

SANTA FE COUNTY

Ordinance No. 2002-3

An Ordinance Amending Article XIII, Ordinance 1998-5, of the Land Development Code, Ordinance 1996-10, as amended, to Refine the Planning Process for the Development of Community Plans and Include Planning Elements as Outlined in the Santa Fe County Growth Management Plan, Resolution 1999-137.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THAT THIS ORDINANCE WILL AMEND THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, AS FOLLOWS:

ARTICLE XIII - COMMUNITY PLANNING

SECTION 1 - PURPOSE AND INTENT

- 1.1. It is the intent of this article to allow Traditional and Contemporary Communities as those terms are defined herein, to obtain approval from the Board to begin a community planning process in conjunction with County planning staff to identify problems within the community and to propose solutions. The Board may direct the planning staff to begin work with communities designated as Critical Planning Areas. The community planning process shall provide diversity of representation in each community and shall conform to the overall goals and policies of the County Growth Management Plan / General Plan, Resolution 1999-137.

1.2. Applicability:

- 1.2.1. This Ordinance shall apply to all community plans that have not been approved by the Board of County Commissioners as of the effective date of this Ordinance.
- 1.2.2. For all community plans that have been authorized, but have not yet been approved by the Board of County Commissioners, the Board may exempt a plan from individual, discreet requirements of this Ordinance where compliance with such requirements would:
- a) substantially conflict with work already completed, or;
 - b) add a significant amount of work to plans already substantially completed.

1.3. Intent of Community Planning:

- 1.3.1. The community planning program is intended to create a process whereby community members and the County jointly learn and document how development and growth both impact and can be directed to benefit individual communities throughout the county, within the context of and according to the principles of the County Growth Management Plan (GMP). Community plans are not required to be comprehensive plans.
- 1.3.2. Community Planning is intended to assist community members in identifying and developing individual solutions to community problems. The planning process is both solving problems as well as expressing a clear vision for the future. Community members identify common concerns, goals that address these concerns, and then create clear policies to achieve the goals.

- 1.3.3. The Community Planning process is intended to allow individual communities to work at their own pace while best utilizing available community and county resources. The community planning process is not static and plans can be amended as new conditions arise, allowing for the community plan to evolve over time as the community changes.

1.4. Intent of Traditional Community Planning:

- 1.4.1. Traditional Communities are intended to accommodate a mixture of uses such as agriculture, residential, large scale residential, community service, institutional, non-residential or recreational uses.
- 1.4.2. Planning for Traditional Communities should ensure that the scale and location of land uses are appropriate to the community size and historic pattern.
- 1.4.3. Each of the Traditional Communities has its own particular design characteristics and settlement patterns. The planning and zoning in Traditional Communities should aim to preserve the intrinsic character and integrity of the design elements that reflect the nature of growth in the community over time.

1.5. Intent of Contemporary Community Planning:

- 1.5.1. Contemporary Communities are evolving from modern subdivisions and land sales rather than a land based economy or settlement patterns. Contemporary Communities tend to function as bedrooms for jobs and shopping located elsewhere. The intent is that local planning will support the continued development of these areas to evolve into full communities with sensitivity to local character, unique cultural attributes and landscapes; diversity and choice in housing; effective provision of services and social centers for residents and specific local infrastructure needs.
- 1.5.2. Contemporary Communities should consider a special emphasis on incorporating the uses and services for residents that are missing and creating connections within the community area.

1.6. Intent of Land Use and Zoning in Community Plans:

- 1.6.1. Communities should design a zoning plan based on land planning conditions and local needs.
- 1.6.2. Plans should consider soils, slope, preservation of natural areas along rivers or arroyos or remaining agricultural lands, acequias, water quality and quantity, historic development patterns or special features in a village or community, creating flexibility in development patterns, open space, recreation and trail needs, access, mixed housing, and local business and service needs.
- 1.6.3. Communities may create or amend zoning development standards based on the community plan to provide opportunities for social interaction (compact form, integrated businesses, improved access).
- 1.6.4. Communities may create residential and commercial design standards and guidelines for all new and infill developments based on traditional and local patterns identified in the community plan.

- 1.7. It is not the intent of this article to create or encourage exclusive residential areas.

SECTION 2 - TRADITIONAL COMMUNITY DESIGNATIONS

2.1 Guidelines for determining Traditional Community status include:

- a) continuous settlement since 1925;
- b) a historic pattern of diverse and mixed community land uses which has carried through to the present;
- c) presence of historic structures; and
- d) existence of a village center(s).

2.2 Any community meeting the guidelines as set forth in Subsection 2.1 may appear before the Board to request Traditional Community status.

- a) supporting documentation shall be reviewed by the CDRC which shall make a recommendation to the Board.
- b) the Board shall make a determination on whether the criteria have been met based on documentation and public testimony.

SECTION 3 - CONTEMPORARY COMMUNITY DESIGNATIONS

3.1 Guidelines for determining Contemporary Communities status include:

- a) located away from traditional settlements as a result of either large subdivisions or many adjacent small land divisions; and
- b) located in or near traditional settlement areas but the dominant development pattern has been determined by land subdivision or land platting, not by the social or functional needs of Traditional Communities.

3.2 Any community meeting the guidelines as set forth in Subsection 3.1 above may appear before the Board to request Contemporary Community status.

- a) supporting documentation shall be reviewed by the CDRC which shall make a recommendation to the Board.
- b) the Board shall make a determination on whether the criteria have been met based on documentation and public testimony.

SECTION 4 - PLANNING PROCESS

4.1 Application Process

4.1.1 Any Traditional or Contemporary Community may prepare a Community Plan. Two or more communities may choose to do a joint Community Plan.

4.1.2 Participation and Representation

- a) Any community undertaking a Community Plan shall first create a Planning Committee that shall be recognized by the Board. Members of this Committee shall be residents, property owners and business owners in the community and be representative of its diversity. Once this Committee is defined and organized, planning activities may begin. Where other communities are affected by the planning effort, those communities shall receive reasonable notice of the planning effort and the Planning Committee meetings.
- b) All planning sessions and activities shall be open to the public and advertised throughout the community. Open discussion and diversity of opinion shall be encouraged. The Community Plan shall document resident, property owner and business owner participation and representation.
- c) All planning sessions and activities shall be recorded.

1 4.1.3 A Planning Committee shall apply to the Board to proceed with a Community Plan. The
2 letter of application to begin community planning shall include:

- 3 a) evidence of meeting the requirements of section 2.1 or 3.1, as applicable to the specific
4 community.
- 5 b) list of members of the initial Planning Committee, at the time of application. The
6 planning committee shall be open for new membership throughout the planning
7 process, provided new members meet the criteria outlined in Section 4.1.2 a) of this
8 ordinance.
- 9 c) conditions which justify undertaking a Community Plan.
- 10 d) a public participation plan assuring diverse representation of community residents,
11 property owners, and business owners. A public participation plan may include but is
12 not limited to the following: public meetings, surveys, establishment of topic specific
13 subcommittees, outreach to community groups and interested parties, and conducting
14 focus groups.
- 15 e) any request for County staff involvement, facilitation of meetings, use of County
16 facilities, mapping and other available resources.
- 17 f) a description of community commitment in terms of resources to be given to the
18 process.
- 19 g) a map of the existing and/or proposed community boundary.
- 20 h) if a community is seeking Critical Planning Area designation, documentation of
21 specific circumstances or problems that address criteria as set forth in Section 4.5.
- 22 i) recommendation of a community contact person or organization so that the County
23 may notify the community about development projects and other pertinent issues.
- 24 j) proof of reasonable attempts to notify the affected property owners.

25
26 4.1.4 All submittals shall be reviewed by staff and presented by the Planning Committee and
27 community members to the Board with staff recommendations. The Board shall review the
28 submittal, review staff recommendations and determine at a public hearing whether to
29 proceed with a Community Plan. The Board may specify planning elements which need to
30 be included, and areas that should be included in the Community Plan. The Board shall
31 determine the extent of County staff involvement and resources that shall be provided to
32 the planning effort with the community.
33

34 **4.2 Traditional Community Boundaries**

35

36 4.2.1 Boundaries shall be proposed for a Traditional Community at the time of application to
37 proceed with a Community Plan. The Board shall approve the initial boundary based on
38 criteria as set forth in Subsection 4.2.2 as part of directing a community to begin a planning
39 process. The final planning area boundary may be amended through the planning process
40 and shall be determined upon adoption of the Community Plan.
41

42 4.2.2 Criteria to be considered when altering or creating a traditional community boundary and a
43 Traditional Community Zoning District include:

- 44 a) natural resource limitations, such as water quantity.
 - 45 b) infrastructure limitations and needs.
 - 46 c) conformance with the Traditional Community Guidelines as set forth in Subsection 2.1.
 - 47 d) uninterrupted and inward or outward peninsulas shall be generally avoided.
- 48

49 4.2.3 Any amendment to the current zoning and density requirements requires that an ordinance
50 amendment be adopted by the Board.
51

4.3 Contemporary Community Boundaries

4.3.1 Boundaries shall be proposed for a Contemporary Community at the time of application to proceed with a Community Plan. The Board shall approve the initial boundary based on criteria as set forth in Subsection 4.3.2 as part of directing a community to begin a planning process. The final planning area boundary may be amended through the planning process and shall be determined upon adoption of the Community Plan.

4.3.2 Criteria to be considered when altering or creating a contemporary boundary include:

- a) natural resource limitations, such as water quantity.
- b) infrastructure limitations and needs.
- c) integration of a variety of mixed uses and appropriate contiguous areas that support community functions.
- d) uninterrupted and inward or outward peninsulas shall be generally avoided.

4.3.3 Any amendment to the current zoning and density requirements requires that an ordinance amendment be adopted by the Board.

4.4 Critical Planning Areas

4.4.1 The BCC may designate specific communities as Critical Planning Areas and may establish priority for preparation of Community Plans for such areas. Critical Planning Areas are those Traditional or Contemporary Communities where one or more of the following critical problems are documented:

- a) water delivery systems or water supply is inadequate or is threatened; as determined by the Board or,
- a) pollution of water resources has occurred or is threatened based on authoritative analysis or as determined by the Board; or,
- b) fire protection is hindered as determined by the County Fire Department Chief or as determined by the Board; or,
- c) 10% or higher annual rate of growth is occurring over a consecutive five (5) year period; or,
- d) mediation is needed because of a lack of consensus on development issues among residents; or,
- e) existing infrastructure is inadequate and detailed planning is needed; or,
- f) significant open spaces and trails identified by the community are immediately threatened; or,
- g) cultural integrity and unique character are immediately threatened as determined by the Board;
- or,
- h) a New Community District is proposed.

4.4.2 The Board shall review submitted relevant documentation of the critical problems and make findings in order to designate Critical Planning Areas. The purpose is to prioritize Critical Planning Areas due to limited County resources.

4.4.3 For Critical Planning Areas, the Board may direct County planning staff to lead the planning process and to prepare all or part of the Community Plan with community participation. These Community Plans shall meet required planning elements as set forth in Section 5.3 and shall focus on resolving the community's critical problem(s).

4.5 The County Role

4.5.1 The County planning staff shall assist with the planning process and provide for local public involvement in the development of the Community Plan. At the community's request and based on available or budgeted resources, the County may provide facilitation for meetings, provide mailing services, consult on methodology for surveys and studies, provide mapping, review documents and provide feedback, and offer technical assistance for community projects. Critical Planning Areas will be given priority for County resources.

4.6 Plan Review

4.6.1 Documents and maps shall be submitted to the County for review and when the Land Use Administrator deems the application complete based on criteria set forth in Section 5, scheduling of appropriate hearings will occur within thirty (30) calendar days. The Planning Committee shall hold no less than two (2) public hearings in the community to receive community feedback on the proposed Community Plan. County staff will review and make recommendations for approval, denial or modification.

4.6.2 The Board shall conduct no less than two (2) public hearings to review each Community Plan, with notice to residents and property owners in the affected community, and reasonable notice to affected communities outside the boundaries of the planning area. The Board may approve the Community Plan as submitted, approve with amendments, or deny. Public hearings shall be noticed in a newspaper of general circulation in the area of the affected community and in local newspapers and newsletters if applicable, at least ten (10) working days prior to the hearings. Public hearings may be held at a location within the community. Additional options for public notice include posting at central areas and other media such as radio. Any zoning ordinances shall follow notice and hearing procedures as set forth in Article II, Section 2.5 of the Code and applicable State Statutes.

SECTION 5 - PLANNING ELEMENTS

5.1 Multi-Step Process

The County recognizes that communities have limited resources and need to solve problems in a timely and efficient manner. This community planning process is designed to allow individual communities to work at their own pace and within their resources. It is also recognized that the County needs to assist with the planning process of each community.

5.2 Documentation and Mapping

To support problem identification and proposed solutions for a Community Plan, communities may seek or develop documentation and maps showing unique community features, water supply, water quality, infrastructure, utilities, transportation facilities, public facilities, population and demographics, housing stock and conditions, and the extent and nature of development, including commercial uses. An environmental map shall designate slope, soils, wetlands and flood plains, vegetation and hydrologic zones. The County will assist in the preparation of any necessary maps and documents.

5.3 Required Planning Elements

5.3.1 Identification of Problems, Issues and Proposed Solutions

Following authorization to initiate a community planning process, community members shall work with staff to identify problems and issues along with proposed solutions and Code modifications to address those problems. Community Plans shall be in conformance with the policies of the Growth Management Plan / General Plan. To accomplish this, each community shall undertake the steps:

- a) Identify community character
 - 1) Examine historical context of how the community has developed over time and past land use patterns that have created the unique character of the community at the present time.
- b) Determine the geographical location of the community and, if necessary, refine the original planning area boundary. The final planning area boundary shall be determined upon adoption of the plan.
 - 1) The boundary should be based on both topography and regional context to the County in general (see sections 4.2 and 4.3 of this ordinance).
- c) Identify current land use patterns and trends in the community's development
- d) Identify major problems at present that the plan shall examine, including:
 - 1) Residential, commercial, industrial, and institutional development;
 - 2) Water resources;
 - 3) Wastewater;
 - 4) Open Space and Trails;
 - 5) Traffic, roads, and other transportation needs;
 - 6) Assets to protect in the community.
- e) Compile an initial list of issues and conduct a survey of residents, property owners and business owners to present the initial "issues list" and generate community feedback on these issues, problems and assets within the community. County staff will assist in the preparation of survey tools, survey implementation and analysis. Staff and community members will conduct public meeting(s) to serve as an open forum on the initial issues identified and review of survey results. The final product of the survey and public meeting(s) will then serve as an initial outline of the community plan including:
 - 1) Main issues and problems in the community to be addressed through the plan;
 - 2) Initial proposed solutions.

5.3.2 The Community Planning Committee and County staff will then begin drafting a plan. The completed plan shall include each element outlined in this section.

- a) Community vision statement:
 - 1) The vision statement should be a clear description of what community members think their community should be like in the future.
- b) Historical narrative of the community and its development to date:
 - 1) Document the history and important events of the community;
 - 2) Identify historic and cultural resources and elements contributing to local and/or rural character.

1
2 c) Description of community's relation to the general county:

- 3 1) Consider new development's impacts on current residents and the attempts to
4 minimize negative impacts on such current residents;
5 2) Consider the need for institutional uses, including churches, schools, post offices;
6 3) Consider the need for community facilities, including plazas, community centers,
7 recreational facilities and fire houses;
8 4) Consider local housing conditions and identify affordable housing needs.
9 5) Consider the local economy including home occupations, small business,
10 commercial and industrial needs.

11
12 d) Analysis of current land use and zoning and development of a current land use map.

- 13 1) Delineate any areas in the community not suitable for development based on
14 applicable codes and regulations. (i.e. terrain, soils, flood plains);
15 2) Examine existing densities, land use patterns, and evaluate appropriateness of
16 current zoning;
17 i. If appropriate, research history of variance requests and development
18 proposals in the area.
19 3) Inventory and analyze business and commercial uses, including home occupations,
20 local businesses and industries.
21 4) The following elements shall be completed if applicable to the specific community:
22 i. Identify local agriculture, ranching and related activities along with scale of
23 operations;
24 ii. Consider locations for commercial, recreational and educational uses related to
25 agriculture and ranching;
26 iii. Consider development of regulations that reduce the mutual impact of adjacent
27 residential and agricultural lands;
28 iv. Consider infill development patterns and performance standards.

29
30 e) Examination of local natural resources

- 31 1) Identify water quantity issues within the community;
32 2) Identify water quality issues within the community;
33 3) Delineate potential sites the community would like to develop, protect and/or
34 improve based on survey results, mapping and other documentation.

35
36 f) Examination of local infrastructure:

- 37 1) Examine the community's roads and traffic patterns and other transportation needs;
38 2) As appropriate, examine the community's existing power, gas, water, sewer and
39 telecommunications infrastructure.

40
41 g) Examination of open space and trails in the area:

- 42 1) Inventory existing parks, open spaces, trails and natural resource areas;
43 2) Discuss and prioritize potential open space areas, trails, trail corridors and
44 programming needs as identified by community members and the County Open
45 Space and Trails Plan;
46 3) Recommend strategies for the protection of open space and trails, including
47 voluntary land preservation programs and techniques such as conservation
48 easements, transfer of development rights and acquisition of open space and trails;
49
50

- 1 4) If applicable, the plan may address open space requirements for new development
2 areas and new community areas within the planning area to protect sensitive natural
3 areas and open space, such that new development:
4 i. where possible, provides distinct buffers and transition zones between
5 communities and other areas;
6 ii. where possible, provides for interconnected open spaces, recreation areas and
7 trails system(s).
8

9 h) Identify goals and both short and long term actions which address community and
10 County wide needs:

- 11 1) As appropriate, community members and staff will propose solutions for issues
12 identified in items a) through g) listed above which may include densities and
13 patterns of existing land uses and proposals for future growth, reflecting local
14 character, resources, and community features.
15 2) Develop implementation strategies, e.g., zoning and design standards, local
16 activities and initiatives, and funding strategies for suggested improvements.
17 3) Continue protection of historic sites, landmarks, cultural sites and archaeological
18 districts
19

20 5.3.3 As appropriate, staff shall work with the community to develop ordinances which codify
21 policies as identified in the adopted community plan.
22

23 5.3.4 Following adoption, each community plan will be reviewed every three (3) years by a
24 representative community body and county staff. The review will include a minimum of
25 one (1) public meeting in the community with results and/or recommendations presented in
26 one (1) public hearing before the Board of County Commissioners. County staff will assist
27 in the coordination and notification of both meetings. Notice procedures will be the same as
28 section 4.6.2 of this ordinance.
29

30 5.3.5 Community Plans may be amended as new conditions or circumstances arise in the
31 community. The process for amending community plans will follow the procedures
32 outlined in this ordinance. If minor adjustments are needed for adopted plans and
33 ordinances, the amendment process may be streamlined as determined by the Land Use
34 Administrator and must include all public notification and community meeting
35 requirements as described in Section 4.7 of this ordinance.
36

37 5.3.6 Planning staff will work with the Planning Committee to reach an agreement on the
38 planning process and the basic guidelines for decision making that shall be followed
39 throughout the process. All decision making regarding the community plan shall be made
40 using a consensual process, rather than by majority voting. Consensus is defined as general
41 agreement by all participating parties. A consensual process is defined as using multiple
42 viewpoints and opinions to generate viable and effective alternatives that create the best
43 solution to a problem rather than overpowering a minority opinion or accepting ineffective
44 compromise positions. In cases where disagreements on key issues are not resolved, the
45 County may assist through mediation or impasse resolution to reach consensus before a
46 Community Plan is scheduled for public hearing and adoption. If there is a party in the
47 process that cannot reach consensus, they may write a letter of dissent that will be
48 forwarded with the Community Plan and will be reviewed by the Board at the time of
49 adoption.
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1 5.3.7 In some communities, the process as set forth in Subsection 5.3 may provide sufficient
2 information to formulate a community plan. Other communities may have more complex
3 issues and may choose to do additional research and studies as set forth in Section 5.4.
4

5 5.4 Additional Planning Elements

6 If appropriate for a community plan, the Board, the Planning Division and/or the Community
7 Planning Committee may include additional elements as part of a plan. If additional planning
8 elements are added, the Board shall allocate appropriate resources and direct staff to assist in
9 researching the added element(s). Additional planning elements may include, but are not limited
10 to:
11

- 12 a) Create list of recommendations for local economic development;
- 13 b) Explore funding opportunities, including inclusion on the capital improvement program
14 to assist in developing institutional and community facilities including churches,
15 schools, post offices, plazas, community centers, recreational facilities and fire houses;
- 16 c) Research needs and opportunities for new utilities including water and sewer;
- 17 d) Develop proposals for future growth, reflecting local character, resources and
18 community features;
- 19 e) Study possible residential and commercial design standards and guidelines;
- 20 f) Research the need for a variety of housing types, i.e. single family, multiple family,
21 affordable housing within the community, mobile homes and manufactured housing;
22 (strict adherence to “fair housing practice” is required to avoid exclusion of classes of
23 people);
- 24 g) Study circulation and traffic on streets, roads, paths and trails used by motorists,
25 bicyclists, pedestrians and equestrians;
- 26 h) Explore the need for the Planning Committee to incorporate with the New Mexico
27 State Corporation Commission to receive non-profit status to seek private funding for
28 proposed community projects;
- 29 i) Assess specific environmental issues as identified.
30

31 SECTION 6 - STATUS OF COMMUNITY PLANS

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33 6.1 After approval by the Board, a Community Plan shall constitute an amendment to the County
34 General Plan. Once a Community Plan has been adopted, the appropriate Planning Committee or
35 designated contact person as set forth in Subsection 4.1.3 will be notified of development
36 proposals within the traditional or contemporary boundary. Any projects and proposals identified
37 through the planning process may be considered as possible projects in the Infrastructure Capital
38 Improvement Program (ICIP) and the County’s Capital Improvements Program (CIP).

1 Severability

2 If any part of this Ordinance or the application thereof to any person or circumstance is held
3 invalid, the remainder of the Ordinance and its application to other persons or circumstances shall
4 not be affected thereby.

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6 **APPROVED, ADOPTED AND PASSED this 12th day of March, 2002.**

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8
9 **BOARD OF COUNTY COMMISSIONERS**

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11
12
13 _____
14 Paul Duran, Chairman

15 **ATTEST:**

16
17
18 _____
19 Rebecca Bustamante, County Clerk

20
21 **APPROVED AS TO FORM:**

22
23
24 _____
25 Steven Kopelman, County Attorney

26
27
28 **CERTIFICATE OF FILING**

29
30 I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as
31 Ordinance, No. 2002 -3, was filed in my office on the ____ day of _____, 2002, in book
32 Number ____ at Page _____.

33
34
35
36 SANTA FE COUNTY CLERK

37
38
39 _____
40 REBECCA BUSTAMANTE