.3 adequate public facilities regulations. At a meeting in Edgewood, we asked staff to explain how the adequate public facilities regulations would work from the adequate public facility study through completion of development fees. The staff was unable to explain the process which highlights the lack of clarity contained in these regulations. Robert Griego promised that he would prepare examples of how this works in all of the various types of developments from building permit minor subdivision through major subdivision. We believe these should be included in the plan for the sake of clarity. The adopted level of service. Table 12-1 brings up other questions.	4
12	12.4	Will all developments require development agreements? Not clear.	2
12	12.4	Will all developments require development agreements? Not clear.	
12	12.5	44. 264 12.5.3.2 Am I reading this correctly? If 75% of the landowners do not want to sign a petition for a PID, the BCC can adopt a resolution to form the PID, on the basis that 25% requested it? Where do these numbers come from?	2
12	12.5	12.5. PIDS may become a problem in that in many cases there will only be a single property owner initially ( the applicant) That would appear to mean that under 12.5.3.2.12, "100% of the owners" of the land included in a proposed PID IS the applicant. That would mean that the applicant could seek to form a PID without notice or public hearing prior to Board Adoption. This does not seem to serve the public interest. 12.5.3.2 states that at least 25% of land owners.... same applies. However in this instance the Board has 90 days after the petition to hold public meetings.	2
12	12-1	There should be a LOS for code enforcement unless code enforcement is considered as part of emergency response. I think that we really need another category in Table 12-1 to insure adequate inspection, enforcement, and legal council for the code	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
12	12-1	My last comment relates to Table 12-1 and the Levels of Service for open space and trails. In my opinion, these levels of service are much too low. Right now there is not enough open space and trails in Santa Fe County. Given the value of both, as stated in 7.15.1, the county should be going for much higher levels. We all know that Santa Fe County will continue to add population. Without sufficient open space and a trails network, the quality of life in the county will be less than optimal.	3
12	12-1	Are these the current level of service in the County of Santa Fe? Or is this a hypothetical. proposed level of service that is either above or below the current level of service? Level of services, differ in different parts of the county. It is common knowledge that rural areas experience a lower level of service by choice to maintain a rural lifestyle and it's somewhat of a trade-off for the benefits of living a rural lifestyle. At the level of services on 12 – 1 are even slightly higher or substantially higher than the rural parts of the county currently maintain, this would drastically raise the cost of housing beyond affordability because the builder would have to pay to upgrade all of the services beyond the existing levels. For adequate public review, I believe staff should disclose how the left adopted level of service was arrived at.	3
12	12-1	The Code makes reference to “levels of service” for emergency personnel etc yet it is not clear on how that is calculated, and what and where the boundaries of the service areas are for such a calculation.	3
12	12-1	The Open Space and Trails LOS are absurdly low. Our county is currently very underserved by County Trails and Open Space. The levels should be 5-10 times greater.	4
12	12-1	Table 12.1 cannot work. Totaling all LOS creates an unworkable and mathematically unstable equation. In addition the numbers do not reflect local conditions. Most facilities are concentrated near population centers. If this is to work, you would need separate LOS for each SDA areas and separate calculations for each LOS. Table 12.1 and the method to determine LOS is unworkable as described. There is no direction as to how a countywide impact area is to be calculated. If the calculation is based on different sets of assumptions, LOS will be calculated differently. Let us assume for a moment that the following formula applies: Countywide refers to the total population of the County minus the population of both the City of Santa Fe and the City of Edgewood. The 2011 census lists the total population of the County at just under 146,000. The City of Santa Fe at 68,000 and the City of Edgewood at roughly 4000. That places “countywide” unincorporated population of Santa Fe County at 74,000 residents. Using this estimate the following Adopted Levels of Service would apply: Fire Employees = 68.82 Fire Vehicles $2.12 \times 50 = 106$ Fire Facilities $2,673 \times 50 = 133,650$ Sheriff Personnel = 66.6 Sheriff Vehicles $2.4 \times 50 = 120.00$ Sheriff Facilities $120 \times 50 = 6,000$ Parks = 92.5 Trails = 74 Trail heads = 26.64 Open Space = 6290 Even without calculating Roads and water LOS as those would require boundaries dictated by the development’s boundaries, it is clear that when the numbers are totaled as is dictated in 12.3.4.4.2a, only the Fire Facilities figure is meaningful. Mathematically none of the other LOS calculations would make a difference. What does this mean? It means that as long as there are sufficient fire station square footage, the LOS calculation is satisfied. 12.3.4.4.2b. don’t count in the calculation of APFA = even if calculated. This as an apples and oranges situation whereby it is not possible to add square feet of facilities and numbers of vehicles. The key to determining what “countywide” means can be found in 12.11.5.11. That section de-fines “countywide” as unincorporated area of the County. This section should be cited in the footnotes for Table 12.1 or “countywide” needs to be defined in the appendix.	
12	12-1	Table 12.1 Lists “Water Supply” LOS as a “per residence” impact area. What does this mean? Will the proposed developer calculate the number of homes he plans to build and add them up by 0.25 acre feet? How does this reflect LOS? Shouldn’t this LOS reflect impacts to a specific area potentially impacted by increased usage ( especially if proposed for an area not within the County Water System service area?) So then, what does ‘Impact area’ mean? Is it within the property being proposed for development? Within a specified impact area within “N” meters from the wells or water system? Does Impact Area refer to a “Basin?, within “N” miles from a water system or individual wells. How will this boundary be determined and by whom? How could you possibly develop an APFA with this guidance?	
12		There should be an impact fee schedule so developers understand those costs before application. Will it be by residential units?	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
12		Does the code have an impact fee schedule? General discussion that the code does not have an impact fee schedule but contains the framework. There should be an impact fee schedule so developers understand those costs before application. Will it be by residential units?	2
12	12.10.4	ADD NUMBER: It shall be the general policy of the County to use Highway and Bridge Bonds first to repair, rehabilitate, and remodel existing roads and buildings, and only when such options are exhausted, for new construction of facilities that could be provided by re-use of existing ones.	2
12	12.11.10	12.11.10. Does the County financial Officer know of the need to establish separate interest bearing accounts for each new development order. Will the County's accounting software accommodate this additional burden? How will this accounting cost be determined and how will it be referred to the Administrator? Is three percent really enough to maintain this administrative offset? Has accounting been asked?	2
12	12.11.13.	12.11.13. If an interested party with standing appeals an assessment, what is the process? Do they have to pay a processing fee? There does not be a well thought out or stated process for this eventuality. If the appeal is not the applicant, does 12.11.13.2 still apply? How does the public gain knowledge of the contents of a development fee decision? At what point does this decision become public? Since this information would surely be part of the application process and the creation of a development order, it would not become public until after the process is over.. That would mean that the public would have no opportunity to appeal an assessment of development fee or lack there-of. ( see also Chapter 4.5 "Appeals).	3
12	12.11.5.1	In the context of this section it would appear that "Service Area" refers to the three SDA areas (SDA-1,2 and 3). If not, then there needs to be a map showing the CIP service area boundaries. If this section refers to the 2010 draft "development Fees for Santa Fe County" then the appropriate citation needs to be identified. There is a problem here, of course, as that document is still a draft and has not gone through the approval process to make it official. The draft is now two years old. Is it still valid? Anybody looked?	3
12	12.11.5.1.	12.11.5.1. The term "qualified professionals" should be defined in the appendix. Do "qualified professionals" need a degree in the appropriate discipline? Do all reports and studies require that the professional qualifications of the preparers be published with the documents they produce?	1
12	12.11.5.1.	12.11.5.1. Where will the public find Reports and Analysis prepared by qualified professionals as defined in 12..11.5.1?	3
12	12.11.5.1.	To my knowledge, the CIP only exists as a draft document, prepared two years ago by a consultant. If this is true, it has not gone through the complete review process and has not been legally approved by the Board. If the document has been approved by the board then it should not be referred to as a draft, but should be cited as a specific ruling by date.	4
12	12.11.5.11	This section needs to be referenced in Table 12.1 and in 12.3.4.4.	1
12	12.11.5.2.	12.11.5.2. Shouldn't there be a required link between the administrator who receives applications for development, and the CIP advisory committee - who would determine or "evaluate implementation of the CIP? Perhaps this should be explicitly stated in Chapter four "procedures". Also the formation, duties, and requirements of the CIP advisory committee should be placed in Chapter three "decision making bodies".	2
12	12.11.5.3.	12.11.5.3. If the Advisory Committee only files its written comments five days before a public meeting, what chance does either the Board or the public have to evaluate the proposed amendments prior to the meeting. Does 12.11.5.3.d. infer that the process allows for a thirty day period between presentation and approval. If this is true, it needs to be stated. In fact the whole process of approving a revised CIP needs to be placed clearly in Chapter Four (Procedures).	2
12	12.11.5.3.2.	12.11.5.3.2. And when did the Board make this momentous "finding, and what was the basis for their decision. If, by approving the SGMP, these assumptions have been approved, then the Code needs to refer to the appropriate chapter and verse in the SGMP so the public can likewise, view the assumptions.	3
12	12.11.5.3.2.	12.11.5.3.2. What is the mechanism to engage "qualified professionals" Who writes the "scope of work"? Is there any over-sight? What type of "qualified professional" is qualified to update the CIP and the Land use Assumptions (LOA) that goes with it. This needs to be defined. If its an Advisory Committee function, it needs to be spelled out and the level of expertise needed to be a member of the Advisory Committee needs to be addressed.	3
12	12.11.5.6	12.11.5.6 see discussion on Table 12.1. Are these public facility LOS more clearly defined in the 2010 "development Fees for Santa Fe County Draft" (comment # 1188). If this document remains a draft - does it leave the County open to legal challenge?	4
12	12.11.5.6.	12.11.5.6. Since the 2010 "development Fees for Santa Fe County Draft" is now two years old, should it still be considered appropriate base-line for LOS. Even the draft code wants an update every two years. Anybody look to see if it is out-of-date? Where can the public find the draft? Has it been published or does one have to find it in the 1000 page first draft of the County Plan?	3
12	12.11.6.2.1.	12.11.6.2.1. This is confusing language. Does it mean that a developer who wishes to build a road linking a proposed development to a State Highway, for example, where the highway is shown on the official map but not listed in the CIP, would not be subject to Development fees?	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
12	12.11.7.1.	12.11.7.1. If there is a section in the draft that states the process by which these fees are determined, it needs to be referenced. Who does the "assessing". What is the process? Can it be found in Chapter 4? What level of "professionalism" is required to create these Development fees. What process is in place to insure that the creation of Development Fees is not abused. Is the imposition of Development fees a function of the Advisory Committee? If so, refer to the appropriate section of the Code that authorizes the committee to do so. How long do "they" have to make a determination? How does this process fit into the process described in Chapter 4 or does it.	3
12	12.11.7.4.	Has a "Fee Schedule" been approved by the Board? If not, what happens until such a fee schedule is approved. If a Fee schedule Has been approved, the Code needs to state a specific document, and date of approval.	3
12	12.11.7.4.	12.11.7.4. Where IS the Development Fee Schedule "approved" by the Board. Does it exist. If so, where is it and how does the public access it. Who is responsible for insuring that it is available to the public. If it does not exist, what are the implications?	3
12	12.11.8.2.	12.11.8.2. Who is responsible for keeping track of these four year validations? The Administrator? If so, it must be listed in Chapter 4 as one of the Administrator's duties.	3
12	12.11; 12.4	How do existing impact fees and development fees already in ordinance (which are not referred to in this draft), differ from the fees and additional requirements for offsite improvements in the Development Agreement?	2
12	12.12.1.	12.12.1. There is no official map "incorporated herein"	4
12	12.13.	12.13. What is Ordinance Number 2001-07 as amended? Is this where trails could be required? If not, add to 12.13.3.2. Trail development.	4
12	12.13.1.2.	12.13.1.2. Add "and create a County trail System".	2
12	12.13.2.4	Beneficial Use Determination (BUD)	2
12	12.13.2.4.	12.13.2.4. The BUD process should not be the only way to establish a TDR certificate.	3
12	12.13.3.4	12.13.3.4 something wrong here. A bonus incentive of 3 dwelling units per acre seems excessive. Will "receiving areas " be designated on the zoning map? What process is utilized to establish receiving areas. A five acre plot in SDA-1 that is zoned R-C and designated a "receiving area" would qualify for five dwellings plus fifteen or a total of twenty dwellings. Is that kind of density what is desired?	3
12	12.2.1.1.	Is there anything in the code that requires the County to produce a CIP or is that State statute. If so, it should be referenced. The code should state the following: The Land use Administrator will utilize the most recent CIP approved by the BCC to create levels of service (LOS).	1
12	12.2.1.1.	If there is a CIP approved by the Board , the resolution should be noted in this section.	2
12	12.2.3	Add new section, 12.2.3.7, stating, Plans of an individual Community's needs as prepared by a CO or the County.	2
12	12.2.3.7	Add: 12.2.3.7. Plans of an individual Community's needs as prepared by a CO or the County.	2
12	12.3.2	APFR not AFPA	1
12	12.3.2	APFR not AFPA	
12	12.3.3.2	In my reading, this paragraph is gibberish.	1
12	12.3.4.1.	The performance of the County to stick to any prioritization of capital improvement projects is pretty dismal. What makes the writers confident that this will change. If it does not, then applications based on a seven year estimate will be based on a fairy tale.	4
12	12.3.4.2	APFR not AFPA	2
12	12.3.4.3	Add, construction commences within two years	1
12	12.3.4.3	Add construction commences within two years....	2
12	12.3.4.4.2.b.ii.	What is a "capacity reservation certificate"? Where do I find this. Who manages this. Where would the public find this information. Who is responsible for up-dating. What is the process to procure "capacity reservation certificates".	1
12	12.3.5.2.	12.3.5.2. Who in the County shall "primarily take into consideration". How is this to be accomplished. Where is the process in Chapter 4. How will this directive be translated into Law? Why are these LOS more important than the other identified LOS?	1
12	12.4.1.	12.4.1. Table 4 states that overlay zones do not require AFPA, but zoning map amendments do. Table 6 requires zoning map amendments to have an APFA How do you create a new overlay zone without creating as zoning map amendment?	1
12	12.5.1.5.	12.5.1.5. study seems to conflict with 12.5.3.2.12.	2
12	12.5.3	What is the difference between the "pre-acceptance feasibility study of 12.5.3.2 and the post PID feasibility study called for in 12.5.15. Is one more stringent than the other. Does a PID developer have to complete both?	1

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
12	12.5.3	There is nothing in Chapter 4 that covers the formation of PIDS. Chapter 4 does not cover procedures for the formation of PIDS or whether or not PID applications require the development of reports , discretionary review or a hearing before a hearing officer prior to a hearing before the BCC. Chapter twelve describes report requirements that appear not to be within the context of land use process described in Chapter 4.	2
12	12.5.3.2.5	12.5.3.2.5 states that a notice of public hearing in conformity with Chapter 4 but nothing concerning whether or not the “hearing” by the Board would allow objections or that notification includes notification of communities. It would appear that the only appeal is to the district court.	3
12	12.6.3.4.	This paragraph is inappropriate with the context of CIDS.	2
12	12.6.4.2.	Who determines that a petition actually reflects 66 2/3% of the total assessed value within a territory to be assigned to a district? Is it the assessor’s office? How will this be determined? How long will it take? How is this accommodated in the Chapter 4 “process”.	2
12	12.7.3.1	THIS METHODOLOGY SHOULD BE APPLIED TO WATER SUPPLY AND SEWER INFRASTRUCTURE. BOTH LITERAL FISCAL COST AND COSTS IN WATER AND ENERGY CONSUMPTION SHOULD BE ANALYZED BEFORE AGREEING TO EXTEND WATER OR SEWER LINES BEYOND THEIR PRESENT EXTENT.	2
12	12.8.3.3	ADD NUMBER: It shall be the general policy of the County to use Bonds and all other forms of legitimate revenue first to repair, rehabilitate, and remodel existing roads and buildings, and only when such options are exhausted, for new construction of facilities that could be provided by re-use of existing ones.	2
12	12.9.3.1	ADD NUMBER: It shall be the general policy of the County to use Bonds and all other forms of legitimate revenue first to repair, rehabilitate, and remodel existing roads and buildings, and only when such options are exhausted, for new construction of facilities that could be provided by re-use of existing ones.	2
12	Table 12-1	Table 12-1 (water supply) reference to §7.5.2 is invalid. doesn't exist - § ends with §7.5 on fire protection	1
12	Table 12-1	Table 12-1 footnote §10.2.2.2 on road levels reference to §10.2.2.2 of the "SGMP" is invalid. doesn't exist - § ends with §10.2.2 unless SGMP is a different document	1
13	13.4	13.4 This paragraph grants the AHA variance authority vested in the land use administrator and outside the of the limitations of variance. There is no process outlined. Is there a hearing? What if the “hardship” goes away? Does the leasee have to move out? Is there any appeal?	
13	13.6	46. I am opposed to bonuses for affordable housing. These bonuses have been awarded in the past to large developments that did not provide affordable housing, in the final analysis. What is the enforcement mechanism? Additionally, there is a shortage of affordable housing in the northern county and it generally sells quickly. Why provide developers with a bonus to provide a product for which there is large demand? I support affordable housing but provision of a density bonus, energy efficiency bonus, impact fee bonus, lot size bonus, and county water bonus only tells me that the developers had a lot of influence here.	
13	13.1.2.	13.1.2. why is “Fair Housing” “Reserved”. Fair Housing is not defined here or in Appendix A. What is “Fair Housing”.	
13	13.10.	13.10. The Affordable Housing Administrator. Why is this authorization not found in chapter 4 “Procedures” or in Chapter 3. How many “administrators” are buried within the body of the Code that do NOT appear in Chapter 4?	
13	13.2.1.	Comment: Map 14-1 does not appear to be included within the Draft SLDC. Recommendation: The Santa Fe Association of REALTORS® recommends that the County either incorporate the referenced map into the Draft SLDC or it should provide a full reference to the map and how to obtain it.	
13	13.2.1.	13.2.1. There is no Map 14-1 in the Code. Why is there no requirements for Southern Santa Fe County?	
13	13.2.1.1.	Comment: The Draft SLDC does not define the terms “Major Project” or “Minor Project” as used in this Chapter. Recommendation: The Santa Fe Association of REALTORS® recommends that the County define these terms accordingly.	
13	13.2.1.1.	13.2.1.1. What is the minimum in a “minor Project”. If a minor subdivision , at a minimum has two plots, how can 8% of the project be “affordable”. I assume that Major and Minor Projects refers to Major and Minor Subdivision porjecvts as defined in the Code Appendix A.	
13	13.2.1.2	13.2.1.2 What is the definition of an “income range”. Where does this come from? If State Law we need a citation.	
13	13.2.1.2.	13.2.1.2. There does not appear to be any relationship between 13.5 and the “Section 5” mentioned in 13.2.1.2. If this is the case, then there is no “Section 5” to refer to.	
13	13.2.2.2.	13.2.2.2. I,m confused. Is the “Affordable Housing Plan” considered within the context of Section 6 “Reports and Assessments” If it isn’t, why not? If it is why is it not included in Table 6-1? The code does not appear to have any affordable housing regulations, only a requirement for the Affordable Housing Administrator to create draft regulations for the Board to consider. How long might that take? What happens in the mean time? How would approved regulations fit into the Code?	
13	13.3.3.	13.3.3. There does not appear to be any rule requiring adopted Affordable Housing Regulations to become part of the Code.	
13	13.6.1	13.6.1 “Major Project” change this to “Major Subdivision” as described in Chapter 5.5. Correct me if I’m wrong. The smallest Major Subdivision ( a type 3) is six parcels where at least one parcel is under ten acres. Assuming one house per lot, then 13.6.1. would allow as much as a 20% increase in the number of houses. This would add at least one and possibly two additional houses to the permitted build out	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
13	13.6.1.3.	13.6.1.3. What is the process to apply for a 20% density bonus. Since this bonus required board approval - does it go through the land use administrator or only through the affordable housing administrator, before it hits the BCC. Would there be any outside review?	
13	13.6.3.	13.6.3. Would it be possible for a proposed development to have no development fee's if all the housing units were "affordable"? If so, who would pay for the administration of the project? Who pays for reports and studies? Who makes the decision : a) the land use advisory committee, b) the land use administrator, c) the affordable housing administrator, d) someone else.	
13	13.6.3.	13.6.3. If all development is required to produce affordable housing (13-2-1-1) then no major or minor subdivision would be required to pay development or water utility fees if the entire development was considered "affordable". What are the implications of this statement?	
13	13.6.5.	13.6.5. What is the "Regulations of the New Mexico Environmental Department" This regulation needs to be cited. Where is it found. What is the lowest permissible lot size and how will this affect the Code's zoning regulations? I think that the actual minimal lot size needs to be included so that the public can clearly understand this section.	
13	13.7.1.1.	13.7.1.1. There is no Map 14.1.	
13	13.7.1.2.	13.7.1.2. To whom is the "cash payment" made? What happens to the funds. What process is followed?	
13	13.7.2.	13.7.2. Who does the review. This needs to be spelled out in chapter 4.	
13	13.7.4.	13.7.4. Is there a requirement for a written report of findings? Who writes it? Who submits it and to whom? Will this be found in the "official application completeness review" if not why not?	
13	13.9.2.	13.9.2. Is the Affordable Housing Administrator responsible for this. What procedures are followed? What qualifications are needed by the people responsible for creating the instruments? Clearly the Board must make these decisions to spend money. How would this be accomplished in fifteen days? Can the County purchase anything in sixty days? Is this a realistic or "doable" requirement for the Board?	
13	13.9.7.	13.9.7. Does the County Clerk know of the need to set up this fund. Does the separate ordinance exist? If not, how would this portion of the code function? Does the county have the software available to set up this function?	
13	13.9.8.	13.9.8. How will this be determined? Who makes the decision? What is the process? How is a decision appealed and to whom? Is this spelled out in Chapter 4?	
14	14.2	Shouldn't we add Occupancy as CID knows them?	
14	14.2	Shouldn't we add Occupancy as CID knows them?	
14	14.4	47. 305 Penalties for violation should reflect the severity of the violation. Maybe someone who sells Christmas trees in violation should get the \$300 fine. But if you violate ordinances pertaining to multi-million dollar commercial developments or with significant long-lasting impacts, should you also get a \$300 fine? The County, or perhaps all counties together, need to develop a more appropriate criminal enforcement procedure.	1
14	14.4.1.2	Add, "shall not exceed the sum of Five Thousand Dollars (\$5,000) as provided for in that Act."	2
14	14.4.1.2.	litter not letter	1
14	14.4.1.2.	Add, "shall not exceed the sum of Five Thousand Dollars (\$5,000) as provided for in that Act."	2
14	14.4.1.4	ADD: Repeated or willful violations of the SLDC may be grounds for denial of all development applications presented by the violator for a period not to exceed five years following the Administrator's determination that there is a pattern of repeated or willful violations.	
14	14.4.1.5	ADD: "Repeated or willful violations of the SLDC may be grounds for denial of all development applications presented by the violator for a period not to exceed five years following the Administrator's determination that there is a pattern of repeated or willful violations." The added clause is suggested as a possible way to add some teeth to the SLDC, given that the State can't be bothered to allow serious fines. Obviously, this is subject to legal advice.	
14	14.7.2	We should add Ordinance: #2009-11.	1
14	14.7.2	We should add Ordinance: #2009-11.	1
14	14-1	14.1 There should be a LOS for code enforcement and it should appear in Table 12.1 to insure adequate inspection and enforcement as well as legal advice.	
10 and 8	10.15	A second issue is the exception to zoning requirements currently afforded to community service entities. Apparently, such organizations can build anywhere in the state regardless of zoning. That also seems to be the intention of the proposed zoning code. In addition, based upon Cedar Grove residents' experience with the County and its certification/ licensing agencies, it would appear that the rules and restrictions which local rural-fringe homeowners have had to observe and adhere to would not have applied to the Girls and Boys Ranches of New Mexico's proposed development. If the purpose of zoning is to direct and restrict the types of development to conform to established as well as County-assigned neighborhood area standards (rural residential, ag/ranch, rural, mixed use, etc.) and to allow some degree of local determination of those standards, doesn't giving a carte blanche waiver to one category of developer obviate the entire rationale for zoning?	2
7 & 12		Open space requirements in Chapter 7 and chapter 12 are not clear- will new development required to do both?	3

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
Appendix A		ADD ITEM: Restoration: Concerning structures and especially historic structures, rebuilding to a specific prior period or condition of the structure's history. Concerning sites or site components, recreating healthy and productive soils, hydrological conditions, vegetation, and where appropriate wildlife habitat to closely approximate conditions prior to development or to disturbance, using methods including but not limited to re-grading, replacement or addition of soil components and organic material, seeding, planting, reconstruction or reshaping of stream channels and similar water elements, and management of vegetation succession.	2
Appendix A	Critical Root Zone	add, "to the tip of the furthest horizontal extent of any branch" as follows: "a circular region measured outward from a tree trunk to the tip of the furthest horizontal extent of any branch...."	2
Appendix A	Deck	There is no section of the SLDC that limits decks to rear or side yards. I do not believe that decks should be prohibited in front yards - too suburban a standard for Santa Fe and for rural areas. However, any limits on deck placement should be in the body of the SLDC, not in a definition. Definition should be rewritten as follows: "a platform extending horizontally from a building, open on at least one side, with or without a canopy or roof, and usually accessible from within the building."	2
Appendix A	Design Storm	Delete, replace with "a hypothetical storm whose calculated intensity forms the basis for design of stormwater management facilities. In the SLDC, this storm is the 100-year storm (see definition)."	2
Appendix A	Detention	Add, "and sediments"	1
Appendix A	Development	Add "roads, driveways, or parking" after "accessory structures"	2
Appendix A	Development of Countywide Impact	Add "of this SLDC"	2
Appendix A	Floodplain Management	Add control of sedimentation	2
Appendix A	Gray Water	Add "Also spelled grey water, graywater, or greywater."	1
Appendix A	Ground Cover	Add turf	2
Appendix A	Highest Adjacent Grade	Delete "natural". Add "as it exists" to "elevation of the ground surface..."	3
Appendix A	Lot coverage	Why the distinction between land uses? Excess impervious area can be created on residential lots too. I would suggest that the Non-res/mixed definition be used for residential too.	
Appendix A	Master Site Plan	I would strongly suggest that these requirements be made part of the body of the SLDC, not left in the glossary. Site plans are a major aspect of the Procedural Requirements addressed under Section 4.4. Details of what a site plan must include should be placed there (as set out here in this draft, numbers 1 through 14). Definition should be limited to "a graphic representation of proposed land uses and development that is required for evaluation and approval of various types of development under the SLDC. Components of a typical master site plan are defined under section 4.4 of the SLDC. The purpose of the plan submittal is to inform the County of the nature, extent, character, and impact of proposed development, and the plan for any specific application shall contain all information necessary for that purpose, including but not limited to those elements defined under 4.4"	1
Appendix A	Natural slope	Rewrite as follows: "percent of slope and patterns of variation in slope existing prior to development ; such slopes are considered natural if they are not the result of previous development or construction; slopes resulting from prior development or construction are to be referred to as existing slopes. For method of calculation, see Percent of Slope."	3
Appendix A	Percent of Slope	Add " Where calculated from a contour map, D shall be" after "...H and L". At the end of definition add, " Percent of slope is an average and assumes a consistent slope from H to L. Where percent slope is a criterion for development permission or limits, the maximum or minimum percentage slope occurring on a property or along a transect line shall be calculated."	2
Appendix A	Pervious pavement	Add, "Also called permeable pavement or porous pavement, which terms shall be regarded as synonymous."	2
Appendix A	Proportionate Share:	Delete. Replace with "where a proposed development causes or is projected to cause demand for County services or infrastructure, proportionate share is that portion of the cost of meeting such demand reasonably attributable to the development."	2
Appendix A	Reconnaissance Survey:	proposed to be disturbed	1
Appendix A	Rehabilitation	Add, "For sites, rehabilitation includes restoration of soils and vegetation to productive and healthy condition."	2
Appendix A	Riverine	Add, "whether flow is permanent or seasonal."	2
Appendix A	Road	Add bicycle and multi-use trails,	1
Appendix A	Structure	Add wells and wellhead equipment,	1
Appendix A	Tree, Significant:	Delete "trunk type", Sub "which is" for "whose trunk is". Add, ",or if the main trunk is divided, measured just below the point of division" after 4.5 ft above natural grade	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
Appendix A	Yard	There are no sections of the SLDC that specifically require yards -- there are setback requirements. As in other comments about the glossary, I believe that requirements should be set in the main body, with the glossary reserved for definitions. Rewrite as follows: "An open space area on a lot used for outdoor activities or as a spatial buffer between a lot line and the nearest principal or accessory building or structure. A yard may be a front, side or rear yard. Yards may be created by setback requirements of the SLDC or of zoning areas. Yards for specific (usually industrial) purposes are specified as storage yards, junkyards, etc, and are separately regulated in the SLDC."	
Appendix A		Add definitions for the following terms: Acequia, Airspace Notification Map definition, Antiquated Subdivision, BCC to Board, Community Water System (see also Mutual Domestic Water Association), CUP to Conditional Use Permit, Family Domestic Partner, Family Compound, Historic Register, ICIP, Invasive species, LDN page 96, MU to mixed use, Reconnaissance report, <Reserved> what does it mean legally, Subdivision, Summary Review---explain this because you just referred people from another page, Traditional Historic Community (THC), Tree, invasive.	1
Appendix A		Define the following acronyms: AASHTO APFA ASHRAE page 145 ANSI American National Standards Institute BCC BLM DCI EIR EPA HERS IESNA page 103 Lnd RESNET O-HP Historic Preservation Overlay MU mixed use [Zoning District] NMDOT PID Public Improvement District SHPO page 149 SDA SGMP SLDC SRA TAC WSAR Water Service Area Report	1
Appendix A		Add definitions for: Acequia, Airspace Notification Map definition, Antiquated Subdivision, BCC to Board, Community Water System (see also Mutual Domestic Water Association), CUP to Conditional Use Permit, Family Domestic Partner, Family Compound, Historic Register, ICIP, Invasive species, LDN page 96, MU to mixed use, Reconnaissance report, <Reserved> what does it mean legally, Subdivision, Summary Review---explain this because you just referred people from another page, Traditional Historic Community (THC), Tree, invasive	1

\* Action Code Legend: 1-Change Made to SLDC Review Draft; 2- Staff Reviewed, No Change; 3- Section Revised; 4-General Comment; Z- Zoning map comment. Action Code provides the staff response to the Public Comment

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
Appendix A		Add acronym and abbreviation definitions for: AASHTO APFA ASHRAE page 145 ANSI American National Standards Institute BCC BLM DCI EIR EPA HERS IESNA page 103 Lnd RESNET O-HP Historic Preservation Overlay MU mixed use [Zoning District] NMDOT PID Public Improvement District SHPO page 149 SDA SGMP SLDC SRA TAC WSAR Water Service Area Report	1
Appendix A		Area Plan: Rather than a definition, this paragraph provides direction that should be in the body of the document.	1
Appendix A		Capacity: Rather than a definition, this paragraph provides direction that should be in the body of the document.	1
Appendix A		Capital Improvement Plan: Rather than a definition, this paragraph provides direction that should be in the body of the document.	2
Appendix A		Centerline: Rather than a definition, this paragraph provides direction that should be in the body of the document.	2
Appendix A		Family Transfer: Rather than a definition, this paragraph provides direction that should be in the body of the document.	2
Appendix A		Height: Rather than a definition, this paragraph provides direction that should be in the body of the document.	2
Appendix A		Lot Coverage: Includes a calculation that is better placed within the body of the Code. There is a question as to whether or not a calculation found in an appendix becomes part of the law. A calculation is not considered a "definition".	2
Appendix A		Nonconforming Lot, Structure, parcel or use: Definition appears to be in conflict with 4.9.9.9. Nonconforming (legal) lots of Record.	2
Appendix A		The Appendix needs to be looked at carefully to insure that definitions do not include instructions that should be found within the body of the code	3
Appendix A		Cultural Treatment and Mitigation Plan: Rather than a definition, this paragraph provides direction that should be in the body of the document	3
Appendix A		Master Site Plan: Rather than a definition, this paragraph provides direction that should be in the body of the document.	3
Appendix B		General discussion on how the code does not accommodate, support, reflect or incent preservation of historic development patterns of the north county. The Agricultural/Ranch zoning district does not accommodate typical Northern County ag /ranch land uses which is conducted on smaller lots.	2
Appendix B		All mining on use table should be listed as a DCI. Asphalt, concrete, and hot mix plants are not in use table and should only be in industrial zones.	3

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
Appendix B		"Appendix B : Is there a legend for this spreadsheet? I don't understand it what do the numbers in the columns refer to ? what does a p,c,x,a denote? Any hints ...."	4
Appendix B		We have concern regarding many details included in the Use Table in Appendix B, and lack of clarity concerning rules on "grandfathered" parcels	
Appendix B		28. 176 A copy of Table 8-4 should be included in Appendix B.	2
Appendix B		All terms used in this appendix need to be defined in Appendix A. For example: What is a "club or Lodge". , What are "services for elderly and disabled"? How does it differ from "Assisted Living". Why is one considered "residential" and the other considered "institutional"?	2
Appendix B		What are the numbers associated with Function and Structure mean. There is no obvious code reference.	2
Appendix B		How does a "service" equate with a land use unless specifically detailed?	2
Appendix B		39. I would like to see temporary sale of fruits, vegetables, berries, eggs, or farm allowed anywhere, and certainly in the various RES areas.	4
Appendix B		There is nothing in Chapter 10 that describes "single room occupancy units" and why they are prohibited. I'm still of the thinking that "compounds" are a legitimate form of housing in Santa Fe County and that they, as long as they are sold as a single unit" should be both described and permitted in the County. "Multi-Family Buildings" are mentioned in the Appendix B but are not described in the code. Not being described, they do not appear as permitted or "not Permitted" in any zoning map. "Accessory apartments" are not covered in Chapter 10"	4
Appendix B		Make sure agriculture including livestock raising is allowed everywhere in the county. Are permits required for agricultural uses? Not required in current LDC. Does county limit number of livestock on a parcel? Does county limit number of livestock on a parcel?	
Appendix B		We wish to request more time on providing our comments on the Use Table for the Cerrillos Village district.	
Appendix B		We and the community would like more time to provide comments on the SLDC Use Table.	
G		Throughout the document the terms "Official Map" and "Zoning Map" are used interchangeably when they are actually one and the same (in Appendix there are definitions for Official Map, Official Zoning Map, and Zoning Map, Official). For consistency "Official Zoning Map" should be used throughout.	1
G		Community Plan is often expressed as Community plan.	1
G		Are pre existing legal lots of record subject to code and all requirements? Given the lack of distinction between development permit and building permit it is unclear what would be required for an existing legal lot of record.	1
G		6. The reissuance of the Draft Code should utilize a redlining and track changes feature of a MSWord software.	1
G		1. Throughout the document the terms "Official Map" and "Zoning Map" are used interchangeably when they are actually one and the same (in Appendix there are definitions for Official Map, Official Zoning Map, and Zoning Map, Official). For consistency "Official Zoning Map" should be used throughout the document.	1
G		7. "Community Plan" is often expressed as "Community plan."	1
G		9. UCSFC has added a new Mediation component to: a new 3.6 and 4.7.3. During the two BCC study sessions this component was requested by some BCC members. At our October 25, 2012 meeting UCSFC members and other general public attendees warmly embraced Mediation.	1
G		Active links in code documents that would refer to comments received, link to where they are addressed in the documents and references within the Code that refer to other parts of the code. Redline MS version showing changes.	1
G		County must look at the cost of this code to property owners and provide this information to the public. County should pay special attention to the new costs added to small-scale single parcel development	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		<p>SERA Recycles!— a nonprofit, all-volunteer organization dedicated to increasing recycling at BuRRT and the diversion of solid waste from the city-county landfill at Caja del Rio— recommends the following actions to improve the draft SLDC with regard to solid waste, recycling/reuse, and composting:            Include the SGMP’s ideas on recycling, composting, landfill diversion and reuse of recycled building materials in the Draft Code. Please see the following in the SGMP:            How We Consume, 1.4.1.2.2            Other Potential DCI’s, 2.2.6.5            Chapter 8: Sustainable Green Design and Development Element            Key Issues, 8.1.1            Keys to Sustainability, 8.1.2            1. Enhance Recycling and maximize solid waste reduction                Goal 27: Reduce solid waste production and support recycling to limit landfill use and move toward zero waste.                Strategy 27.1.1: Support the establishment of a composting program.                Policy 27.2: Divert C/D waste from the landfill.                Strategy 27.2.1: Develop a county-wide waste reduction and recycling plan that identifies requirements and incentives for recycling and composting, and the sustainable regulation of landfills, and junkyards.                Strategy 27.2.2: New development should submit waste reduction and recycling plan.                Strategy 27.2.3: Educate the public about the need for and the “how to” of residential and construction/debris recycling through educational and informational materials.                Strategy 27.2.4: Promote waste minimization and the segregation of recyclable materials transfer stations.                Policy 53.4: Encourage ways to use more sustainable, local and energy efficient materials for County operations and facilities. Establish sustainable practices and programs as part of County operations and facilities.                Strategy 53.4.1: Enhance County recycling program for County Departments.            6. Establish options for reuse of building materials through identification and provision of designated areas for recycled materials for re-sale.            7. Utilize local resources for building materials and establish a catalogue of available recycled materials.                Policy 25.6: Promote the use of traditional New Mexico architecture ...and Native building materials.                Strategy 25.6.1: Where appropriate utilize locally recycled material</p>	2
G		<p>SERA Recycles! also recommends the following actions to improve the draft SLDC with regard to solid waste, recycling/reuse, and composting:            1. Establish a liaison to the County’s Solid Waste Task Force. The Task force will issue a final or intermediate report at the end of January. Their recommendations should be incorporated into the Draft Code.            2. Include reference or provisions of Santa Fe County Ordinance 2010-5, regarding solid waste, in the Draft Code.</p>	2
G		<p>Not sure where this should go: The county web site will provide a summary status of the application, and all documents related to the application in a timely manner.</p>	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		<p>I strongly object to the rezoning being proposed in the SLDC for the property owned by the NM Boys and Girls Ranches, namely the 968 acre tract in the Cedar Grove area of southern S F County. This parcel, shown as blue on your proposed zoning map, is zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The residents of this area, via the South Mountain Neighborhood Association of the Cedar Grove area, so strongly objected to the intrusion of an entirely out-of-place institution in the midst of our very rural area, that we filed an appeal of that BCC decision to them followed by another to the judicial system. [And note that people here put up their own money for legal representation, so strongly did they feel.] Judge Singleton, District Judge of the First Judicial District of Santa Fe County, ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Hence that parcel is still zoned as before, Ag/Res. The application to build that institution sits idly, the applicant has stated publically that he has abandoned his plan to build it and the land is currently for sale.</p> <p>While none of us in the area has managed to find the proposed zoning's definition(Public/Institutional), we still, as in 2010, find it altogether inappropriate to plunk down any "institution" or any other non-residence into the middle of a rural residential area That would forever change the nature of this area as quiet, peaceful, and very rural. Most of us carefully checked the zoning of our parcels before purchasing, as we understood that the zoning gave us the right to presume that new construction would also have to abide by the very same zoning we ourselves did, unless there were really strong reasons to do otherwise. That is how important it is to us to keep the nature of our area this way.</p> <p>Are there two sets of rules at play in who influences the new zoning map? One for the residents, another for businesses and "institutions"? I have trouble not suspecting that a possible purchaser, one requiring the land be rezoned for the sale to go through, has arrived on the scene. We know none of the residents is pushing for this rezoning.</p> <p>Another point against zoning for the like of institutions: to what extent have you considered the water use by such entities? Do you have data regarding that question for this area? Is it recent? It would be foolhardy and derelict of duty for the County not to weigh that issue based on solid numeric data and reasonable modelling for projection into the future.</p> <p>There is a level of idealism in the notion of citizen input being solicited in the design and construction of the SLDC. It suggests that we citizens should have a big say in what happens in our neighborhoods. Please do not forget that. I can identify no good reason to change the zoning of this parcel surrounded by residential development. It would be quite inappropriate and way out of character with its peaceful surroundings. Do not change the zoning.</p>	2
G		We have concern regarding the treatment of water connections (such as the obligation to connect to community systems if within 2,640 feet of a residence),	2
G		The Code needs to give a detailed legal background on why things are in the Code as they are. Listing state statutes and then explaining more terms in the definitions of the Appendix.	2
G		I would like to see more cross references to the Sustainable Growth Management Plan.	2
G		3. UCSFC would like to see more cross references to the Sustainable Growth Management Plan.	2
G		Are pre existing legal lots of record subject to code and all requirements? Given the lack of distinction between development permit and building permit it is unclear what would be required for an existing legal lot of record.	2
G		"I am writing to express my concern over the Preliminary Draft Zoning Plan for Glorieta Mesa - the Arroyo Salado and Ojo de la Vaca area off of County Road 51. It appears that the county is proposing to rezone our area from ""Rural"" to ""Rural Fringe"" which would allow for 20 acre parcels. This would be devastating to our traditional community - a community that is home to people who have upheld a rural way of life for generations. We are a rural, historic, and agricultural community and hope to remain this way.Please reconsider your proposal, and keep the Arroyo Salado/Ojo de la vaca area zoned as Rural. Thank you."	2
G		Will people have to get wells if infrastructure is not available in SDA 1 and 2 areas?	2
G		The Santa Fe County Sustainable Growth Management Plan contained a lot of aspirational material encouraging (and seeming to mandate) that land use development would require accommodations for bicycling, either in bicycle paths or roads that were bicycle friendly. I don't see anything in the Sustainable Land Development Code that would translate this aspirational language into specific requirements. Without specific requirements, I fear that development will be approved in a business-as-usual manner without considering the benefits that bicycling and pedestrian infrastructure can provide, and will thus be inconsistent with the SGMP. The language at the beginning of the Code requiring that new development reflect transportation networks and provide a framework for interconnectivity is virtually meaningless and seems to allow development to continue as it has in the past, rather than to incorporate new requirements as the SGMP seemed to promise. Remaining references to bicycles in the Code appear to be definitional and/or permissive.	3
G		The "Goals, Policies and Strategies" in the Sustainable Growth Management Plan are not always reflected in the Draft Code as one would suspect these actionable items to be.	3
G		7. As you know, UCSFC submitted a list of comments on Code Chapters 1-4 back on February 13, 2012 (and the Code Chapter 1-5 back in 2009). These comments and corrections were generally not included in the 9-11-2012 Draft Code. There may be reasons, such as legal, for why things cannot be included, and we request that in the future these reasons to publicly compiled and released.	3
G		Would like to have a compendium of acronyms and terms used in the code.	3

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		Include name of chapter on tabs on future drafts.	4
G		The document is not accessible. It is lacking an executive summary. Document appears to say that Santa Fe County will regulate everything according to criteria consisting of everything. It's not clear what it all adds up to. The old code is more straight-forward. How does scope of old code differ from scope of new code?	4
G		I saw the map at the SLDC meeting in Nambe tonight: we are in SDA-2. This includes the traditional villages but also those of us outside of those boundaries. The SLDC code says: "Accordingly, SLDC text or map amendments shall be granted primarily to promote compact development, economic, commercial and residential mixed uses, traditional neighborhood and transit oriented development, sustainable design and higher densities within the SGMP SDA-1 and SDA-2 areas." As I read that, the intention is to grant permits to those intending to put commercial uses in an SDA-2 neighborhood -- that is, our neighborhoods. And to anyone who intends to achieve higher density in our neighborhoods. We are slated for "compact mixed-use development." This what planners call in-fill, and they seem to love it. Unhappily, no one wants to live in it, I find it particularly disturbing that neither commercial development nor higher density is limited in the text to state or US highways. Can my neighbor open a restaurant? A body shop? They may have meant something different -- but this is what the document says, and it is the language we would be stuck with and have to live with. I hope something can be done to change this language.	4
G		In general we have concern regarding an over-regulation and boilerplate standards applying indiscriminately to the whole County	4
G		Regarding the Public input process 1. I do not think 30 days is sufficient for the public to digest nearly 400 pages of proposed code. I would like to suggest an extension of the public comment period. The 30 day time period favors business interests with legal divisions or attorneys on retainers that can devote their working days to reading and analyzing the document. I have many comments below on specific provisions but I definitely did not have time to thoughtfully evaluate the broad effects of the code. These comments address the trees, but not the forest. 2. The public meeting on zoning and standards at the Nancy Rodriguez Center never addressed standards. The meeting was entirely about the zoning map. The standards are a critical aspect of this document that will profoundly affect current and future residents. I know the public meetings demand a lot from the staff but I feel there needs to be an additional public meeting for discussion of the proposed standards.	4
G		Regarding the Disconnect Between Sustainable Growth Management Plan (SGMP) and SLDC: Planning Works in conjunction with Dr. Freilich prepared the initial draft of the SGMP, creating an unintelligible document 1100 pages in length that had no correlation with the County residents' ideas or beliefs on planning for the future of Santa Fe County. The neighborhood organizations, development community and citizens as a whole were so disillusioned with the document that Land Use staff was directed by the County Commission to redo the Plan in a manner that represented community based planning goals and objectives. Most people would agree that the current SGMP is an accurate assessment and statement of what land use policies the County would like to achieve over the next 20 years. Dr. Freilich also prepared a draft of the SLDC as an adjunct to the SGMP being prepared by Planning Works. Much of the proposed SLDC is derived from the Dr. Freilich's and Mark White's book 21st Century Land Development Code. Like the original draft of the Sustainable Growth Management Plan the SLDC is cumbersome, overly complicated and most importantly does not relate to the policies and goals of the current Plan. For the most part, the Code drafted by Dr. Freilich was based on his model code which may be appropriate for major urban centers but has no relation to rural counties. Recommendation: Just as the first draft of the Sustainable Growth Management Plan was reevaluated and staff directed to bring the Plan in line with citizen perspectives on the direction and management of growth in the County the current draft of the Code needs to focus drafting succinct and understandable language to implement the goals and objectives the SGMP. If there is no correlation with the SGMP the language should be stricken from the SLDC.	4
G		Regarding County Costs: There needs to be a careful assessment of costs both for the County to implement the Code and for the applicants and residents to comply with the Code. The costs to the County would include a Hearing Office with a law degree, certified by the Bar Association, licensed in New Mexico with six years of experience, including soft and support costs. Extra staff will have to be hired to administer the Code, especially in light of limited time schedule for review of the applications. For example, there is 30 day time period from BCC action to prepare and act on the "Findings of Fact and Conclusions of Law". This time period should be compared to the current time lag between the BCC action and the finalization of the "Findings of Fact and Conclusions of Law", which typically averages three months. Given the fact that current work load exceeds staff capacity the only way to shorten the review period is to add more staff. The same is true for other stages in the development review process. In addition to the shortened review periods and given the complexity of the development applications additional staff will be required to comprehend and review the extraordinary submittals required by the Code.	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		<p>Regarding Applicant Costs: Staff or consultants need to prepare an estimate of costs to comply with the application and submittal procedures and requirements of the Code. Such costs would include preparation of the "Studies, Reports, and Assessments", legal notice per the 500 foot radius standard and other extraordinary submittal standards. Although the actual costs for submittal of the various applications to the County are supposed to be developed later, it would be important to include these in the cost analysis. The review of costs needs to include the fiscal impact from the affordable housing requirements. The cumulative effect of the various costs may severely restrict residential development.</p> <p>There is a relevancy factor for the "Studies, Reports and Assessments" which although a recommendation in the SGMP needs further review to determine if the costs of preparing the studies adds value to the development review process.</p> <p>An exercise in costs might include an evaluation of the recently approved BTI application, and what financial impact would result from the draft: Code on this much warranted project. The cost evaluation needs to include the cost of impact fees to be imposed by the draft Code.</p> <p>Recommendation: The County needs to understand the real and substantive costs to be imposed on the community by enactment of the draft: Code and consider the deterrent this would have on future economic development in Santa Fe County.</p>	4
G		<p>There is an underlying tone in the Code that Business is not the most appropriate type of development for Santa Fe County. There is reference to targeting certain industries, such as film and cinematography, and the County has proven their commitment by guaranteeing the financing for this business. Although BTI does not fit neatly into the targeted businesses set forth in SGMP it shows the County's commitment to encouraging businesses with well-paying jobs. These businesses are a substantial economic asset to the County and will hopefully prove to be the foundation that supports local business to grow here and other businesses to relocate here. Given the fact that State and Federal government employs fewer workers than it has in the past (there are 14 percent fewer state employees than four years ago) it is not government that will bring us out of the current fiscal crisis. The best hope for improving our local economy will have to come from the private sector. The more impediments that government puts in the way of the private sector the less likely that our local economy will see any improvement. At a time that other communities are eliminating or reducing impact fees to encourage development, including Albuquerque, Rio Rancho and even Santa Fe, the draft Code is proposing to impose what looks like some of the most onerous impact fees ever enacted in the Southwest. Santa Fe County is heavily dependent on property tax revenue to support its annual budget. Along with a decrease in land and property values, that have been recently reassessed, there will be a decrease in revenues to the County. The County's ability to provide an adequate level of government services to its citizens is dependent on its ability to increase its sources of revenue. By its financial support of BTI and the movie studios, the County Commission has demonstrated its willingness to work cooperatively with the private sector. The draft Code is contrary to that policy and contrary to creating an economic foundation that provides jobs for our youth and stops the exodus of our trained professionals that are moving to other states for employment.</p> <p>Recommendation: Through the SLDC, seek ways to support the private sector, especially for businesses and developments that create employment.</p>	4
G		<p>The complexity of the SLDC draft will not only require additional staff to administer the Code but will necessitate the re-education of existing staff. Given the level of complexity it will most likely take several years for staff to understand the intricacies of the Code. During that time the implementation of the SLDC will run counter to what the County would like to achieve, which is consistency and uniformity of processing and enforcement. Given the complexity of the Code staff will have to interpret the standards and requirements resulting in greater discretionary action in the implementation of the Code.</p> <p>Recommendation: The SLDC needs to be simplified and made more understandable to the community and Land Use staff. The goal of the Code should be to ensure that all applicants are treated equally in its administration and enforcement.</p>	4
G		The reissuance of the Draft Code should utilize a redlining and track changes feature of a MSWord software.	4
G		Where differences exist in Community Plans, such as San Marcos District's allowance of rental guest houses; how will these differences be resolved?	4
G		This code is so complex and the process so unclear that it would create a lot of problems for County staff to implement and would require additional personnel just to do so, and that the best course of action would be to take these preliminary comments and try to clarify the code and come out with a redraft for more public comment. The complexity and lack of clarity and certainty would undoubtedly undermine the stated purpose of making it easier for home-based businesses and startup businesses in the community. Business owners take a lot of risk in even establishing a new business, and need as much certainty as possible in the regulation to encourage them and allow them to take the other necessary risks they must take.	4
G		If currently a legal lot of record is allowed to have a well, will that change with this code?	4

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		The new proposed code could raise the cost of housing substantially especially in rural parts of the county where housing costs are more sensitive. The new costs to the County would include a Hearing Officer with a law degree, certified by the Bar Association, licensed in New Mexico with six years of experience, including soft and support costs. Extra staff will have to be hired to administer the Code, especially in light of limited time schedule for review of the applications. For example, there is 30 day time period from BCC action to prepare and act on the "Findings of Fact and Conclusions of Law". This time period should be compared to the current time lag between the BCC action and the finalization of the "Findings of Fact and Conclusions of Law", which typically averages three months. Given the fact that current work load exceeds staff capacity the only way to shorten the review period is to add more staff. The same is true for other stages in the development review process. In addition to the shortened review periods and the given the complexity of the development applications additional staff will be required to comprehend and review the extraordinary submittals required by the Code. At a more staff will translate a higher cost for the County and be passed on to the homeowners.	4
G		New costs for any applicant would include preparation of the "Studies, Reports, and Assessments", legal notice per the 500 foot radius standard and other extraordinary submittal standards. Although the actual costs for submittal of the various applications to the County are supposed to be developed later it would be important to include these in the cost analysis. The review of costs needs to include the fiscal impact from the affordable housing requirements. The cumulative effect of the various costs may severely restrict residential development below what is required. There is a relevancy factor for the "Studies, Reports and Assessments" which although a recommendation in the SGMP needs further review to determine if the costs of preparing the various studies adds sufficient value to the development review process to warrant it.	4
G		8. The "Goals, Policies and Strategies" in the Sustainable Growth Management Plan are not always reflected in the Draft Code as one would suspect these actionable items to be.	4
G		I am so glad Santa Fe is taking Sustainability seriously. It is one of the most important issues facing our civilization. I try to do my part, each of us must be responsible.	4
G		The EBWPC has identified multiple sections that need to be reviewed in detail with respect to water issues as they affect the Estancia Basin. These include 1.9 and 1.10; 2.2; 4.4, 4.9; 5.4; 6.3, 6.4, 6.5; 7.4, 7.6, 7.12, 7.13, 7.14, 7.17, 7.18, 7.23; 8.3, 8.4, 8.5, 8.6, 8.11; All of Chapter 9, 10.8, 10.16; All of Chapter 11, 12.11; 13.5; All of Chapter 14. More time is needed to conduct the detailed review of these sections.	4
G		State should not permit new wells if the aquifer and river are over-allocated. SF County should support legislative change. I know this isn't a code issue but I thought I'd bring it up.	4
G		4. The phrases: "consistent with the Code" and "consistent with the SGMP/Plan" are used throughout the Code. There are no definitions of this, so the point that is trying to be made in each instance then becomes difficult to determine.	8
G		Would like to have a system for following comments that were and are being submitted for the code. If we make a comment it would be helpful for staff to respond to us, not just have our comments end up in no mans land.	Z
G		What are performance requirements for water? Including fire suppression?	
G		County should not permit noise producing home occupations. Nambe should be predominately residential.	
G		Why is the county establishing new land development regulations before the Aamodt case has been completely resolved? "We can't grow without water" and the Pojoaque valley has significant water scarcity. There are hookup requirements in the code but there is a lack of information water sources and availability.	
G		County must also write up the major changes between the 1996 code and the SLDC, PRD.	
G		Community: How would property owners be affected if they needed easement though tribal land [to meet hook up or other requirements] and it wasn't granted?	
G		Can the County even implement its current regulations? Does the County have the capacity to implement the new code? Does it have the staff and expertise to implement the new code? County does not meet current service demands!	
G		How are community members/neighbors involved in the development regulation and the development review and approval process?	
G		There needs to be a more robust process for intergovernmental coordination between the County and Tribes on this code. The code is a double standard. We need guarantee that if we agree to the code the County will address tribal and infrastructure issues. At the very least, we need notification of tribal development.	
G		What protections does the code provide the County when roads are not adequately maintained and county is asked to take them over?	
G		Does the County Assessor's office include zoning designation as factor in their valuation of property? How will this impact property owners?	
G		It is time for the Board of County Commissioners to expeditiously conduct its review and the public review. It has been a long process, and we urge [the Board of County Commissioners] to act in 2012 to set in motion the rules that will maintain a sustainable community into the future.	
G		I would like to recommend that Santa Fe County enforce rules pertaining to certain types of businesses located in rural residential parts of the county-- especially when it comes to issuing permits.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		<p>Thanks for your email today.</p> <p>Following from my participation in the Galisteo community meeting yesterday afternoon, I wanted to thank you and your colleagues at Santa Fe County for the dedicated tremendous time and energy they have dedicated to the task of drafting the SLDC, and facilitating the initial round of public comments.</p> <p>Clearly, the narrative and regulatory framework of the SLDC has been carefully developed and thoughtfully constructed to facilitate an improved process of land use in the county.</p> <p>Given the length and complexity of the document -- and the relatively brief amount of time that has been available to the public and the professional community to provide you and your colleagues with comprehensive comments, suggestions, additions and changes to the draft -- my colleagues and I would respectfully request that the County extend the deadline for written comments until the end of November. With an extension, we believe that the county will be able to solicit a broader and more substantial collection of comments to advise the preparation of a more final draft in early January. While we appreciate that staff and the Commissioners are eager to advance the new SLDC to adoption, a longer timeframe in which written comments can be offered would be greatly appreciated.</p> <p>Thank you for your consideration of this request. I look forward to hearing your thoughts on the opportunity for extension in the days ahead.</p>	
G		I would like to see the Nambe area remain a residential area only to exclude small businesses e.g. welding shops.	
G		<p>"As climate change exacerbates drought, water shortage and wildfires in New Mexico, development in Santa Fe County has the potential to set an example of restraint, maximizing conservation. Conservation can apply to the natural eco-systems of the county or to inputs and outputs from and to the world beyond our boundaries. Inputs, for example, could include plants for landscaping, or increased traffic and road wear and tear, while outputs could include being a force for drying out as opposed to hydration of neighboring ecosystems.</p> <p>Since there could be no extreme too much for conservation in a time of environmental crisis, I wish to make the following suggestions for managing the county's landscape.</p> <p>1) Line as many roadways as possible with trees. The median strip in Governor Miles Rd in Santa Fe city is an example of an impressive street tree program.</p> <p>2) Prescribe that, to the maximum extent feasible, there be no development-related landscaping other than the pre-existing natural landscape.</p> <ul style="list-style-type: none"> <li>- Bike, equestrian and pedestrian trails/paths would be aggregate or other earthlike materials.</li> <li>- Separate bike, pedestrian/equestrian, and vehicular circulation by vegetation strips.</li> <li>- Driveways would comprise the traditional dirt roads and left as narrow as possible.</li> <li>- Major consideration would be given to maintaining the habitat of the county's wild creatures, including their means of habitual circulation.</li> <li>- Discourage large private gardens that require water.</li> <li>- Golf courses would receive no irrigation but be allowed to go brown.</li> <li>- New development would be nestled into existing vegetation to the maximum degree feasible with minimal constructed footprint.</li> <li>- Encourage green roofs.</li> <li>- Encourage rooftop solar systems.</li> <li>- Encourage community and other pooled garden space.</li> <li>- Encourage the planting of food trees that serve humans and animals.</li> </ul> <p>The above are merely some quick suggestions that may soften the impact of the (IMO) massive overdevelopment of the county. I would be glad to discuss these suggestions if required.</p>	
G		<p>Because of the impending SLDC and its UN Agenda 21 designs, I have sold off my property and divested myself of my other interests in Santa Fe County rather than get stuck with useless dirt due to the SLDC. Before any further action or approval, look to Florida and the east coast to see the damage that SDLC has done to those counties and to the effort to finally repeal those SDLC regulations. Good luck and I'm glad to be out of it.</p>	
G		Reccomendation that code be revised to address findings from studies critical of planning and smart growth.	
G		SLDC with 343 pages reminds me of "We have to pass it to see what's in it!" A quick review is not possible as all of the thoughts in the SLD Plan are intermingled throughout the SLD Code and in a totally different format. Trying to find our input during the planning process takes more than a few days, plus we are finding many added requirements that were not in the SLD Plan.	
G		The County's public review process should have used an MSWord document opposed to a PDF file. This makes the 'cut and paste' function much easier for citizens.	
G		In the County's database of comments, I would prefer to list comments as received and not consolidate them because sometimes the subtlety of the comments is lost. There can however, be a compilation/summary of comments that is made and released to the Board of County Commissioners.	
G		The phrases: "consistent with the Code" and "consistent with the SGMP/Plan" are used throughout the Code. There are no definitions of this, so the point that is trying to be made in each instance then becomes difficult to determine.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		Throughout the Draft Code, the Land Use Administrator is allowed to make revisions to the Code, the Official Zoning Map and the Community Plans too easily without a seemingly public process. Noting that there isn't a Land Use Administrator at present, we would suggest that hiring of such and individual be commenced after the inauguration of Commissioner-Elect Miguel Chavez and that a robust and vigorous public process be engaged in that includes citizen interview panels.	
G		The initial draft of the sustainable land use last year prepared by Mr. Frielich read like a legal document; thank you to the staff for minimizing the legal language and make it more reader friendly. There still exists a complexity to the Code in its application to developments. In the initial draft, the intent of the Code was clear: Allow development first in the SDA1 and focus money for infrastructure improvements and adequate public facilities in those areas. In response to concerns from citizens outside of the SDA1 who feared not being able to develop, the code was rewritten to allow for Planned Communities and overlay zones in areas in order to diversify the zoning and uses in areas outside SDA1. In doing so the inadvertent consequence has been to sweep in small developments into what appear to be cumbersome and excessive requirements.	
G		1. The County's public review process should have used an MSWord document opposed to a PDF file. This makes the 'cut and paste' function much easier for citizens.	
G		2. UCSFC is disappointed on the number of participants at the Code's Series 1 Informational Open Houses, Series 2 Administrative, Procedures and Financing Chapters, and the Series 3 Zoning and Standards Chapters. Although a lot of detailed information was exchanged and the dialog was good; UCSFC fears a public backlash of people coming into the process at the last minute and saying "we never heard about this."	
G		3. UCSFC commends the presentation by staff member Sarah Ijadi to the Board of County Commissioners on October 9th. The presentation made a number of admissions of the gaps in the Draft Code and the need to come out with a new document. UCSFC maintains its past position that the Draft Code is a good framework and we just need to plug in the detail and then test how it works for the individual homeowner, small businessman, small developer, medium developer, large developer, neighborhood association, homeowners' association and the County.	
G		4. UCSFC would like a timeline for the issuance of a 'redraft' of the Code.	
G		5. In the County's database of comments, we prefer to list comments as received and not consolidate them because sometimes the subtlety of the comments is lost. There can however, be a compilation/summary of comments that is made and released to the Board of County Commissioners.	
G		2. The Code needs to give a detailed legal background on why things are in the Code as they are. Listing state statutes and then explaining more terms in the definitions of the Appendix.	
G		5. Throughout the Draft Code, the Land Use Administrator is allowed to make revisions to the Code, the Official Zoning Map and the Community Plans too easily without a seemingly public process. Noting that there isn't a Land Use Administrator at present, we would suggest that hiring of such and individual be commenced after the inauguration of Commissioner-Elect Miguel Chavez and that a robust and vigorous public process be engaged in that includes citizen interview panels.	
G		5. Throughout the Draft Code, the Land Use Administrator is allowed to make revisions to the Code, the Official Zoning Map and the Community Plans too easily without a seemingly public process. Noting that there isn't a Land Use Administrator at present, we would suggest that hiring of such and individual be commenced after the inauguration of Commissioner-Elect Miguel Chavez and that a robust and vigorous public process be engaged in that includes citizen interview panels.	
G		8. In the part of the Code that discusses CO's and RO's that only the latter have the right of "notice" of pending development. This needs to be corrected.	
G		If currently a legal lot of record is allowed to have a well, will that change with this code?	
G		The mural in the Santa Fe County Courthouse is meaningless without the County recognizing the contributions that have made by the land grant population in Santa Fe County. This is the first County Commission since I began working on land grants that has been ready to deal with the issues involved with including the land grants in the Sustainable Land Development Code. This recognition will eliminate many of the requirements necessary for other public land permits and save the County lawsuits.	
G		My wife (Elizabeth) and I support implementation of the code.	
G		The Estancia Basin Water Planning Committee respectfully requests deferral of this plan and extension of the comment deadline until January 30, 2012. Many specific comments offered to the SLDP were not considered when offered, and their absence there is reflected in the Ordinance. Allowing only 7 weeks for a substantial rework of an Ordinance that runs to 300 plus pages plus Appendices is unconsonable. Additional time is needed for the Committee to contact and collaborate with other inter-related groups for a coordinated review.	
G		Where will funding for enforcement come from? The County already has a requirement that private wells need to report usage but this requirement has not been enforced due to a lack of funding. Why hasn't there been a bond issue or allocation for personnel to check the wells?	
G		Relying solely on the Buckman Direct diversion and the City's wells is not "sustainable" planning. And it is not helping with the health of the Rio Grande river and the ecosystems that rely on the river.	
G		The current plan is moving away from Resourced based zoning, was a hydrology study used to determine this? If so please post online.	
G		Using agricultural rights for development is not in the best interests of sustainability. Developments that are required to provide water rights should get them from non agricultural sources.	

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
G		I'm suggesting a contingency plan for development if no water is available due to drought or priority calls on San Juan Chama water. Something along the lines of no wells allowed and no County water delivery. Growth could continue but developers and home owners would have to install water collection systems for drinking water, black water reuse and grey water reuse so they would not have to rely on wells or hookups. The County should be encouraging this kind of development as the primary kind of development in any event. Perhaps an incentive such as lower application fees or lower impact and tax rates for properties that will not be using those County utilities.	
G		The County is encouraging more density all the SDA areas, will the State Engineer continue to give well permits?	
G		How is an individual legal lot of record not a part of a subdivision treated with respect to submittals and requirements for offsite improvements and hook up to a water line treated?	2
G		Would impact fees apply to single family homes?	4
G		The code may be too complex. The code should be simplified and reorganized. IS there a need for it to be so complex? Review the code from various locations for example why so many "no's" pertaining to the SDA's? Many parts seem irrelevant to the county. Language of the code is geared to "new Big development". It lacks direction/ clarity for individual lot owners. Why so much language on sexually oriented business? Not enough on sand and gravel! Consider incentives rather than limits. Make it clearer what regulations apply to individual lot owners and what applies to small and large developments.	4
G		How is an individual legal lot of record not a part of a subdivision treated with respect to submittals and requirements for offsite improvements and hook up to a water line treated?	4
G		Have the ""enforcement codes"" and/or ""regulations"" been released? If so, when? If so, what are the specific web addresses to download copies? I was warned to watch for these near the end of 2011 and to expect hearings. (????)"	
G		This may be an issue that benefits the metro-Santa Fe city. I live in South Santa Fe County on acreage and am surrounded by two other counties. The other two counties will laugh themselves to death if this goes through. New businesses and jobs will exit our area. Torrance and Bernalillo County will gain at South Santa Fe County's expense. I see nothing in this "exercise in bureaucratic Nonsense" that will be of any value. I do see an erosion in property rights!! Maybe this will motivate others to support the "Secede from Santa Fe County" movement.	
G		Staff attempted to walk a application for single family residential development in SDA-2 through the new code. It was determined that this application would be required to hook up to a County or community water system if it was within ¼ mile of the system since it was in the County water utility service area. This would be an administrative approval. TRT staff recommended that the project should require agency review as determined by the LUA. The project costs for hooking on to a system if it was approximately 1,300 feet from the system were identified approximately \$60,000. Fire indicated that hydrants would be required by fire code every 1,000 feet which would further increase the cost. Wastewater costs were also estimated by the length of the extension and were estimated to be higher than the cost for water, approximately \$80,000. If there were no line within ¼ mile, the development would not be required to hook up but would be required to establish a 99 year water supply demonstrated by a Water Service Availability Report. Is it practicable for property owners to bear these costs when developing a single family home?	
G		End of the year is too rushed a timeline for approval since the code is far from complete, does not communicate procedures and in many sections does not reflect the time and money already put towards developing it. Recommended actions: Prioritize staff time for review/ analysis and revisions rather than getting public involved at this time.	
G		The County should summarize significant difference between current code and SLDC. What is new? Explain why.	
G		Communicate a timeline for code completion and adoption: Set a timeline and prioritize. Without a timeline it may stall. Staff should look for holes and inconsistencies – get it as good as it can get and THEN set a timeline for public review and approval.	
Zoning Map		I am writing to comment and let you know that I feel the zoning for the Chupadero area should not allow for parcels smaller than 160 acres due to the lack of water, access and rough terrain. I live in Chupadero and we have already been dealing with a water shortage due to the lack of runoff, and low precipitation- the aquifers are drying up. Please do not allow more water usage! We will run dry!!!	Z
zoning map	zoning map	Consider adding a non-residential mixed use zoning district, particularly, for proposed mixed use area on S.R. 14 south of SFCCD.	2
zoning map	zoning map	Mixed use development in proposed "Airport Development District" and S.R. 14 south corridor should be allowed only pursuant to district plans & planned district zoning.	2
zoning map	zoning map	Concern about potential location/use/intensities of Planned District zoning – not enough guidance or certainty.	2
zoning map	zoning map	Zoning densities in the Estancia basin should be more conservative in areas that have been designated as Critical Management Areas by the Office of the State Engineer.	2
zoning map	zoning map	Zoning densities should be tiered in the Estancia Basin, based on water source and availability.	2

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	<p>Please allow me to give a some history and background to Singing Hill's "Camp Oro Quay" located in southern Santa Fe County. We are located in the San Pedro area on the North side of South Mountain on State Road 344. This property was developed as a campi retreat-conference center in 1964. For almost 50 years now this facility has served children, families and the people ofN M and Santa Fe County. We host a variety ofactivities, groups and events at this location. Some of these groups include NM School Districts, the Archdiocese of Santa Fe, Santa Fe County Fire, Neighborhood Meetings, NM Game and Fish Hunter's Education, Churches, University ofNew Mexico, Boy Scouts of America, Girl Scouts of America, 4-H clubs, sports teams, special needs children, at risk youth and many others. Each year we pay Santa Fe County the required fee for our business licence. We have the necessary inspections from the State Environmental Health Department to operate our kitchen and swimming pool. We file our non-profit report with the Public Regulation Commission and pay the fee each year. We are a non-profit organization under the IRS Code as a 501c3. This organization meets the current requirements to operate in New Mexico.</p> <p>Over the years we have all seen growth in Santa Fe County. Much ofthe land around our facility was rural! farming and now is mostly rural residential with large lots and few homes. It would be easy for the county to now classify all ofthe property in our area as "Residential" with a broad stroke ofthe brush. This may work for 99% of the properties in this area, but it will not work for our property or organization. Our organization does not really fall under the "home based" business plan. We are more than that, in that we have employees and a dozens of volunteers who serve the thousands offguests who visit our campus each year.</p> <p>Please consider our unique situation and the facts surrounding our organization as you move forward with the Growth Management Plan. Thank you for your consideration.</p>	Z
zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we are not in agreement with the zones laid out for the Cedar Grove area. The zone labeled Public/Institutional (blue) on your map is not even defined anywhere in your documents. This area is up for sale and the zoning had been changed to Community Services Facility in Nov. 2010 from Ag/Ranch. Our understanding is that if this land was not developed within 5 years this land zone designation would revert back to Ag/Ranch. This land is currently not officially a Community Services facility zone either until development has occurred so it is still pending. Since it is up for sale at this point, we believe it makes more sense to return it to its original zone of Ag/Ranch or Rural which is compatible with the surrounding zones..</p> <p>To re-label this zone and this particular property as Public/Institutional would mean another zone change before that 5 year period is up. Any public or institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>I am sure that when the rest of the community gets wind of this zoning you will receive lots of feedback. The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z
Zoning Map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (blue) on your map. This Public/Institutional zoning is not even defined anywhere in your documents.</p> <p>This particular "blue" piece of property on your map has been zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The South Mountain Neighborhood Association of the Cedar Grove area filed an appeal of that BCC decision. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Therefore, the SLDC should NOT change this land's current zoning and should show that land as the original zoning of Ag/Ranch.</p> <p>Additionally, the organization that had planned for the CFS use has decided not to pursue that use or build on that land. This area is up for sale. Since no development has been started, this land's use is still Ag/Ranch and not a Community Services Facility. Our understanding is that if this land is not developed within 5 years this land use designation would revert back to Ag/Ranch. Since it is up for sale at this point, we believe it makes more sense to remain as its original zoning of Ag/Ranch or Rural which is compatible with the surrounding zones.</p> <p>To re-label this zone and this particular property as Public/Institutional would mean a zone change before that 5 year period is up. Any institutional use of this land will likely be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z

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zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (blue) on your map. This Public/Institutional zoning is not even defined anywhere in your documents.</p> <p>This particular "blue" piece of property on your map has been zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The South Mountain Neighborhood Association of the Cedar Grove area filed an appeal of that BCC decision. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Therefore, the SLDC should NOT change this land's current zoning and show that land as the original zoning of Ag/Ranch.</p> <p>Additionally, the organization that had planned for the CSF use has decided not to pursue that use or build on that land. This area is up for sale. Since no development has been started, this land use is still Ag/Ranch and not a Community Services Facility. Our understanding is that if this land is not developed within 5 years this land use designation would revert back to Ag/Ranch. Since it is up for sale at this point, we believe it makes more sense to remain as its original zoning of Ag/Ranch or Rural which is compatible with the surrounding zones.</p> <p>To re-label this zone and this particular property as Public/Institutional would mean a zone change before that 5 year period is up. Any institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z
zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 I oppose the zone labeled Public/Institutional (blue) on your map laid out for the Cedar Grove area. This particular "blue" piece of property on your map has been zoned Ag/Ranch. This is a rural neighborhood of sparsely populated homes. The people who have decided to purchase and build homes and lives here did so because of the rural setting - to get away from the noise and businesses. Any institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. I do not understand how any reasonable public officials would decide to rezone land in our rural neighborhood as Public/Institutional. I feel that county officials are being influenced by special interests rather than looking at what would be in the best interest for the residents here in Cedar Grove. I would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z
zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (blue) on your map. This Public/Institutional zoning is not even defined anywhere in your documents.</p> <p>This particular "blue" piece of property on your map has been zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The South Mountain Neighborhood Association of the Cedar Grove area filed an appeal of that BCC decision. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Therefore, the SLDC should NOT change this land's current zoning and show that land as the original zoning of Ag/Ranch.</p> <p>Additionally, the organization that had planned for the CSF use has decided not to pursue that use or build on that land. This area is up for sale. Since no development has been started, this land use is still Ag/Ranch and not a Community Services Facility. Our understanding is that if this land is not developed within 5 years this land use designation would revert back to Ag/Ranch. Since it is up for sale at this point, we believe it makes more sense to remain as its original zoning of Ag/Ranch or Rural which is compatible with the surrounding zones.</p> <p>To re-label this zone and this particular property as Public/Institutional would mean a zone change before that 5 year period is up. Any institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z

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zoning map	zoning map	<p>I am very concerned about the new zoning category for a tract of land located near Cedar Grove to "Public/Institutional". The property is in blue on your proposed zoning map. This vacant, rural property also went through re-zoning to another fuzzy category (Community Services Facility) just two years ago.</p> <p>I think there are several serious problems with proposed change</p> <ol style="list-style-type: none"> <li>1. Lack of definition of the Public/Institutional designation,</li> <li>2. Requirements for length of time before a property can be re-zoned,</li> <li>3. Fact that the property is for sale (is there a financial interest and should the County reveal this?), and</li> <li>4. A strong neighborhood group that wants to see that property revert to its original/protected zoning designation.</li> </ol> <p>Please remove this zone change from the plan.</p>	Z

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zoning map	zoning map	<p>I wish to enter my objection to the proposed zoning of the large parcel of land to be designated Public/Institutional in SW Santa Fe County directly North of the Tierra Encantada subdivision, one mile North of the intersection of Rt. 344 and Living Water Road.</p> <p>This designation indicates this property will be open to large levels of development in an area that has a fragile ecological environment, paleontological interest, limited water, and will have significant and negative impact on the neighborhood with regard to traffic, rain runoff, wildlife, aesthetics, and general character of the area. This kind of zoning and development is inconsistent with the local community and will be fought vigorously by those of us living in the effected area.</p>	Z
zoning map	zoning map	<p>This letter is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, rather the "blue area" should retain it's original Ag/Ranch zoning.</p> <p>During the 2009/2010 time frame, owners of that "blue" property requested county approval of a community services facility (CSF) development rezoning/master plan. Based on many technical and environmental issues, that development met with massive disapproval by residents of the Cedar Grove community as well as many Edgewood residents. When the Board of County Commissioners approved the rezoning/master plan request, the Cedar Grove community filed an appeal of that decision on the basis that the county did not follow legal process regarding rezoning of the property. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." And, therefore, the community's appeal was lost. Although the CFS use was approved, there was NO actual rezoning of the property.</p> <p>Therefore :</p> <ol style="list-style-type: none"> <li>1. For the SLDC to change the zoning of the "blue" area to "Public/Institutional" from its current Ag/Ranch zoning would be to change the zoning without a request by the community or approval by the community to change the zoning. One of the arguments used during the community's appeal of the BCC decision was based on the case of Miller v. City of Albuquerque, 89 N.M. 503, 554 P.2d 665 (1976), in which the New Mexico Supreme Court confirmed that initial zoning determinations are presumed correct, but in cases involving interference with a zoning plan the burden of proof shifts to the local public body to show that a rezoning was necessary as a result of a mistake in the original zoning or a change in conditions in the neighborhood. Since there was no mistake in the original zoning of Ag/Ranch and there has not been a change in conditions of the neighborhood, the current zoning of Ag/Ranch should not be changed by the SLDC.</li> <li>2. The Cedar Grove community was assured by Santa Fe county that if the Boys and Girls Ranches of New Mexico (The Ranches) did not develop their CSF within 5 years of approval of their Master Plan they would lose the CSF use approval and the property's use would revert back to Ag/Ranch. The Ranches have declared that they will not pursue development of their CSF and the property is currently listed for sale. Should a new owner want to develop a CSF on that property they would need to begin a new process for development approval. We are now 2 years into the 5 year period. It is extremely unlikely that development of the proposed CSF or a different CSF would begin in the next 3 years. Therefore, the original Ag/Ranch zoning should stay in effect for that "blue" area.</li> <li>3. Changing the zoning to "Public/Institutional" (which is not defined) would be breaking faith with the Cedar Grove community. If the property is sold, and the new owner wishes to develop some kind of "Public/Institutional" facility, then they can begin the process of requesting a change of zoning. A reasonable development request, that would be in the interest of the community, would likely be approved by the community.</li> </ol> <p>Therefore, this is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, and to say that this "blue area" should remain as it's original Ag/Ranch zoning.</p>	Z

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zoning map	zoning map	As a member of The South Mountain Neighborhood Association (Cedar Grove area) I oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (in blue) on your map. This particular piece of property has been zoned Ag/Ranch. The Board of County Commissioners approved the use of that land for a community service facility in November 2012; but after the South Mountain Neighborhood Association filed an appeal of that decision, it was ruled by Judge Singleton, District Judge of the First Judicial District of Santa Fe County, that the zoning had not been changed to Public/Institutional but remained as originally zoned: Ag/Ranch. I appreciate your careful attention to this zoning issue. I think that the Ag/Rural designation is the most appropriate one for the Cedar Grove area.	Z
zoning map	zoning map	The Draft Zoning Map for the Southern part of the County should take into consideration the interrelationships and connections between Southern Santa Fe County and the adjoining Counties of Torrance and Bernalillo along with the Municipalities of Edgewood and Moriarty. Specifically, the existing zoning allowances in the adjacent Counties and the Municipalities of Edgewood and Moriarty along with existing and planned infrastructure in those areas in order to provide for a logical pattern for future growth along with reasonable transitions from one zoning area to another.	Z
zoning map	zoning map	After reviewing the Proposed Zoning Districts 10-4-12 we are not in agreement with the zones laid out for the Cedar Grove area. The zone labeled Public/Institutional (blue) on your map is not even defined anywhere in your documents. This area is up for sale and the zoning had been changed to Community Services Facility in Nov. 2010 from Ag/Ranch. Our understanding is that if this land was not developed within 5 years this land zone designation would revert back to Ag/Ranch. This land is currently not officially a Community Services facility zone either until development has occurred so it is still pending. Since it is up for sale at this point, we believe it makes more sense to return it to its original zone of Ag/Ranch or Rural which is compatible with the surrounding zones. To re-label this zone and this particular property as Public/Institutional would mean another zone change before that 5 year period is up. Any public or institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys & Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove. I am sure that when the rest of the community gets wind of this zoning you will receive lots of feedback. The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.	Z
zoning map	zoning map	I reviewed your proposed SF county zone map, and I am fully opposed to the zoning designation "public/institutional" you have given the "Ranches" property on Sandoval Rd. It was my understanding that the property owners have 5 years to complete the preliminary and final development plans for their project and start building on this land to receive a rezoning designation to a "community service facility". Failing this, the zoning is to revert back to "ag/ranch" for this property. This property is currently under the "ag/ranch" zoning designation, and should remain as such. Your zoning designation to "public/institutional" appears fraudulent and perhaps illegal.	Z
zoning map	zoning map	Prior to 2010 the area in Cedar Grove in question was zoned "Ag/Ranch. This was appropriate and most people who bought land here and built homes did so because of the type of life style such zoning guaranteed. This zoning label has not been changed permanently and should not be changed now without hearings and thorough discussions. To do so would re-open the long and bitter debate we experienced with the "Ranches" proposal. Noone should welcome that, especially the BCC. Besides the lack of discussions, the vagueness of the label "Public/Institutional" would certainly encourage development proposals that would lead us down the same road. Property owners in Cedar Grove will never allow any development of this area which will threaten their live style without a vigorous fight. We are firmly resolved!	Z
zoning map	zoning map	We wish to strongly state our opposition to your rezoning the King Ranch, which borders our property in Piñon Hills, to SDA-1 for increased density, commercial and industrial use. This would destroy the integrity and property value of our area which has been a growing 5 acre lot subdivision since the 1960's. We were assured when the BLN land was traded to the King holdings that any property development would be in the 5-10 acre residential zoning consistent with Piñon Hills. It is very irregular for you to even consider putting a SDA - 1 zone next to an established big lot residential area as this has not been done elsewhere. We are counting on you to protect the future of our neighborhood and individual properties	Z

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	<p>This letter is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, and to say that this "blue area" should remain as it's original Ag/Ranch zoning.</p> <p>During the 2009/2010 time frame, owners of that "blue" property requested county approval of a community services facility (CSF) development rezoning/master plan. Based on many technical and environmental issues, that development met with massive disapproval by residents of the Cedar Grove community as well as many Edgewood residents. When the Board of County Commissioners approved the rezoning/master plan request, the Cedar Grove community filed an appeal against that decision on the basis that the county did not follow legal process regarding rezoning of the property. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." And, therefore, the community's appeal was lost. Bottom line is that the CFS use was approved, but there was NO rezoning of the property.</p> <p>So, two points :</p> <ol style="list-style-type: none"> <li>1. For the SLDC to change the zoning of the "blue" area to "Public/Institutional" from its current Ag/Ranch zoning would be to change the zoning without there having been a request by the community or approval by the community to change the zoning. One of the arguments used during the community's appeal of the BCC decision was based on the case of "Miller v. City of Albuquerque, 89 N.M. 503, 554 P.2d 665 (1976), in which the New Mexico Supreme Court confirmed that initial zoning determinations are presumed correct, but in cases involving interference with a zoning plan the burden of proof shifts to the local public body to show that a rezoning was necessary as a result of a mistake in the original zoning or a change in conditions in the neighborhood". Since there was no mistake in the original zoning of Ag/Ranch and there has not been a change in conditions of the neighborhood, the current zoning of Ag/Ranch should not be changed by the SLDC.</li> <li>2. The Cedar Grove community was assured by Santa Fe county that if the Boys and Girls Ranches of New Mexico (The Ranches) did not develop their CSF within 5 years of approval of their Master Plan they would lose the CSF use approval and the property's use would revert back to Ag/Ranch. The Ranches have declared that they will not pursue development of their CSF and the property is currently listed for sale. Should a new owner want to develop a CSF on that property they would need to begin a new process for development approval. We are now 2 years into the 5 year period. It is totally unlikely that development of the proposed CSF or a different CSF would begin in the next 3 years. Therefore, the original Ag/Ranch zoning should stay in effect for that "blue" area. Changing the zoning to "Public/Institutional" (whatever that means) would be breaking faith with the Cedar Grove community. If the property is sold, and the new owner wishes to develop some kind of "Public/Institutional" facility, then they can begin the process of requesting a change of zoning. A reasonable development request, that would be in the interest of the community, would likely be approved by the community. Therefore, this is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, and to say that this "blue area" should remain as it's original Ag/Ranch zoning.</li> </ol>	Z
Zoning Map	Zoning Map	the map should be published in local newspapers to assure zoning is accurate and persons have sufficient notice to assure their parcels are accurately zoned.	Z
zoning map	zoning map	Zoning map should be included in adoption of the Code.	Z
zoning map	zoning map	The zoning should include transition areas from where there are 40 acres zoning to allowance of 5 acre lots.	Z
zoning map	zoning map	The zoning map should take into consideration zoning patterns in adjacent counties to provide for continuity in an area.	Z
zoning map	zoning map	The Draft Zoning Map for the Southern part of the County should take into consideration the interrelationships and connections between Southern Santa Fe County and the adjoining Counties of Torrance and Bernalillo along with the Municipalities of Edgewood and Moriarty. Specifically, the existing zoning allowances in the adjacent Counties and the Municipalities of Edgewood and Moriarty along with existing and planned infrastructure in those areas in order to provide for a logical pattern for future growth along with reasonable transitions from one zoning area to another.	Z
Zoning map	Zoning map	<p>1. Draft Zoning Map:</p> <ol style="list-style-type: none"> <li>a. The map should be published to assure zoning is accurate and persons have sufficient notice to assure their parcels are accurately zoned.</li> <li>b. A flow chart outlining the zoning criteria for the different zoning processes. The Code is hard to follow on the process taken for a development permit in each zone.</li> <li>c. Zoning map should be included in adoption of the Code.</li> <li>d. The zoning should include transition areas from where there are 40 acres zoning to allowance of 5 acre lots.</li> <li>e. The zoning map should take into consideration zoning patterns in adjacent counties to provide for continuity in an area.</li> </ol>	Z

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zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we are not in agreement with the zones laid out for the Cedar Grove area. The zone labeled Public/Institutional (blue) on your map is not even defined anywhere in your documents. This area is up for sale and the zoning had been changed to Community Services Facility in Nov. 2010 from Ag/Ranch. Our understanding is that if this land was not developed within 5 years this land zone designation would revert back to Ag/Ranch. This land is currently not officially a Community Services facility zone either until development has occurred so it is still pending. Since it is up for sale at this point, we believe it makes more sense to return it to its original zone of Ag/Ranch or Rural which is compatible with the surrounding zones..</p> <p>To re-label this zone and this particular property as Public/Institutional would mean another zone change before that 5 year period is up. Any public or institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>I am sure that when the rest of the community gets wind of this zoning you will receive lots of feedback. The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z
zoning map	zoning map	<p>I am strongly against the rezoning the King Ranch, for increased density, commercial and industrial use.</p> <p>We were assured when the BLN land was traded to the King holdings that any property development would be in the 5-10 acre residential zoning consistent with Piñon Hills.</p> <p>It is very irregular for you to even consider putting a SDA - 1 zone next to an established big lot residential area as this has not been done elsewhere.</p> <p>We are counting on you to protect the future of our neighborhood and individual properties.</p>	Z
zoning map	zoning map	<p>I wish to voice my opposition to the rezoning of the King Ranch to SDA-1 for purposes of commercial and industrial use.</p> <p>It is vital to keep any development of this area exclusive only to residential development. Doing otherwise would would destroy the integrity and property value of this area which has been a growing 5 acre lot subdivision since the 1960's.</p> <p>It is very irregular for you to even consider putting a SDA - 1 zone next to an established big lot residential area as this has not been done elsewhere.</p> <p>We are counting on you to protect the future of our neighborhood and individual properties.</p>	Z
zoning map	zoning map	<p>This is to voice a formal objection to rezoning of the King Ranch bordering the Pinon Hills residential properties. A rezone to SDA-1 for increased density, commercial and industrial use would be detrimental to all of the residents in that area. I spend a great deal of time in that area and was told that when the BLN land was traded that any property development would be consistent with the 5-10 acre residential zoning already present in the Pinon Hills area.</p> <p>This effort is questionable and of great concern to any citizens living there or considering living there. I am not aware of this being done in other big lot residential areas. It would negatively impact a long established neighborhood and I believe this action should not be taken.</p>	Z
zoning map	zoning map	<p>I wish to voice my opposition to the rezoning of the King Ranch to SDA-1 for purposes of commercial and industrial use. It is vital to keep any development of this area exclusive only to residential development. Doing otherwise would would destroy the integrity and property value of this area which has been a growing 5 acre lot subdivision since the 1960's.</p> <p>It is very irregular for you to even consider putting a SDA - 1 zone next to an established big lot residential area as this has not been done elsewhere.</p> <p>We are counting on you to protect the future of our neighborhood and individual properties.</p>	Z

\* Action Code Legend: 1-Change Made to SLDC Review Draft; 2- Staff Reviewed, No Change; 3- Section Revised; 4-General Comment; Z- Zoning map comment. Action Code provides the staff response to the Public Comment

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zoning map	zoning map	<p>This letter is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, and to say that this "blue area" should remain as it's original Ag/Ranch zoning.</p> <p>During the 2009/2010 time frame, owners of that "blue" property requested county approval of a community services facility (CSF) development rezoning/master plan. Based on many technical and environmental issues, that development met with massive disapproval by residents of the Cedar Grove community as well as many Edgewood residents. When the Board of County Commissioners approved the rezoning/master plan request, the Cedar Grove community filed an appeal against that decision on the basis that the county did not follow legal process regarding rezoning of the property. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." And, therefore, the community's appeal was lost. Bottom line is that the CFS use was approved, but there was NO rezoning of the property.</p> <p>So, two points :</p> <ol style="list-style-type: none"> <li>1. For the SLDC to change the zoning of the "blue" area to "Public/Institutional" from its current Ag/Ranch zoning would be to change the zoning without there having been a request by the community or approval by the community to change the zoning. One of the arguments used during the community's appeal of the BCC decision was based on the case of "Miller v. City of Albuquerque, 89 N.M. 503, 554 P.2d 665 (1976), in which the New Mexico Supreme Court confirmed that initial zoning determinations are presumed correct, but in cases involving interference with a zoning plan the burden of proof shifts to the local public body to show that a rezoning was necessary as a result of a mistake in the original zoning or a change in conditions in the neighborhood". Since there was no mistake in the original zoning of Ag/Ranch and there has not been a change in conditions of the neighborhood, the current zoning of Ag/Ranch should not be changed by the SLDC.</li> <li>2. The Cedar Grove community was assured by Santa Fe county that if the Boys and Girls Ranches of New Mexico (The Ranches) did not develop their CSF within 5 years of approval of their Master Plan they would lose the CSF use approval and the property's use would revert back to Ag/Ranch. The Ranches have declared that they will not pursue development of their CSF and the property is currently listed for sale. Should a new owner want to develop a CSF on that property they would need to begin a new process for development approval. We are now 2 years into the 5 year period. It is totally unlikely that development of the proposed CSF or a different CSF would begin in the next 3 years. Therefore, the original Ag/Ranch zoning should stay in effect for that "blue" area. Changing the zoning to "Public/Institutional" (whatever that means) would be breaking faith with the Cedar Grove community. If the property is sold, and the new owner wishes to develop some kind of "Public/Institutional" facility, then they can begin the process of requesting a change of zoning. A reasonable development request, that would be in the interest of the community, would likely be approved by the community. Therefore, this is to OPPOSE the proposed zoning of "Public/Institutional" (blue area) in Cedar Grove area, and to say that this "blue area" should remain as it's original Ag/Ranch zoning.</li> </ol>	Z
zoning map	zoning map	<p>As a resident and landowner of the South Mountain/Cedar Grove area, I am writing to voice my strong objection to the rezoning of the Ranches to "Public or Institutional". This is a heavily forested residential community with a low population density and no infrastructure to support anything "Institutional". Something like this up on the side of South Mountain is totally inappropriate, and the potential water usage and sewage requirements would be devastating to the surrounding area. The proposed rezoning is not at all in keeping with the "Sustainable Usage" intention of Santa Fe's overall plan for the county.</p> <p>Once again, I strongly object to this totally inappropriate action.</p>	Z
zoning map	zoning map	<p>We recently became aware of the Proposed Zoning Districts 10-4-12. We are not in agreement with the zones laid out for the Cedar Grove area. We live in the Cedar Grove area and would be directly effected by these changes.</p> <p>The zone labeled Public/Institutional (blue) on your map is not even defined anywhere in your documents. This area is up for sale and the zoning had been changed to Community Services Facility in Nov. 2010 from Ag/Ranch. Our understanding is that if this land was not developed within 5 years this land zone designation would revert back to Ag/Ranch. This land is currently not officially a Community Services facility zone either until development has occurred so it is still pending. Since it is up for sale at this point, we believe it makes more sense to return it to its original zone of Ag/Ranch or Rural which is compatible with the surrounding zones..</p> <p>To re-label this zone and this particular property as Public/Institutional would mean another zone change before that 5 year period is up. Any public or institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>We are sure that when the rest of the community gets wind of this zoning you will receive lots of feedback. The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p>	Z

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 we oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (blue) on your map. This Public/Institutional zoning is not even defined anywhere in your documents.</p> <p>This particular "blue" piece of property on your map has been zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The South Mountain Neighborhood Association of the Cedar Grove area filed an appeal of that BCC decision. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Therefore, the SLDC should NOT change this land's current zoning and show that land as the original zoning of Ag/Ranch.</p> <p>Additionally, the organization that had planned for the CFS use has decided not to pursue that use or build on that land. This area is up for sale. Since no development has been started, this land use is still Ag/Ranch and not a Community Services Facility. Our understanding is that if this land is not developed within 5 years this land use designation would revert back to Ag/Ranch. Since it is up for sale at this point, we believe it makes more sense to remain as its original zoning of Ag/Ranch or Rural which is compatible with the surrounding zones.</p> <p>To re-label this zone and this particular property as Public/Institutional would mean a zone change before that 5 year period is up. Any institutional use of this land will be fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We would appreciate any explanations you may have for this zoning designation within Cedar Grove.</p> <p>Sincerely, Cheri Scott, 79 Living Water Road, Edgewood, NM 87015 (Cedar Grove)</p>	Z
zoning map	zoning map	<p>After reviewing the Proposed Zoning Districts 10-4-12 I oppose one of the proposed zones laid out for the Cedar Grove area, specifically the zone labeled Public/Institutional (blue) on your map. This Public/Institutional zoning is not defined anywhere in your documents.</p> <p>This area is currently zoned Ag/Ranch. During a contested Board of County Commissioners (BCC) decision of November 2010, the BCC approved the use of that land for a community service facility (CSF). The South Mountain Neighborhood Association of the Cedar Grove area filed an appeal of that BCC decision. Judge Singleton, District Judge of the First Judicial District of Santa Fe County ruled that "The Action of the BCC in zoning the land as a community service facility was not a rezoning of the land." Therefore, though the BCC approved the use of the land for a CSF, the zoning was NOT changed. Therefore, the SLDC should NOT change this land's current zoning and should show that land as the original zoning of Ag/Ranch.</p> <p>Additionally, the organization that had planned for the CFS use has decided not to pursue that use or build on that land. This area is up for sale. Since no development has been started, this land use is still Ag/Ranch and not Community Services Facility. My understanding is that if this land is not developed within 5 years this land use designation would revert back to Ag/Ranch. Since it is up for sale at this point, we believe it makes more sense to retain its original zoning of Ag/Ranch or Rural which is compatible with the surrounding zones.</p> <p>To re-label this zone and this particular property as Public/Institutional would mean a zone change before that 5 year period is up. Any institutional use of this land will be vigorously fought by this community for all of the same reasons we fought the NM Boys &amp; Girls Ranch Master Plan. We feel that this is just another example of the County being influenced by special interests rather than looking at options that would be in the best interest for the residents here in Cedar Grove.</p> <p>The additional traffic and noise and light a public/institutional facility would cause to this area would be totally incompatible with the quiet rural homes that border this land. The challenges of water/waste water drainage and disposal would put the surrounding private wells at risk I believe. This land was originally zoned for 1 residence per 20 acres because of the challenges the geography and geology of the land create. Nothing has happened to change those conditions.</p> <p>The Independent Newspaper also stated that Edgewood residents have been encouraged to develop their own community plans but have not done so. Since 2010, Cedar Grove has requested the help by the county to setup our own community plan but were told to wait until this plan was complete. Now, without that community plan we cannot protect the land use in this community. We look to you, our elected officials, to represent us. The needs of rural southern Santa Fe County are not met by changing this zoning. Only a few miles south on Hwy. 344 there is a corridor where public/institutional buildings and facilities can be located without disrupting rural neighborhoods and where waste water disposal would be more safely accomplished.</p> <p>The area residents have spoken many times at County Commissioners meetings in Santa Fe and let our wishes be known for use of the land in our area...our back yard. Please listen to us and represent our wishes and not those of special interest groups.</p>	Z

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zoning map	zoning map	<p>I attended the SLDC meeting on zoning in Edgewood and want to register my reaction.</p> <p>Most of the time was spent discussing water issues. Several of the people in attendance appeared to have considerable expertise regarding the subject and had been involved in monitoring the water situation in southern Santa Fe County and in the Moriarty area for many years. They provided considerable information regarding the geology, hydrology, and history as well as current anecdotal reports pertinent to this area. It is apparent that the proposed zoning in this area of the County is predicated upon twenty-five-year old data which does not reflect the current or future status of water availability, drawdown, and replenishment. So, I ask: How can anyone assign zoning based upon questionable data has no legitimacy? The zoning seems to be based on old and inconclusive data. I understand that the purpose of these meetings is to gather information and perspectives, but when faced with the suggestion that the County conduct surveys, speak with EWWA and local people who drill, install, and monitor the current water situation in this part of the County, and conduct hydrology studies to determine what the actual current and projected situation is, especially in view of the drought and its probable continuation for years to come, those running the meeting would offer no positive suggestions for what the County can do to gather information necessary to support any zoning decisions for the future. It does not make sense that you do not ascertain valid and verifiable data upon which the decisions about infrastructure, population density assignments, etc, should be based and not rely on dated obsolete data. Another issue is the exception to zoning requirements currently afforded to community service entities. Apparently, such organizations can build anywhere in the state regardless of zoning. That also seems to be the intention of the proposed zoning code. In addition, based upon Cedar Grove residents' experience with the County and its certification/licensing agencies, it would appear that the rules and restrictions which local rural-fringe homeowners have had to observe and adhere to would not have applied to the Girls and Boys Ranches of New Mexico's proposed development, which the neighborhood fought in court. If the purpose of zoning is to direct and restrict the types of development to conform to established as well as County-assigned neighborhood area standards (rural residential, ag/ranch, rural, mixed use, etc.) giving a waiver to one category of developer obviate the entire rationale for zoning. The neighborhood fought the Girls and Boys Ranches of New Mexico and apparently we will have to fight again if the implementation as presented is approved. What I'm pointing out here is the illogicality of present and proposed County plans regarding zoning as part of the SLDC. If you actually intend to institute a realistic and effective zoning process which plays a major role in guiding land development in Santa Fe County, doesn't it make sense that it be based upon valid data and be inherently, rationally consistent? These issues need to be addressed now, not in another two years when this interminable solicitation of resident opinion may finally be concluded, some actual decisions are made, and a County code is implemented.</p>	Z
zoning map	zoning map	<p>We are opposed to zoning The Ranches property to Public/Institutional. This is just another way to get The Ranches into our neighborhood. We were opposed to The Ranches when the commission originally heard their proposal and remain so today because it doesn't fit into the style and character of our local neighborhood. How many times do we have to say this: The Ranches is incompatible with our neighborhood/area.</p>	Z

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zoning map	zoning map	Make reference to community/district zoning ordinances clearer on the zoning map and on the map legend (add "refer to"), and also, in text of code (from County Commission).	Z
zoning map	zoning map	Ag/Ranch zoning (not "Rural") should be established on the strip of private land extending east from the Cuyamungue Grant toward Rio En Medio/Chupadero.	Z
zoning map	zoning map	Need protective overlay zones in some areas of the County.	Z
zoning map	zoning map	Adopt a zoning ordinance for the San Marcos community, that implements the adopted San Marcos community plan, prior to or at the same time as the SLDC.	Z
zoning map	zoning map	<p>Change the Galisteo Basin Preserve project to a Planned Development District:</p> <ul style="list-style-type: none"> <li>-Show as Planned Development on zoning map;</li> <li>-Add language to text stating that zoning for Planned Development districts that are on zoning map at time SLDC was adopted, is the master plan or master plans in effect for the particular area, as the time of SLDC adoption;</li> <li>-Add language to text of SLDC that makes the distinction between minor changes to Planned Development districts that do not require rezoning, and substantial changes that would require going back through the rezoning process, and a procedure for making this distinction.</li> </ul>	Z
zoning map	zoning map	Put note on U.S. 285 South Corridor that design standards continue to apply within entire area, even in areas where the residential zoning scheme would be changed from hydrologic-based zoning to the new SLDC residential zoning scheme ).	Z
zoning map	zoning map	Change "Neighborhood Mixed Use Eligible" parcels in U.S. 285 South Corridor plan/ordinance that not yet been rezoned to the Neighborhood Mixed Use to the appropriate residential zoning district – these areas would still be eligible for rezoning to Neighborhood Mixed Use, however, in accordance with the U.S. 285 South Corridor plan (staff recommendation).	Z
zoning map	zoning map	Change Camp Oro Quay parcels in the San Pedro community to Public/Institutional use, either on the new County-wide zoning map or on the San Pedro community zoning ordinance map.	Z
zoning map	zoning map	Need new hydrologic study, based on current data, to guide the designation of zoning densities in the Estancia basin.	Z
zoning map	zoning map	Parcels in the Estancia basin that have sold their water rights should be required to be on a public or franchise water system, in order to be developed.	Z
zoning map	zoning map	Put areas in the proposed "Airport Development District" that are in or near City of Santa Fe Sewage Treatment Plan and the Santa Fe Airport noise zone (on the north side of the airport), and also, on State Road 599 next to the County Public Works complex, in an industrial zoning district.	Z
zoning map	zoning map	Establish primarily industrial/commercial mixed use zoning on the northern ½ mile of the proposed "Airport Development District" (adjacent to the City/County landfill).	Z
zoning map	zoning map	Established Mixed Use zoning or a residential zoning district that allows 2 – 5 dwellings per acre on the balance of the potential Airport Development District (outside of the area covered by the two immediately preceding comments). This will allow the number of dwellings accommodate the number of dwellings that were contemplated in the 1996 settlement agreement between the County and the main property owner in this district regarding the property value impacts of the County landfill.	Z
zoning map	zoning map	Show the zoning on the 58.3 +/- acre parcel at the northeast corner of State Road 599 and Caja del Rio Road (owned by the Santa Maria El Mirador non-profit organization ) as Public/Institutional.	Z
zoning map	zoning map	Change the 418+/- acres of vacant land to the west of the Pinon Hills subdivision (in the unincorporated area to the northwest of the City of Santa Fe) from Sustainable Area 1 to Sustainable Area 2.	Z
zoning map	zoning map	Add note to zoning map or text of zoning chapter that, where federal and state lands are located in a community or district plan-based zoning district, and property is transferred out of federal or state ownership, or are developed for urban- or community-intensity uses in the SFCCD or Media District, the zoning ordinance for the applicable Community or District area applies (staff recommendation).	Z

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	Revise zoning scheme on Bonanza Creek Ranch to be more in accordance with existing development rights, but anticipating that this area will be developed as a planned mixed-use project with substantial open space preservation. In particular, allow for higher densities on the northern tract of 270 acres, and allow for more intensive mixed-use zoning of the portion of the Bonanza Creek Ranch that is shown as "Mixed Use Non-Residential" on the Future Land Use Map in the SGMP.	Z
zoning map	zoning map	Place Santa Fe Center parcels (at S.R. 599 and Camino La Tierra) in a commercial/residential mixed use zone.	Z
zoning map	zoning map	Show Lee Welsh property (304 acres north of Santa Fe/west of Tesuque and U.S. 84) as "Residential Fringe" (1 dwelling/5 acres).	Z
zoning map	zoning map	Change some of the enclaves of proposed Residential Estate (1 du/2.5 acres), zoning in the Upper Arroyo Hondo/Old Santa Fe Trail area to Residential Fringe (1 du/5 acres), since these are arguably spot zoning districts, and would set a precedent for higher densities in the area than currently exist.	Z
zoning map	zoning map	Do not establish zoning that is more intensive than Rural (1 du/40 ac) in the Ojo de la Vaca/Glorieta Mesa area.	Z
zoning map	zoning map	Consider commercial zoning on the Rancho de Chimayo parcel.	Z
zoning map	zoning map	<p>I have been aware that County staff has been working diligently for some time now on the Sustainable Growth Management Plan and Development Code. However, it was just recently brought to my attention that Santa Fe County is now fast-tracking a major revision to the zoning and subdivision regulations, a revision that will greatly impact my property. When I reviewed the Preliminary Draft Zoning Map dated October 4, 2012, I was surprised to see zoning designations that were totally different from what I had anticipated and very different from what had been discussed with Jack Kolkmeier over the past few years.</p> <p>Bonanza Creek Ranch has been in my family for 60 years and includes over 13,000 acres of land. Over the years my family has been very cooperative with Santa Fe County, and I have personally met with planning staff on numerous occasions and have provided input into the preliminary planning. Our level of cooperation has included access and utility easements across our land to facilitate the waste water pump station, and accommodations for the firing range in the North-14 area.</p> <p>Note that in 2010, the County's Draft Land Use Plan identified Bonanza Creek Ranch as a combination of "mixed use non-residential" and "rural fringe residential," and it further designated the ranch as an "Opportunity Center." My discussions with Jack Kolkmeier about the "Opportunity Center" included mixed uses, higher density cluster development, open space treatment, flexibility in development standards, etc. Unfortunately I do not see any designation for an Opportunity Center on this zoning map. The current zoning and subdivision regulations allow for 1 DU/2.5 acres (with water conservation measures), for most of the ranch. However this is not the case with the proposed zoning map. What concerns me is that the underlying zoning for the majority of the usable portions of my property is now shown as "Rural Residential," allowing for only 1 DU/40 acres. Furthermore, a large portion of the ranch is now shown as Ag Ranch, allowing for 1 DU per 160 acres. This is clearly a "down-zoning" across most of the ranch, meaning a loss of value for my property. I understand that it is difficult for County staff to contact and consult with all landowners; however it seems that an extra effort should be made to meet with land owners controlling significant parts of the County. I have attached a sketch map showing the location of my family's ranch for your reference (See attachment).</p> <p>My intent is to restore the previous zoning designations (such as the capability for a density of 1 DU/2.5 acre for the areas previously mapped that way), with mixed use allowable where appropriate. In addition, I would like staff to consider a designation providing for higher densities for the most northerly tract of 270 acres. This is a unique and separate tract of land, which is just south of an existing mobile home park, north of the State Prison and is just east of the Carlsen Subdivision. This 270 acre tract has access to the wastewater treatment plant and County water. And finally Bonanza Creek Ranch would like to have the opportunity to be considered for their own community planning district. This district, involving approximately 13,000 acres, would consider areas of mixed use development (commercial and residential), areas of cluster development, single family lots, and open space treatment, etc. It is my objective to be sensitive to the natural characteristics of the land, while also meeting the needs of future buyers. This includes maintaining grazing in appropriate areas and providing for the preservation of open space.</p> <p>Understanding that the period for public comment ends on October 26, I hereby submit these comments and my strong objection to the draft zoning map. Furthermore, I request a meeting as soon as possible to discuss appropriate zoning for my property.</p>	Z

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	<p>On September 14,2012, Karl Sommer and I met with you to discuss the Sustainable Land Use Plan and the proposed zoning designations for the County. As discussed during our meeting, Santa Fe Center (the 330 acre property at the intersection of RT 599 and Cam. La Tierra) has had quite a history of land use planning, which contemplated commercial zoning.</p> <ol style="list-style-type: none"> <li>1. Earlier general plans for Santa Fe County had designated this property as a major commercial node and the SNAC (Santa Fe Northwest Advisory Council) Sector Plan identified this land as a commercial center.</li> <li>2. On Jan. 9, 1986 the EZA granted approval of a request for a special exception and preliminary development plan for residential and non-residential uses on the 390 acres. This required dedication of the ROW for RT 599, working with the City to extend to resolve sewer issues and required the developer to obtain an extension of the water service area boundary extension.</li> <li>3. On Feb. 13, 1986 the EZC granted preliminary plat approval for the 390 acres with the condition that the applicant work with the City to extend to resolve sewer issues and to obtain an extension of the water service area boundary extension. This same approval was with the condition that the applicant/developer dedicate right-of-way and interchange area for the Santa Fe Relief Route (area shown on the final plat).</li> <li>4. On Mar. 20, 1986 the developer entered into a Development Agreement with the City, which included the extension of water and sewer to the 390 acres, as well as dedication of the land for the ROW. This Development Agreement also identified the commercial and residential land uses of the master plan approved by the EZA and EZC.</li> <li>5. City-County Ordinance No. 1986-4 Providing for the Extension of the Service Area Boundaries of the Regional Water System was ordained by the governing bodies of the City and County of Santa Fe. This was adopted and approved on Mar. 26, 1986.</li> <li>6. Acting in good faith in accordance with the County approvals received and as per the terms of the Development Agreement, the developer in 1993 dedicated 60 acres of land for the ROW for the Santa Fe Relief Route (RT 599). The Santa Fe County Preliminary Draft Zoning Map dated October 4,2012 indicates that the subject property is to be zoned as Residential Estate, allowing for residential uses at a density of 1DU/2.5 Acres. Based on the history of the 330 acres known as Santa Fe Center, we hereby object to this zoning designation. We respectfully request a meeting at your earliest convenience to discuss a mixed use zoning designation for this property, allowing for a mix of commercial and residential uses. Since the subject property also has approvals for all utilities, we also request a change in the Sustainable Development Area designation from SDA-2 to SDA-1. I look forward to hearing from you.</li> </ol>	Z
zoning map	zoning map	<p>As the designated representatives of the ownership of over 304 contiguous acres just north of the City of Santa Fe in Santa Fe County we are writing comment on the proposed Sustainable Land Development Code (SLDC). Our property is located east ofTano Rd. at the north end of San Rafael Rd. and abutting the west side of the Monte Sereno subdivision. Please reference the enclosed map for an accurate location description. The family ownership of this acreage that we represent is comprised of the following: Welsh Family Limited Partnership III, Welsh Family Limited Partnership IV, Welsh Survivors Trust, Welsh QTIP Trust, Lee A. Welsh, and The Carolyn Jeannette Pickard Family Irrevocable Life Insurance Trust. Santa Fe Land Planning Group, Inc. informed us of the Santa Fe County Preliminary Draft Zoning Map dated October 4, 2012 and we oppose the proposed rezoning of our property to a "Rural Residential" designation at a density of 1 DU/10 acres. Currently the property is predominantly in the Basin Zone, allowing for lots as small as 2.5 acres, our neighbors to the east in Monte Sereno have lots as small as 1 AC, and abutting our property to the south are 5 AC lots in the County. We respectfully request that the zoning for our property be designated as "Rural Fringe» allowing for 1 DU/5AC. In our opinion, it does not make sense from a sustainable planning standpoint for the zoning to jump from "Residential Estate» (1.5 AC lots) to "Rural Residential» (10 AC lots) on our property and that a gradual transition of lot density is more appropriate. This property has been in our family for over 50 years; nobody appreciates the beauty and respects the goals of a Sustainable Land Development Code more than our family. We appreciate the opportunity to comment on Phase I of the SIDC and look forward to working with the County to create a thoughtful zoning code for Santa Fe County. We would like to schedule a meeting with County staff at your earliest convenience to discuss in more detail and to layout a plan on how we can work together to achieve all of our goals. We will contact you next week to coordinate a time to meet.</p>	Z

\* Action Code Legend: 1-Change Made to SLDC Review Draft; 2- Staff Reviewed, No Change; 3- Section Revised; 4-General Comment; Z- Zoning map comment. Action Code provides the staff response to the Public Comment

Ch	Sec	Public Comments from SLDC Draft September 2012	Action*
zoning map	zoning map	<p>I have reviewed the SLDC, which designates our family's property as Mixed Use. I am offering the following comments and requesting the changes to this designation as described below.</p> <p>1) In 1996 the Baca family entered into a settlement agreement with Santa Fe County after lengthy litigation that involved a state court decision related to the condemnation of our property that is now part of the landfill. The settlement agreement contains several provisions that are impacted by the draft SLDC, including provisions that the county will rezone portions of our property as Industrial Property. I am requesting that the SLDC incorporate language that reflects the language within the settlement agreement. Specifically, that Baca property on the north half of the Cieneguilla grant adjacent to and north of the Santa Fe Airport, and portions of a separate property located on the north side of State Road 599 to the north east of the Santa Fe River be designated in the SLDC as industrial property.</p> <p>2) While the Mixed Use designation is suitable for the Baca's 480 acre parcel immediately the south of the landfill, the other lands not described in item number 1, but located between the 480 acre parcel and County Road 56 should instead be identified as Rural Residential with 2-5 dwellings per acre, which will require proper waste water disposal. The property is in close proximity to the village center identified as La Cieneguilla, which has largely been developed exclusively as residential, and it is our belief that the Rural Residential designation is more suitable for the development that may occur in the future.</p> <p>3) Lastly, the properties located upon the volcanic escarpment north of La Cieneguilla consist of a 620 acre Baca owned property and federal Bureau of Land Management and State Land Office property leased to the Baca family as part of our ranching operation. I believe these properties would be better served with an Agricultural property designation in the SLDC.</p> <p>Attached with this correspondence is a map of the referenced area depicting the changes described in the comments above. Thank you for the opportunity to comment on the draft SLDC. I will continue to monitor the plan as the process continues and reserve the right to amend or augment the comments above at a future date depending upon the changing circumstances.</p>	Z
zoning map	zoning map	After Community discussion, the People of La Bajada strongly support the recognition and zoning of our village as a Traditional Community under SLDC 8.7.8; and as reflected on Santa Fe County Preliminary Draft Zoning Map October 4, 2012. We are satisfied with the Dwelling Density determination of 0.75/0.33. La Bajada strongly supports the Purpose set forth in SLDC 8.7.8.1, and bases its reservations thereon, with respect to Zoning and Land Use within the Traditional Village of La Bajada.	Z
zoning map	zoning map	La Bajada reserves the right to make final determinations on Permitted Uses (as per 8.7.8.2 Appendix B), and Dimensional Standards (as per 8.7.8.3 Table 8-12) through its village government (CO/RO) as recognized by Santa Fe County and prescribed by statute. The La Bajada Traditional Village committee (LBCD&MDWA), will work with Santa Fe County Planning Committee, and Administrators to preserve and sustain the Cultural & Historic integrity of our Traditional Community.	Z
zoning map	zoning map	Recommendation: The Santa Fe Association of REALTORS® recommends that the County's draft zoning map be available for public review and that it extend the public comment period long enough to allow for review of the map in conjunction with the text. In addition, the County should prepare supplemental materials to explain its rationale for applying the Draft SLDC's zoning districts to land within the County and, most importantly, to describe the impact that the application of the zoning districts will have on property. Specifically, the County should identify any resulting changes that impact development capacity or property values or that will result in the creation of nonconformities. PLEASE SEE ATTACHMENT FOR FURTHER DETAIL	Z
zoning map	zoning map	<p>I write to you in connection with the proposed change in zoning for a part of the Cedar Grove / South Mountain area.</p> <p>The part of the Preliminary Draft Zoning Map which is colored light blue / turquoise in our area is basically a mountainside.</p> <p>If my understanding of the color-coded legend on the map is correct, then this would make this area slated for "Public/Institutional" development and subsequent use.</p> <p>My understanding is that the mission of this zoning effort is to promote sustainable growth management, and since there is no public or institutional use for a mountainside that could honestly be deemed "sustainable," I would like to suggest the zoning remain "Ag/Ranch" as I understand has been traditional for the area.</p> <p>Any public or institutional use for the referenced area would represent an unreasonable burden on existing infrastructure, from roads to water supplies, and would only lead to the general decline of the entire vicinity, including the mountain's already fragile ecosystem, thus representing the absolute antithesis of sustainability.</p> <p>Please give serious consideration to this proposal.</p>	Z
zoning map	zoning map	I'm requesting a population "build out" for the zoning map. We have no idea how many people the new zoning ordinance will allow for or if there's enough water to serve more density. Has the County considered this?	Z
zoning map	zoning map	Is there a more detailed Zoning map online? The one that is online cannot be expanded.	Z
zoning map	zoning map	I recommended at the County meeting at the Nancy Rodriguez Community center 1 dwelling unit per 160 acres in the long rectangular tract of land east of the Cuyumungue exit. This tract of land goes east towards Chupadero and Rio en Medio. This recommendation is because the land is dry, has a lot of arroyos, there's insufficient road access, mesa tops that if developed would add to visual clutter and there's little water available. If you do not know the property I'm describing please contact me.	Z
zoning map	zoning map	How much more growth will the County be able to provide given the restrictions on the BDD and lack of groundwater resources? How many subdivisions have already been granted approval?	Z
zoning map	zoning map	How does County zoning work with tribal zoning?	Z
zoning map	zoning map	Change the property that would have been the site of the proposed Boys and Girls Ranch to the north of Cedar Grove/Edgewood, from "Public/Institutional" on the draft zoning map, to "Ag/Ranch", since the Boys and Girls Ranch is no longer pursuing this project at this location.	