

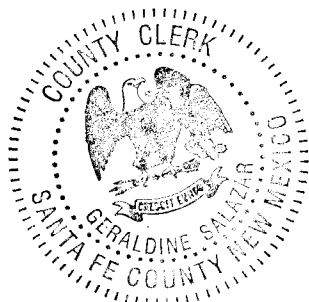
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SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING

December 3, 2013

Kathy Holian, Chair - District 4
Danny Mayfield, Vice Chair - District 1
Robert Anaya - District 3
Miguel Chavez - District 2

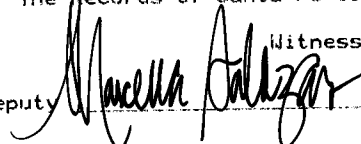
Liz Stefanics - District 5 [excused]



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 186

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Deputy ) ss Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

SANTA FE COUNTY
SPECIAL MEETING
BOARD OF COUNTY COMMISSIONERS

December 3, 2013

This public hearing of the Santa Fe Board of County Commissioners was called to order at approximately 4:25 pm by Chair Kathy Holian, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Kathy Holian, Chair
Commissioner Danny Mayfield, Vice Chair
Commissioner Miguel Chavez
Commissioner Robert Anaya [telephonically at 8:25]

Members Excused:

Commissioner Liz Stefanics

Staff Present:

Katherine Miller, County Manager
Steve Ross, County Attorney
Penny Ellis-Green, Growth Management Director
Willie Brown, Assistant County Attorney
Robert Griego, Planning Manager
Sarah Ijadi, Senior Planner
Tim Cannon, GIS Planner

III. Approval of the Agenda

CHAIR HOLIAN: I would like to propose that we amend the amended agenda further. I would like for public comments to occur after the introduction of the changes to the ordinance, so public comments would be item V, and then I would like or the discussion of the adoption time line to be after the Board discussion. Are there any further changes?

COMMISSIONER CHAVEZ: Madam Chair, I'll move for approval as amended to include public comment being moved up further into the meeting.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

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COMMISSIONER MAYFIELD: The only hesitation I have with that – I know we're starting late, but I know there were some folks that were here to comment publicly but they did leave because they thought that public comment was going to be a little later, so I would just ask that we would still entertain to allow public comment after everything if individuals have anything to say.

CHAIR HOLIAN: Okay. So I suggest then that we keep the public comment where it is but add another public comments after the introduction of the code. Would that be acceptable, Commissioner Mayfield?

COMMISSIONER MAYFIELD: Madam Chair, I appreciate that. Thank you.

CHAIR HOLIAN: Is the maker of the motion acceptable with that?

COMMISSIONER CHAVEZ: Yes. So basically what you've done is you've added a second public comment portion and that would be right after the introduction. Okay. That would be fine.

The motion passed by unanimous [3-0] voice vote.

IV. Public Hearing on Ordinance No. 2013-__, the Sustainable Land Development Code (SLDC)

CHAIR HOLIAN: I just wanted to make a few introductory remarks. There has been impressive public involvement in this process of developing our new land development code. The first draft of the code was released in September 2012 and the important thing about that code is it implemented the ideas of goals of the Sustainable Growth Management Plan, and there's some very important concepts in the plan and in the code. For example, zoning. We really did not have true zoning in the county prior to this code. Now we will have zones, all land will be zoned and there will be use tables associated with those zones. This is new for the County.

There are some important growth management techniques and I think we will be talking about that a little bit further tonight. Also design standards. Design standards for almost any kind of development that occurs in the county. Another really important thing about this is it's going to be one contiguous code and we are going to maintain it as we go forward into the future as a contiguous code so that it will be easy for people to know where it exists, to be able to look things up and they will know that what they are reading actually is the true code and hasn't been changed by some other ordinance.

After the first draft of the code was released in 2012 we had numerous public meetings to introduce these important concepts to the public. The public meetings generated over 2,500 comments; this is a good thing. It means that people were really paying attention to what was happening and it's a good thing because it is very important for our future in the county.

After the public comments staff went to work refining the code further, in a lot of cases taking suggestions from the public comments they had received, and the adoption draft of the code, the one that we are considering now, was released in September 2013. There are a number of changes in that adoption draft as compared to the original draft of the code but the fundamental principles still remain in the code. Now, some of those

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changes were based on the comments that were received and some were due to legal considerations that our Attorney brought to our attention and also our consultants.

Since the adoption draft has been released in late September we have had a lot more public involvement, mostly in the form of educating the public, trying to let them know what is actually in the code and also getting feedback from the public. We've had three study sessions. We've also had five community meetings and the last community meeting in fact was last night in Pojoaque. We've had one public hearing already and tonight is the second public hearing for the code.

So where do we go from here? Well, we are going to have that discussion later. We're going to talk about the adoption timeline, so I will leave those comments to a little bit later, but I do want to also let you know how this meeting is going to proceed. First, Penny Ellis-Green will outline changes to the adoption draft of the code that have occurred since it was first released. Steve Ross, our County Attorney will expand on the sand and gravel part of the code as it is now, and then Neil Popowitz, who has been involved in the drafting of first our plan, the Sustainable Growth Management Plan, and our code from the beginning, is going to make a few remarks, first of all, what is important about this code, what is different about it, as compared to what we have now, and he's also going to outline the legal basis for the code. Then we are going to have public comment after the introduction and I will allow two minutes per person, but people who are here can cede their time to another person if they so choose. So if somebody comes forward to speak and somebody else has ceded their time to them, please let us know, please name who in the audience is here and who is ceding their time, and we will allow two minutes extra for you to speak for every person who has ceded their time to you.

Also, I would like to request that people do not make comments at this meeting about the zoning of their own personal property. I would like the comments to be pertinent to the code that we are talking about tonight. The zoning map that we have is only a draft zoning map and that process will occur in the future. So there will be plenty of time for people to talk about zoning as it relates to their own property. But that is not what is at issue tonight. So I would like to ask people to refrain from making those kinds of comments, but you may make any comments that are relevant to the code that is under our consideration now.

And then, finally, we will have Commission discussion and I would just like to request that the Commissioners be considerate of each other. Everyone should have a chance to speak and I will make further comments about that when we get to that point in the meeting. So now I will turn it over to Penny.

PENNY ELLIS GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. I just wanted to start by saying that Steve, Robert, Willie and myself have gone through a lot of the public comments. We have not gone through every single public comment that we received just due to time constraints. So we have in front of you four documents. One is dated December 3, 2013, Adoption draft changes, and that's the adoption draft changes I will be going through today. [Exhibit 1] You also have a copy of the changes that we handed out on November 19th for your information. [Exhibit 2] There's also a list of changes to the official maps [Exhibit 3] and a revised use table. [Exhibit 4]

So I will start by going through the Adoption draft changes, December 3, 2013.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Madam Chair. Penny, so on our desk here we have a document, it's a one-page document. It doesn't have a heading on it except that it says recommended revisions to adoption versions of SLDC official maps. Was this generated by staff or did this come from the public?

MS. ELLIS-GREEN: Yes. That's the official map document that I'll run through after I've done the changes.

COMMISSIONER CHAVEZ: So this will correlate then with the draft map that we have also in front of us, the zoning map?

MS. ELLIS-GREEN: I didn't put the draft zoning map –

COMMISSIONER CHAVEZ: I have one in my packet. I just brought mine with me but it would correlate with the map that you've drafted.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, it would correlate with the official map, which is an appendix to the SLDC. It's not the zoning map. It would be Appendix C.

COMMISSIONER CHAVEZ: Got it. Thank you. Thank you, Madam Chair.

CHAIR HOLIAN: Please proceed, Penny.

MS. ELLIS-GREEN: Thank you. Under Chapter 1, 1.4.2.4, we're taking out some language about legislatively required. If it's not legislatively required. Transitional provisions of 1.11 are being changed. We're adding a new Section 1.11.1, Effect of Zoning Map on Prior Zoning Approvals and deleting what was the 1.11.1, the application for development approval. 1.11.2, the title of this changes, Prior development permits and approvals and language has been changed accordingly in there. The same with 1.11.3, these are permits of approvals with vested rights. 1.11.4, Approved master plans, we're adding in the effective date of the SLDC instead of this ordinance and adding in as described in Section 1.11.1.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Penny, just for my clarification from November 19th to December 3rd are there any changes from this redline version to the current version or are you doing all new comments and all new changes?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, these are additional changes on top of the changes that we have proposed on November 19th.

COMMISSIONER MAYFIELD: My question would be additional changes? Are you changing anything that was proposed to us – let me just go back here to this section right now. So say Chapter 2. 2.1.5.6 that we had on November 19th. I can look at it right but you went really fast so I can't keep up with you. Is there a change? Did you make any changes to what you proposed on November 19th to that verbiage?

MS. ELLIS-GREEN: As I go through this I will try to identify if we're changing what was already changed. There are a couple of sections that do that.

COMMISSIONER MAYFIELD: Okay. Then I will have to ask you to please slow down. This is the first time I've seen the December 3rd document.

MS. ELLIS-GREEN: Okay. So far we're not changing anything that had already been changed.

COMMISSIONER MAYFIELD: Thank you.

MS. ELLIS-GREEN: 1.11.15, the bottom of page 1, Approved preliminary plans or plats, the change is actually on the top of page 2. This was just a typo. 1.11.6, Approved by unrecorded final development plan and plats, a change there saying approved prior to the effective date of the SLDC instead of before the first reading of this amended SLDC. 1.11.7, change in the title to add land divisions, and stated previously approve and platted land divisions and subdivisions and lots created thereby shall be recognized as legally existing lots not subject to the SLDC.

1.15.6.3 is being deleted. 1.17, Enactments and repeals, to say upon the effective date of the SLDC and I believe that that was a change – we hadn't changed that portion of that section but we had previously changed that on November 19th.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you. Penny, 1.15.6.3, Subsequent applications, even though that's been deleted, I'm wondering if it would be good to read that into the minutes and read that for the public because I think it might be worth reading.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, we have handed out some copies of this. I don't know if everyone has a copy, but it is regarding denial: No application for an SLDC text or map amendment shall be received or refiled with the Administrator within two (2) years after the County has denied the application for an SLDC text or map amendment with regard to any portion of the same property. This has actually been deleted because it is covered in Chapter 4, so it was a duplicate.

COMMISSIONER CHAVEZ: Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Penny, could we get it up on our screen back here, just so whoever doesn't have a paper copy can maybe look at it. Or would it take too long.

MS. ELLIS-GREEN: Can you find Robert and get him to do that? We'll have someone go ahead and do that.

COMMISSIONER MAYFIELD: Thank you.

MS. ELLIS-GREEN: Under both Area plans in Chapter 2, 2.1.2, Area plans and 2.1.3, District plans, we've added the same sentence to both of those. It is the intent of this subsection to establish a process for the adoption of an Area Plan directed by County planning staff following the procedures outlined in Section 2.1.4.5 as applicable.

2.1.4.5 added an Area and district planning process to be consistent with the language above. 2.1.5.1, we added in area or district and referenced the same section as we had above. And none of those were changed in the November 19th changes.

4.4.6.2 is a completeness review determination and we added in instead of stating a reasonable period of time, 14 days, which may be extended an additional 10 days if deemed necessary by the administrator. 4.4.6.3, determination that an application is incomplete. We allowed an owner/applicant would be required to pay additional fees if the application is resubmitted within six months instead of within 30 days.

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4.4.9, the typo – I apologize it wasn't highlighted in read but it was at the very bottom. It's just changing from shall to may. 4.5.4, Appeal of a final decision of the Planning Commission, and this is just making it clear that the appeal of the Planning Commission goes to the Board, not back to the Planning Commission. And we took out the word further and again that was not highlighted. It's one row from the bottom. It was not highlighted; we took that word out.

4.7, Hearing standards, special rules, contested zoning matters, we added in land or representing more than 20 percent of the lots.

Chapter 5, Qualifying exempt land division was a typo. 5.6 we took out the limitation. This is covered under a succeeding subdivision section later on in the code. 5.7.4, Endorsements, we took out from a public road. 5.7.9, Preliminary plat amendments, we added number 4, changes to lot numbering or addressing. 5.8.4, Final plat requirements, Dedications, we took out the title insurance requirement. 5.8.4.5, Water permit required for final plat. This is new language that was added in before approving the final plat for a subdivision containing ten or more parcels, any one of which is two acres or less in size, the Administrator shall require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use. That and I believe the next two sections are verbatim from the statute, so that was added in.

5.8.6, Consideration and approval of a final plat, we took out the requirements for bonding or financial security because we actually don't accept those until we're issuing a permit. You get your final plat without that and you have to get that at permitting stage. 5.9, Subdivision, this is under as-built drawings and it basically talks about grading and excavation shall be mulched or protected, and it wasn't relevant in that section. It is covered in our terrain management section.

5.9.5, As-built drawings, we added in to the Administrator.

Chapter 6. We removed the role of SRAs in application review. There's amendment to Table 6-1. This was, Table 6-1 was amendment on November 19th but what we have done this time is add in a new row for development permit for non-residential between 10,000 and 25,000 square foot, and then changed the one below to over 25,000 square foot.

6.2, Preparation and fees, 6.2.1, we took out: All such consultants shall disclose any information as to conflict of interest, and also the reviewing including engaging consultants and for a hearing officer where required as we would have the hearing officer. 6.3 is Environmental impact report. We took out a sentence in there: Should not discuss any project effects and impacts which do not result in part from the project being evaluated. Still under environmental impact, 6.3.8, Significant and irreversible environmental changes, we took out the language: Any and all potential effects on climate change attributable to the development project must be thoroughly analyzed, including necessary mitigation to minimize such effects and impacts.

6.3.10, Mitigation measures. We removed pollution attributed to the project contribution to climate change, water and air pollution. 6.4, Adequate public facilities, we added in existing deficiencies and a statement stating that existing deficiencies would not

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count against a development. 6.5, Water service availability report, we added in: or wastewater supply, took out or a public regulated private system, and added in: Applications requiring use of the County system or a public water or wastewater system, as described on Tables 7-17 and 7-18 and the accompanying text, need only supply the letter from the relevant supplier agreeing to provide service.

6.5.5.2.3, Well requirements, we took out pursuant to a statute reference. 6.5.5.9, Water quality, we took out single or multiple units and within a two-mile radius of the project site, and added in to be used by the project.

Traffic impact report, we've taken out the requirement for fees because that is covered up front. We're reserved that section just to allow us not to renumber. 6.6.3.8, the bottom of page 9, general requirements, we've added in: If applicable, after identifying any deficiency in road capacity as required by subsection 6.6.3.2. of the SLDC, determine, after taking into consideration improvements to be provided through development fees, improvements to be provided by the County through the mechanisms described in the CIP, or through an Improvement District, , how all infrastructure that is required will be provided.

We took out section 6.6.3.15. 6.6.5, Contents, we changed shall to may. The 6.6.5.2, Study area, this is where a TIA would be required to study the intersections, we said of roads classified as sub-collector or larger. 6.6.7, Expiration of a TIA, we've changed from 12 months to three years.

Chapter 7, Residential performance standards. This section 7.3.1.5 was changed November 19th so that's where you can see the underlining and strike-through on the second line there. We took out alleyways approved as part of a subdivision and changed that to a double frontage lot is not created when an alleyway is provided, so it's not considered a double frontage lot if there's an alley. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

7.3.3, Setbacks, we added in from the property line and structures or uses within a commercial or industrial district. 7.4 is Access and easements. 7.4.2.2, Utility easements, we changed from ten feet to 7 ½ feet except where a transformer or other facility is required, in which case adequate provision for that facility or transformer must be made. 7.4.2.3, the Combined access. Unless the utility company dictates otherwise. 7.4.3, Drainage easements, we added in which impact more than one lot. 7.6.4, Landscaping, 7.6.4.2 was a typo. We had landscaping in bold and the landscaping at the end so we've amended that. 7.6.6, Divider medians, we took out all tree planning areas shall have a minimum width of seven feet as it conflicts with the statement above.

7.6.7, Parking area perimeter walls, we require a four rather than a six-foot wall or fence. Table 7-2, minimum plant size requirements, for shrubs we're saying between one and five gallons and up to 24 inches tall. 7.6.8.4, this section had previously been changed. Actually this sentence had not. We're changing irrigation systems may instead of shall. 7.10, Parking, we're stating it's the net usable square footage rather than the sum of the gross horizontal floor areas. 7.10.12, Internal circulation system, we're taking out the requirement to provide parking that you don't have to reverse to get out of since most parking spaces you do need to reverse.

7.10.16, Vehicle stacking areas, the number of spaces. We're just making it clear

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by setting the minimum number of stacking spaces shall be provided pursuant to Table 7-10. 7.11 is Road design standards. Cul-de-sacs, we're taking out the requirement or the statement that they cannot be longer than 500 feet, so it just states they can't serve more than 30 dwelling units. 7.11.13.2, added in an arterial of highway. A twelve (12) foot asphalt or concrete apron shall be required on a driveway that accesses a paved collector, subcollector or local road.

7.11.13.3, Additional standards for non-residential, multifamily, mixed-use driveways, added in or concrete apron. Utilities, added in a statement that utilities serving agricultural operations are exempt from the provisions of this section. 7.13, and we had changed previously some sections on 7.13 so I'll try and cross reference those for you. 7.13.2.3, Readiness. We added in water or wastewater cooperative there. 7.13.2.4, we added in the County or a public water, and took out publicly regulated. 7.13.3.6, we went from 20 years to five years. 7.13.4, we took out or publicly regulated again and we added in (e) a cooperative that is regulated by the PRC. Again, 7.13.4.4, we went from 20 years to five years.

7.13.5, Self-supplied water system, we added in: If the County utility or a public water or wastewater system provides written confirmation to the Administrator that water or wastewater service will not be available for a period of five years, then the requirements of the foregoing shall not apply. 7.13.6, we added in the Administrator may reduce this planning assumption to the actual amount of water expected to be used given the type of construction and use contemplated upon a showing from the applicant that a lesser planning figure is reasonable.

7.13.7, Self-supplied water systems, we added in or contracted and under number 15 we added in as permitted by subsection 7.13.7.4.1 of the SLDC and took out the remainder of that language. 7.13.7.2 is Shared wells and individual wells and we took out the language that states: the water needs of the development are not reasonably anticipated to exceed three acre-foot, no more than four residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed, and the parcel or parcels do not exceed the maximum density specified in the applicable zoning district, and (d) no more than one well will be utilized.

Under number 12 we added in an applicant proposing to develop a single lot existing prior to the effective date of the code using an individual well permitted under NMSA 1978 Sec. 72-12-1 as the water supply, shall not be required to provide a geo-hydro report or a reconnaissance report, but shall be required to provide a copy of the permit issued by the State Engineer, and I believe that that section had previously been amended. What we added though is underlined in black, the second line on the red, permitted under. So we just added, we just made that change there.

Under number 13, again, we reference as permitted by Section 7.13.7.4.1 and took out the remainder of the language. 7.13.7.3, Standards for geo-hydro reports, we added in the proposed development instead of well or wells; we removed that. And we added in: If more than one well will be provided, the Administrator shall determine whether the number of test wells and their locations to adequately profile the aquifer.

Under number 6 we took out calculated 99 year and took out and climate change. 7.13.7.4, Standards for reconnaissance reports, we took out the proposed development will contain no more than four dwellings or parcels and each parcel within the proposed

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development will be no less than 2.5 acres, and added in (f) except as may be permitted by the Administrator.

7.13.8, we added in except for agricultural wells or wells to supply the County water system or a public water system. 7.13.10, Wastewater systems, we changed a shall to a may. 7.13.10.3.2, alternative wastewater systems, number 2, added in system or a public system, removed the rest of the language in that section, but added in an alternative wastewater disposal system shall be used when specified in Table 7-19 so long as, and at the very end, and presented to the Administrator as part of the application.

7.13.11 – this had been amended before and what we had done before is we had taken out both and outdoor, so it just read: Annual water use for the indoor purposes. We've changed this to say Annual water use for domestic purposes. The rest of the language there is what we have proposed on November 19th.

7.13.11.2, we just stated: This paragraph does not apply to gardens or agricultural uses. 7.13.11.3, these changes were made rather than stating gallons per flush for toilets, for faucets. We've stated that they shall be EPA WaterSense certified and carry the WaterSense label, and we've done that for the toilets, the faucets, showerheads, and on the next page, the dishwashers and washing machines, we're just stating that residential dishwashers shall be EPA Energy Star certified or equivalent and residential washing machines shall be EPA Energy Star certified or equivalent.

7.15.3.4, Trail standards, we took out: on lands through which a trail shown on the Official Map, adopted plans or are otherwise recognized by Santa Fe County. We added in number 2, in accordance with the CIP. Added in number 6, natural or other permeable soft surface or may be constructed of four-inch concrete and we took out: including compact crusher fines, brick or unit pavers.

Under 7.16, Protection of historic and archaeological resources, under the Development affecting a registered cultural property, we added in and value for the determination for the beneficial use determination and referenced the subsection of the BUD. 7.16.5, Developments with a high potential for Arc. resources, we added in language from our current code, which is or two acres within a traditional community and in high potential. And under 7.16.7, top of the next page, on page 19, we changed that from high to low, since that's the low section. It was a typo.

7.17.5, Storm drainage and erosion control, we added in: with flows exceeding 25 cubic feet per second during a 100-year frequency storm, 24-hour duration. 7.17.5.2, Under Other development, we added in storm discharge instead of Q. We took out number 5: All land disturbance activity, both within and outside the limits of the Special Flood Hazard Area must provide a Stormwater Management Analysis and it references the old Floodplain Ordinance, which is being repealed and number 6 – we're just removing the reference to the Floodplain Ordinance.

7.16.6, added in drainage facilities, liquid waste systems, and utility corridors. 7.17.7, Disturbed areas, we added in not stabilized by landscaping. 7.17.9, added in areas where slope exceed 30 percent and referenced how you identify what a ridgeline is or shoulder. So we say from a shoulder – the shoulder is the point at which the profile of the upper slope begins to change to form the slope. Added in under number 4, and access roads and driveways. Took out utilities later on in that paragraph.

7.20, under Solid Waste, we took out the manure and the statement referencing Ordinance 2009-11. We added in: All facilities generating manure shall have a plan for manure management which can include: Removal of manure from the property on a regular basis, but not less than monthly, or utilization of a composting system; or spreading or harrowing of the manure on the ground to enrich the soil. 7.22, Financial guaranty, added in the words infrastructure and landscaping, took out the word site. 7.22.2.3, added in acceptance, took out issuance. Maintenance bonds, 7.22.6, took out the final sentence. 7.22.8, Release of financial guaranty, took out the 50 percent requirement and stated releases shall not be more than one per month. Did the same on 7.22.8.2, took out the 50 percent requirement. 7.22.8.3, we had previously made the change of: and the County Attorney, and now under number 2, stating that the landscaping installation to guaranty its survival.

7.23, Homeowners associations. We've got: or contract for added in and we took out the of 15 percent for a late fee. 7.25.5, Development standards –

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: So, Penny, going back to 7.22.6, so on the November 19th document and the County Attorney was added.

MS. ELLIS-GREEN: That was under 7.22.8.3, half-way down page 21, and it was on page 12 of the November 19th document, and the County Attorney.

COMMISSIONER MAYFIELD: Okay. There it is. So it's not also under financial guaranty? It was always in financial guaranty in the old code?

MS. ELLIS-GREEN: This is under the release of a financial guaranty. One of those sections is wrong because it does look like it's the same – it is the same section. 7.22.8.3 under release of a financial guaranty.

COMMISSIONER MAYFIELD: Okay. How about 7.22.2.3? Because it wasn't in our November 19th document.

MS. ELLIS-GREEN: The 7.22.2.3 is the acceptance of the surety bond. The previous one we're talking about was the release of the financial guaranty.

COMMISSIONER MAYFIELD: So just so I understand. So under the current code the Attorney and the Administrator always looked at it, but then upon release, the Attorney never looked at it.

MS. ELLIS-GREEN: Actually, in the current code the Administrator looked at it and accepted it and the Administrator looked at it and released it. So in the adoption version we had already had in there that the County Attorney would also look at the acceptance but we have missed having the County Attorney also sign off on the release. So that's what was changed on November 19th.

COMMISSIONER MAYFIELD: Okay, and then I did – and I'm just going to say it, Madam Chair, I brought up some comments I wanted to look at coming to the Board just so we were aware of this release happening. I don't know if –

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield –

COMMISSIONER MAYFIELD: We'll get to that after. It was brought up at the November 19th meeting.

CHAIR HOLIAN: Commissioner Mayfield, we'll have discussion on these items later on. So Penny, that is consistent now in the current code?

MS. ELLIS-GREEN: That's correct.

CHAIR HOLIAN: In the current adoption draft.

MS. ELLIS-GREEN: So, 7.25.5, Development standards in riparian buffers, we added in consistent with regulations of the EPA and as applicable with the County's MS4 discharge permit as set forth in subsection 7.19.

Chapter 8, under Uses not specifically enumerator, we added in a reference for the LBCS standards and we also added in a statement that if the use cannot be located within the NAICS the Administrator shall make a determination whether the proposed use is materially similar. So we added in just in clarification regarding the land-based classification system.

8.6, these are the residential zoning districts. We added actually the following language to the purpose section of rural fringe, rural residential, residential fringe, residential estate, residential community and traditional community, a statement that reads: Density transfers and clustered development shall be allowed in order to support continued farming and/ or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas. Table 8-13 had previously been amended. This is the commercial neighborhood. What we did there was added density for multifamily density and allows that to be up to 20 units per acre with an asterisk underneath there saying multifamily residential should comply with supplemental use standards in Chapter 10 that we've added later.

Under commercial general under 8.7.1.5, these were changes before. We had these changes in three different areas and I'm not seeing what – there's supposed to be a strikethrough – it's on the second page. The top of page 23. We took out or less, since these are buildings over 25,000 square feet, and we took out – so the rest of the changes there were done last meeting. We took out number 3, the 50 percent of the horizontal length of the façade must have features to reduce the scale and break up. We did that also under commercial neighborhood, and also under mixed-use zoning districts, which gets us on to page 24.

We added into the mixed-use area a multifamily residential density of 15 if it's residential only and 20 if there's at least ten percent commercial use with the same reference to Chapter 10 underneath and we did the same in a planned development district. Table 8-18, for planned development district, we had I believe previously – no, I guess that section wasn't changed previously. We had n/a on both of those so we decided to take those rows out just to clean it up. We added in an 8.11.7, an agricultural overlay and we left that as reserved with the ability to come back and add that.

Chapter 10, Home occupations was just a typo. 10.8 is borrow and we state in there: from a site except removals associated with a grading permit granted by the Administrator. Table 10-2, Temporary Uses, office in a model home, we went from six to 24 months with up to 12-month period renewals instead of the six months. Next page, under 10.9, Temporary uses, we went from one week to two weeks. Wind energy facilities, this was a typo. It said small-scale it was in the large-scale section.

I'm actually going to skip the sand and gravel section and have Steve address that in a few minutes and I'm going to go on to page 28.

A new section 10.21, Multifamily housing, we have some parking standards there for multifamily housing. One space for units with one bedroom or efficiency apartments, 1.5 spaces for two bedroom units, two spaces for units with three or more bedrooms. No

more than 12 units per building and units must have a means of egress separate from the commercial use. No access to a unit shall be through a commercial establishment.

Chapter 12, Adequate public facilities. 12.2.1, we added in: An applicant may expect the County will construct facilities identified in the CIP and applicants are only expected to provide infrastructure and services to the extent the proposed development degrades the expected level of service. 12.2.6.3, we took out advancement of only a portion of public facilities or services shall not be approved if the adopted LOS is not achieved.

Development agreements, we added in a statement: And if a contribution from the County is to provided pursuant to a voluntary development agreement to upgrade infrastructure that is not meeting the adopted LOS. Development fees, we took out language regarding the development fee ordinance for the fire impact fees. On page 30, under Transfer of development rights, allowed SDA-2 to be receiving areas, so changed that in both of those sections.

Affordable housing requirements, 13.2.1 was referencing that 14.1. That was from the old ordinance. The map is now in Appendix E.

Chapter 14, Conditional use permits. We're allowing decrease in a project's size or density, taking out a CUP for large wind energy facilities. That is addressed in the use table. Variances, taking out: This section pertains specifically to the provisions of the SLDC relating to height, area and yard requirements. Under Review criteria, 14.9.7.4, there's a statement that all the members of the Planning Commission, and in parentheses, or the Board on appeal from the Planning Commission. And that's consistent I believe with statute. 14.9.7.6 is a reference to Chapter 7, allowing not to exceed ten percent. Beneficial use determination, there are some changes in that section. We took out: for a development project, added in: or as otherwise provided in subsection 7.16.3.1. Took out: shall be required to exhaust all administrative remedies. Under the Timing, added in: Except for an application filed pursuant to subsection 7.16.3.1.

Nonconforming uses, we added in uses and took out the residential in the title there, so these are actually nonconforming uses and structures. 14.9.9.10.3, Prohibition on reduction of size, we added in: except by application of the principles of accretion or reliction, by court order of competent jurisdictional by application of the principles of eminent domain.

Appendix. Definitions, added in: excluding fences and walls for accessory structures. I believe all the other changes on the definitions, all the affordable housing ones are taken from the existing affordable housing ordinances which we had mistakenly not put in the adoption draft, with one change which is public water system. It now says public water and wastewater system is a water or a wastewater system that includes all of the following: a mutual domestic water association, a water and sanitation district, a municipal water or wastewater utility, water or wastewater system, public or private, that is regulated by the PRC.

So the other changes were all from the affordable housing ordinance. Several changes that we're going to do, we will do a search and replace for impact fees, will be replaced with development fees, and then as we find typos or incorrect punctuation we will correct those as we find them.

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The other two documents, just to run through really quickly is the official map, which is a one-page document. We will be changing the official maps. That will come back to you at the next meeting on December 10th. The word draft has been removed. We have added Sustainable Land Development Code on them. We've added a consistent date of December 2013. Road right-of-way has been updated. Water and sewer line has been updated and then some of the open space sections have been updated. Lisa Roach, our open space planner can address those changes if needed.

The last thing I wanted to address was the use table and we've taken out either structures, buildings, references because this is a use table, so our major change is page 1 is accessory dwelling units, we had it permitted in the neighboring commercial. Since it's accessory it should be an A. Other than changes to the taking out buildings and dwellings in the uses that are listed, there's no changes on page 2. Page 3, I'm not seeing any. Page 4, I'm not seeing any other than again the uses, taking out the word buildings.

On page B-5, again we've done that similar taking out buildings. B-6, we have had changes for commercial greenhouses. I think these were brought forward last time allowing them to be conditional uses in residential fringe, residential estate, residential community, and in public institutional. And then for the stables and other equine related facilities it now reads: All personal use and commercial up to 12 horses. Previously we suggested five. We'd recommend that that goes up to 12. That is allowed as a permitted use in every zoning district now.

The other row had been added on November 19th of the stables and equine related facilities commercial over five horses. That has now been changed to over 12 horses and is allowed permitted in a rural residential area as well as ag/ranch, rural fringe and is conditional everywhere else. Crop production greenhouses, I believe those changes were made the 19th, and then all the DCI for the minings were amended on November 19th.

So if Steve wanted to take the sand and gravel now.

CHAIR HOLIAN: Okay. Thank you, Penny. First actually, I'd like to open it up to the Commissioners if they have any questions of clarification. I would like to reserve discussion till later, but do you have any questions regarding clarification? Okay. Steve.

STEVE ROSS (County Attorney): Madam Chair, after the last meeting we had a lot of comments during the meeting about the mining section, which is 10.19 of the plan. We have made some changes to that section. The principal comment that we received was that we should use Article XI of the current code and just make a reference to that. There are a number of problems with that which I'll describe in a second. First of all I just want to say that this section of subsection 10.19 you can tell just looking through that it's drawn verbatim in many cases from Article XI of the present code. For example, the applicability section. These use sections, the operations plan, the reclamation plan, approval standards, all that stuff is verbatim from Article XI.

There were some sections of Article XI that were not included in the draft, primarily because of the doctrine of vested rights. When somebody in this state gets a permit and acts in reliance on the permit their rights to do what's described in the permit are vested. So in other words if you get a permit from the County – let's say you got a

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permit in 2000 to mine sand and gravel and then proceeded to do so, your right to do that is vested and cannot be affected. There are several sections in the existing Article XI that were contrary to that and they are not included in the draft that you see in front of you.

There were a number of improvements made to the ordinance in the process of rewriting it for the draft. I won't get into them in great detail because we have limited time, but I will say that the supplemental uses that were described in Article XI of the previous code has now been narrowed to related office and material processing uses from industrial and manufacturing related office uses. Don't forget that the task of mining sand and gravel is something that's identified in the use table in only particular zoning districts.

So there were sections in Article XI or language in Article XI that described how you determine where a sand and gravel operation can be located. Those are left out as well because that's handled by the use table. Also in Article XI there were several discussions about the procedure to be used and submittals to be provided in support of an application. Obviously procedures are now handled in Chapter 4 of the SLDC, so there's a common procedure to handle all applications including those for sand and gravel and submittals have been left out of the code because they're going to be the subject of administrative action by the Administrator. In other words the Administrator will from time to time prescribe what you need to submit to have a complete submittal for any particular application and that would include sand and gravel uses.

Also don't forget that any application for sand and gravel mining now under the proposed SLDC is a conditional use, which means that it must have a public hearing before the application can be approved. And it's subject to the reviews and the studies, reports and assessments that we've discussed. There were discussions about these matters in Article XI. Obviously, they're not needed either because these matters are all handled elsewhere in the SLDC.

Let's see if I've covered everything. There was an environmental impact statement referred to in Article XI. That's included as a required study or report. If you cross-reference Table 6-1 you'll see that and you'll also see that the Chapter 6, the environmental report required by that chapter is far more explicit and far more detailed than what was set out in Article XI of the prior code.

Let's see what else is important to mention. There were things like requirements that people conform with New Mexico building, mechanical and electrical codes. First of all, such requirements are state not County requirements. They're required by state law. You're required to do that anyway. The County's pre-empted from making any additional or different requirements so that statement was removed but it doesn't mean that people are free from conforming with those codes because that wouldn't be correct. There's a section that provided for temporary crushers, stackers, conveyors and asphalt hot mix plants for state, federal or local highway projects. That statement was removed for a number of reasons. First of all the County doesn't have any regulatory authority over the state or the federal government in the first place and granting temporary permits to one class of individuals and not other classes of individuals raises constitutional concerns. So we just took it out. So there's no provision in here for temporary crushers, stackers, conveyors, as there's no temporary permit whatsoever permitted if this provision goes forward for any kind of gravel mining or supplemental uses.

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Now let me just run through the changes really quick. If you take a look at Section 10.19, page 26, Applicability. We did some wordsmithing in this paragraph to make it clearer what was being referred to. I don't think we need to go into detail on those requirements. We added on page 27 some additional language to the provision that talks about noise, permissible noise, so it's now proposed to say that you must include in your application a description of the noise to be generated and how you're going to comply with the noise ordinance that's set forth elsewhere in Chapter 7.

We included the statement concerning the regulations of the FAA. Some stackers, conveyors and asphalt plans can't exceed 200 feet which comes from the regulatory jurisdiction of the FAA. This is just a reminder for people that may or may not know that. I think most operators of those types of businesses know that they need to contact the FAA if they put a facility like that up. And then on the next page, page 28, 10.19.4, for some reason this was left out, the provision that required an application to provide water for site control to meet the terms of their air quality permit with the Environment Department. We also added a sentence that specified that an applicant may be required by the Administrator to file a WSAR as well in the event that it becomes necessary to evaluate the proposed water supply. Let's say an operation proposes to use a well. Then probably the Administrator would require an evaluation of the water supply in that circumstance.

10.19.5.4 is intended to remedy a defect in Article XI of the original code and that is a reclamation plan and operations plan retained in this version are required but there was nothing in there that held the applicant to the terms of those plans, in particular a reclamation plan. If you're going to propose to reclaim something we need to have some regulatory teeth to force reclamation of the reclamation doesn't occur and this is the most common problem we encounter with sand and gravel operations is a lack of reclamation. So these are the changes from that and I will stand for questions.

CHAIR HOLIAN: Any questions on the sand and gravel changes?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, yes. Mr. Ross of Steve, now that you've brought up 10.19.4 on Water for site control, I'm just going to assume it's going without being said, if there would be an issue for fire protection, if somebody would overuse their allotment there would not be any issues from the County on that?

MR. ROSS: Madam Chair, Commissioner Mayfield, I'm not sure I completely heard that but are you asking whether 10.19.4 is adequate to study the issue of water for fire protection.

COMMISSIONER MAYFIELD: For safety, public health, safety and welfare. Does this whole section cover that?

MR. ROSS: It does not.

COMMISSIONER MAYFIELD: Do we need to address that separately?
Does it need to be left unsaid?

MR. ROSS: Well, the New Mexico Fire Code does cover that. We could put a reminder in here that the New Mexico Fire Code exists if you think that would be helpful to people. They're subject to that code whether it's stated in here or not.

COMMISSIONER MAYFIELD: We raise the potential of a homeowner or resident getting a fine because they've overused their water allotment for fire protection, would they?

MR. ROSS: Madam Chair, Commissioner Mayfield, they're going to have to disclose, in connection with the permit how much water they have and from what source, so from that we should be able to determine – or if we can't, ask them to explain how it is they're going to provide water for all these purposes. And that's been an issue in the past with these types of operations. We've had a number of enforcement operations, County code enforcement has undertaken with respect to water at these types of facilities.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Ross, in rural New Mexico we have a great fire department, volunteer fire department, but let's say there's a small grass fire and somebody's out there trying to knock down that fire just with their home water supply, their home water source, and they're limited to that .25 acre. Is there going to be an issue with that?

MR. ROSS: Madam Chair, Commissioner Mayfield, I guess you've moved from mining to general water requirements?

CHAIR HOLIAN: Commissioner Mayfield, can we discuss some of the details under discussion?

COMMISSIONER MAYFIELD: We are, Madam Chair.

CHAIR HOLIAN: Right now I would like to move forward with the agenda.

COMMISSIONER MAYFIELD: Madam Chair, Steve has 10.19.4 that he discussed under mining and that's why I brought it up. Okay. Let me go on to borrow pits. That's under mining.

CHAIR HOLIAN: Commissioner Mayfield, we are going to discuss the actual provisions further on in the agenda. Right now, I would like for us to be able to hear from Mr. Popowitz, and then to hear from the public, because I think that our discussion may depend on the kinds of comments that the public make to us.

COMMISSIONER MAYFIELD: So borrow pits are under the mining section.

CHAIR HOLIAN: Do you have a – right now, I'm trying to limit our discussion to points of clarification.

COMMISSIONER MAYFIELD: Okay, Madam Chair.

COMMISSIONER CHAVEZ: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: Commissioner Mayfield, I have a list of questions also but we have a section in the meeting on the agenda later on for Board discussion. I'm saving all my questions and comments for that portion so that we can accommodate the public know and still have time later for any questions that we may have. So if you could track with me on that I think we have time for those questions.

COMMISSIONER MAYFIELD: And that would be fine. Let me just ask this, because I see that our meeting was to start at 4:00, so when are we planning on concluding this meeting? We have a big public here. I want to hear all their questions, but I also would like to get mine answered. So when are we planning on concluding this meeting?

CHAIR HOLIAN: Commissioner Mayfield, I believe it's noticed until 8:00. I'm certainly willing to keep going as long as you want.

COMMISSIONER MAYFIELD: Thank you.

CHAIR HOLIAN: Okay, so now what I would like to do is to invite Mr. Neil Popowitz to come forward and to give a few general comments about the philosophy of this code, how it's different than what we have and also to talk a little bit about the legal basis for exactly why we have rewritten our land development code. Mr. Popowitz.

NEIL POPOWITZ: Thank you, Madam Chair. Good evening, ladies and gentlemen. As you know, I've been involved with my partner, Bob Freilich, in putting together the plan and this code pretty much since the County decided to do this. So I was asked to come here this evening and talk a little bit about this new code and so what I really want to say is to understand that as you know, the general plan was passed about two years ago and the purpose of this code is to provide a regulatory system for that general plan. So if you think about the plan as sort of a constitution of how the County is going to go moving into the future then the code is the law that implements that plan/constitution. And just as in the constitution, the laws have to be consistent. The code has to be consistent with the general plan and in fact it's state law that this code be consistent with the general plan that's been adopted by the County.

So the old code, which predates the general plan is not consistent with that plan and therefore has to be replaced under state law. This new code was specifically drafted to be consistent and I think we're pretty confident that it takes the plan that was put together – certainly a lot of effort went into by a lot of people and implements that plan in a consistent way but in a very specific, organized way. So the code, I like to say is actually a very fiscally – the plan and the code together are actually fiscally conservative documents because what they do is they're going to save this County and therefore the taxpayers a lot of money over the 18 to 20 years that this plan has been put into place.

The new code is going to promote sustainable development. It's going to protect open space. It's going to protect agriculture and ranching. It's going to protect the County's water supply and the County's infrastructure and it installs a quasi-judicial development process that protects the County from expensive and excessive litigation related to land use, and it's also going to provide developers with a process that moves applications through the system in a prompt manner. So some of you may recognize that throughout the whole system of going through the hearing officer and the Planning Commission and then this body there are requirements that the County meet certain deadlines and that's so that developers don't end up sitting on the sidelines while their applications are floating in limbo. So this is really good for developers in that sense. They can understand how long it's going to take to get their applications through the system and they can budget for it.

At the same time it's going to protect the County because it's going to require that certain prerequisites take place before development occurs. So for instance, if a development is going to create level of service issues for police, for fire service, for emergency ambulance service, those levels of service have to be addressed by the developer. If the developer is going to raise the traffic in a particular area then those are issues, impacts, in essence, that are going to have to be dealt with by the developer. This

is saving the County money because the County is not going to be required to pay for the effects of the new development and the developer is going to have to pay for those things.

None of this really existed in the old system which allowed in essence if someone could dig a well they could put up almost anything they wanted wherever they wanted without really considering the effect on the County fiscally, the effect on the county environmentally, the effect on agriculture, ranching, etc. So in that sense it's a big improvement.

Also, if you have the draft in front of you you can see that it's very organized. Everything's laid out in chapters. There are definitions. The old system was sort of willy-nilly. There were a lot of – the original ordinance was a number of decades old and then addendums were added at the back and frankly it was quite difficult for someone to understand what addendums went where. It was a big difficult to use and certainly difficult to follow. So this new, organized code is a) consistent with the new plan, consistent with the – and of course provides a system that people can follow and can understand what's required of them, what's not required of them and what the process is to go from point A, filing an application, to point Z, getting the permits and moving forward.

CHAIR HOLIAN: Thank you very much, Mr. Popowitz.

MR. POPOWITZ: It's my pleasure. Thank you.

CHAIR HOLIAN: Now I would like to open this up for a public hearing and so I would like people to start coming forward. And again, if somebody is ceding their time to you please let us know and tell us who is ceding their time so that we can know how much extra time to allot you.

I've had a request here for a short recess so I will call a ten-minute recess and we will reconvene at 5:50.

[The Commission recessed from 5:40 to 5:53.]

CHAIR HOLIAN: I would like to call this special meeting back to order at 5:53.

VII. Public Comments

CHAIR HOLIAN: Now we are in the public comment portion of the code. Please step forward and before you speak please identify yourself for the record.

SUSAN PERRY: Good evening, Commissioner Holian and Commissioner Mayfield and Chavez. I'm Susan Perry. I have the honor of serving as the chair of the Santa Fe City and County Food Policy Advisory council. *[Exhibits 5 & 6]* As an advisory body to both the City and the County of Santa Fe we have an active interest, as you can imagine promoting the future of local food security, protection of agricultural resources, skill sets, and residents' right to farm, because one of the most important parts of a sustainable food system is making sure you're providing infrastructure and supporting that. The work that is being done in the county is an example, to make that happen.

The approval of the Sustainable Land Development Code is a mechanism which we as a county can articulate a clear framework which has definitely been demonstrated

tonight, prioritizing agriculture and leaving space for the cultural, economic, ecological and health related benefits which are associated with that. We have – the Food Policy Council has put together a draft of the food plan which we will be going over in detail with the Commission in January, but we have a few comments we'd like to make on the code as it is currently, its status and some recommendations, and also to thank you for some of the things that we've been working with the County with. So I'm going to have Erin Ortigoza, who is our coordinator speak to some of those specifics.

CHAIR HOLIAN: Thank you, Ms. Perry.

ERIN ORTIGOZA: Madam Chair and Commissioners, Mark Winne will be ceding me his two minutes. Thank you. Through the lens of the food plan for Santa Fe we have in the past work that the council has done with the County Growth Management and Land Use Department, the Santa Fe Food Policy Council is in favor of and fully supports the proposed edits for adoption in the SLCD which were presented on November 19, 2013 and earlier this evening. Those proposed edits include changing the crop production greenhouse in Appendix B from conditional to permitted use in all proposed zoning districts; the amendment of the language in the existing rural commercial district to include language which clearly specifies agricultural business, production, storage and process and permitted or conditional uses.

In light of the presentation this evening we would also like to add to that list that we are approving of, including the addition of the reserved agricultural overlay, which we sincerely look forward to working with you on in the coming months to define the contents of that overlay district, and also, we want to thank you very much for the inclusion of the mechanism of clustered development and the density transfers that would support the continuity and surrounding agricultural land and development at the same time. So thank you very much for those. Moving from the right to farm-based unzoned County code to one that is fully zoned will add costs to agricultural enterprises and to mitigate these costs for Santa Fe County farmers and ranchers it's imperative that this transition in zoning include mechanisms of investment which strategically protect and support our region's agricultural assets amid future development.

We feel that the proposed edits will benefit greatly also. We would like to support a code that includes a set of clear and quantifiable methods of gathering funds from development processes that in turn will be used to invest in agriculture and we request the opportunity to work with the Board of County Commissioners and staff to develop these methods over the next few months and present them as part of the final draft of the code. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Ortigoza. Next.

PAM ROY: Madam Chair and Commissioners. Thank you very much for the opportunity to be here. My name is Pam Roy and I'm a citizen in the county, born and raised here, and also a member of the Santa Fe Food Policy Council. I want to thank you again as Erin and Susan mentioned, including many of the things that we are interested in at the Santa Fe Food Policy Council and as an advisory group to you all. A couple things, as you all know, we'll be discussing our food plan with you all, the draft, and that will be coming up in January. Many of the things that are included in the sustainability plan and also as Erin mentioned, some of the provisions that you all are addressing tonight in the

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code are a part of this food plan, so it is our long-term hope and effort to work with you all in partnership on this.

The other piece of it is, as you did see as well, that we really do want to work and look forward to working with Robert and your staff in the coming months in refining the Sustainable Land Development Code prior to its enactment. And we have a land use subcommittee at the Santa Fe Food Policy Council and we've been working closely with your staff. So thank you very much. We really appreciate the inclusions about food security, about preserving agriculture as a way of life and economic activity in the county, and we were also doing this in coordination with the City so that everything is integrated. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Roy. Next.

CHRIS FURLANETTO: Madam Chair and Commissioners, I'm Chris Furlanetto, 6 Redondo Peak, and I'm representing the League of Women Voters of Santa Fe County. As you know, the League has consistently urged the Board to adopt a strong land development code in a timely fashion and we have not changed that position. At the public hearing on November 19th we learned of some proposed amendments to the adoption draft that we believe will substantially weaken the code and although we haven't had a chance to exhaustively review the changes presented tonight there are a couple of things that have raised some concerns. And I just want to point out three items for your consideration.

The changes proposed to Table 7-17 and 7-18 on November 19th significantly relax the requirements for hooking up to the County water/sewer system or to another public system. This change conflicts with the goals of maximizing the use of surface water via existing infrastructure and correspondingly limiting the number of wells and use of groundwater, and we oppose those changes. The adoption draft limited single-family dwellings to .25 acre-feet of water for indoor and outdoor use. The November 19th changes took that .25 for only indoor use and today's document says that it's for domestic use. That word domestic seems a little vague and if it means indoor plus outdoor perhaps it should simply say that.

The last point I want to make is on 7.13.11.2 on outdoor conservation, where it says the limits for when you can water and the requirement for having a sensor to stop water when it's raining, when it's rained. It just says gardens and that those limits don't apply to gardens or agricultural use. Garden is a very vague term. It could mean my whole yard. It could mean my vegetable garden. It could mean my flower garden, so I think that needs to be clarified. Otherwise, there really is no standard for watering outside.

Thank you for the opportunity to express our opinions.

CHAIR HOLIAN: Thank you, Ms. Furlanetto. Next.

KATHY LEWIS: Madam Chair and Commissioners, my name is Kathy Lewis. I would like to speak to Appendix B, page 6 on the land development code use table, specifically the language that mentions stables and other equine related facilities, commercial, over 12 horses. I live in an area that is residential. The area surrounding me is 90 percent residential, but we do abut an area that under the plan is classified as rural residential and under the latest change to your code use table if someone is proposing this sort of development it is now permitted as opposed to conditional. We would ask that it

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be returned to conditional, which gives homeowners in the surrounding area the opportunity to have notice and also to comment on such a development in our residential area. Thank you.

CHAIR HOLIAN: Thank you, Ms. Lewis. In the future if any of the speakers have handouts, perhaps they could just hand them to our staff and then they could hand them to us.

MICHAEL WEISE: Hi. Thank you, Madam Chair. My name is Michael Wiese. I'm the president of the West Santa Fe Association. We're the neighborhood association that includes Pinon Hills west of 599 and north of County Road 70, and on behalf of our governing board I would like to thank all the County staff and volunteers who have put in countless hours creating this important document that will help preserve, protect, improve and beautify our Santa Fe County for many generations to come. I'd also like to thank the United Communities for working with us together towards the same goals.

Now, while we are very close to finalizing this powerful and long-overdue code there are still many issues that need to be worked out. This is a very complex document and the devil is in the details. These details will have very real and significant impacts on me, my neighbors and all of us in Santa Fe County. We need to take a deep breath and make sure to get all of them right.

Regarding the current draft, we have a couple of points. Chapter 4, we need to change the appeal times from five days to 30 days and simplify the ability to appeal. We need to increase notice requirements for zoning. These are all detailed in the other pages I've given you. [Exhibit 7] Rezoning is a big deal and five days is simply unrealistic and unfair to the neighbors.

Chapter 5. Family transfer abuses have not been addressed. This is a chronic problem and we need an actual solution. Chapter 7, trail surface and width requirement may be inappropriately large and discourage trails in certain areas. Off-road systems should be encouraged and certainly are not. Chapter 10, open space and trail level of service requirements were lowered from the previous draft. If anything, they should be increased, especially trails. This is completely out of compliance with the SGMP.

The maps for SDA areas should become part of the official maps and have a public review process. So should the zoning maps. There needs to be a public comment process about how those are arrived at. This was very good until now but is now being rushed. We understand the pressures to get this thing passed now and that's fine but we need to at least build in an amendment mechanism that allows for reasonable adjustments while the zoning and SDA maps are being reviewed over the next couple months.

CHAIR HOLIAN: Thank you, Mr. Weise. Next.

STEPHEN C. DUBINSKY: Madam Chair, Commissioners, I'm Stephen C. Dubinsky. Can any of you tell me what this piece of work cost the taxpayers in this county, off the top of their heads?

COMMISSIONER CHAVEZ: What it cost or what it will cost?

MR. DUBINSKY: What this book, to get this code written, what this cost the taxpayers.

CHAIR HOLIAN: Mr. Dubinsky, I don't think that's an appropriate subject of discussion. Would you please make your comments about the code?

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MR. DUBINSKY: My point is you don't have a code here. What you have are a bunch of suggestions. Period. I will refer you to Section 14.1.7, Variances. The minute you allow variances to any part of this code you're creating corruption and favoritism that have been in Santa Fe County for 40 years. You need to drop this variance. I've had people in the county tell me they don't support this. The minute somebody gets a something under a variance that's denied to somebody else you're going to be facing lawsuits. Either rewrite this or scrap the variances so that this code applies equally to all citizens across the board, no exceptions.

CHAIR HOLIAN: Thank you, Mr. Dubinsky. Next.

FRANK HERSCH: Thank you, Commissioners. Frank Hersch, Galisteo Planning Committee. I'd like to relinquish my time. I'm very concerned about the means of amending. I relinquish my time to Walter Wait of San Marcos.

CHAIR HOLIAN: Mr. Wait, it looks like you have four minutes. Maybe more.

WALTER WAIT: Madam Chair, members of the Commission. My name is Walter Wait. I represent the San Marcos Association and I guess I also represent the Galisteo neighborhood. This is specifically, 2.1.5, Plan amendments. Two weeks ago we talked about this. I wrote out and the Commission directed the Planning staff to do something about this problem that I had raised which is the plan amendments, that is amending an existing plan, the change that they created only sets for exactly the 2.1.4.5 instead of saying See above. This doesn't alter the problem that is being built into the code that forces communities to go through what could be a three or four-year process all over again to create essentially a required amendment to their already passed community plans. It requires staff support. It requires all kinds of studies and reports which went into the original plan which we would have to do over again, and as you well know, in some cases it's taken three, four and five years to create these plans. We don't want to do these plans all over again for a simple amendment that is being required by this code, especially when you consider what the effects on your own planning staff would be if you have 15 already approved community plans out there and now you're asking them to come back with staff support to make these changes. All at once. That's crazy.

And it won't work and you're going to get the ire of a lot more people than just me. I would suggest that the direction to the County staff be forcefully put upon them to say simply, to strike that requirement under Plan amendments, 2.5.1, which says the proposed amendments to a community plan shall be accomplished through the procedure set forth above and simply say here is the plan amendments that all of the other plans go through. It just makes sense that they do that. I don't understand why they didn't come up with it. I'm pretty upset. Thank you very much.

CHAIR HOLIAN: Thank you, Mr. Wait. Next.

WARREN THOMPSON: Warren Thompson. My mailing address is P.O. Box 236, Santa Fe, 87504. I wanted to ask for some clarification. On the November 19th changes, in section 8.10.9 and .10, the Community College District and the Media District Ordinance were added to Section 8 which is the planned development district. And my question is this. The Community College District Plan has specifics or requirements in there in terms of open space and all of these details are addressed and there's confusion when I look at the table at 10.2.4 – excuse me, 8-18 and 8-19, in terms

of what's going to apply and what takes precedent. Is it what's in the chapter or is it what's in the plan? It seems to me in sections 8.10.3 through 8.10.8 they're reserved for all kinds of different planned districts which will have all of these details in them and that perhaps the details would properly be in those plans and not in this general text of Chapter 8. But I would appreciate some clarification in terms of what applies when there's a conflict.

CHAIR HOLIAN: Mr. Thompson, have you actually talked with our staff about this issue?

MR. THOMPSON: I talked to Robert briefly. He suggested I bring it here for public discussion.

CHAIR HOLIAN: Penny.

MR. THOMPSON: I'm happy to take it up with staff.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I don't follow the whole question. November 19th we did add in the reference to the existing CCD and the Media District Ordinance and so until we've had time, I guess, to go through that and actually write it into this code, which I'm assuming we would do, my understanding is that those ordinances are what applies. Steve is the legal resource here.

MR. ROSS: Madam Chair, maybe we could get the speaker to clarify the question.

CHAIR HOLIAN: Mr. Thompson, could you repeat the question?

MR. THOMPSON: Let's take an example. In Table 8.10.2.4 they have minimum lot size is at 50 feet. In the Community College District Plan they're less than that. You've got open space requirement of 40 percent on residential lots, and then on Table 8-19 you've got 2,500 square feet per dwelling unit of open space. The Community College District has 50 percent open space and so I'm confused in terms of what would apply and how it works. I could keep going.

CHAIR HOLIAN: So Steve, what would take precedence?

MR. ROSS: Madam Chair, that's the reference that Penny was talking about earlier. The Community College District Plan is a special district and it exists now and that's why the reference was included here under 8-18 to that plan. It's like a master plan that applies to that whole district period. You shouldn't be looking at 8.10 for the rules that pertain to Rancho Viejo.

MR. THOMPSON: So, just to be clear, if there's a conflict between what is here and – I should just look to my section that applies to where –

MR. ROSS: Madam Chair, Mr. Thompson, you should look to the existing Community College District Ordinance for the rules that pertain within the Community College District and not 8.10, because that doesn't apply in that area.

MR. THOMPSON: Thank you very much.

CHAIR HOLIAN: Mr. Thompson, does that answer your question?

MR. THOMPSON: It does. Thank you.

CHAIR HOLIAN: Thank you. Wow. We solved something. What do you know?

BILL GRAVIN: My name's Bill Gravin, 113 Ranch Road. Look at horses again, briefly. I apologize for my appearance. At 4:30 today I was out feeding my horses and mucking the stalls. I got a message saying that the matrix table had been changed yet

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again. I'm asking you guys to reconsider the change on the matrix from personal and commercial from five to 12 horses on basically every size lot in the county. I can tell you that after a little bit of weather, I have two horses on five acres. Look at me. It's a mess. You put 12 horses on two acres? Whatever. You guys are going to do what you need to do and I know there's a lot of people who are really concerned about horses. Whatever. I'm one of them but I'm just asking that you reconsider that change from five to 12 on the matrix.

I'm more concerned about the change from a conditional to permitted for the commercial operations larger than 12 horses on rural residential properties. The reason why we were so concerned about this is what I'm trying to do is prevent the kind of fiasco that has happened to me on my property which abuts a rural residential property where there was an unpermitted and essentially illegal operation going on that the County was made aware of, they went through the process, went before the CDRC and were denied. So this is sort of – I don't really understand why it's going back to this but it gives them an open door to have this approved administratively as opposed to just being – given the public hearing, that's all they're asking for is that the public has an opportunity and it goes through the proper channels so that everyone has the same rights.

CHAIR HOLIAN: Thank you, Mr. Gravin. Next.

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, for the United Communities of Santa Fe County. I just wanted to remind the Commissioners and staff that United Communities is composed of neighborhood associations, homeowner associations, mutual domestics, acequia associations, water advocacy groups, environmental groups, and all of our members are coming out of some of our 32 traditional communities and some of our contemporary districts, and each one of those members has a great stake in the county's future and we actually work very cooperatively with Santa Fe County. We're stewards of road cleanup areas, stewards of the Santa Fe River and many adopt-a-road type programs. We do neighborhood watch. We do a lot of things that really help the County and we're kind of the eyes and ears of the County out in the field.

And so we're really looking at this code to help implement the community plans and the community organizations, registered organizations, and we're kind of feeling that that's a little lacking from where the Sustainable Growth Management Plan was. And we'd like to work with staff to kind of beef up those particular areas. Even the 2012 code was a little bit stronger than this particular code is. But thank you for your time.

CHAIR HOLIAN: Thank you, Mr. Mee.

PAUL WHITE: Paul White, 94 Camino Chupadero. Madam Chair, Commissioners, I haven't had a lot of time to review this but I have concerns about the changes in section 7.13.7.3, number 6. They've taken out a calculated 99-year, providing a hydrological report for development and I don't understand why that was taken out. I believe the guidelines for development are [inaudible]. Also climate change was taken out and I think that concerns me. What would happen when we don't have any water from the Rio Grande River for a prolonged period of time? What's going to happen? There's apparently nothing in the code that addresses the event. And if it's gone for seven, eight years in a row, are we just going to continue pumping the aquifer.

I believe that there should be contingency markers in the code that address possible catastrophes like that. I'd also like to address Section 7.10.11.1 which has to do with the amount of water use. I believe this is at .25 acre-feet and in the Aamodt settlement there's quite a bit of a difference. I believe even that allows for .5 acre-feet.

CHAIR HOLIAN: You're off the mike. Thank you, Mr. White. Next.

CAT PARKS: My name is Cat Parks. Madam Chair, Commissioners, I'm here today to represent the Santa Fe County Horse Coalition. Commissioners and staff, I'd like to start by commending you for section 2.2.3. The Santa Fe County Horse Coalition was formed on November 14th after reading that section of the SLDC which allows for registered organizations. I'm proud to say that in less than three weeks we have 400 members and are growing daily. *[Exhibit 8]*

The horse owners in this county and the Santa Fe County Horse Coalition would like to thank the Commissioners, Mr. Ross and staff for making changes to 7.15.3.4 regarding trail standards, 7.20.2.5 and 7.20.2.6, regarding solid waste management, 8.6, adding language to support farming and ranching activities and to conserve open space, and we strongly support the use table pertaining to stables and other equine related facilities and the related changes presented this evening. Thank you for preserving rural character, providing open space and agricultural lands and supporting the equestrian community. Thank you.

CHAIR HOLIAN: Thank you, Ms. Parks. Next.

DR. DEVIN BENT: Dr. Devin Bent, 193 County Road 113 in Nambe. I'm in two capacities tonight. I'm here to present the official map number 5 on behalf of COLTPAC. *[Exhibit 9]* and I want to briefly ask some questions of the staff. In fact they don't have to answer tonight. It may just put them on the record. I'm asking these questions. If you jump down to the table *[Exhibit 10]* you'll see I've outlined things that the Pojoaque Valley traditional code 2008 allows and doesn't allow, and then those in the SLDC has the opposite decision permitted by right, and then there's the two questions there. My question basically is if we don't adopt and approve the overlay community district which of these prevail the day the SLDC goes into effect?

CHAIR HOLIAN: Penny, would you like to address that? The Pojoaque Valley Plan will continue to – it exists, correct? And it will continue to exist. Is that correct?

MR. ROSS: Madam Chair, we're trying to understand the question.

CHAIR HOLIAN: Is your question, if the code is adopted, and then you're saying that if the Pojoaque Valley community does not create an overlay district, what would happen?

DR. BENT: Yes, what would happen? Yes.

MR. ROSS: Madam Chair, the code applies. The community plans are overlays.

CHAIR HOLIAN: And they do not go away. Even – when this code is adopted those plans will not go away.

MR. ROSS: Madam Chair, that's a complicated question because we have a new growth management plan and to the extent those plans are inconsistent with that they cannot exist, by state law. So it's incumbent on us to move quickly through the

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process of getting those plans up to date, getting the ordinances done, getting the assignment of zoning pursuant to community wishes.

CHAIR HOLIAN: And when those overlay districts occur the Board of County Commissioners will approve those. Correct? It will come in front of the Board?

MR. ROSS: Absolutely.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: And preserving Mr. Bent's time, and I know that we have an expert here, Mr. Popowitz and staff, but Mr. Wait brought up a great point earlier. On page 2.14, we have various community districts who have various plans on the table right now. As I've always understood it and even Mr. Thompson with the Community College District, all of these community plans are going to be an overlay for the SLDC plan. But just hearing Mr. Ross' comments, so all of these community plans do not have to go through – and respecting staff's time and County dollars and taxpayer dollars, are we going to be bringing ourselves with year end of work to revise and redo every single community plan again? Are we going to have a simple, expedited process? And I'm going to defer to the expert who's sitting in the front row as to how this works and also our County Attorney. Because I always thought our community plans were going to be an applicable overlay to this.

MR. ROSS: Madam Chair, Commissioner Mayfield, we need to draft an overlay and in order to do the overlay we need to make sure the plans conform to the general plan. So there needs to be a quick – and you're right, the intention is to do a very quick consistency review and get the plans up to date and consistent with the general plan and then do the overlay zoning ordinance. We have a model overlay ordinance that we're going to use for all the overlays and hopefully that will make that process, the drafting process of the overlay ordinances, simpler. But we have a lot of work ahead. We need to get through this step so the people who are working on this can then work on that.

COMMISSIONER MAYFIELD: So I'm just going to ask this and I don't know if Penny wants to comment. So is every community plan out there going to scrapped? Or held in abeyance? Let me put it that way.

MR. ROSS: The ordinances and plans remain in effect with the caveat that I discussed earlier, that any plan has to be consistent with the general plan. You can see from that that there's an issue because what is consistent and what's not? Someone has to look at that make a determination about what's consistent and what's not consistent. That's what the purpose of the review is.

COMMISSIONER MAYFIELD: Well, Madam Chair, and I don't want to be disruptive to this process but I think if we let every single citizen out there who has a community plan know this we might have this chamber and these hallways a little more packed. I'm just going to throw that out there for right now.

CHAIR HOLIAN: Thank you, Commissioner Mayfield. Not to take away from your time, Mr. Bent, but Commissioner Chavez has a question on the same topic.

COMMISSIONER CHAVEZ: No, I don't have a question but just a comment. I think that could be a good thing if we fill these chambers up again. Not to say that we should take this effort lightly, but when it comes to a community plan or a land development plan that we're contemplating, I think that it would make sense for all of us to review our plan from time to time. Steve, in the area district or community plans is

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there language in those plans when they're adopted that suggests that we might review those plans and update them from time to time?

MR. ROSS: Madam Chair, Commissioner Chavez, in virtually all of them, yes, there's language like that.

COMMISSIONER CHAVEZ: Well, that stands to reason in my mind, if we don't want to do that, if we think it's uncomfortable or that it's too painful then maybe we shouldn't have any plan at all for anything and just let the industry or some other force direct the growth in the county and manage the other responsibilities that we're responsible for. So I don't know. I think that I support area, district and community plans. I think they need to be bottom up. They need to make sense for each of those communities and from time to time I think that we have to review those plans. And the only way that we're going to amend them -- you have to review the plan to know where it needs to be amended. So anyway, I'll just leave it at that.

CHAIR HOLIAN: Mr. Bent, I guess I'm going to give a little bit more time. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Well, Madam Chair, and I guess I can reserve comment but it's going to be for Mr. Gold who was out there on the road with a lot of us in all these districts. And David, please just stand up and correct me if I'm wrong. But I think when we were out there in various communities and this question came out from all these communities who have community plan -- is our community plan going to be scrapped by this new code and we said, no. Your community plan will still serve as an overlay that might need some small tweaking or some refinement. That's how I remember it was being conveyed to all these communities, upon approval of the SLDP.

DAVID GOLD: My name is Dave Gold. I'm a contract facilitator with the County working on the SLDC public process. Madam Chair and Commissioner Mayfield, I do remember that the question certainly came up. I believe the answers that were given, basically what Steve just stated right now. You were correct in stating there was a lot of concern about that and I can even say that there was a lot of concern about the community plans being scrapped during the SGMP process. As I understand it right now that's what led to the inclusion in the community plans in the [inaudible]

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Thank you, Mr. Gold.

CHAIR HOLIAN: Mr. Bent, you have 52 more seconds.

DR. BENT: Okay. So let's look at this very first one. If the Pojoaque Valley does do the overlay and we say we want duplexes, can we do that or will we be precluded from doing that?

MR. ROSS: Madam Chair, he's asking another question. Shall I answer it?

CHAIR HOLIAN: Yes, please Steve.

MR. ROSS: Mr. Bent, we talked about this last night. Obviously, yes. We talked about this last night and my answer was the same last night. Yes.

DR. BENT: Yes, we can do it or yes we would be precluded.

MR. ROSS: You can do it or you can not do it.

DR. BENT: Okay. Great. I thought a specific would help very much. So thank you. You were great last night. You also were great. Staff was great. Mr. Taylor is ceding me two minutes so I can make the COLTPAC presentation. I'm here as a

representative of COLTPAC to officially present the official map number 5, the draft, official map number five for open space and trails.

Let me say something about this. COLTPAC also feels – this is an official presentation anyway of the map. The COLTPAC also feels we've identified the need for creation of open space and trails strategic plan for consistency with the SGMP, the SLDC, etc. and we think we would need some additional resources to do it. I'll point out that the original, the actual plan that we have dates from, what? The year 2000. It's 13 years old. COLTPAC has been continually tasked to update it, do reviews of it, etc. We're only a seven-member committee. The committee that did the first plan was a 30-member committee. It had resources and staff and that plan is out of date. So we would just like to see some thought given to providing resources to do a new trails, open space, parks plan. Thank you.

CHAIR HOLIAN: Thank you, Mr. Bent.

ORALYNN GUERRERORTIZ: Hi. My name is Oralynn Guerrerortiz. My mailing address is P.O. Box 2758, Santa Fe, New Mexico. I've got several people who have donated their time, including Sam King, Arthur Fields, Greg Powell, John Parks and Kevin Saunders. Rhonda King also donated her time but she left so I don't know if that counts.

CHAIR HOLIAN: So, Ms. Guerrerortiz, does that mean that you really are going to talk for ten minutes?

MS. GUERRERORTIZ: No, it's 12, but I hope not to talk for that whole time. I will say that I think a lot of changes have been made to the benefit of everything. I want to suggest some corrections still. Tonight you presented some inclusions of cooperative water systems. Cooperatives are not regulated by the PRC and so language needs to be changed to make it clear that cooperatives are not regulated, and it also needs to be added to page 33 of today's comments which was under Public water and wastewater systems. Cooperative needs to be listed also there.

I've given you or it has been passed out to you a list, [Exhibit 11] which most of the things have been actually included already, but the ones that are starred are the ones I'm going to speak to. The first two are related to asking for staff timeframes saying that when a decision is finally made that staff has 30 days to create the approvals of the written findings. Also that when a pre-application TAC meeting occurs that the applicant will within seven days be notified of what the requirements will be, what were the conclusions of that.

I'm of the opinion that you are including impact fees in your new code therefore I don't believe that fiscal impact assessments are warranted nor adequate public facilities and service assessments are warranted. I really strongly believe that should be done by staff and should be part of their fiscal impact fees that people pay, and I feel that those reports would be slanted in a way that won't be appropriate; it really should come from staff and developers should pay impact fees.

A big issue I have is that I think you have a one-size-fits-all for traffic impact reports. Little baby projects are traditionally under the DOT standards do a smaller report. Bigger developments do a gigantic report and I think you should consider doing something similar and I suggest that you use the State Access Manual for your standards. I've requested that you can actually as the Administrator whether an SAR could be

waived and present evidence of why it could be waived, and that the Administrator should have to make a decision.

On page 4, that's just talking about using a DOT standard. I have significant changes suggested on page 6. Where this is coming from is related to your road standards. I think that a lot of the road standards that are in Table 7-12 are urban standards. They are appropriate in high density areas. They're not appropriate throughout the SD-1. They're not appropriate off of Tano Road and some of our smaller roads. They're not appropriate in many areas of our community – the Arroyo Hondo area and other areas that are in SD-1. And so I think that this table should actually be reflected to the density.

So what I have suggested is if there's ten homes on an acre, then yes, these things kick in. Everything else can follow more of a rural standard. Also buried in here are two other things. I think in a subcollector you should only have – I was dropping bike lanes, I think. But I am suggesting that you could put sidewalks and bike lanes separate from the road. I think that's something that people should try to do, not have things right adjacent to the road. We don't have any flexibility in here. So if somebody wanted to have a bike lane 100 feet from the roadway they should be able to do it and not have to build sidewalks and bike lanes too.

Also, you've set very high standards for grades on roads, especially on the driveways and the local roads. What that means is you're going to have a shallower road, you're going to have more cuts. I was the engineer who developed Bishop's Lodge, the Summit, several other projects I worked on. Had we done that under this code we would have had a lot more scars on the roadway. The Fire Marshal approves grades of 11 percent. I don't quite see why we don't do the same in this code. And it really will save the environment and it will look more attractive in our community.

So those are what those suggestions are related to in those two tables. Switching on to page 8, it's good engineering to have, when you have a water line that's not serving a fire hydrant you don't want water sitting in that waterline forever. So you don't have 8" lines in those cases. Dead-end lines are usually four inches and that's what I recommend here. So don't stop good engineering by mandating 8" waterlines. And then on the bottom of that same page, the current code says that in commercial developments cisterns will either be 1.5 gallons per square foot of roof, or they will meet the landscape needs of that development. I'm the Opera's engineer. They have well over 100,000 gallons of cisterns. We're going to be bringing in a new project on that that would require more cisterns. The existing cisterns never empty. They have more than enough water because they don't have much vegetation that's irrigated at the Opera. So I think you should take into consideration the existing code which would allow that you could either use one-month landscaping water budget – right now it just says one month's supply, but I would suggest it should be landscaping water budget.

On page 10, I'm suggesting that instead of reimbursing a developer, reduce their impact fees. There are going to be very large impact fees on some projects. If there is a need for a reimbursement for some reason because they're doing something beyond what is necessary for the project, let's allow that to be a credit to their impact fees. And finally, on the last page, 11, on the overlay zones. It's a statement I made before which is it doesn't make sense to me for a church to be on a 160-acre lot in a rural community. We

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need to be logical on some cases on the big lot standards for projects that don't need huge acreages. So I think that we should at least have community facilities like daycares and churches and things like that allowed to be on 2.5-acre lots which they're currently allowed to do.

And I'm sorry, I said it was my last issue. I do have one more. I personally object to correctional and rehabilitation facilities being permitted on public institutional property. I think if the County government or any government wants to put a prison or a correctional facility anywhere, that should have to go through a public hearing and should not be done administratively. Thank you very much.

CHAIR HOLIAN: Thank you, Ms. Guerrerortiz. Next.

ROSS LOCKRIDGE: Are you still planning to have speakers afterwards?
From the public?

CHAIR HOLIAN: Well, I think after the public input we're going to have Board discussion.

MR. LOCKRIDGE: Okay, but not with the public.

CHAIR HOLIAN: Well, the public can listen.

MR. LOCKRIDGE: Oh, okay. My name is Ross Lockridge and Ann Murray is giving her two minutes to me. We heard this evening from Mr. Popowitz that according to state law the code must be consistent with the plan. We and others, including United Communities are very disappointed to learn this evening that sand and gravel for all practical purposes is contrary to the plan not yet being considered a DCI. I still wish to suggest a proposed compromise on sand and gravel extraction supported by many communities and organizations and that we would also allow the County to permit limited, needed non-DCI extraction building materials of a modest size and still follow the directives of the Sustainable Growth Management Plan.

Consider the operations that are clearly developments of countywide impacts. Needed short-term, project specific operations can be accommodated without the need for a DCI classification. The size and duration of the site would be limited to the project, or if regulations require some specific acreage, near to one year or under a year in most cases would likely be a reasonable timeframe. Such operations would be basically confined and non-expanding. Rolling reclamation should be included so that as material is removed the land is reclaimed.

In general, when a gravel mining operation is to involve potential countywide sales and transport is expanding over a basic source and is not temporary, regardless of size, this kind of operation should be recognized as a DCI and placed under the mining ordinance. Following the directives of the SGMP remains a priority and must be noted in the Sustainable Land Development Code. Section 2.2.6.2 of the Sustainable Growth Management Plan states clearly that sand and gravel mining will be recognized as a development of countywide impact and be subject to the requirements of the existing mining ordinance.

On to a couple of other issues. Concerning 4.4.9, Review and final action by the Administrator, contrary to the claim in 1.4.1, under Purpose and intent, if you search the Sustainable Growth Management Plan you will find that it does not intent time-limited approvals. Specifically under Review and final action by the Administrator, the Administrator should have final judgment on whether, for instance, in a time of austerity

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an agency like the New Mexico Environmental Department has a legitimate reason to request more than a 15-day extension.

Concerning 1.15, the SLDC text amendments or zoning map, again the Sustainable Growth Management Plan does not specify or imply concurrent code text and map amendments be embedded with development applications as again is assumed under the adoption draft's purpose and intent. But applications for amendments to the code and plan under the pressure of a development application is encouraged, specifically in 1.15.2, Initiation.

We recommend language restrictions on text amendments that will, for example, make the text itself prohibit spot zoning decisions. Thank you.

CHAIR HOLIAN: Thank you, Mr. Lockridge.

JAY LAZARUS: Madam Chair, Commissioners, I'm a geologist here in Santa Fe. I have some comments related to section 7.13.7.2, I can work through this pretty quickly with Steve. What I would like to point out here is that language here says that a shared well system or an individual well shall possess a valid license. The way the State Engineer rules and regs are set up, individual wells, domestic wells are not licensed. A license is specific language for a more commercial or agricultural type of use when you file a proof of beneficial use and proof of completion of work which is way beyond what any individual well owner would do.

I'd like to just suggest some language changes where I would say a shared well system or individual well shall possess a valid permitted, vested, adjudicated or license issued by the Office of the State Engineer with sufficient capacity. You can take out the second licensed in that full sentence. I can work on that language with Steve, if you want.

CHAIR HOLIAN: Thank you, Mr. Lazarus. Yes, please do.

STEVE ONSTEAD: Good evening. My name is Steve Onstead. I live in the San Marcos area. I want to address just kind of a technicality. Last meeting, the November 19th meeting, I offered language to improve the water indoor conservation area, which is 7.13.11.2, and Mr. Mayfield, you and I talked about this last night that you would like to see that. This is basically what I said but it has some real technical problems and I thought that since this is the code we're coming down to the final wire we should correct it. To staff, the very first item it says water-saving fixtures shall be installed in all new construction. It should be comma, and remodeling and renovation where a fixture is being replaced.

Then a subset of that particular section is toilets. It's not a new line. So toilets, faucets and showerheads all fall under item 1, because you're confusing fixtures with appliances. So that means that when you go to the next side where you have cross out 3 and have a number 4, that would be number 2 and it would read like the number 1. It would say water-conserving appliances shall be installed in all new construction, and remodeling and renovations where the appliance is being replaced.

And then under item 2 you'd have an a and a b which deals specifically with the dishwashers and specifically with the Energy Star certified washing machines.

CHAIR HOLIAN: Thank you, Mr. Onstead and I wonder if you could sort of submit that in writing to us.

MR. ONSTEAD: I'll do that. Did you want a copy of that?

COMMISSIONER MAYFIELD: Madam Chair, if I may, for any comment that's going to our County Attorney I would just suggest you also cc all the County Commissioners on those suggested changes.

MR. ONSTEAD: Fine. Great.

COMMISSIONER MAYFIELD: At least cc me please.

MR. ONSTEAD: Thank you.

CHAIR HOLIAN: Thank you, Mr. Onstead.

SANDY ANDERSON: Hi. I'm Sandy Anderson, Ojo de la Vaca Road, Santa Fe County. And I would like to address the issue of noise pollution, specifically related to on the Sustainable Land Development Code use table. It's got listed that kennels and commercial dog breeding facilities can be permitted in any of those three rural areas listed. I would like to see that be changed to a conditional permit and look at the neighborhood.

CHAIR HOLIAN: Thank you, Ms. Anderson.

KRISTIN KOEHLER: Commissioner Holian, do you still plan to have public comment after to Board discussion?

CHAIR HOLIAN: Can you identify yourself first for the record?

MS. KOEHLER: Kristin Koehler. I would speak afterwards.

CHAIR HOLIAN: Yes, that's fine, if you want to wait. We are going to have two different public comment periods according to how we amended the agenda. Is there anyone else who would like to address the Board at this point? Okay, so this portion of the public comment is now closed.

VI. Board Discussion

CHAIR HOLIAN: This is when I would like to ask the Board members to bring up any concerns that they might have, any questions that they might have and we can discuss this in more detail. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'm sorry, Madam Chair. We're not doing timeline first?

CHAIR HOLIAN: Well, I think, no. I believe that the agenda was amended. I move the Board discussion above the timeline.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I'll wait for everybody else if you don't mind.

CHAIR HOLIAN: Commissioner Chavez, you had a number of questions.

CHAIR HOLIAN: I don't have too many questions and maybe a few questions and a comment or two. And I may want staff to respond just in a short order to maybe one or two comments that were made by the public. And I guess first I'll start off with this idea of a variance and how that fits into the process. Is that someone's due process or not?

MR. ROSS: Madam Chair, Commissioner Chavez, the variance is required by state law. We have to have one and the criteria that are set out in the code are verbatim from state law.

COMMISSIONER CHAVEZ: So a variance, like anything else, if it's abused and if it's done in a way to disrespect your neighbor or your community then it's a bad thing. But not always.

MR. ROSS: Madam Chair, Commissioner Chavez, courts review area variances, in other words variances of dimensions by local bodies to be within the discretion of the local public body but use variances courts are very harsh on.

COMMISSIONER CHAVEZ: Okay. So I guess that's something that we may have to accept. Maybe not completely, but what's legal isn't always right either, so I think maybe we just have to balance that. The other question I had was already answered and it has to do with the area community and district plan and the notion that we might review and amend those plans where appropriate from time to time.

There was some discussion about – I think there's some competing interest and maybe competing needs in our community and that's always going to be the case. I don't think that has to be done in a disrespectful way either. I think that hopefully there can be a way where we can meet all of our needs and our objectives, but I think that some of them are going to be competing. The need to stable horses and water, whether it's a garden or a field, those are heavy water uses and how we accommodate those is going to be a challenge. Whether we depend only on groundwater or a combination of groundwater and surface water is going to be very challenging today and moving into the future. So I think we're going to have to balance that out.

The sand and gravel interest and the impact that that has on our community, whether it's a large or small operation, I think we need to take seriously and I see that that's one area that maybe still needs to be – maybe there's still a little more work needed in that area.

On page 10, Chapter 7, double frontage lots. This still doesn't flow quite right. Penny, it starts off by saying double frontage lots, or through lots are provided except in commercial or industrial districts. And then it goes on to say or four. So maybe that could just be a period.

MS. ELLIS-GREEN: Yes. Sorry.

COMMISSIONER CHAVEZ: And then you would have the new language that would say a double frontage lot is not created when an alleyway is provided. Double frontage lots may be permitted when creation of such a lot cannot be avoided due to circumstances existing on the property.

You had some suggestions about shared wells and individual wells and I think that staff will need some time to flesh those out and see what makes more sense. I thought some of them were good suggestions, but again, I think it points to the competing interests or needs in our community regarding specific to water.

On page 23 and page 25, the document refers to home occupation but I'm wondering in a mixed-use development or subdivision how would home occupations fit into that scenario? It's something that would be maybe master planned as a mixed-use development. Okay, well then maybe if I could expand on that thought. In a mixed use it says that if its residential only that you have one section for residential uses only but then it goes on to say that if at least ten percent is commercial then something else happens. So is home occupation considered commercial in that scenario?

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, no. A home occupation is on a residential piece of property. It's a home business. So it's operated on a residential piece of property. The difference there is if you're doing a planned development district or a mixed use and you've got all residential type, a mix of residential. So multifamily, single-family, and it's all residential then you use that column. If you've got some commercial uses like some retail uses, some offices, things like that, then you can use the column if there's at least ten percent commercial.

COMMISSIONER CHAVEZ: So that would be standalone commercial development that would be separate from the mixed-use development itself. That's what makes it mixed use, but it's separate from the residential.

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, yes.

COMMISSIONER CHAVEZ: Okay. That answers that. And I think that's really it for now except that I guess I will make a standard comment in that even with this document that we're contemplating passing I would suggest – and it's been suggested already by others but I'll just echo that suggestion. And that is that we have a section that speaks specifically to review, how we review the document, why, and that we make adjustments and amendments to that document and that that be done probably within the first year after its adoption. I don't know if that language is already in there. I know it's been discussed and I would encourage that. Thank you, Madam Chair.

CHAIR HOLIAN: Thank you, Commissioner Chavez. I have a question myself. Is the language in there as to when we might update the code or to review it for update?

MR. ROSS: Madam Chair, I don't think there's a mandatory review but we can review and update the code whenever we want to. Penny's telling me there's a periodic review. Periodically.

CHAIR HOLIAN: It just says periodically.

MR. ROSS: Yes.

CHAIR HOLIAN: Madam Chair, I think we may want to be more specific.

MR. ROSS: And there may be a need to review it more during the first year than subsequent years because we'll find glitches.

CHAIR HOLIAN: Yes. I agree. I think it might be wise to review it within six months of when it is actually in operation for the first time and then maybe yearly after that or some such period.

COMMISSIONER MAYFIELD: Or after the ten variance requests we get, after every ten.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Madam Chair, I'll try to be brief and I'll try not to be redundant on the prior questions that I've asked, so if I could just bring up some points if staff would care to address them, whichever staff member, and I'm going to reserve a few questions, if you don't mind, for Mr. Popowitz at the end. And hopefully I got your name right, sir.

So Madam Chair, I'm going to go through the working document that was handed to us tonight for the first time, December 3rd document and I appreciate all the staff time that's been put into this document and all of the public comments put into this. I have

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tried to keep up with every single email and incorporate them into my thought process also, and I'll provide them to staff also, just so everybody knows that.

But some of my earmarks that I've put or some notes, just as I was going through this document, Mr. Ross and Ms. Ellis-Green. I guess I'm going by page numbers. But on page 4, Chapter 4, just for clarification for me, so this change under Completeness of review determination, and again, hearing what some of the public spoke about tonight, I appreciate what they said that there might be other entities that have to go through their review process. But staff is asking to move this up to 14 days or what's this redline change, Penny?

MR. ROSS: Madam Chair, Commissioner Mayfield, we had 14 days in the original draft. In the original, original draft we had 14 days and then we changed it at some point prior to the release of the August draft to a reasonable period of time. Now we're proposing to change it because we got a lot of comments about the potential for an endless completeness review. The problem is that applications are not created equal. Some applications for very simple things will be very small. Other applications for very complex things will be huge, and determining whether a huge application is complete is obviously going to take a lot more time than determining whether a simple application is complete. And that's why we changed it to a reasonable period of time. But we have had a lot of comments that it can't be open-ended and I agree with those comments. So we're proposing that the Administrator have 14 days to review applications unless the Administrator decides that additional time is needed in which case the Administrator would have 24 days.

So that seemed to be a reasonable way to address both concerns, both staff concerns about highly complex applications and the public's concerns about keeping the timeframes under control.

COMMISSIONER MAYFIELD: Fair enough. But just from questions I've brought up and brought up to you and the concerns of my constituency, if it's a developer that's bringing an application and/or just Jane or John Q. Public that are bringing in a simple permit application and if that process is going back for administrative lag time or just because they missed to cross a t or dot an i and there's some missed communication with staff, how is that administrative lag going to play? And then, I'm going to ask how this plays out, so with our fire code or our fire review. Because after it gets through out Land Use Department, well, then it has to go through our Fire Department, our fire code review, and then that starts the whole process all over again. So is this in combination with our fire code review or is this totally separate? Can somebody have that reasonable expectation that if I get everything done right and I have my application submitted timely, it's going to go through land use review and fire review.

MR. ROSS: Madam Chair, Commissioner Mayfield, the first question was how is a simple application going to be processed. The application, a simple application would be processed for completeness within 14 days. You see the word complexity in the second clause of the sentence. A simple application is not a complex one so the Administrator would have no justification to extend the 14 days by an additional ten days if it was a simple application. So I don't think that you're going to see completeness reviews of simple applications even going to 14 days.

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The second question, the fire code, the New Mexico Fire Code has independent timelines in it. Those are for fire permits, fire inspections, things like that. They don't necessarily relate to the land development code. We have been requiring a fire review as a result of the land use process but it's not in here because it's not required by state law and applicants have an independent obligation to deal with the Fire Department on fire issues. It's not going to be much of an issue except in a commercial development anyway but a development permit issued by land use office, the applicant needs to go over there and make sure that the Fire Department is satisfied about it but that should save a lot of time. We currently experience large delays in fire reviews as a part of the land use process. That's not in here so that potential for delay should be minimized or eliminated.

COMMISSIONER MAYFIELD: So, Madam Chair, Mr. Ross, so then I guess we at this bench could just pass a resolution that fire review and land use review will happen at the same time and they can have maybe a team meeting on a permit review at the same time?

MR. ROSS: Madam Chair, Commissioner Mayfield, that's what the TAC is. The TAC includes representatives of the Fire Department.

COMMISSIONER MAYFIELD: Okay. So going down to 4.4.6.3, Determination if that application is incomplete. Is that going to roll up to 4.4.6? If it keeps rolling back and forth, does staff get an additional crack at 14 days once it's sent back to that applicant for incompleteness? Then does that clock start all over again?

MR. ROSS: Madam Chair, Commissioner Mayfield, 4.4.6.3 doesn't have timelines in it. It's just – it's a discussion of the ramifications of a finding of incompleteness.

COMMISSIONER MAYFIELD: But you still have to get it back to that applicant timely to let them know it's incomplete. Correct?

MR. ROSS: Madam Chair, Commissioner Mayfield, I don't understand the question.

COMMISSIONER MAYFIELD: Maybe I'm reading it wrong.

MR. ROSS: 4.4.6.3 says what happens when an application is deemed incomplete.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: It doesn't have any timeframes in it. So if within that 14 days an application is deemed incomplete then the applicant can look at 4.4.6.3 and see what their options are. One option obviously is dealing with the item that wasn't found to be complete and resubmitting the application. You see the change there – I thought that was a good suggestion from somebody who commented that applicants not be required to pay additional fees if they resubmitted within six months.

COMMISSIONER MAYFIELD: I see it, Steve. Thank you. So on page 5, Endorsements, 5.7.4, and I'm going to speak primarily to District 1, knowing that once you hit Santa Fe Hill I'm going all the way through the City of Espanola, you are within the external boundaries of five pueblos. So this application – let me just read it. The application shall provide proof of legal access to the property, and you struck: from a public road. So when applicant X brings in a development permit. So is a title policy going to be sufficient for the County to issue somebody a development permit, or what are they going to have to do now to say, hey, I'd like to build on my piece of property?

MR. ROSS: Madam Chair, Commissioner Mayfield, a title policy would be excellent proof. Another item of proof that's commonly used is to bring in the white map book to show that it's a public road that you're accessing.

COMMISSIONER MAYFIELD: But you guys struck from a public road.

MR. ROSS: The relevant phrase is legal access. And the reason it was struck is because a lot of properties in this county are accessed from private roads. A lot of subdivision roads are private roads. So if you're going to access on the far side of a subdivision that contains a private road, so long as you can make an agreement with the people living in that subdivision, the owners of that property, to access your property from their road you'll get an easement from them and that's what you would bring in.

COMMISSIONER MAYFIELD: But Steve, I'm going to bring this up right now. It's just going to be brought up. So let's talk about the potential of any County roads that are in potential trespass. And we've spoken about that many, many times in District 1. So if somebody wants to develop a home or are permitting for a home development and you know have struck and out of here from a public road. And you're asking folks to get proof of legal access to that property. They're saying, look, I live off of County Road X. This is County Road X that you guys maintain. Here's my proof. I pay my taxes and this is the County road I'm coming off of. That is not going to be sufficient to get issued a development permit?

MR. ROSS: Madam Chair, Commissioner Mayfield, it will be sufficient.

COMMISSIONER MAYFIELD: Can you put that back in there and unstrike that language please.

CHAIR HOLIAN: Commissioner Mayfield, it seems to me that they're making it easier for people to prove that they have access. You know, like for example, there are a lot of subdivisions in my particular districts, Apache Ridge is one, where all the roads are private. They're not public roads. But if somebody can prove they have access off of one of those non-public roads, a private road, they can go ahead and build. In other words, this is easing up the restrictions. It's not making it harder.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: So if they prove they have access off of public road, no problem. It's just enough to prove they have access.

MR. ROSS: Madam Chair, you are correct. That's at least what was intended. We'll look at the language and make sure – it wouldn't be fair of us to impose on applicants the burden of the defects in the Pueblo Claims Act that is a problem in your district. It wouldn't be fair. So we're not doing that. We're not proposing to do that.

COMMISSIONER MAYFIELD: And you and I both know, Steve, there's a lot of issues going on with that.

MR. ROSS: Yes, and Commissioner Mayfield, Madam Chair –

COMMISSIONER MAYFIELD: That all my colleagues may not be aware of.

MR. ROSS: And we're going to try and resolve those issues but they're not issues for a developer or a property owner to resolve.

COMMISSIONER MAYFIELD: Thank you. So if we could please address that I would appreciate that. Bear with me, everybody. Please. Okay, I'll speed through this. This was brought up by a lot of folks. 7.3.3, Steve, and I think we're on –

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Madam Chair, excuse me, Mr. Ross, page 10. Just on commercial and industrial zone, you guys have now added from the property line. So we just – what was that addition for? Just to establish that's exactly where we're going to start from?

MR. ROSS: Madam Chair, Commissioner Mayfield, yes, we have to start from some point.

COMMISSIONER MAYFIELD: Okay. And now, going back to access and easements, just the provision right under 7.4.2.2, Utility easements. A typical utility easement, is it five feet? Or is it five feet on each side? And let me ask this. If I have a private – and I'll use me as just an example. So if I have a – not a private easement but if I have an access easement from my utility just to provide service to my home, a drop to my home, I'm going to give that utility company 7.5 feet easement on my property just to service my home on an established plat?

MR. ROSS: Madam Chair, Commissioner Mayfield, if you have a plat there's already a utility easement shown on the plat, so you don't have to give them anything; it's already there.

COMMISSIONER MAYFIELD: Yes, but it's not 7.5 feet. So I'm going to be saying I ain't going to plan a shrub here; I'm not going to do anything. Am I reading that wrong?

MR. ROSS: Madam Chair, Commissioner Mayfield, 7.5 feet is what PNM requires. Typically on our plats –

COMMISSIONER MAYFIELD: I thought it was five? It's not?

MR. ROSS: Seven and a half. So typically what our plats show, at least historically, is a ten-foot or 15-foot utility easement, which is more than adequate for PNM. So the suggestion was, and it was a good suggestion, was to reduce it from ten feet to the minimum that PNM requires.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: Except for other facilities that may be required to serve your house like a transformer.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I had a question to that because I think, Steve, this raises a question in my mind. Is there a difference between a utility easement and a yard setback, a property yard setback?

MR. ROSS: Madam Chair, Commissioner Chavez, yes, but they can be coincident.

COMMISSIONER CHAVEZ: Okay. But they could be different?

MR. ROSS: It counts, your utility easement that's granted to the utility as a part of your yard setback.

COMMISSIONER CHAVEZ: But I think some setbacks might be a minimum of five-foot setback, or seven, but then I think a utility easement is specific to seven or ten.

COMMISSIONER MAYFIELD: Okay.

COMMISSIONER CHAVEZ: So I think there might be some language in there that might be specific to other setbacks that might help clarify this.

COMMISSIONER MAYFIELD: Fair enough. And then, Madam Chair, Mr. Ross, just for all of our acequia users throughout the county, in our code we just need

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to make reference that acequias are entitled to their easements. Laterals are a different story. But if an acequia is running through an existing piece of property I believe they've got five feet on each side of that acequia. Do we need to make reference into our code on that?

MR. ROSS: Madam Chair, Penny's looking that up to see if we have an acequia setback. We have I know in some of the community plans where there are quite a few acequias. Like I think there's some reference to acequia setbacks in Pojoaque and for sure in La Cienega. We're not seeing it so it's something maybe we would add.

COMMISSIONER MAYFIELD: Or at least we reference New Mexico State Statute on acequia easements please. I'd just be happy if we at least make reference. Let people remind them they've got a nice little acequia branch on their property. Don't cover it up, please.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's a good suggestion and we're going to do something about that. Penny's writing.

COMMISSIONER MAYFIELD: Don't change the course of it because you want to move your road through it, your driveway a little differently, or plant trees along the acequia because you shouldn't be planting trees along that acequia either. Thank you.

So, Steve, let's go to road design on page 12. Let's go back. Let's go to 7, and I brought this up last night, Mr. Ross. Let's go to 7.5 – I'm going to go through this and I'm going to go through the code so I'm going to jump around a little bit. I'll be brief. So, Mr. Ross, Madam Chair, 7.11.13.2, Additional standards for residential driveways. You have provision 3, a 25-foot asphalt or concrete apron. I heard Ms. Guerrerortiz speak a little bit but have we always asked for anybody abutting a County road to have to put an asphalt apron to their driveway in our current code?

MR. ROSS: Madam Chair, Commissioner Mayfield, I think it's in our road standards but it's not in the current code. The current code refers to our Public Works standards which are not in the code.

COMMISSIONER MAYFIELD: So now we're going to tell folks that they have to either put a 12-foot asphalt or concrete apron. That's a pretty big expense. And that's on a dirt road.

MR. ROSS: Madam Chair, it's for arterials or highways only.

COMMISSIONER MAYFIELD: Okay.

MR. ROSS: An arterial would be 84-B.

COMMISSIONER MAYFIELD: Yes, that's what I was going to say. So what's going to be a definition of an arterial? Again, I'm not saying urban versus rural; I want everybody to know that, but there's rural parts of the county. So for me, District 1, what would be arterial? Would it be all of 84? Would it be –

MR. ROSS: Madam Chair, Commissioner Mayfield, it's based on traffic, but my guess, knowing your district 84 is probably a good example of what might be considered an arterial.

COMMISSIONER MAYFIELD: So knowing that the County, arguably, passes all these rules and enforces them on everybody out there in the public, but we, arguably don't have to abide by these rules because we're the County. So we are now doing the construction project on the Nambe Community Senior Center, and we are

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changing the road configuration off of Highway 76. So does that mean now that that road is going to have to have that 12-foot or 20-foot apron of concrete or asphalt to access that road?

MR. ROSS: Madam Chair, off the State Road 76?

COMMISSIONER MAYFIELD: Yes.

MR. ROSS: I'm sure that's state specifications. We will have to provide an apron up to the point where the right-of-way is reached.

COMMISSIONER MAYFIELD: Okay. I must have flagged that one. And we've never asked for this before in our current County code?

MR. ROSS: Madam Chair, Commissioner Mayfield, it's not in the code but it's referenced in the code.

COMMISSIONER MAYFIELD: Madam Chair, so if somebody didn't do it they would receive their certificate of occupancy from us?

MR. ROSS: Madam Chair, Commissioner Mayfield, we don't issue certificates of occupancy.

COMMISSIONER MAYFIELD: They'd just show it on their plan and say [inaudible]

MR. ROSS: I'm not sure that we police those kinds of things.

COMMISSIONER MAYFIELD: Okay. Because then – let me go down to 7 then. Help me under that. Additional standards for non-residential and multifamily and mixed-use driveways, and we have now 7 or 50-foot asphalt or concrete. So that's even bigger. I'm on page 13 now, Madam Chair, on the handout.

MR. ROSS: Madam Chair, that's for commercial.

COMMISSIONER MAYFIELD: Oh, that's for commercial?

MR. ROSS: Yes. Like the dollar store.

COMMISSIONER MAYFIELD: Okay. Thanks. I guess same point.

Shared wells, I appreciate that comment being on shared wells because we don't have to possess – and I was going to bring that up, but Steve, you don't have to possess a valid license. Just go get a permit from the OSE.

MR. ROSS: Madam Chair, Commissioner Mayfield, we're trying to weed these little problems out and I appreciate Mr. Lazarus bringing that one up.

COMMISSIONER MAYFIELD: Just help me, because, again, I don't know if we're going to get to talk to the public on this, where we'll be on December 10th on passing this or not. But this has just been my dilemma or my pickle coming to December 10th. We pass this, hypothetically right now. I'm not saying what we're doing or what we're not doing. When something like this comes up that we've missed, and we've put this as condition, so how are we – I mean it's not an errata notice. It's not an errata fix. How are we going to make these changes? Are we just going to say, whoops? Are we going to come back in here and have to notice a whole meeting and do a whole notice to an ordinance change because we've approved the code? We've approved the Sustainable Land Development Code? Are we going to have to go through two more public hearings because this is a pretty significant – I'm not saying it's a bad thing. I'm glad we're going through this public process. This is a pretty big miss. This is a pretty great catch.

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MR. ROSS: Madam Chair, Commissioner Mayfield, so the process for amending this, number one, you alluded to one of them, the Administrator has some discretion to declare something in error, but two, if there's a serious error or something needs to be considered, what we will do, the process will be to put it on the agenda for authorization of title and general summary. If you grant that the change that's proposed at that point could be administered by the administrator prior to the date that the ordinance is formally adopted should that need to occur.

COMMISSIONER MAYFIELD: Okay. Thanks.

MR. ROSS: So we hopefully wouldn't have to hold up somebody's application if it hinged on an incorrect word or a problem that resulted in the code. I expect we're going to be back in front of you a fair bit the first year fixing these kinds of little glitches as we find them.

COMMISSIONER MAYFIELD: Right. Thank you. And then I think I spoke earlier, Madam Chair, so I won't bring that up, but it was on 7.22.2.3 and then on 7.22.8, just the release of the financial guaranty. My comments from the 11/19 meeting, if you guys could just consider the incorporation of those I'd appreciate that. Or maybe it was .22.8.3.

Madam Chair, I'm just going to bring this up, and I think, and I'm going to get your name wrong. I apologize, sir, but Mr. Onstead, and last night we had a great public meeting out in Pojoaque, and not to relive the whole HERS. But as far as for an entry market buyer, Steve or staff, I'm just going to ask you guys right now. What is the median income of Santa Fe?

MR. ROSS: Oh, boy. Madam Chair, I might have had that figure in my head a while ago but I don't have it in my head right now.

COMMISSIONER MAYFIELD: Okay. But again, when we're looking at Santa Fe County as a whole, there's southern Santa Fe County, there's metro Santa Fe County, there's northern Santa Fe County. So when we're averaging out median income and I've been educated a lot by Commissioner Holian and by a lot of folks on this HERS rating, and I know I've asked for an appendix. Ms. Ellis-Green said, well, Commissioner, can we do something a little different? Okay. But I still think maybe we need to reconsider what this threshold should be of going a little higher than 120 percent of median income so that some folks are not put out of qualifying for some of our money to obtain what Commissioner, you would like them to attain.

CHAIR HOLIAN: Commissioner, you're talking then about getting help from the County for energy efficiency improvements?

COMMISSIONER MAYFIELD: To try to obtain these energy efficiencies, because I don't know if 120 percent's going to cut it for a family of four or five, maybe making \$65,000 a year, \$70,000 a year. They might be just right above that threshold and they may not make that means. So I just would ask you guys to look at that, maybe look at taking that up to 140 percent of median income.

CHAIR HOLIAN: Steve, are there any laws regarding that? I know that the County can help out people who qualify as low income or are in that category, but what if we were to redefine, in essence, what was low income as far as we were concerned? Can we even do that?

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MR. ROSS: Well, Madam Chair, that's the Affordable Housing Ordinance so we have some flexibility to do that. But the statute has some restrictions in it that I don't have in my brain right now.

CHAIR HOLIAN: So you would have to research that, correct?

MR. ROSS: Yes.

COMMISSIONER MAYFIELD: Madam Chair and Mr. Ross, what if it was specifically for a HERS-built home, if that's where we said, look this will be the provision where we would allow that financial assistance?

MR. ROSS: Madam Chair, Commissioner Mayfield, under the Anti-Donation Clause you can provide that kind of assistance only through affordable housing programs, so it would have to be something like the Happy Roofs program and the affordable housing program itself. You'd have to include it in that program to be able to provide a donation.

COMMISSIONER MAYFIELD: If you could just ponder it over the next week or so I'd appreciate that. So really quick, on page 95 of the, I guess October 13th draft of the code. If you guys have modified this at all please just let me know. So, and Mr. Ross, we spoke briefly about this last night and I spoke with Ms. Ellis-Green about this, just help me with flag lots are prohibited. 7.3.1.6. I can't speak for every community in Santa Fe County but I can tell you the northern part of Santa Fe County, that's traditional use, ¾ acres, there are a lot of flag lots.

MR. ROSS: Madam Chair, Commissioner Mayfield, we have a solution for that. Penny is going to describe it.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, we could use similar language as we did on page 10 for double frontage lots and say that flag lots may be permitted when creation of such a lot cannot be avoided due to the circumstances existing on the property.

COMMISSIONER MAYFIELD: Okay. Thank you. And I'll breeze through this, Madam Chair. Madam Chair, Mr. Ross, and I think there were some great comments in the audience and even last night as far as our trail standards. I think all of us want trails for everybody. I just think throwing asphalt on every single trail 20 feet wide is probably not the most conducive thing to do. So I won't touch that one.

MR. ROSS: We're working on that. Thank you.

COMMISSIONER MAYFIELD: I'm bringing this up and I know the chair asked me maybe not to make stuff specific to a residential neighborhood or a district or I am, but on architectural standards and appearance standards, because this was an issue that all of dealt with on this bench, recently. On 7.17.9.4, we still have a mixed-use community in Santa Fe County. I think that's the beauty of Santa Fe County. It's not just tract. It's mixed use. There's different aesthetics and everything. So when we're talking about roof colors and windows and walls and façade colors, and it's visible from adjacent properties, what is it? Do you guys just want to tone it down? Are you going to tell people – are you trying to put in our own covenants of what people can have and what they can't have?

MR. ROSS: So, Madam Chair, Commissioner Mayfield, this section applies to steep slopes and the intent of this section is to keep houses that are located on

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steep slopes and otherwise very visible to their surrounding areas as invisible as possible. This has been part of our code forever.

COMMISSIONER MAYFIELD: Okay. But now I'm going to go back to the HERS. So what if that steep slope has to be maybe southern facing, maybe to take advantage of some windows to obtain that HERS rating too?

MR. ROSS: Right. What this does is say that a house facing south on a steep slope has to be disguised to the extent feasible as described in here. So you're using earth tones, you're breaking up the façades so they're not easily visible. You're avoiding reflective roofs, things like that so that even if you know where to look you can see it, it doesn't just leap out at you.

COMMISSIONER MAYFIELD: Okay. Thank you. I think I only have one more tab, Madam Chair. You'll be happy. Okay, Madam Chair, Mr. Ross, I think you alleviated some of my concerns of accessory structures. We allowed fences to go up on properties now so somebody can at least fence in their property without us saying no.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, I believe that was added to the definition, stating that an accessory structure does not include a fence or a wall.

COMMISSIONER MAYFIELD: Height standards. You can't erect a 20-foot fence with that barbed wire around it, right? What ever it's called – rip wire? Okay. Madam Chair, and I appreciate the public's patience with me. I think that's all I have for now.

COMMISSIONER MAYFIELD: Thank you, Commissioner. I believe Commissioner Chavez has another question and then I am going to call a short recess before we come back to discuss our future schedule. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you, Madam Chair. I guess I'm going to first ask, we were provided a document, recommendations from the COLTPAC committee and I'm wondering, have those already been incorporated into the document?

MR. ROSS: Madam Chair, Commissioner Chavez, no, we just got those just now at the meeting.

COMMISSIONER CHAVEZ: Okay. So I just wanted to reference that, because there was some discussion on that topic. And then, let's see. Impact fees versus development fees. Explain that again, Steve. Why we're using development fees instead of impact fees. I think it's semantics but it's going to be doing the same thing, right?

MR. ROSS: Madam Chair, Commissioner Chavez, in New Mexico the statute refers to them as development fees but everywhere else they're called impact fees. They're the same thing.

COMMISSIONER CHAVEZ: It's one and the same. And then the fire impact fee will stay the same?

MR. ROSS: That's correct.

COMMISSIONER CHAVEZ: Not going away or being modified or anything. Okay. Thank you.

COMMISSIONER MAYFIELD: Madam Chair, I do have a couple other things.

CHAIR HOLIAN: Commissioner Mayfield, would it be possible to have a break?

COMMISSIONER MAYFIELD: I just wanted to ask Mr. Popowitz my questions.

CHAIR HOLIAN: We have to all be here due to the fact that we need three of us for a quorum. So I am going to be forced to call a short break of five minutes.

[The Commission recessed from 7:35 to 7:45.]

CHAIR HOLIAN: Commissioner Mayfield has a couple of questions and then we will have discussion of the schedule going forward. Oh, Commissioner Chavez has a couple questions too. So first of all I will ask Commissioner Mayfield, and then yield the floor to Commissioner Chavez. Then we will discuss the schedule going forward and then I will take final public comment. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Well, Mr. Ross walked out so I'll ask him a question after. So, Mr. Popowitz, just a general question for you. In your opinion, of course, because I've heard staff's opinion on this one. So Santa Fe County now has the code in front of us and we've heard a lot of comments from the public. And it's gone through a refining process. And I understand it's been a very lengthy process and we've gotten to a great product. I still think there needs to be some tweaking as you've even seen tonight. That's my personal opinion. Of refinement. But I also believe that we don't have a zoning map in front of us, and I've been told, well, you can't have the zoning map and the code come out at the same time. Maybe that's New Mexico statute. And I take it that you do this for other areas throughout the country, not specifically just New Mexico.

MR. POPOWITZ: Of course.

COMMISSIONER MAYFIELD: This is specific for New Mexico. So what's your opinion on this? Should we wait till we have that zoning map in hand before we weigh this out or just weigh this out and wait till that zoning map comes out?

MR. POPOWITZ: Well, my understanding is the map is going to be based on the code, so I don't know that you can have a map without having a code. Now, I'm not involved in the map aspect of this project, so I can't speak to it specifically but I understand from talking to Mr. Ross that that's in the works as we speak.

COMMISSIONER MAYFIELD: Okay. And then as far as – and I know some of my colleagues have spoken about this, but as far as our fee schedule also, so we haven't even seen the fee schedule associated with this code yet. So I haven't totally seen a fee schedule. Maybe you have. I haven't seen one. So – and that's always caused me some thoughts also as well, what the fee schedule be on this? And I would like to see a fee schedule before I totally put a stamp of approval on a code because that's just me. So have you seen this roll out across the country? Do you typically see a fee schedule with the code or do you see that subsequent to the code being approved?

MR. POPOWITZ: Well, it would depend, I suppose. How do I explain this? In order to have a fee schedule you have to know what you're applying the fees to. So there is some aspect of having to have a code formulated in order to intelligently put together a fee schedule. Now, I'm not involved in the fee schedule here. That's something that staff and perhaps other consultants are involved in. But typically you have, again, you would typically have a code formulated and then a fee schedule is going

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to be dependent on the particulars of the county or city or whatever the governmental entity is. So there's a lot of leeway on how you go about that. But, yes, you're going to want to have a fee schedule shortly thereafter. Because once someone comes in, once you have the code in place and someone wants to develop something and they're going to have to work out what they're going to be charged, in essence.

COMMISSIONER MAYFIELD: And then as far as we talked about some community plans and my assumption is there's many community plans throughout the nation where there are sustainable land development codes and how an overlay would apply. But what's your thought process on overlays on a code that just gets approved?

MR. POPOWITZ: I don't really think that's as big an issue as maybe some people thought it is. My understanding is these plans have been in existence for some time. Like Mr. Ross said, they're not necessarily compliant with the new general plan. So in essence they need to be made compliant with that plan under any circumstances, regardless of what this code – independently of this code. Someone should be looking at those plans and doing that now. Different governmental entities have different resources available to them. They may have hundreds of staff. They can assign people to something and others don't. So it just depends on circumstance in that sense.

But these plans are all essentially in existence. I can't speak to any one individual plan but there is going to be certain things that are going to have to be made complaint. There's a form that's been set in place to do this. In essence, I don't see that as a major issue or major timing issue. I don't know off hand how many of these community plans are in existence today here in Santa Fe County but I see that as something that will happen relatively quickly once the code is in place is that that will free up staff to sit down and take care of that portion of business and really we're talking about weeks or a couple months.

COMMISSIONER MAYFIELD: Thank you. And I guess my last question, sir would be in your experience, Santa Fe County, 1,800+ square miles, southern part who is close to another incorporated area, northern part who is by another city. We've recently gone through annexation in our metro area with the City of Santa Fe. Typically, does one code apply to areas or should – can there be some issues for urban versus rural? Can you have, say, split code or split provisions for different areas?

MR. POPOWITZ: I think you do to a great extent. We're recognizing that certain places are more urban and others more rural and there are different density requirements and there are different rules, depending on the circumstances of a particular area. So I think we do address that. I wouldn't expect it, but again, you have one general plan for the entire county and you have one code that allows for variability, depending on the circumstances or a particular region. And then of course you have the overlay zoning concept, which allows you to come in and say, okay, this is a unique and special thing and we want to make it have it's own sort of rules of the road as it were. So this is a pretty – this code has got a lot of ability for flexibility and rigidity, depending on the circumstances, so it's flexible across the board. There are times when we say no, and there are times when we have the ability to sort of make things work depending on the nature of that environment.

COMMISSIONER MAYFIELD: So specifically with this code, and I've asked and I've asked this time and time again, respecting the district that I represent that

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encompasses five pueblos also, and I don't know if you're familiar with New Mexico really or not.

MR. POPOWITZ: From working on this I would say somewhat. Certainly New Mexico has some interesting and unique things.

COMMISSIONER MAYFIELD: Very unique. The district I represent, District 1, has five pueblos, within five pueblos that are sovereign governments. And they follow the rules but they have their own business standards and their own development standards that they follow. So when we have restrictive provisions in our code that are applicable to other's private claims within the exterior boundaries of those pueblos, would you think it could be acceptable to have, again, respecting any community plans that are within those districts, within that geographical area, to have a general overlay to say, look, if you are right next to a pueblo, and you are within those exterior boundaries of those pueblos, maybe there could be a different overlay for you that could allow you the same provisions to maybe for commercial enterprise, for commercial competition, because I don't believe that our code right now is affording that to individuals, when a pueblo can be governed self-governance and they can have totally different rules that are applicable to them. And right next door. I'm talking as far as from me to you, there's a private claims that would be under our provisions and then another 50 feet there would be another piece of pueblo land that would be under their own provisions.

MR. POPOWITZ: So, let's just see if I can clarify and make sure I understand. So you have a pueblo and the pueblo is governed by state pueblo law.

COMMISSIONER MAYFIELD: No, they're governed by their law.

MR. POPOWITZ: Well, they have their own law but there's some state recognition of that.

COMMISSIONER MAYFIELD: Yes. There's federal recognition of that.

MR. POPOWITZ: With the caveat that I'm not licensed to practice law in New Mexico, and I would have to defer to Mr. Ross on that. And then you have communities that are adjacent to those pueblos.

COMMISSIONER MAYFIELD: Within those pueblos.

MR. POPOWITZ: But they're not considered part of the pueblo even though they're inside the boundaries of the pueblo. And so those communities want to have in essence a community plan or an overlay of their own.

COMMISSIONER MAYFIELD: No, there already are community plans. I'm just saying our code has provisions in our code that give certain restrictions. Let's just say if there is a commercial enterprise on a major corridor, 84/285. It's a major highway. And if there is a commercial development on this US highway, and a commercial enterprise by a pueblo business, follows their rules, but if they can put up, say a sign to market their business, but yet we have provisions that say, no, your sign has to be arguably 20 times smaller, or you have to have X setbacks a lot further back. My thought is couldn't we ask that an overlay be established for within those external boundaries that gave a little more flexibility?

MR. POPOWITZ: Well, any area that's within the jurisdiction of the County, the County has jurisdiction over that. So if they have a community plan now that plan can be turned into - I'm anticipating it will be turned into an overlay zone for that

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community. So that overlay zone can have rules appropriate to that community. But the signage issue specifically –

COMMISSIONER MAYFIELD: That is one small – there are a lot of more issues in here.

MR. POPOWITZ: Well, that is just in the signage issue specifically, I would say that if it's within the jurisdiction of the County then the County has the authority to create an overlay zone appropriate for that community as the Board deems – within state law and as long as it's within the general plan.

COMMISSIONER MAYFIELD: Well, I really appreciate your time and thank you so much.

MR. POPOWITZ: Glad I could help.

COMMISSIONER MAYFIELD: Appreciate that. Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield, more questions for Steve or Penny?

COMMISSIONER MAYFIELD: Yes, and I know I've brought that time and time again throughout this whole process almost as long as I've been here and I just am wondering why, or maybe has that – I guess my questioning on that or my thoughts on that even been considered as a potential overlay for District 1? With private claims within the exterior boundaries of the pueblos?

MR. ROSS: Madam Chair, Commissioner Mayfield, the community plan will be an overlay. I'm struggling to understand –

COMMISSIONER MAYFIELD: Steve and Madam Chair, Mr. Ross, there's not a community plan that represents every single area within exterior boundaries of the five pueblos that I represent in the northern District 1. There's just some Santa Fe County land that governs those areas that would be governed by this book right now.

MR. ROSS: Madam Chair, Commissioner Mayfield, so in the areas outside those areas that will be covered by an overlay, what would you expect the overlay to do?

COMMISSIONER MAYFIELD: To allow the same provisions that that adjacent sovereign nation is allowing. Something similar. I mean just to allow that same commerce that's going on, at least on those commercial corridors.

MR. ROSS: Madam Chair, Commissioner Mayfield, there is a mechanism in the draft to do either a community plan for those areas or a special district plan. A similar overlay zone will result from any of those techniques.

COMMISSIONER MAYFIELD: Okay, then so, Madam Chair, Mr. Ross, so can a community plan be less restrictive than this code?

MR. ROSS: Madam Chair, Commissioner Mayfield, it can allow different things to happen and happen in other areas, yes. It can vary from the terms of the code. It has to be consistent with the plan, however.

COMMISSIONER MAYFIELD: Consistent with the plan, and it can be less restrictive than the code.

MR. ROSS: Could be.

COMMISSIONER MAYFIELD: Could be. Okay. And then my last – and this will be my last question, Madam Chair. So, and we broached this last night. I think Ms. Guerrerortiz brought it up. SDA-1, SDA-2, on page 6 on believe it was her handout.

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It was a great handout. Thank you. On Table 7-12, Urban road classification and design standards – that's SDA-1. I want to try to get to SDA-3. And I think it was also – and again, it's on 7.4.5, and you spoke about it briefly last night, Mr. Ross, and thank you. I understand emergency access for vehicles and I think, Mr. Ross, you told me that this wasn't really in the Fire Code so I want to understand this. So if we – and we have variance requests that come to the Commission all the time, but if somebody does a family transfer, does a lot split, and I want to speak for all of Santa Fe County because we have this happening in all of Santa Fe County.

We have a County road that is servicing access to these people's home and this County road, and I know I've already spoken about this on this bench, but this County road could be anywhere – I don't know what our smallest County road is – but it could be anywhere from maybe 14 feet and yet we're asking individuals to put in 20 feet for fire and emergency access vehicles? And I understand that and I appreciate that. But those emergency vehicles can't even make it down our own County road that's providing the infrastructure to these homes. And I would like to see maybe a provision that says until we bring our roads up to those standards, the same standards that we're trying to impose on the individuals, that that should be considered for that permit.

MR. ROSS: So, Madam Chair, Commissioner Mayfield, on the latter point, any deficiencies in the infrastructure should be identified in the CIP so that those roads can be scheduled for improvement. Now, as far as the Fire Code, the Fire Code requires that accessible access for fire vehicles be provided to every structure. And there's no definition on that but fire vehicles are heavy and large so there are certain minimum standards that the Fire Department applies to analyze whether a road is accessible to fire equipment or not. That standard, there's no variance from that. That's in the New Mexico Fire Code and it is what it is. It's required under the fire code to have access to your parcel for emergency and fire equipment. So there's nothing that we could do in this ordinance that would change that, because that's state law.

COMMISSIONER MAYFIELD: Fair enough. So again, Madam Chair, Mr. Ross, and maybe this will be a discussion with Mr. Leigland that when we have County roads that aren't even providing adequate accessibility to our service vehicles it causes me grave concern, and I don't think it should just wait for an ICIP request. I've had recently requests from school buses that can't even get to the children off of a County road because they sink. So if a school bus sinks I can imagine what a fire truck is going to do, and this is off a County road, but yet we're asking for the standards for anybody who lives off of that County road to be built to X standards. And I just think that that's something that we seriously need to address for the services, for the public safety, health and welfare that we are imposing on the residents of this community. That's all I have, Madam Chair. Thank you.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes. Sometimes those standards are tough but I think that when you talk about the health, public safety and the welfare of the public, those standards apply. We have a case, Commissioner Mayfield, you might be familiar with. It's a towing company on Agua Fria and they're expected to meet the requirements that you're talking about because of the need for emergency equipment and their own equipment to get in and out of that property. So they are going to have to meet

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those higher standards for egress and ingress, and it is expensive. I don't know any other way around it but that's an example that is just down the street from where we are right now. So we don't have to go very far to find those kinds of examples. But I just wanted to point to that for what it's worth.

And then I see that there are some areas that are going to need extra work and I think – I touched on them earlier, but I think the two areas that really jump out at me would be trying to find some balance or middle ground in the water budget overall for large and small projects, for our cultural purposes, for our agricultural purposes, for our equestrian needs. That all ties to our water budget and I think we're going to need to spend some time on that because we heard some comments today that were different from what we have in our handout.

And then the other thing that jumps out at me is the sand and gravel operation – how they're permitted, how they're regulated, the community impact that those operations have on their surrounding communities, and I don't know if it's the size or just the operation itself that has that impact. I think it's a combination of the two and so those are the two issues that I see sort of jumping out at me more than maybe the others, and I think those are going to be harder to work on. I don't think we're going to have all the answers in the next month or two, nor should we, but those are – that's the devil in those details that we have to keep watching and paying attention to in the next year, year and a half.

So those are my comments, Madam Chair, and I do know that there are one or two members of the public that would still like to share their comments with us and so I'll yield the floor for that.

V. Discussion of Adoption Timeline

CHAIR HOLIAN: Thank you, Commissioner. I think first we will discuss the adoption timeline. Penny, would you like to go through that?

MS. ELLIS-GREEN: Madam Chair, the timeframe or timeline that we've got right now is this is our second public hearing and that this ordinance is on the December 10th BCC agenda under an action item.

CHAIR HOLIAN: Okay. Thank you, Penny. I just wanted to add a few words of my own and reiterate that at the December 10th meeting this ordinance will be noticed for action. If – and I would just like to lay out how I see the process going if we go forward with moving towards approval, and that is if there is a motion for approval and a second, then we can consider motions for changes in the ordinance that is in front of us but as chair, what I would like to do is for us to consider one specific modification at a time, so that it doesn't get confusing. So that is a Commissioner can make a motion for a change and if it is seconded then there will be discussion and a vote on that change. And we will not vote on acceptance of the entire ordinance until we have gone through that entire process. But I do want to keep the process clear and easy to understand, both for the Commissioners and for the public as well. And so that's why I would like for one change at a time to be considered in our discussion as we move forward. But first we'll have to see if we get a motion for approval of the ordinance and a second before we go forward.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. So on that, let me ask this.

So, Penny, Ms. Ellis-Green, are you proposing to incorporate any changes to the 12/19 document that was given to us tonight? Based on all the public comment and based on the comment by the three of us? Will we see another redline version?

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, the 11/19 or the 12/3?

COMMISSIONER MAYFIELD: I'm sorry. Thank you. The 12/3 document that we have tonight in front of us.

MS. ELLIS-GREEN: As we went through we have some changes that you had brought up and I also believe that Commissioner Chavez had brought up for changes but we will be reviewing what we have been discussing. You had language about flag lots?

COMMISSIONER MAYFIELD: I'm just asking in general. So, Madam Chair, let me ask this of you. So will we see that before?

CHAIR HOLIAN: Yes. We're going to have that discussion.

COMMISSIONER MAYFIELD: We'll have a new redline version in front of us.

CHAIR HOLIAN: Well, I think that – my understanding is by this Friday we are going to have a complete version of the code. I don't think it's going to be a redline version of the code. It's going to be the code as it is proposed to be adopted as an ordinance. Isn't that correct, Penny? We are going to have a clean version to look at?

MS. ELLIS-GREEN: My understanding from Steve is that, yes, we would need to produce a clean version.

COMMISSIONER MAYFIELD: With comments tonight incorporated.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: So you have your work cut out for you for the next three days. Commissioner Chavez.

COMMISSIONER CHAVEZ: Penny, I know that this is a two-step process, but you did say that you did take draft out of the zoning map and that will be a preliminary zoning map that will be ready at that time? Or will that be still later?

MS. ELLIS-GREEN: Madam Chair, Commissioner Chavez, no. The statement was we took draft out of the official map, not the zoning map. So the official map is an appendix to the code.

COMMISSIONER CHAVEZ: Okay. So that will track on the 13th then?

CHAIR HOLIAN: Yes. My understanding is the official map is actually part of this code that will we be adopting. That's correct, right?

COMMISSIONER MAYFIELD: Okay. I'll cram over the weekend but I'm going to get a document maybe given to me I hope on this Friday and I'm going to be asked – I see what's coming down. I'm going to be asked to vote on a document on Tuesday and I'm going to have to figure out every single redline change that you all are putting in front of me over a weekend. I'm going to have a lot of homework to do. That's fine; I'll do it. It's my son's birthday this weekend. You guys have a Christmas party.

There's a lot of stuff to do over this weekend. And I'm going to be asked – there's going to be a vote Tuesday. I can already figure this one out. But I'm going to be having a full document given to me on Friday with every single change that I've heard tonight from everybody else, including mine and everybody else's. It's not going to be redlined from what I just heard. I didn't know that you knew something more than I knew that there was going to be a finalized document coming out on Friday.

MS. ELLIS-GREEN: Madam Chair, Commissioner Mayfield, we'll produce some kind of redline document whether it's the code with the redlines on it or another document like this with all of the changes on it. You'll be able to see any changes that we've made.

COMMISSIONER MAYFIELD: Okay.

MS. ELLIS-GREEN: So we will commit to do that, either one document like this with all the final changes or it would be inputted as redline on the code and you would get two versions, a redline and a standard.

COMMISSIONER MAYFIELD: Okay.

CHAIR HOLIAN: Thank you, Penny. Any further discussion on the timeline? Well, I think we have one more public comment period.

VII. Public Comments (continued)

CHAIR HOLIAN: Is there anyone here who would like to address the Board? Please come forward and again identify yourself for the record.

MS. GUERRERORTIZ: One quick question. Oralynn Guerrerortiz. The document that you will get on Friday, can it also be released to the public via the web or something so that the public can see it too?

CHAIR HOLIAN: Penny, is that possible?

MS. ELLIS-GREEN: Madam Chair, as soon as we're finished with the document, yes, we can release it.

MS. GUERRERORTIZ: Thank you.

TOBY GASS: Thank you for providing additional time for input. My name is Toby Gass. I live in Commissioner Chavez' district. I was a member of the open space and trails focus group during the preparations for the SGMP and then the SLDC. Our focus group did not come to a consensus as to how to prescribe new trails for the county. We were, however, very enthusiastic about trails and I believe the vagueness in the document in terms of a lack of prescription for trails in order to achieve our trails objectives is due to the fact that our group was unable to come to consensus. The document, however, fails to reflect the fact that we all wanted to see a trails system. Personally, I was hoping that staff would take some of the ideas we threw around at meetings and come up with a plan that we were unable to come up with. But the document remains quite vague with respect to trails and the level of service that is required is extremely low.

So in [inaudible] the level of service for trails is 0.5 miles per 1,000 residents, so if we were to have a new 10,000-resident subdivision that would be, I believe, five miles of trail, which would probably not be sufficient to connect the subdivision to the surrounding area. So given that we haven't been able to come up with prescriptions for

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I'm also concerned about commercial stables over 12 horses being permitted in rural residential. Something's wrong here with the manure and the number of horses and I'm wondering who vetted this treatment of solid waste. Spreading or harrowing the

manure in to enrich the soil, composting. Horse manure compost can reach 600 degrees. Indeed, we had a manure fire in our area from four inches of manure. I suspect that was hot manure. And if that can happen, 12 horses on a tiny plot can be a real issue. I doubt that inspectors will be coming around to make sure that harrowing of manure to enrich the soil, whether it's hot or cold is going to happen.

So I really ask that horses in commercial not be allowed in rural residential.

CHAIR HOLIAN: Thank you, Ms. Koehler. Is there anyone else who would like to address the Board. Did you get another two minutes?

MS. GASS: I've been ceded two minutes by Tom Terwilliger. Sorry to prolong the evening. My apologies. Ms. Ellis-Green was out of the room during my last comments so I'd appreciate it if somebody would pass those on to her. I also wanted to make a rather arcane comment about the amount of references in the proposed code to planting trees. This is an area of academic expertise for me and it's something for which I don't have an answer but I wanted to bring up an issue. Most of Santa Fe County is not historically forested and this is particularly true of the areas that are slated for the most growth in the coming decades. When you plant trees in arid and semi-arid areas there are a lot of really wonderful things that can accomplish including shade and carbon sequestration. It's one of those things that can also have profound effects on the soil and water table and the hydrology of the area.

Some of those effects are positive and many of those effects can be negative. They can increase salinity, they can decrease aquifer recharge, etc. So when we're talking about large subdivisions and you're prescribing the planting of trees in many, many places in those large subdivisions we could be setting up ourselves for certain hydrologic problems in the future, water budget problems in the future that are very difficult to anticipate right now because of the lack of good data. So that's something I wanted to bring to your attention and it's something that perhaps with the various expertise in the community maybe we could work on in the future but planting trees can create problems as well as solving problems.

I also wanted to comment on an issue that was discussed in one of the meetings that came up at one of the meetings at the Nancy Rodriguez Center some time ago and that is the reference to SDA-2 becoming urbanized in the next ten to 20 years. Many of us who live in SDA-2 remember when it was classified as rural and wish it still were. When you say it will be urbanized in the next ten to 20 years it's like a self-fulfilling prophecy. So the word urbanized makes me somewhat uncomfortable and it could be a matter of semantics but it could be a question of somebody looking at the plan in the future and saying this area is slated to be urbanized. And to me, urbanized is state employee office buildings, County administration buildings, it's not the kind of development we're looking at. So although those are minor semantic changes I'm wondering if that section – and I don't have a reference here – but where it says the SDA-2 is likely to become urbanized, if we could find – if we could say maybe we're expecting a large amount of growth that we want to manage in a sustainable manner, but not call for urbanization of the area itself. Thank you.

CHAIR HOLIAN: Thank you. Is there anyone else? Seeing none, I think we are at the end of this particular discussion and now we are moving on to two action items that we have on our agenda. And I just want to thank you all for being here and

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participating and your persistence at sticking with us during this rather long meeting and invite you back to our upcoming meeting a week from today.

VIII. A. Resolution No. 2013-134, a Resolution on Pre-emption of Local Authority

CHAIR HOLIAN: I will note that there are two resolutions that have exactly the same title, although they have different sponsors, and I would like to now turn this over to Katherine to explain this to us.

MS. MILLER: Madam Chair, there are two resolutions and actually there's a slightly different title on Resolution 2013-135. It will actually say a Resolution on Pre-emption of Local Tax Authority in Santa Fe County.

CHAIR HOLIAN: I stand corrected.

MS. MILLER: Because it was noted that they were very similar. At the last Indigent Board meeting of the County Commission Indigent Board which was last Tuesday, there was discussion about the state legislature's move to redirect the second 1/8 of County gross receipts tax from all the counties in New Mexico and send that funding that is established through local option tax, send that revenue to the state to fund an enhanced rate for Medicaid base rate for inpatient services for hospitals. Effectively what that means is that Santa Fe County would lose about \$4.3 million. It would be redirected to the state to use for Medicaid payments matched with federal funds, and it would go to primarily Christus St. Vincent's Hospital. However, it will not go evenly distributed to our hospital; it will actually be determined by the number of patients that are in hospitals and across the state.

So one of the big issues is that it actually takes a local option gross receipts tax and takes it to a state level and redistributes it. So over the course of the last several months the Association of Counties and a small task force have been trying to work with the state on a different approach to the issues and the first resolution, item VIII. A, is a resolution that was put forward by the Association of Counties and it's more of a generic resolution that says counties as a whole opposed pre-empting local tax authority, and in particular as a result of the changes to the healthcare program in the state. So that's the first one.

The second one is just a more detailed resolution that was requested by Commissioner Anaya and as a matter of fact if we could call him. He did want to be on the line. So I don't know if Bobby can call his cell. He wanted to be on the line for that. The second resolution is more detailed and it gives the specifics of what would be lost in Santa Fe County – the amount of revenue, where that money currently goes, the services that we might have to cut, and the local providers other than the hospital that would lose funding.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'd like to ask the County Manager if there was any discussion about taking the best of these two and incorporating them into one resolution?

MS. MILLER: Madam Chair, Commissioner Chavez, we really didn't have a lot of time to discuss that because one was actually drafted by the Association of

Counties and it's kind of one that I think it doesn't hurt us to pass them both. The reason being that first is one that the Association of Counties is looking to put with their whole package of legislative initiatives, and then ours was designed, or the second one that's specific to Santa Fe County was designed to give Commissioners and staff and anybody speaking on this issue to legislators the specifics of what it does to Santa Fe County. Every county uses these revenues a little bit differently so we wanted to lay out the specifics of what happens in our county and it being more directed to our legislators of the Santa Fe delegation and then the kind of more generic one to support what the Association of Counties is putting forward.

I think if you're going to choose to do one over the other that the one that's more specific to Santa Fe County, it references many of the things in the first one but gives little more detail. So I don't think it hurts to do both of them now because they kind of cover two different issues.

COMMISSIONER CHAVEZ: Well, then, Madam Chair, if I could –

CHAIR HOLIAN: Yes, Commissioner Chavez.

COMMISSIONER CHAVEZ: I guess I can see how it would be hard to amend or change the resolution that the Association of Counties has brought forward. So in respect to Commissioner Stefanics and the whole Association of Counties I'll make motion to approve Resolution 2013-134.

CHAIR HOLIAN: Is there a second?

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR HOLIAN: Is there any further discussion?

[Commissioner Anaya joined the meeting telephonically.]

COMMISSIONER ANAYA: Madam Chair, I'd like the record to reflect I'm on the call and supportive of the motion.

CHAIR HOLIAN: Commissioner Anaya, would you like to add anything?

COMMISSIONER ANAYA: No. Not right now. I just want to be here for the vote.

CHAIR HOLIAN: Okay. We have a motion and a second for approval of Resolution No. 2013-134.

The motion passed by unanimous [4-0] voice vote.

VIII. B. Resolution No. 2013-135, a Resolution on Pre-emption of Local Authority in Santa Fe County

CHAIR HOLIAN: Is there discussion or is there a motion?

COMMISSIONER CHAVEZ: Move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair. Well, Commissioner Anaya's resolution, but second.

CHAIR HOLIAN: Is there any further discussion?

COMMISSIONER ANAYA: Madam Chair, I just want to thank Ms. Miller and staff for putting the resolution together in such short order and very much support the resolution and the work that it took to put it together. It delineates the direct

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impacts to Santa Fe County and how that is detrimental to our County. So I appreciate Ms. Miller and staff's work.

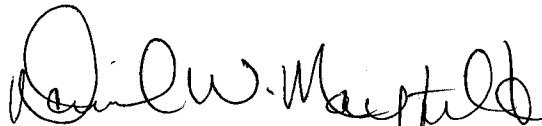
CHAIR HOLIAN: Okay. There's a motion and a second for approval of Resolution No. 2013-135.

The motion passed by unanimous [4-0] voice vote.

IX. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Holian declared this meeting adjourned at 8:35 p.m.

Approved by:


Board of County Commissioners
Daniel W. Mayfield, Chair


ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

1/14/2014



Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

REC. CLERK RECORDED 1/15/2014

Adoption Draft Changes

Chapter 1

1.4 Purpose and Intent

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

1.11. TRANSITIONAL PROVISIONS.

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

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

1.11.2. Prior Development Permits and Approvals Without Vested Rights. Except as otherwise provided in subsection 1.11.1, development permits ~~Permits~~ and approvals ~~previously~~ granted by the Board, County Development Review Committee or the Administrator ~~before prior to~~ the effective date of ~~the SLDC this Ordinance~~ for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the SLDC.

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

1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of ~~the SLDC this ordinance~~ shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than one year after the effective date of the SLDC, or the approval of the master plan shall expire. Any zoning established by an expired master plan shall ~~nevertheless~~ be included in the Zoning Map ~~as described in subsection 1.11.1 of the SLDC~~.

1.11.5. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plan, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within 24 months of said approval (or such other period as may

be ~~specified~~ specified in Section 5.8.7. of the SLDC) file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the SLDC.

1.11.6. Approved but Unrecorded Final Development Plans and Plats.

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

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

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

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

~~1.15.6.3. Subsequent Applications.~~

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

1.17. Enactment and Repeals. Upon the adoption effective date of the SLDC, the following re repealed in their entirety: [remaining text the same]

Chapter 2

2.1.2. Area Plans.

2.1.2.1. An Area Plan covers a defined geographic area of the county and provides planning, design and implementation strategies consistent with the SGMP. Area Plans provide basic information on the natural features, resources,

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

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

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

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

2.1.3. District Plans.

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

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

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

2.1.4.5 Area, Community, and District Planning Process

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

Chapter 4

4.4.6. Completeness Review

4.4.6.2. Completeness Review Determination. The Administrator shall issue a written determination on completeness after review of an application and attachments within fourteen (14) days, which may be extended an additional ten (10) days if determined to be necessary by the Administrator due to the complexity of the application. a reasonable period of time. ~~The Administrator shall transmit such determination to the owner/applicant.~~

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

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

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

filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

4.7 Hearing Standards

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

Chapter 5

5.4.3 Qualifying Exempt Land Divisions

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

5.6. Summary Review

~~**5.6.5. Limitation.** Any tract of land originally created through the summary review process may not be further subdivided by the summary review process if the total number of tracts created from the parent tract is to exceed five (5) within a period of seven (7) years from the date of recording of the original plat. The language of this section shall be referenced in any disclosure statement prepared in conjunction with approval of a minor subdivision.~~

5.7.4. Endorsements

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

5.7.9. Preliminary Plat Amendments

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

1. changes in the internal alignment of roads that do not affect external properties or the connectivity of roads;
2. changes in internal parcel or lot boundaries;
- ~~3.~~ changes in setbacks along internal property lines; ~~or~~

4. changes to lot numbering or addressing; or

4. changes in the internal routing of trails and pedestrian ways.

5.8.4 Final Plat Requirements

5.8.4.3.4. Dedications

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

5.8.4.5. Water permit required for final plat.

1. Before approving the final plat for a subdivision containing ten (10) or more parcels, any one of which is two (2) acres or less in size, the Administrator shall require that the subdivider provide a proof of service commitment from a water provider as well as an opinion from the OSE that the subdivider can fulfill the requirements of NMSA 1978, § 47-6-11(F)(1), or provide a copy of a permit obtained from the OSE, issued pursuant to NMSA 1978, §§ 72-12-3 or 72-12-7 for the subdivision water use.

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

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

5.8.6 Consideration and Approval of Final Plat

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

1. the final plat approval application has been received and deemed complete;
2. the final plat substantially conforms to the preliminary plat and all conditions and requirements are complied with;
3. the final plat and all documents required are in a form acceptable for recording with the County Clerk;
- ~~4. bonds or other acceptable financial security have been deposited with the County;~~

5. the development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed; and
6. the administrative and final plat fees have been deposited with the Administrator, together with proper security.

5.9 Subdivision

5.9.5.2. Sewer and Storm Drainage. As-built drawings shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers; rainwater capture swales, pervious pavements, filtering and treatment facilities; manholes, inlets, junction boxes, detention basins, and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision. ~~The applicant shall cause all grading, excavations, open-cutting, and similar land surface disturbances to be mulched or otherwise protected.~~ Sewer and storm drain lines shall be videotaped and a copy of the videotape shall be provided with the as-built drawings. Copies of any and all test results or other investigations shall be provided.

5.9.5 As-Built Drawings

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

Chapter 6

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

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

Application Type	SRA Type				
	TIA	APFA	WSAR	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
<u>Development permit, non-residential (between 10k sf and 25,000 sf)</u>	<u>Yes</u>	<u>Yes</u>	<u>as needed***</u>	<u>no</u>	<u>no</u>
Development Permit-non-residential (over 25k-10k sf)***	yes*	yes	yes+	yes	yes
Minor subdivision	yes*	yes	no	no	no

Major subdivision	yes	yes	yes+	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes+	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* If project generates over 100 trips/day based on the Institute of Transportation Engineers' *Trip Generation Manual*.

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

*** ~~Non-residential~~

6.2 Preparation and Fees

6.2.1. Applicant prepared. Except for DCIs, an applicant for discretionary development approval shall prepare their own SRAs as required in this Chapter. ~~All such consultants shall disclose any information as to conflict of interest, financial interests, or other disqualifying interest that would prevent their ability to provide to the County fair and independent SRAs.~~ The applicant shall deposit, as determined in the Fee Schedule approved by the Board, cash, a certified check, bank check or letter of credit, to cover all of the County's expenses in reviewing the SRA, including engaging consultants ~~and for a Hearing Officer where required.~~

6.3 Environmental Impact report

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

6.3. Environmental impact Report

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

6.3.10. Mitigation (SRAs)

6.3.10. Mitigation Measures.

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

6.4 Adequate Public Facilities and Services

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

6.5 Water Service Availability Report

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

6.5.5.2.3 Well requirements.

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

6.5.5.9. Water Quality.

The applicant shall provide:

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

6.6. Traffic Impact Report

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

6.6.3 General Requirements

6.6.3.8. If applicable, after identifying any deficiency in road capacity as required by subsection 6.6.3.2. of the SLDC, determine, after taking into consideration improvements to be provided through

~~development fees, improvements to be provided by the County through the mechanisms described in Provide a basis for applicant financing of all County and State road improvements as shown on the CIP, and through the mechanisms described in use of a voluntary development agreements, or through an Improvement District Assessments for capacity needs, how all infrastructure that is required will be provided;~~

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

6.6.5 Contents

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

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

6.6.7. **Expiration of TIA.** A TIA shall expire and be no longer valid for purposes of this section on a date which is ~~twelve (12) months~~ three (3) years after its creation.

Chapter 7

7.3 Residential Performance Standards

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

7.3.3. Setbacks.

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

7.4 Access and easements

7.4.2.2. **Utility Easements.** Easements shall be provided for utility services including, but not limited to, water, sanitary sewer, gas, electric, and communications (cable/internet/phone). Utility easements shall have a minimum width of seven and one-half (7 ½) ten (10) feet, except where a transformer or other facility is required, in which case adequate provision for that facility or transformer must be made. Where multiple utilities share the same easement, additional width sufficient to avoid conflict shall be provided. Easements shall be established to provide continuity of alignment throughout the area to be served and to adjoining areas. Utility easements shall be located such that each lot can be served by all proposed utilities.

7.4.2.3. Combined. Access and utility easements shall be combined unless the utility company dictates otherwise, or where topographical conditions, existing utility easements, or other conditions dictate otherwise. In such cases, utility easements may be placed parallel to access easements so that maintenance of utility lines will not create the need to disturb a road or driveway. Utility trenches shall be placed within easements in or adjacent road or driveway easements or rights-of-way where possible, except where alternate locations are required for gravity flow of water or sewer or where a significant reduction in line length and terrain disturbance would be achieved by cross country easements and trenching.

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

7.6.4. Landscaping for Non-Residential Uses.

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

7.6.6. Landscaping Parking Areas

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

7.6.7. Parking Area Perimeter Walls

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

Table 7-2: Minimum Plant Size Requirements.

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

7.6.8.4. Irrigation.

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

plant or landscape materials used.

7.10 Parking

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

7.10.12. Internal Circulation System.

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

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

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

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

7.10.16 Vehicle Stacking Areas

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

7.11 Road Design Standards

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

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

7.11.13.2. Additional Standards for Residential Driveways.

1. Lots within residential subdivisions shall be limited to a single access point or driveway.
2. Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.
3. A twenty-five (25) foot asphalt or concrete apron shall be required on a driveway that accesses an arterial or highway. paved road. ~~A twelve (12) foot asphalt or concrete apron shall be required on a driveway that accesses a paved collector, subcollector or local road.~~

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

7. A 50 foot asphalt or concrete apron shall be required on driveways accessing a paved road.
-

7.12. Utilities

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

7.13. Water supply, Wastewater and water Conservation

7.13.2 General Requirements

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

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

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

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

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

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

7.13.5 Self Supplied Water and Wastewater Systems

7.13.5.4. If connection to the County water and wastewater utility or connection to a public or publicly-regulated water and wastewater system is not required by operation of Table 7-17 or 7-

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

7.13.6

Water Supply Requirements

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years¹. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit notwithstanding that the owner or developer claims that less water is to be used. The Administrator may reduce this planning assumption to the actual amount of water expected to be used given the type of construction and use contemplated upon a showing from the applicant that a lesser planning figure is reasonable. Annual water use limitations are established in subsection 7.13.11 ("Water Conservation") of the SLDC, and shall also apply.

7.13.7 Self Supplied Water Systems

7.13.7.1.7 Community Water Systems

12. Management of a community water system shall be accomplished by competent, professional manager or management consultant. A qualified and certified operator shall be employed or contracted. The management structure of a community water system shall be capable of ensuring that all reports and submissions required by NMED, PRC and the OSE are submitted on a timely basis.

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

7.13.7.2. Shared Wells and Individual Wells

7. A shared well system or an individual well shall possess a valid license issued by the Office of the State Engineer with sufficient licensed capacity or water rights to meet the maximum annual water requirements of the proposed development. ~~when: (a) the water needs of the development are not reasonably anticipated to exceed three (3) acre feet per annum; (b) no more than four (4) residential structures, buildings or commercial development of 10,000 square feet or more are to be constructed; (c) the parcel or parcels do not exceed the maximum density specified in the applicable zoning district; and (d) no more than one (1) well will be utilized.~~ If irrigation water rights that are appurtenant to the land on which the subdivision is to be located have been severed, the owners of a shared well system or an individual well shall produce proof of a service commitment from a water provider as well as an opinion from the OSE, that the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirement of the subdivision. In all other cases, a shared well system shall own water rights permitted by the Office of the State Engineer; the water rights must have an appropriate place and purpose of use, and the quantity permitted and any conditions imposed on the permit must be sufficient to meet the maximum annual water requirements of the proposed development.—An application failing to provide proof of the permitted water rights and proof of a service commitment if required as described in this paragraph shall not be deemed complete.

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

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

7.13.7.3. Standards for Geo- Hydrologic reports

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

6. The geo-hydrologic report shall provide a ~~calculated ninety-nine (99) year~~ schedule of effects from each proposed well; the schedule of effects shall include effects on the aquifer from existing wells and shall consider the effects of climate and drought ~~and climate change~~. The geo-hydrologic report shall analyze the effect of pumping of existing wells. Predicted draw down of each well shall be calculated in a conservative manner.

7.13.7.4 Standards For Reconnaissance Reports

1. A reconnaissance report may be provided only if all of the following circumstances prevail:
 - a. a geo-hydrologic report has been completed on a well within one (1) mile of a proposed well or wells;
 - b. a geo-hydrologic report indicates that the geology is comparable to the conditions existing at the site of the proposed well or well;
 - c. the total amount of water to be drawn by the development will not exceed three (3) acre feet per annum;
 - ~~d. the proposed development will contain no more than four (4) dwellings or parcels;~~
 - ~~e. each parcel within the proposed development will be no less than 2.5 acres;~~
 - f. except as may be permitted by the Administrator, no more than one (1) well will be constructed within the proposed development; and
 - g. if, after considering the reconnaissance report, the Administrator determines that sufficient information has been provided from which to make a determination of water availability.

7.13.8. Individual or shared well systems

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

7.13.10. Wastewater systems

7.13.10.1. General requirements

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

7.13.10.3.2 Alternative wastewater systems

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

Environment Department and presented to the Administrator as a part of the application.

7.13.11 Water Conservation

7.13.11.1. General Requirements.

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

7.13.11.2. Outdoor Conservation.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. This paragraph does not apply to gardens or agricultural uses.

7.13.11.3. Indoor Conservation.

1. Water saving fixtures shall be installed in all new construction, remodels and renovations where the fixture is being replaced. Toilets ~~shall consume no more than 1.6 gallons (6.1 liters) per flush~~ shall be EPA WaterSense certified and carry the WaterSense label or an equivalent standard. Blowout urinals may be installed in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses.
2. Faucets shall be equipped with aerators and shall be EPA WaterSense certified and carry the WaterSense label or equivalent. ~~not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute. Self-closing, metering or self-closing faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants and convention halls. These faucets shall consume no more than .25 gallons of water (1.0 liters) of per use. Lavatory faucets intended for public use shall comply with the American Society of Mechanical Engineers (ASME) Standard A112.18.1. Kitchen faucets gallons per minute flows shall be equal to or less than current federal guideline mandates.~~ Emergency safety showers are exempted from this provision.
3. All shower heads shall be EPA WaterSense certified and carry the WaterSense label or equivalent.

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

~~4. Dishwashers shall use no more than 13 gallons in a regular cycle and shall have a water-saving option that provides for reduced water to be used for reduced loads. No more than one dishwasher may be provided in each residential dwelling unit. Residential dishwashers shall be EPA Energy Star Certified or equivalent.~~

~~5. Washing machines shall be front loading only. Residential washing machines shall be EPA Energy Star Certified or equivalent.~~

7.15.3.4. Trail standards.

1. A trail easement shall be dedicated in accordance with the Official Map or adopted plans. ~~on lands through which a trail shown on the Official Map, adopted plans or are otherwise recognized by Santa Fe County.~~

2. Trails identified on the Official Map shall be constructed in accordance with the CIP.

3. Minimum trail widths for trails identified on the Official Map shall be 8 5 feet with a 20 foot easement.

6. Trails shall be prepared and designed in accordance with approved plans and may be natural or other permeable soft surface or may be constructed of four inch (4") thick concrete, asphalt, or other hard surface permeable materials ~~including compact crusher fines, brick or unit pavers.~~

7.16 Protection of Historic And Archeological Resources

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

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

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

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

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

7.16.7.1. Any proposed development of a (i) non-residential use, (ii) a multi-family use, or (iii) any division or subdivision of land encompassing 40.0 acres or more within an

area of "high low" potential for discovery of archeological resources on Map 7-1, shall first investigate the property for archeological resources, and shall preserve, mitigate, or treat the archeological resources as specified herein before making application for a development permit.

7.17.5 Storm Drainage and Erosion Control

7.17.5.1 General.

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

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

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

5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat. ~~All land disturbance activity, both within and outside the limits of the Special Flood Hazard Area (SFHA), must provide a Stormwater Management Analysis pursuant to Ordinance No. 2008-10 ("Santa Fe County Flood Damage Prevention and Stormwater Management Ordinance") as amended.~~

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

7.17.6. Grading, Clearing and Grubbing

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

7.17.7. Restoration of Disturbed Areas

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

7.17.9 Steep Slopes, Ridge tops, Ridgelines and Shoulders.

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

7.17.9.2 Standards.

2. All buildable areas on a ridge top, ridgeline or shoulder shall be set back 50 feet from the shoulder. The shoulder is the point at which the profile of the upper slope begins to change to form the slope.
4. Utilities and access roads and driveways may be located on a natural slope in excess of thirty percent (30%) so long as they utilities disturb no more than three separate areas not exceeding 1,000 square feet each. Drainage structures and slope retention structures may be located on a natural slope in excess of thirty percent (30%).

7.20. Solid Waste.

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

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

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

7.22 Financial Guaranty

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

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

7.22.6. **Maintenance Bonds.** The applicant shall warranty any public improvements against defects in workmanship and materials for a period of five (5) years from the date of acceptance

of such improvements. ~~At the time the improvements have been completed and accepted, a warranty shall be provided through a letter of credit, escrow agreement, payment and performance bond, cash in an amount equal to 50% of the annual cost of maintaining the improvements.~~

7.22.8. Releases and Financial Guaranty.

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

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

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

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

7.23 Operation and Maintenance of Common Improvements

7.23.3. Homeowner's associations

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

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

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

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

Chapter 8

8.5.2. Uses not specifically enumerated. When a proposed use is not specifically listed in the use matrix, the Administrator may determine that the use is materially similar to an allowed use if:

8.5.2.1. The use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association (APA) See <http://www.planning.org/lbcs/standards/>.

8.5.2.2. If the use cannot be located within one of the LBCS classifications, the Administrator shall refer to the most recent manual of the North American Industry Classification System (NAICS). If the use cannot be located within the NAICS, the Administrator shall make a determination whether the proposed use is materially similar to a use if it falls within the same industry classification of the NAICS manual; if so, the Administrator shall approve the use. If not, the Administrator shall deny the use. See <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.

8.6 Residential Zoning Districts

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

Density transfers and clustered development shall be allowed in order to support continued farming and/ or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

Table 8-13: Dimensional Standards – CN (Commercial Neighborhood).

CN Zoning District	CN
Density	n/a
<u>Multifamily Density*</u>	<u>Up to 20</u>

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

Chapter 10

8.7.1 Commercial General

8.7.1.5 Architectural Design Requirements

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

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

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

8.7.2 Commercial Neighborhood

8.7.2.5 Architectural Design Requirements

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

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

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

8.9. Mixed Use Zoning Districts

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

8.9.6.6. Architectural Design Requirements

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

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

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

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

MU Zoning District	If residential uses only	If at least 10% commercial use
Density	2/5	2/12

(minimum/maximum, dwelling units/acre)		
Multi-Family Residential Density *	15	20

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

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

PD Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5*	2/12*
Multi-Family Residential Density *	15	20

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

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

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

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

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

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

8.11.7 Agricultural Overlay (O-AG). Reserved**Chapter 10****10.6. Home Occupations.**

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

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

Table 10-2: Temporary Uses.

Activity	Permitted district	Duration	Maximum times/year per lot/parcel	Permit required?
Auctions	any	3 days	1	no
Christmas tree sales	C, I	60 days	1	no
Office in a model home	any	6-24 months, renewable for additional (up to) 6 12 month periods	n/a	yes
Fireworks stand	C, I	30 days	1	yes
Temporary outdoor retail sales	C	10 days	4	yes (unless shown on approved site development plan)
Produce stand or farmers' market	Ag/Ranch, RUR, RUR-F, RUR-R, RES-F, TC	90 days renewable for additional (up to) 6 month periods	n/a	no
Public assembly (carnival, fair, circus, festival, show, exhibit, concert, or similar)	C, I	up to 2 weeks	n/a	yes
Yard/garage sales	any residential	2 consecutive days, limited to daylight hours	n/a	no

Film production	any	As needed	n/a	yes
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10.9 temporary uses

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

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

10.16 Wind Energy Facilities

10.16.5.2. Design and Installation.

2. Setbacks.

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

10.19. SAND AND GRAVEL EXTRACTION.

10.19.1. Applicability. This section applies to any mineral extraction activity for construction materials, including but not limited to, stone, sand, gravel, aggregate, or similar naturally occurring construction materials. Such activity shall be allowed where permitted by the Use Table, Exhibit B, use index, subject to approval of a conditional use permit (§ 4.9.6.) and the additional requirements of this section. If the extraction activity requires-includes-any blasting, then this section shall does not apply and the operation will be treated as a Development of Countywide Impact mining operation under Chapter 11 (Developments of Countywide Impact—'DCIs'). Similarly, if the extraction operation covers an area larger than twenty (20) acres, it shall will be treated as a DCI under Chapter 11.

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

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

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

1. Maps, plans, graphics, descriptions, timetables, and reports which correlate and specify:

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

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

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

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

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

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

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

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

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

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

10.21 Multi-Family Housing:

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

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

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

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

Chapter 12

12.14. Transfer or Purchase of Development Right

12.14.3 Receiving or Sending Properties.

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

12.14.3.4. Receiving areas shall be located in approved ~~areas planned districts~~ and shall be and SDA-1 or SDA-2. Receiving areas shall be entitled to a bonus incentive of three (3) dwelling units per acre, or three (3) EDUs (equivalent dwelling units) per acre for non-residential sites. The receiving area shall, as appropriate, apply to amend its final subdivision plat or final site plan to accommodate the TDRs.

Chapter 13

13.2. AFFORDABLE HOUSING REQUIREMENTS.

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

Chapter 14

14.9.6 Conditional Use Permits

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

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

14.9.7. Variances

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

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

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

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

14.9.8 Beneficial Use Determination

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

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

14.9.9. Nonconforming Uses

14.9.9.8.3 nonconforming Structures

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

14.9.9.10.3 Uses for Nonconforming Lots

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

Appendix A – Definitions

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

Affordable Housing: means residential housing primarily for persons or households of low or moderate income an Eligible Housing Type or Unit that is sold or rented at or below the Maximum Target Housing Price or Maximum Target Monthly Rent to an Eligible or Entry Market Buyer or Renter, where the Eligible Housing Unit is occupied by the Eligible or Entry Market Buyer or Renter as a primary residence.

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

Affordable Housing Agreement: means a contract between the County and an applicant that specifies the number of Affordable Units and types that will be built, along with specific locations, and which is recorded along with the final plat or development plan.

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

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

Affordable Housing Unit: ~~a designated affordable housing dwelling or unit~~ means an Affordably Priced Housing Unit or an Entry Market Housing Unit.

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

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

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

Community Plan A Community Plan is a future land use and development plan that provides detailed planning, design and implementation guidelines for a community pursuant to the SGMP. A Community Plan should be consistent with the SGMP while addressing the communities desired future land use goals. An adopted Community Plan is an amendment to the SGMP and may be implemented through a Planning District Ordinance.

Eligible Buyer: means the buyer of an Eligible Housing Unit whose annual gross income is one hundred percent (100%) or less than the Area Median Income.

Eligible Housing Type or Unit: means a housing unit, attached or detached, that is constructed in compliance with applicable codes. Design standards for an Eligible Housing Type or Unit shall

be further categorized within the Affordable Housing Regulations according to housing type, number of bathrooms and minimum square footages of heated residential area.

Eligible Renter: means the renter of an Eligible Housing Unit whose annual gross income is one hundred percent (100%) or less than the Area Median Income.

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

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

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

Income Range: means the income range used to determine the Maximum Target Housing Price or Maximum Target Monthly Rent for each Eligible Housing Type, using the following definitions: Income Range 1: 0% to 65% of Area Median Income; Income Range 2: 66% to 80% of Area Median Income; Income Range 3: 81% to 100% of Area Median Income; Income Range 4: 101% to 120% of Area Median Income.

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

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

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

Project: means any Major Project or Minor Project.

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

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rent at which an Eligible Housing Type or Unit may be rented to an Eligible or Entry Market Renter in the appropriate Income Range, as set forth in the Affordable Housing Regulations.

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

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

Adoption Draft Changes

EXHIBIT

tabbles

2

Chapter 1

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

Chapter 2

Plan Amendments

2.1.5.6. In determining whether a proposed amendment shall be approved, the Planning Commission and Board shall consider the factors set forth in the SLDC, New Mexico judicial decisions and statutes. No SGMP amendment, Area, District or Community Plan amendment or SLDC zoning map amendment will be approved unless it is consistent with the SGMP or the applicable Area, District or Community Plan.

Community Participation

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

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

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

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

Chapter 4

Table 4-1: Procedural Requirements by Application Type

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

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

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

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

4.4.4. Pre-application meeting

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

4.6 Notice

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

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

4.4.8. Mediation. Land Use Facilitation

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

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

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

4.4.8.4. General Process.

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

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

3. Initiation of Process. The mediator/facilitator shall contact the applicant and relevant persons affected by the proposed development to determine the level of interest in a mediated/facilitated meeting. If the Administrator is aware of a homeowners' association Community Organization or Registered Organization in the vicinity of the proposed development, the mediator/facilitator shall contact the homeowners' association Community Organization or Registered Organization. If there is no interest in a mediation Land Use Facilitation or if there is no person affected by the proposed development, the mediator/facilitator shall generate a "no mediation facilitation held" report and refer the matter back to the Administrator.

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

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

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

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

Chapter 5

Chapter 6

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

Application Type	SRA Type				
	TIA	APFA	WSAR	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (over 10k sf)***	yes*	yes	yes+	yes	yes
Minor subdivision	yes*	yes	no	no	no
Major subdivision	yes	yes	yes+	yes	yes
Conditional Use Permit	yes*	as needed**	as needed**	as needed**	as needed**
Planned development	yes	yes	yes+	yes	as needed**
Rezoning (zoning map amendment)	yes	no	yes+	as needed**	as needed**
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

* If project generates over 100 trips/day based on the Institute of Transportation Engineers' *Trip Generation Manual*.

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

*** ~~Non-residential~~

6.2. Preparation and Fees (Studies Reports and Assessments)

6.2.3. Project Overview Documentation. In addition to the technical reports required under Table 6-1 and detailed below, every SRA submittal shall include basic project information to facilitate in the evaluation of the application. At a minimum, the project overview documentation shall include the following:

6.2.3.1. an accurate map of the project site ~~and of all property in common ownership~~, depicting: existing topography; public or private buildings, structures and land uses; irrigation systems, including but not limited to acequias; public or private utility lines and

easements, under, on or above ground; public or private roads; public or private water or oil and gas wells; known mines; parks, trails, open space and recreational facilities; fire, law enforcement, emergency response facilities; schools or other public buildings, structures, uses or facilities; nonconforming building, structures or uses; environmentally sensitive lands; archaeological, cultural or historic resources; scenic vistas and eco-tourist sites; agricultural and ranch lands; and all other requirements of the Administrator as established at the Administrator's pre-application meeting with the applicant;

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

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

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

6.5 Water Service Availability Report (WSAR)

6.5.5. The WSAR shall include:

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

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

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

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

6.7 Fiscal Impact Assessment

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

Chapter 7

7.3 Residential Performance Standards

7.3.1.5. **Double Frontage Lots.** Double frontage or through lots are prohibited except in commercial or industrial districts or for alleyways approved as part of a subdivision.

7.6 Landscaping

7.6.8.4. Irrigation.

1. All landscaped areas shall include a permanent, underground irrigation system to ensure long-term landscape health and growth. Irrigation systems shall utilize storm water, grey water or other non-potable irrigation water. Irrigation system design shall take into consideration the water-demand characteristics of plant or landscape materials used.

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

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

7.8 Lighting

7.8.5. Road Lighting.

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

7.10 Parking and Loading

7.10.9. **Surfacing and Maintenance.** Parking lots of forty or more spaces shall be paved, and parking lots containing fewer than forty spaces shall have a properly compacted base course surface. Where paved parking is required, permeable pavement ~~shall~~ may be used ~~if technically~~

feasible. Parking areas shall be maintained in a dust-free, well-drained, serviceable condition at all times.

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

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

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

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	4	12	n/a	Two 5 ft on-road	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	6"	8%
Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road	70 to 100	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	5"	8%
Collector	100 to 1999 401-1999	2	11	n/a	n/a	60 to 80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	4"	8%
Local	1-99, 0-400	2	10	n/a	n/a	56	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	4"	8%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	20	Level: 30-50 Rolling: 20-40 Mount.: 20-30	9%	6"	n/a	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	9%	4"	n/a	n/a

7.11.13 Driveways**7.11.13.2. Additional Standards for Residential Driveways.**

1. Residential driveways shall serve no more than two (2) lots.
2. Lots within residential subdivisions shall be limited to a single access point or driveway.
3. Access to a lot shall be from a local or collector road, except where the only possible access is from an arterial road or highway.
4. A twenty-five (25) foot asphalt apron shall be required on a driveway that accesses a paved road.

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

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

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

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

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

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

7.13.11 Water Conservation

7.13.11.1. General Requirements.

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

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

7.13.6. Water Supply Requirements.

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years³. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit notwithstanding that the owner or developer claims that less water is to be used; however, an applicant may demonstrate that less water use can be expected by presenting evidence of the conservation techniques and equipment to be included in the development, or by demonstrating a consistent history of water use, or both. Annual water use limitations are established in subsection 7.13.11 ("Water Conservation") of the SLDC, and shall also apply.

7.13.7 Self Supplied Water Systems

7.13.7.2.12. An applicant proposing or required to use a shared well system or an individual well shall perform a geo-hydrologic report that conforms to the requirements of this SLDC, or, as specified in the following paragraph, a reconnaissance report. An applicant proposing to develop a single lot existing prior to the effective date of the SLDC using an individual well as the water supply, shall not be required to provide a geo-hydrologic report or a reconnaissance report, but shall be required to provide a copy of the permit issued by the Office of the State Engineer.

7.14 Energy Efficiency

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

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

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

Renumber the remaining sections of 7.14

7.17 Terrain Management

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

7.18 Flood Prevention and Flood Control

7.18.5. Basis for Establishing Special Flood Hazard Areas. The Special Flood Hazard Areas ("SFHAs") identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for Santa Fe County, New Mexico and Incorporated Areas," effective ~~June 17, 2008~~ December 4, 2012 ("FIS"), with accompanying Flood Insurance Rate Maps ("FIRM") and/or Flood Boundary Floodway Maps ("FBFM") and any revisions thereto, are hereby adopted by reference and declared to be a part of the SLDC. These Special SFHAs identified by the FIS and attendant mapping are the minimum area of applicability of the SLDC and may be supplemented by subsequently conducted studies designated and approved as set forth herein. The Floodplain Administrator shall keep a copy of the FIS, FIRMs and/or FBFMs on file and available for public inspection during normal business hours.

7.18 Flood Prevention and Flood Control

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

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

7.22 Financial Guaranty

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

7.25 Special Protection Of Riparian Areas.

7.25.2. Relation to Flood Prevention and Flood Control.

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

7.25.3. Beneficial Use Determination.

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

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

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

Table 7-24 Dimensional Regulations in Riparian Buffers

(A) Dimensional Requirement	(B) Stream Side Zone	(C) Managed Use Zone	(D) Upland Zone
Floor-area ratio	0.04	0.049	Same underlying zoning district
Impervious surface ratio (unsewered areas)	0.06	0.12	0.12
Impervious surface ratio (sewered areas)	0.10	0.20	0.20
Disturbed-area ratio	0.20	0.40	0.40

Renumber the remaining of section 7.25

Chapter 8

Table 8-1: Base Zoning Districts.

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

Table 8-4: Use Matrix Labels.

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

Lot coverage – remove for all residential districts as setback apply.

8.7. NON-RESIDENTIAL ZONING DISTRICTS.

8.7.1. Commercial General (CG).

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

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

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

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

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

<u>Zoning District</u>	<u>CG</u>
<u>Density</u>	<u>n/a</u>
<u>Frontage (minimum, feet)</u>	<u>4050</u>
<u>Lot width (minimum, feet)</u>	<u>n/a</u>
<u>Lot width (maximum, feet)</u>	<u>n/a</u>
<u>Height (maximum, feet)</u>	<u>48</u>
<u>Front setback (minimum, feet)</u>	<u>5</u>
<u>Front setback (maximum, feet)</u>	<u>100</u>
<u>Side setback (minimum, feet)</u>	<u>0</u>
<u>Rear setback (minimum, feet)</u>	<u>30</u>
<u>Lot coverage (maximum, percent)</u>	<u>80</u>
<u>Maximum building size (individual buildings, square feet)</u>	<u>2550,000</u>
<u>Maximum building size (aggregate)</u>	<u>75150,000</u>

8.7.1.5 Architectural Design Requirements

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

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

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

8.7.2

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

CN Zoning District	CN
Density	n/a
Frontage (minimum, feet)	30 50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Lot coverage (maximum, percent)	80
Maximum building size (individual buildings, sq. ft aggregate)	50,000*
Maximum size of individual establishments (sq. ft.)	40 15,000**

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

**Establishment size may be increased up to ~~23~~0,000 square feet with the issuance of a conditional use permit.

8.7.2.5 Architectural Design Requirements

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

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

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

Renumber subsequent tables and sections in chapter 8

8.7.2.3 Industrial (I).

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

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

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

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

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

Zoning District	I
Density (maximum, dwelling units/acre)	n/a
Frontage (minimum, feet)	50
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	50
Lot coverage (maximum, percent)	70%
Maximum building size (individual)	50,000*
Maximum building size (aggregate)	100,000*

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

8.9. MIXED USE ZONING DISTRICT (MU).

8.9.1. Purpose. The Mixed Use (MU) district provides for areas of compact development with primarily residential and some commercial uses. The MU district provides a full range of housing choices and promotes a sense of community, vitality, and adequate facilities and services. The purpose of the MU designation is to accommodate compact communities, which typically have public gathering places or community facilities with a mix of associated land use such as residential and neighborhood-scale retail, small businesses, and local commercial uses. Community facilities may include schools, post offices, community centers, and recreational facilities, multi-modal

transportation facilities that promote bicycling, equestrian activities, park and ride, and transit.

8.9.2. Applicability. The MU district requires residential uses and allows commercial, retail, recreational, community and employment uses. A variety of housing types are allowed in this district, including duplexes, multi-family and single family. A housing density bonus is given (as shown in Table 8-17) if at least 10% of the developed square footage within the MU district is allocated to commercial/retail use intended to serve the local community.

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

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

8.9.5. Dimensional Standards. The dimensional standards within the MU district are outlined in Table 8-17.

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

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

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

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

8.9.6. Design requirements.

8.9.6.6. Architectural Design Requirements

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

2. Buildings over 25,000 square feet or less shall be designed with a minimum of 3 distinct masses to be defined by four (4) feet change in both vertical and

horizontal direction. The maximum uninterrupted length of any façade of shall be 50 feet.

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

8.10 Planned Development Zoning Districts

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

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

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

8.11 Overlay Zones

8.11.2. Rural Commercial Overlay (O-RC).

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

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

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

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

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

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

Chapter 9

9.3 Effect of SLDC On Existing Community Districts

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

9.3.2. ~~Santa Fe Community College District (Ordinance 2000-12).~~

9.3.~~3~~2. Tesuque Community District (Ordinance 2000-13).

9.3.~~4~~3. Madrid Community Planning District (Ordinance 2002-1).

9.3.~~5~~4. San Pedro Community District (Ordinance 2002-2).

9.3.~~6~~5. La Cienega and La Cieneguilla Community Planning District (Ordinance 2002-9).

9.3.~~7~~6. El Valle de Arroyo Seco Highway Corridor District (Ordinance 2003-7).

9.3.~~8~~7. U.S. 85 South Highway Corridor District (Ordinance 2005-08).

9.3.~~9~~8. Tres Arroyos Del Poinente District (Ordinance 2006-10 and Ordinance EZA 2007-01).

9.3.~~10~~9. Village of Agua Fria Planning District (Ordinance 2007-2).

9.3.~~11~~10. Pojoaque Valley Community District (Ordinance 2008-5).

9.3.11. San Marco Community Plan (Resolution No. 2003-83)

9.3.12. Galisteo Community Plan (Resolution No. 2012-36)

9.3.13. Chimayo Community Plan (Resolution Pending)

Chapter 10

10.4. ACCESSORY DWELLING UNITS.

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

manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

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

10.4.2.1. Occupancy.

~~1. Only immediate family members may occupy the principal dwelling unit and the accessory dwelling unit.~~

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

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

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

10.4.2.4. Building and Site Design.

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

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

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

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

10.6 Home Occupations

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

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

Table 10-1: Home Occupation Requirements.

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

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

Chapter 11

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

11.2.1. oil and gas drilling and production;

11.2.2. mining and resource extraction;

11.2.3. substantial land alteration;

11.2.4. landfills;

11.2.5. junkyards; ~~and~~

11.2.6. large-scale feedlots and factory farms; ~~and~~

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

11.3 Regulation

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

Chapter 12

12.2 Adequate Public facilities Regulations (APFRs)

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

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

(A) Public Facility -Type or Location		(B) Level of Service	(C) Impact Area
Roads	SDA-1 and SDA-2	D	within ½ mile of development
	SDA-3	C	within ½ mile of development
Emergency Response	Fire Vehicles and Facilities	Must achieve ISO 7/9	countywide
	Sheriff Vehicles	2.4/1,000 residents	countywide
	Sheriff Facilities	111 sf/1,000 residents	countywide
Water Supply and Liquid Waste	Water	0.25 acre ft/year (residential)*	per residence
		0.27 acre ft/year	per 10,000 sf nonresidential

	Sewer	Capacity to treat the amount of wastewater created per §7.5.2.	county utility, local treatment facility, or project site
Parks, Trails and Open Space	Parks	1.25 acres/1,000 residents	countywide
	Trails	0.5 miles/1,000 residents	countywide
	Trailheads	1 each at the ends of the trail, and a trailhead every 5 miles	countywide
	Open Space	8.5 85 acres/1,000 residents	countywide

*Subject to reduction pursuant to Section 7.13.6.1.

12.4 Development Agreements.

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

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

Chapter 14

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

Appendix A

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

Appendix B:

(Insert before the use matrix)

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

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

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

RECOMMENDED REVISIONS TO ADOPTION VERSIONS OF SLDC OFFICIAL MAPS

Change Maps 1 through 6 in the adoption versions of the SLDC Official Map Series, follows:

The word "Draft" has been removed from all of the maps;

"Sustainable Land Development Code" has been added to the title of all maps;

The date on each map is set to a consistent date, "December, 2013", or the actual adoption date of the SLDC when it occurs;

The road right-of-way and road maintenance responsibility data on Map 2 is updated to Nov. 1, 2013, based on the property appraiser's parcel data (for the R.O.W.s), and the date of this information is added to the map;

The County water and sewer line data on Map 6 is updated to Nov. 1, 2013, using the latest GIS data from the Utilities Division, and the date of this information is added to the map.

Any county-owned open space, trails, and parks properties that did not appear on previous drafts of the Official Map 5 for Open Space, Trails, and Parks have been added, including planned or proposed trails and trail corridors;

All Santa Fe County Community Plan District boundaries have been added Official Map 5, in order to make reference to proposed open space, trails, and parks in adopted Community District Plans and ordinances, with the wording "Community plan area open space and trails plan and ordinance maps apply";

All trails through public lands (U.S. Forest Service, Bureau of Land Management, National Park Service, etc.) in Santa Fe County for which GIS data is available, have been added to Official Map 5;

All City of Santa Fe trails and multi-use paths for which GIS data is available, have been added Official Map 5;

Parks and open space parcels that are owned by municipalities have been added to Official Map 5;

The Santa Fe River watershed closure by the U.S. Forest Service has been added to Official Map 5; and

Add a note that Official Map 5 for Open Space, Trails, and Parks is to be used and interpreted consistent with the applicable Official Map section of the SLDC.

Sustainable Land Development Code Use Table

December 2013

EXHIBIT

4

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
	1110		P	P	P	P	P	P	P	P	P	P	X	X	A	P	
	1120		P	P	P	P	P	P	P	P	P	P	X	X	A	P	
	1121		P	P	P	C	C	C	C	C	P	P	X	X	A	P	
	1130		A	A	A	A	A	A	A	A	PA	A	A	A	A	P	Chapter 10
			P	P	P	P	P	P	P	P	P	P	P	X	A	P	
	1202-99		C	C	C	C	C	C	C	C	P	P	C	X	A	P	
	1210		P	P	P	P	P	P	P	P	P	P	X	X	P	P	
	1230		P	P	P	C	C	C	C	C	P	P	P	X	P	P	
	1240		P	P	P	C	C	C	C	C	P	P	P	X	P	P	
	1250		P	P	P	C	C	C	C	C	P	P	P	X	P	P	
			P	P	P	C	C	C	C	C	P	P	P	X	P	P	
	1310		A	A	A	X	X	X	X	X	X	A	A	A	A	P	
	1320		A	A	A	X	X	X	X	X	C	A	A	X	P	P	
	1340		A	A	A	X	X	X	X	X	C	C	A	X	P	P	Chapter 10
	1350		P	P	P	A	A	A	A	A	C	A	P	P	P	P	
	1310		P	P	P	C	C	C	C	P	P	C	C	X	X	P	Chapter 10
	1320		C	C	C	C	C	C	C	C	P	P	P	X	C	P	
			C	C	C	X	X	X	X	C	C	P	P	X	X	P	
	1330		C	C	C	X	X	X	X	X	X	P	P	X	X	P	
	2200		P	P	P	C	C	C	C	C	P	P	P	X	P	P	
	2210		X	X	X	X	X	X	X	X	C	X	C	C	X	P	
averages	2220		X	X	X	X	X	X	X	C	P	C	P	X	X	P	
s permitted	2220		X	X	X	X	X	X	X	C	P	P	P	C	X	P	
	2230		X	X	X	X	X	X	X	C	P	P	P	C	X	P	
	2240		X	X	X	X	X	X	X	X	X	C	P	X	X	P	
	2124 2250		X	X	X	X	X	X	X	X	X	C	P	C	X	P	
	2260		A	A	A	X	X	X	X	C	P	P	P	C	X	P	
	2270		C	C	C	X	X	X	X	C	C	C	P	P	X	P	
	2280		C	C	C	X	X	X	X	C	P	P	P	P	X	P	
	2111		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
	2112		C	C	C	X	X	X	X	X	X	X	P	P	X	P	
	2113		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
	2114		C	C	C	X	X	X	X	X	X	X	P	P	X	P	

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
	2115		C	C	C	X	X	X	X	C	P	P	P	P	X	P	
	2116		C	C	C	X	X	X	X	C	X	X	P	P	X	P	
	2126		C	C	C	X	X	X	X	C	X	C	P	P	X	P	
	2145		C	C	X	X	X	X	X	X	X	X	C	P	X	P	
	NAICS 522298		X	X	X	X	X	X	X	C	P	P	P	C	X	P	
of alcohol)	2155		C	C	C	X	X	X	X	C	P	C	C	X	X	P	
	2510-2580		X	X	X	X	X	X	X	X	P	C	P	X	X	P	
	2591		X	X	X	X	X	X	X	P	P	P	P	P	X	P	
	2593		X	X	X	X	X	X	X	C	P	P	P	P	X	P	
	NAICS 811192		X	X	X	X	X	X	X	X	C	X	P	P	X	P	
ough facility)	2100		A	A	A	X	X	X	X	C	P	P	P	X	X	P	
	2110		X	X	X	X	X	X	X	X	C	C	P	X	X	P	
	2300		X	X	X	X	X	X	X	C	P	P	C	X	X	P	
	2400		X	X	X	X	X	X	X	C	P	P	P	X	X	P	
, and technology)	2416		C	C	C	X	X	X	X	C	P	P	P	P	X	P	
	2331		C	C	C	X	X	X	X	C	P	P	P	P	X	P	
	2332		C	C	C	X	X	X	X	X	C	X	P	P	X	P	
rial, landscaping, carpet upholstery, cleaning, parking	2450		C	C	C	X	X	X	X	C	P	X	P	P	X	P	
			X	X	X	X	X	X	X	C	C	P	P	C	X	P	
	5400		P	P	P	X	X	X	X	C	X	X	X	X	C	P	
			X	X	X	X	X	X	X	X	X	X	C	C	X	X	Sec. 10.20
			X	X	X	X	X	X	X	C	P	P	P	C	X	P	
ring and wholesale trade																	
d in Codes 2611-2615, below)	2610		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2611		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
	2612		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
	2613		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	2614		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	2615		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	3000 2621		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	3000 2622		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	7000		C	C	C	X	X	X	X	C	X	X	X	P	X	P	
	7400		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	7200		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	7300		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
d junkyards			C	C	X	X	X	X	X	X	X	X	X	P	X	P	
			C	C	X	X	X	X	X	X	X	X	X	P	X	P	

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
			C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2700		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2710		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2720		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	2730		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2740		P	P	P	X	X	X	X	X	X	X	X	P	X	P	
	2750		P	P	P	X	X	X	X	X	X	X	X	P	X	P	
	2760		C	C	X	X	X	X	X	X	X	X	X	P	X	P	
	3510		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
	3520		X	X	X	X	X	X	X	X	X	X	X	P	X	P	
			C	C	C	X	X	X	X	X	X	X	X	P	X	P	
			C	C	C	X	X	X	X	X	X	X	X	P	X	P	
	2780		C	C	C	X	X	X	X	X	X	X	X	P	X	P	
		3110	C	C	X	X	X	C	C	C	P	P	P	P	P	P	
		3120	X	X	X	X	X	X	X	X	P	C	P	P	P	P	
		3130	C	C	C	X	X	X	X	X	X	C	P	P	P	P	
		3140	C	C	X	X	X	X	X	X	X	C	P	P	X	P	
	3200		X	X	X	X	X	X	X	X	C	P	P	P	P	P	
Specifically enumerated	5300		C	X	X	X	X	X	X	X	X	X	C	P	C	P	
	5310		C	X	X	X	X	X	X	X	X	X	C	P	X	P	
	5320		X	X	X	X	X	X	X	X	X	C	P	P	X	P	
	5340		C	C	C	X	X	X	X	C	X	P	P	P	X	P	
	5370		P	P	P	C	C	C	C	C	P	P	P	P	P	P	
	5380		X	X	X	X	X	X	X	C	P	P	P	P	C	P	
	5390		P	P	P	X	X	X	X	C	X	P	P	P	P	P	
		3300	C	X	X	X	X	X	X	X	X	X	C	C	C	P	
	5130		C	X	X	X	X	X	X	X	X	X	C	C	X	P	
		3400	A	A	A	X	X	X	X	X	X	X	P	C	P	P	
Religious facilities		3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Structure		3700	A	A	A	X	X	X	X	X	C	C	P	P	P	P	
		3810	P	P	P	P	P	P	P	P	X	P	P	P	P	P	*
	6340		P	P	P	C	C	C	C	C	X	C	X	P	P	P	*
	6340		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		7100	P	P	P	C	C	C	C	C	C	C	P	C	P		
	5400		P	P	P	X	X	X	X	X	X	X	X	X	P		
		4410	X	X	X	X	X	X	X	P	P	P	P	P	P		

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
	5100		C	C	C	X	X	X	X	P	P	P	P	P	P		
	5101		C	C	C	X	X	X	X	P	P	P	P	C	P		
	4110		X	X	X	X	X	X	X	X	X	X	P	X	P	P	
	4120		P	P	P	P	P	P	P	P	P	P	P	C	P	P	
otherwise enumerated)	6560		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6561		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6562		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6562		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6562		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6563		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6564		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6565		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6566		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6730		P	P	P	P	C	C	C	C	C	P	P	P	P	P	
	4200		P	P	P	C	C	C	C	P	C	P	P	P	P	P	
	4210		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	4220		P	P	P	C	C	C	C	C	C	P	P	P	P	P	
	6140	4230	P	P	P	C	C	C	C	C	C	P	P	P	P	P	
	4300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	5200	4400	P	P	P	C	C	C	C	P	P	P	P	P	P	P	
		4410	P	P	P	X	X	X	X	P	P	P	P	P	P	P	
		4420	P	P	C	X	X	X	X	P	C	P	P	P	P	P	
		4430	P	P	C	X	X	X	X	C	C	P	P	P	P	P	
		4440	P	P	P	C	C	C	C	C	P	C	P	P	P	P	
		4450	P	P	P	X	X	X	X	X	X	X	P	P	P	P	
		4500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		4510	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		4520	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		4530	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
		4600	C	C	C	X	X	X	X	X	X	X	X	C	P	P	*
		4700	P	P	P	C	C	C	C	C	X	C	C	P	P	P	
		4800	P	P	P	X	X	X	X	P	P	P	P		P	P	
		4800	P	P	P	X	X	X	X	X	X	X	X	P	P	P	
		6200	P	P	P	X	X	X	X	P	P	P	P	P	P	P	
		6310	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
		6330	P	P	P	X	X	X	X	C	P	C	P	P	P	P	*
			C	C	C	C	C	C	C	C	C	C	C	C	C	C	*

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
	5200		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
			X	X	X	X	X	X	X	C	X	P	P	P	X	P	
	5210		A	A	A	A	A	A	A	A	A	A	A	A	A	P	
	5220		A	A	A	A	A	A	A	A	A	A	A	A	A	P	
	5230		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
	5240		X	X	X	X	X	X	X	P	X	P	P	P	A	P	
	5250		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
	3830		X	X	X	X	X	X	X	C	X	P	P	P	P	P	
	5300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	5400		X	X	X	X	X	X	X	C	X	C	C	P	X	P	
	4140		X	X	X	X	X	X	X	X	X	C	C	P	X	P	
	4151		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
	4153		X	X	X	X	X	X	X	X	X	C	C	P	X	P	
ilities	4155		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
			X	X	X	X	X	X	X	C	C	P	P	P	X	P	
	4156		X	X	X	X	X	X	X	C	X	P	P	P	C	P	
omobile salvage, wrecking, or permanent vehicle storage	4157		X	X	X	X	X	X	X	C	X	C	C	P	C	P	
s, natural gas, or mineral slurry [F]	4170		C	C	C	C	C	C	C	C	X	C	C	C	X	P	
	4190		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
	5600		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
	5610		C	C	C	C	C	C	X	C	X	C	C	C	X	P	
	5620		C	C	C	X	X	X	X	X	X	X	X	C	C	P	
	5640		C	C	C	X	X	X	X	X	X	C	C	C	C	P	
			C	C	C	X	X	X	X	C	X	C	C	C	C	P	
Facility	5650		C	C	C	X	X	X	X	X	X	C	C	C	C	P	
			P	P	P	P	P	P	P	P	X	P	P	P	P	P	
	5700		C	C	X	X	X	X	X	X	X	X	X	P	C	P	
	5701		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
	5702		C	C	X	X	X	X	X	X	X	C	C	P	X	P	
electric power	6100		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
			C	C	C	C	C	C	C	C	C	C	C	P	C	P	
			C	C	C	C	C	C	C	C	C	C	C	C	C	P	
	6220		C	C	C	C	C	C	C	C	X	C	C	C	C	P	
			P	P	P	P	P	P	P	P	A	P	P	P	P	P	
	6230		C	C	C	C	C	C	C	C	A	C	C	C	C	P	

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
pipelines	6250		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	6260		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
	6270		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
	6280		C	C	C	C	C	C	C	C	X	C	C	C	P	P	
irrigation or acequia system irrigation	6290		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
ions, and collection lines	6310		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
	4345	6320	C	C	C	X	X	X	X	X	X	X	X	C	C	P	
		6330	C	C	C	X	X	X	X	C	X	X	X	C	X	X	
	4343	3210	C	C	C	C	C	C	C	C	X	C	C	P	X		
	4344		C	C	C	X	X	X	X	X	X	X	X	X	X	C	
	4346		X	X	X	X	X	X	X	C	C	C	P	P	X	P	
			C	C	C	X	X	X	X	C	X	C	C	P	X	P	
		6340	C	C	X	X	X	X	X	X	X	X	X	C	X	P	
			C	C	X	X	X	X	X	X	X	X	X	C	X	P	
		6350	C	C	C	C	C	C	C	C	X	C	C	C	C	P	
		6400	C	C	X	X	X	X	X	X	X	X	X	C	DCI	P	
		6500	P	P	C	C	C	C	C	C	A	C	C	C	C	P	
		6510	P	P	C	X	X	X	X	C	A	C	C	P	P	P	
		6520	P	P	P	C	X	X	X	C	A	P	P	P	P	P	
		6600	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
			C	C	C	X	X	X	X	C	C	C	C	P	X	P	
		6450	C	C	C	X	X	X	X	X	X	C	C	P	C	P	
			C	C	C	C	X	X	X	X	X	C	C	P	X	C	Sec. 10.16
	4230		P	P	P	X	X	X	X	C	X	P	P	P	C	P	
		6930	P	P	P	P	P	P	P	P	X	P	P	P	P	P	
es		6950	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
e		6960	X	X	X	X	X	X	X	C	P	C	C	X	P	P	
pace																	
gricultural products		8100	P	P	P	A	A	A	A	P	X	A	A	P	C	P	
	9300		C	C	C	X	X	X	X	X	X	X	X	X	X	X	
		8200	P	P	C	X	X	X	X	C	X	X	X	X	X	X	
		8500	P	P	P	C	AC	AC	AC	C	P	P	P	P	PC	P	
			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
use and commercial up to ± 12 horses		8240	P	P	P	P	P	EP	EP	EP	EP	EP	P	P	P	P	
over ± 12 horses			P	P	P	EP	C	C	C	C	C	C	C	C	C	C	
		8700	P	P	P	C	C	X	X	C	C	C	P	P	P	P	
		8700	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	9100		P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Use	Function	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Home premises	8500		P	P	P	EP	EP	EP	EP	EP	EP	EP	EP	EP	EP	EP	
			P	P	P	A	A	A	A	A	P	P	P	P	P	P	
	9300		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
	9400		P	P	P	C	C	C	C	C	X	C	C	C	P	P	
Industry			P	P	P	A	A	A	A	C	P	P	P	P	P	P	
Recreation areas			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	8310		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
Stock [7]	8230		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	8210		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
	8900		P	P	P	A	A	A	A	P	A	A	A	A	A	P	
	8220		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
	8000		P	P	P	A	A	A	A	A	A	A	A	A	A	P	
	8420		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
	8100		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
	8200		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
	8300		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
	8400		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
	8500		C	C	C	X	X	X	X	X	X	X	X	C	X	X	
			C	C	C	C	C	X	X	X	X	C	C	C	X	X	
[4]			DCI	DCI	DCI	DCI	DCI	X	X	X	X	X	DCI	DCI	X	X	
[4] is part of the master site plan for the Planned Development District.																	

12-03-2013



Madam Chair and Commissioners:

The Santa Fe Food Policy Council, as an advisory body to both the City and County of Santa Fe, has an active interest in promoting a future of local food security through the protection of agricultural resources, skill sets, and residents' right to farm. The approval of the Sustainable Land Development Code (SLDC) is a mechanism in which we, as a County, can articulate a clear framework prioritizing agriculture and holding a space for the cultural, economic, ecological, and health-related benefits which are associated with a strong local food system.

Since the approval of the County's Sustainable Growth Management Plan in early 2011, the Santa Fe Food Policy Council has been working with staff of the County Growth Management and Land Use Department to transform those recommendations in the form of the SLDC. However, the current version of the Code does not yet reflect the agricultural goals included in the County's Sustainable Growth Management Plan.

The SFFPC supports a Code that includes a set of clear and quantifiable methods of gathering funds from development processes that in turn will be used to invest in agriculture. We ask the Board of County Commissioners (BCC) to instruct staff to develop these methods, working with the SFFPC and other stakeholders, and to present them as part of a final DRAFT development code for BCC approval.

The historic 'Right To Farm' that has shaped this region's development, and which has been a cornerstone for New Mexican family self-sufficiency, would be revoked by the proposed zoning districts. Without other mechanisms to support local agricultural use, the Code as written, will result in continued and progressive elimination of agricultural opportunity in the County. Through the new Code we want to minimize additional layers of cost and confusion associated with small and medium-scale farming in Santa Fe County.

As a predominately rural county with a living agricultural heritage, it is essential that steps are taken now which support both traditional and innovative methods of food production as key assets in future development plans. The Santa Fe Food Policy Council maintains a position that while agriculture is the highest and best use for land, development is both necessary and beneficial. The movement from a "Right to Farm" based (un-zoned) County code, to one that is fully zoned, will add costs to all agricultural enterprises. To mitigate these costs for Santa Fe County farmers and ranchers, it is imperative that this transition in zoning include mechanisms of investment which strategically protect and support our region's agricultural assets amid future development.

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A program of Farm to Table



The following recommendations for the SLDC will support a framework for a mutually beneficial relationship between agriculture and development in Santa Fe County.

- A place-holder for an 'Agricultural Activities Overlay District' which has specific language detailing necessary components of functional crop farming and small-scale livestock operations which will be permitted under this overlay district.
- Revisions to the proposed section for Transfer of Development Rights to include language that favors the preservation of agricultural land uses. (i.e. a program that rewards lot owners and developers for enhancing agricultural opportunities through retirement of existing lots. This concept can applied equally well to irrigated acres and ranged land for grazing.)
- The inclusion of an Agricultural section in Chapter 10, Supplemental Zoning Standards, which will be cited under 'Special Conditions' in Appendix B, pages 6 & 7 for clarification and definition of terms used in the Agriculture, Forestry, and Conservation/Open Space section of the Use Table.
- The inclusion of 'Conservation Subdivisions', or a similar mechanism by which zoning districts have incentivized options of clustering development within a portion of the parcel, thereby retaining continuity in the surrounding landscape for agricultural production or other landscape conservation practices.
- The inclusion of mechanisms to offset or reverse the trend of agricultural land (and water) lost to competing uses which result in higher land values. An example we recommend has precedent in Connecticut, and addresses this concern through a transaction fee on all permits with the funds then allocated to costs associated with area agricultural activities and for the preservation of farmland.

Simultaneous to the development of the SLDC, the Santa Fe Food Policy Council has, in partnership with numerous stakeholders throughout the community, spearheaded an effort which represents another major step on our collective journey toward building a local, healthy, and prosperous food system for Santa Fe County. This October, a draft of the first ever Food Plan for Santa Fe region, "**Planning for Santa Fe's Food Future: Querencia, a Story of Food, Farming, and Friends,**" was released. Over the upcoming year, this document will serve as a tool to reach out to all corners of our county to gain input, understanding, and build relationships around how to design a local food system that works within our regional context. Our process will culminate in the development of a final strategic food plan for the City and County of Santa Fe—a detailed roadmap for action and accountability around food related issues.

'Growing Food: Goal Area 5' is a section of **"Planning for Santa Fe's Food Future"** which speaks directly to the potential of the SLDC in shaping a future of agricultural viability and food security in Santa Fe County. This goal, and associated action items can be found on p. 16 of the document, and are outlined below:

Goal 5: Increase the viability of local farm and ranch activity by working with the City and County to ensure land use plans are supportive of agricultural use.

- Work with Santa Fe County to incorporate land use allowances for agricultural activity into the SLDC.
- Develop innovative land use strategies that promote density in urban areas and reserve outlying lands for increased food production.
- Support land conservation strategies such as agricultural easements which provide tax incentives to land owners to protect their lands from development for all future generations


Through the lens of **'Growing Food: Goal Area 5'** and past work with the County Growth Management and Land Use Department, the Santa Fe Food Policy Council is in favor of and fully supports the following proposed edits for adoption in SLDC which were presented on November 19, 2013.

- Crop Production Greenhouses changed from 'Conditional' to 'Permitted' use in Appendix B for all proposed zoning districts.
- Amendment of language in the existing 'Rural Commercial District' to include language which clearly specifies agricultural business, production, storage, and/or processing as permitted or conditional uses.

The members of the Santa Fe Food Policy Council look forward to working in collaboration with the Board of County Commissioners and staff on refinements of the Sustainable Land Development Code prior to its enactment. We are confident that this partnership will result in an increased capacity to manage future concerns of agriculture and food security within Santa Fe County and a Sustainable Land Development Code that the Santa Fe Food Policy Council can fully support.

Please feel free to call us if you have suggestions and wish to discuss this further.

Sincerely,


Susan J. Perry, Chair
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Santa Fe County Land Use Code:

Innovating for Food Security Through a Healthy Agricultural Sector



The Santa Fe Food Policy Council
White Paper

Original publication: June 13, 2011

Updated: December 2, 2013

By: Steve Warshawer, Rubina Cohen, Erin Lloyd Ortigoza

In January of 2011, the Santa Fe Board of County Commissioners unanimously voted to approve the Santa Fe County Sustainable Growth Management Plan (SGMP). The Santa Fe Food Policy Council worked in partnership with the County to help develop specific sections on agricultural lands. The next step is to develop a land use code in order to implement the SGMP.

There should be no objections to the statement that the economic, social, and environmental landscape of our county depends on the wise use and allocation of our land and related resources. In light of this, the Santa Fe Food Policy Council believes the County has a unique and rare opportunity in which they must act upon now.

Until around the late 18th and early 19th century when the United States moved into the Industrial Revolution, our nation was agriculture based. In Santa Fe County, many communities not only relied on agriculture as a source of income, but many people depended on the land to feed their families. The working of the land to produce food and to feed ourselves is part of our County's rich cultural heritage. That was a time when the highest and best use of our land was for agriculture and food production. Somehow, along the way we have lost that ability to the detriment of our health and economic welfare.

Currently, the highest and best use of our land is seen as development. Development of residential areas as well as commercial properties are important for the creation and maintenance of communities, neighborhoods, and families. People need shelter, commercial districts where businesses and jobs are located, community centers for socializing, etc. However, one of the most basic needs in life is having food and the resources necessary to produce it. Therefore, a land use policy that strictly favors development as highest and best use of land puts any other land use at a competitive disadvantage.



A Movement for Self Sufficiency and Food Security

There is a national and local movement occurring in which increasing emphasis is placed on the importance of developing and maintaining a local economy for increased self sufficiency and self reliance. There is a growing desire to support locally grown food and the creation of local food businesses. Here in Santa Fe, there are several networks and alliances working to develop these opportunities. Santa Fe County, through its land use code and other policies, has a unique opportunity to support their efforts.

This movement is significant for Santa Fe County. According the U.S. Department of Agriculture New Mexico is one of the most food insecure states in the nation with only 11 other states that fare worse than us. Food insecurity is when people do not have enough food or have problems accessing food in order to feed themselves. These circumstances in our community warrant innovative strategies beyond what is already taking place. This brings us back to land use, a vital component in furthering self sufficiency and community food security.

The Santa Fe Food Policy Council seeks to advance the idea that the highest and best use of land is for the production of food and for the support of local businesses and economy related to food. We believe that by placing food and other basic needs at or above development in the hierarchy of land use, critical resources can be protected and food insecurity can be mitigated or minimized. This idea is put forward with the understanding and agreement that development is certainly as necessary as food. For instance, if there is no development then we face the risk of not having any customers. Therefore, we advocate for a land use code that strikes a balance between development and other important land uses, a task that is a long overdue and should not be avoided.

“The Santa Fe Food Policy Council seeks to advance the idea that the highest and best use of land is for the production of food and for the support of local businesses and economy related to food.”



What We Need to Do Now

The Santa Fe Food Policy Council urges that we begin a dialogue with the goal of creating a new approach to approving land development projects and activities. Specifically, we ask whether the creation of new lots for development is necessary or beneficial when there are currently 15,000 undeveloped lots in Santa Fe County. In lieu of new lot creation, could we move or densify resources such as water, utilities, infrastructure, and roads? In contrast with development, land for agriculture cannot be moved as it requires particular land attributes, and certain lands are more suited to agriculture than others. The availability of water, soil type and quality, grass condition, and forest balance, for example, are all vital attributes for agricultural production. Creating new lots for development without first maximizing the use of existing lots hinders our ability to create economic opportunity, enhance self sufficiency, and food security.

At the same time, preservation of resources and opportunity is not enough to assure that agricultural land contributes to local food security. There are other factors which must be addressed to reverse the historic depletion of opportunity for small and medium scale producers and food processors. Ultimately, agricultural opportunity starts with availability of land and water. Those resources must be affordable and accessible. In addition, policies must support businesses that contribute to local food security and those businesses must be incubated to be viable economically and successful contributors.

Strategies and Recommendations

The Santa Fe Food Policy Council offers the following strategies and recommendations as guides for the support of agriculture and food business in Santa Fe County.

Strategies:

Santa Fe County must instate innovative policies that convert existing lots into development opportunities. Simultaneously, it should work to minimize the loss of agricultural acreage and protect other resources necessary for agricultural activities.

Santa Fe County should act in the best interest of the public good by establishing incentives which incubate small and medium scale local farm and food businesses. This approach will have economical benefits and is also necessary because the cost to the community of food insecurity is higher than the cost of “investing” in local businesses.



Recommendations:

Develop a TDR (Transfer of Development Rights) program that rewards lot owners and developers for enhancing agricultural opportunities. Through retirement of existing lots (this concept can apply equally well to irrigated gated acres and ranged land for grazing) *Note: This program can only work if new lots are not created around the county.*

Develop public/private partnerships to create revolving loan fund and matching grant funds, provide resources for conservation innovation on area farms and ranches

Develop a PDR (Purchase of Development Rights) program that is funded through an ongoing revenue source such as Gross Receipts or Lodging Tax

Develop a management plan for land that the County owns in order to make it available for agriculture when ever possible and whenever such lands have strong agricultural potential or history

Create a Land Exchange Program. The County already owns, and could acquire land suitable for development and trade that land to agriculture land holders in order to facilitate reduction of development pressure in sensitive agricultural areas. (Family transfer zone essentially provides more optimal lands on which family members can develop.)

Support training programs in schools including secondary and community college level, FFA and 4H

Take an active role in supporting and funding the Coop extension system

Conclusion

Santa Fe County has a unique opportunity to innovate and support the movement towards creating a burgeoning local economy. As the county prepares to develop its land use code in the process towards implementing the Santa Fe County Sustainable Growth Management Plan, it has the rare occasion to shift priorities toward a balance between historically important and currently critical land uses such as agriculture with conventional priorities such as residential and commercial development and related infrastructure.

The Santa Fe Food Policy Council proposes that a land use code be written where the highest and best use of land is agricultural land use, for food production. We propose that this designation for land use will not only help to revitalize an important cultural heritage, it will encourage and strengthen economic development, increase the health and well-being of our residents and put us on the road to self sufficiency and food security.



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A program of Farm to Table





Hello,

My name is Michael Wiese, and I am president of the **West Santa Fe Association**. We are the neighborhood association that includes Pifion Hills, west of 599 and north of CR70.

On behalf of our governing board, I would like to thank all the County Staff and volunteers who put in countless hours creating this important document. It will help preserve, protect, and improve our beautiful Santa Fe County for many generations to come. I'd also like to thank United Communities for working together with us toward the same goals.

While we are so close to finalizing this powerful, and long overdue Code, there are still important issues that need to be worked out. This is a very complex document, and the devil is in the details. These details will have real and significant impacts on me, my neighbors, and all of us in Santa Fe County. We need to take a deep breath and make sure we get them right. Regarding the current draft of the SLDC, we have some specific thoughts.

Summary Points:

Chapter 4: Change all appeal times from 5 days to 30. Simplify ability to appeal.

- Increase notice requirements for rezoning: Rezoning is a big deal and 5 days is simply unrealistic and unfair to neighbors.

Chapter 5: Family transfer abuses have not been addressed. This is a chronic problem, and we need a actual solution.

Chapter 7: Trail surface and width requirements may be inappropriately large or stringent and discourage trails in certain cases. Off road trail systems should be encouraged and currently are not.

- We support the water conservation, energy efficiency and open space requirements in general. The Code does a great job in this area, but could also encourage black water recycling.
- Water system requirements need to be 100 years instead of 40. 40 years is definitely not "sustainable". 100 is pretty optimistic too.

Chapter 10: All commercial sand and gravel operations should be DCIs. The 20 acre threshold should be removed.

- Open space and trail level of service requirements were lowered from the previous draft. If anything, they should be increased from the previous draft, especially trails. This is completely out of compliance with the SGMP.
- The maps for SDA areas should become part of the official maps, and have a public review process. So should the zoning maps. There needs to be a public comment process, about how those are arrived at. Big changes are slipping through the cracks currently. For instance, on the current Map 3 - County Road 62 is suddenly a major arterial. It was never a major arterial in the Arterial Roads Task Force work and this re-designation is absolutely inappropriate without a public hearing. It should be a minor arterial. Caja del Rio is the Major Arterial.

Public Process: Was very good until now, but is now being rushed.

~~How will any comments being made at this date be incorporated?~~

There are many, many outstanding issues. We've worked so hard to get to this point, let's get it right. We understand the pressures to get this thing passed in short order. That's fine, but let's at least build in an amendment mechanism that allows for reasonable adjustments while the zoning and SDA maps are reviewed over the next several months.

SLDC CLERK RECORDED 01/15/2014

Specific Points:

Chapter 4

THE NOTICE AND APPEALS REQUIREMENTS HAVE SERIOUS DEFICIENCIES THAT UNDERMINE THE ENTIRE CODE!

4.4.4 We support Pre-Application meetings.

4.4.8 We support the mediation process defined.

4.5 Increase all 5 days to 15.

5 days is a ridiculously short amount of time, especially for a subdivision. We feel 15 days is not an unreasonable burden for anyone, given the huge impact subdivisions can have on their neighbors.

4.5 Specify that "writing with the administrator" can include FAX/email

It is unreasonable that in a wide spread county, that people should drive to the administrator's office to file an appeal. All of this should be able to be done electronically.

4.6.4.3 Increase notice requirement from 100' to 500'

A rezoning is a potentially a massive change. The intent of zoning is to provide neighbors with peace of mind regarding property usage. For example, if someone want to rezone a lot in a quiet residential neighborhood to a major industrial use. Shouldn't people more than 100' away be notified?

4.6.5 Include notification of adjacent neighbors to 500'

A subdivision right next to someone is a major change. They should be notified!

4.6.6 Include notification of adjacent neighbors to 100'

Any time anyone is making a change, adjacent neighbors should be notified. This is especially true for home-based businesses, which can have a serious impact.

Chapter 5

5.4.3.2 The family transfer mechanism has been abused and will continue to be.

The family transfer mechanism has been abused to bypass subdivision regulations, with immediate resale to non-family members. We support the concept of family transfers, but not the abuse. If there is no legal way to require a holding period, then make the requirements for family transfer the same as everything else.

Table 5-1 Eliminate Type 5 minor subdivisions, they should be major.

A subdivision of greater than 5 lots, regardless of the size, should be reviewed.

Chapter 6

Table 6-1 A WSAR should be required for minor subdivisions.

Is this an oversight? A Water Service Availability Report should definitely be required from minor subdivision. 5 families use a lot of water.

Table 6-1 A APFA should be required for rezoning.

Is this an oversight? Rezoning should be very dependent on whether there are adequate public facilities available.

Chapter 7

7.4.4 Decrease trail easement size to 12'

A 20' easement is larger than needed for maintenance. A vehicle or backhoe is typically 6' wide. This requirement will reduce the number of trails that people dedicate because of the land consumed.

7.7.4.2.1 & 7.7.2.2 Clarify materials for fences less than 6'

We support the artistic use of found materials. However right now, some could make a fence out of all kinds of junk if it's less than 6', or someone says its agricultural.

7.9.8.11 Allow election signs to be 20 sq' instead of 9

If people really believe in something, they should be allowed to show it. Also these are

temporary. 7.9.8.18 (Ideological signs) are more permanent and should be smaller.

Table 7.12 Allow sidewalks to be trails where appropriate

In many SDA-2 areas a sidewalk doesn't make sense, but a pedestrian trail definitely does. It's great that the table includes bicycles and pedestrians. We strongly support this.

Table 7.13 Include trails

SDA-3 areas are envisioned to become SDA-1/2 in the future. It is critical that they have trails, or at least easement to support trails. Trails have wide support throughout the county.

Table 7.12/13 Alternate off-road trail system

It is actually better for pedestrians if they are away from roads. We would like to see language to encourage alternate, off-road trail systems. This is especially important for equestrians. We would suggest a note to table 7.12/13 that say: "In lieu of pedestrian on-road requirements, an off road trails system can be substituted, as long as the equivalent connectivity is maintained." There is actually language like this in the current code for subdivisions of 25 or greater.

7.11.5 Encourage permaculture with road drainage

How about a section 7.11.5.3 that says: "Drainage should water landscaping where reasonable."

7.11.13.2 Single driveway access. Do we care???

7.11.16 Paths should be defined that aren't sidewalks

Paths should be defined in this section. The material requirements are sidewalks which don't make sense for many paths along roads.

7.13.4.4 20 year requirement?

For connections to a water system, this section says it is required unless water won't be available for 20 years. How can anyone know this availability? They code doesn't say.

7.13.7.3 Community water systems should be 100 years, not 40

We thought this was the "sustainable" code. Water systems that last for 40 years are definitely not "sustainable". Even 100 years is weak.

7.13.7.2.4 Same as above for individual

7.13.7.3.1, 7.13.8.3 Same as above for geo-hydro reports

7.13.10.3.2 Encourage Black-water recycling

It would make sense to require black-water recycling, but if you're not willing to do that, at least encourage it. Add "Full-blackwater recycling is encouraged in lieu of septic systems."

7.13.11.1.2 Residential .25 ac/ft requirement as written does not allow for water rights

This section appears to ignore whether people have water rights. It's a good requirement, but the intent should be clarified.

7.13.11.2-6 Water Conservation – good!

These sections are good! The hot water is an improvement on current standards.

7.14 Energy Efficiency – good!

This sections is good! We strongly support this. HERS 70 is certainly a good compromise. Plus flexibility for alternate systems.

7.14.3 Energy Efficiency – non-residential – question

Does this mean someone building a chicken coop, garage or outbuilding has to be "Energy Star Compliant". That seems like overkill. Surely this is intended for commercial, industrial buildings that will have human occupation.

7.15.3.3 Open Space 30% - Good!

We strongly support this open space requirement!

7.15.3.4.3/4 Trail widths seem wide

These seem unnecessarily wide. This will discourage people from leaving easements.

Especially out in the county, a walking/horse trail could be 2 feet in a 10' easement. It could still be maintained.

7.15.3.4.6 Inappropriate trail materials

Out in the county, trails should be made of dirt and compacted. They should not be sidewalks.

7.21.4 Noise limits – good!

These limits are good!

2025 RELEASE UNDER E.O. 14176

7.25.3 Riparian Area Protection

This seems to be a reasonable attempt to protect riparian areas, but may be overly restrictive in certain cases. In our subdivision there are several arroyos that are down from the level of homes, but are less than 150'.

Table 10-2 Produce Stands

Produce stands should be allowed as a conditional use, in zones that are not shown in the table.

Table 10-3 Cell Towers in Residential Area

30-49' cell towers in residential are shown as permitted use. They should be conditional.

Section 10.17.3 Cell Towers - Visibility

There really should be something in the code about visibility of cell towers, regardless of the zoning. Do we really need 100+ towers? Visibility from over 200' should create a conditional use.

Section 10.19 Sand and Gravel

We agree with many other neighborhood and community organizations. There limit on sand and gravel, before it needs a DCI, should be any commercial sales.

Table 12-1 Open Space and Trails

Please change the trails and open space requirement back to the values in the previous draft. Even those values are paltry. We thought trails and open space are significantly required in the SGMP. This does not do that. Trails should be: 5 miles/1000.

Section 12.13 Official Map

The Official Map should include the SDA area designations. There should also be a public comment process, about how those are arrived at.

13.2 Require Affordable Housing - Good!

We support the requirement for affordable housing.

13.6.1 Limits to Density Bonuses for Affordable Housing - Good!

We support the limits to the density bonuses for affordable housing.

Appendix B Use Table

Townhouses - C in all residential zoning areas

All Institutional and Community Facilities should be C in all residential zoning areas

Helistops - should be same as private air strips, C.

Composting Facility - at what point does a compost pile become a composting facility? A compost pile should be permitted in residential. A "facility" not allowed.

Poultry Farms, Dairy - small scale/large scale. Once again, should be conditional, for small.

Hazardous Waste - All should be DCIs.

Arts, art galleries, should be conditional in the larger residential areas.

Theater, dance, performance - should be conditional in larger residential areas

All commercial mining, sand and gravel, regardless of size - DCI

Appendix C Use Table

Official Maps: Should include SDA area map.

Map 3 - County Road 62 - Was never a major arterial in the Arterial Roads Task Force work and is inappropriate. That should be a public hearing issue. Should be a minor arterial. Caja del Rio is the Major Arterial.

Map 5 - There are a number of trails that have been dedicated in developments that are not shown on this map.

Thank you for your consideration and service.

Sincerely,
Michael Wiese
president, West Santa Fe Association
505-992-0319

NEWS

Recent News Items

Wednesday, November 20, 2013

SANTA FE COUNTY HORSE COALITION FORMED

A Place Where Horse Owners Come Together

SantaFeHorse.com

Dr. John Parks announced today the formation of the Santa Fe County Horse Coalition by a group of concerned horse owners and equine professionals who were alarmed by public complaints about horses being presented to the Board of County Commissioners Study Sessions and Community Meetings. Those complaints were filled with inaccurate statistics and misconceptions about horse management.

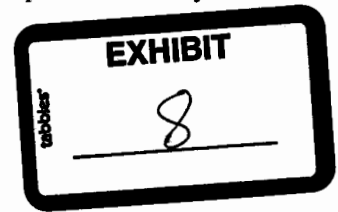
Dr. Parks said, "The Santa Fe County horse community needs to come together and have a strong voice not only to help each other but to educate the lay community about horses and to advocate for the horse community as a recognized representative registered organization to the County Commissioners."

Public feedback strongly supports this type of organization, highlighting our community's desire to share the positive impact that horses have on the lives of those they touch, to study the significant economic impact and benefits of horses & stables, to establish and protect equine trails, and to celebrate the historical significance of the horse in Santa Fe County!

We are proud to announce that Officers and an Advisory Board have been chosen. These skilled men and women are recognized experts- in equine veterinary medicine, animal food nutrition, fire & rescue emergency services, the non-profit sector, horse training, spiritual leadership, audio and technical engineering, and real estate. Several of our Advisory Board members have recently been instrumental in securing equine trails in new subdivisions. This diverse panel includes multi - generational New Mexicans, people who have lived with horses in Santa Fe County for 30+ years, and relative "newcomers" who were attracted to Santa Fe for its equine community, western lifestyle, and cultural convergence.

Dr. Parks said, "We will be working closely with other horse organizations in the state to help coordinate information and efforts in Santa Fe County."

Any horse owner or individual interested in horses is invited to join at no cost. Just visit santafehorse.com to sign up and get more information.



RECEIVED
NOV 21 10 15 AM '13
CLERK OF DISTRICT COURT
SANTA FE COUNTY, N.M.

PROPOSAL SUMMARY

- 1) Article 7.20.2.5 should be amended to read: All solid waste, including manure, shall be removed from the property on a regular basis, but not less than monthly because it is considered a breeding place for flies, rodents, and/or pests, and a source of groundwater contamination. Create article 7.20.2.6: Stockpiling of manure has been declared a public nuisance pursuant to Santa Fe County Ordinance No. 2009-11, and will be treated accordingly. All facilities generating manure shall have a plan for manure management, which can include:
 - a) Removal of manure from property on a regular basis, but not less than monthly.
 - b) Utilization of a composting system
 - c) Spreading/harrowing of manure on the ground to enrich the soil
- 2) Add to existing Article 7.4.4: To facilitate the development of a county-wide trail system, trails shall be marked and only require a dirt path suitable for hiking, mountain bikes, and horses.
- 3) Appendix B:
 - a) Stables and Other Equine-Related Facilities All Personal Use and Commercial use up to 6 horses, permitted use in all zones.
 - b) Stables and Other Equine Related Facilities, Commercial use 7-18 horses. Permitted use in Agricultural/Ranching, Rural, Rural Fringe, and Rural Residential. Conditional in all other zones.
 - c) Stables and Other Equine Related Facilities, Commercial use greater than 18 horses- Permitted use in Agricultural/Ranching, Rural, Rural Fringe. Conditional in all other zones.

COMMISSIONERS + STAFF,

WE SUPPORT THE CHANGES PROPOSED ON DECEMBER 3,
2013.

6.6.5.2

7.15.3.4

7.20.2.5

7.20.2.6

8.6 + THE

USE TABLE

PERTAINING TO

STABLES + OTHER

EQUINE RELATED FACILITIES

THANK YOU.

MANURE PROBLEM:



1. Section 7.20.2.5 of the SLDC reads: All solid waste, including manure, shall be removed from the property on a regular basis, but not less than monthly because it is considered a breeding place for flies, rodents and/or pests, and a source of groundwater contamination, the unhealthful accumulation or stockpiling of manure has been declared a public nuisance pursuant to Santa Fe County Ordinance no 2009-11, and will be treated accordingly.
2. County Ordinance 2010-5, page 8, defines "animal wastes" as horse, cattle, and other large animal manures, including animal bedding mixed with large animal wastes. In this Ordinance, animal wastes are listed as a "PROHIBITED MATERIAL [...] UNACCEPTABLE FOR DISPOSAL, RECYCLING, OR REUSE AT TRANSFER STATIONS.
3. The County Transfer Stations will not accept horse manure.
4. The Caja Del Rio Landfill will not accept manure (via phone inquiries 12/2 and 12/3)
5. Buckman Road Recycling & Transfer Station is the ONLY place that will accept manure.
6. This is a tremendous expense and waste of gas when there are other alternatives.

Assuming the average horse owner does not own a dumptruck and have the means to haul their own manure, they must use a commercial service.

The cheapest commercial service I can find for a 10 cubic yard dumpster is through MCT Waste in Albuquerque:

Lamy \$180 + \$44/ton (per emptying, once per month required minimum)

Stanley container price \$225 + \$24/ton (per emptying, once per month minimum)

Santa Fe Waste Services is slightly lower, but will not cover most of the southern part of the county. They also require collection in a 8'x6'x25' container which will not work for most horse owners.

A horse produces about 50lbs of manure a day. That is 1,500lbs of manure per month.

With those figures, it costs almost \$250 (with tax) per month or \$3000 per year to dispose of manure for one horse. If you live in Stanley, the cost is higher.

SPC CLERK RECORDED 01/15/2011

The average cost of horse ownership is estimated to be between \$2,500-\$3,600 nationwide based on statistics compiled by Veterinarian Nancy Loving for an article published on August 1, 2012.

Based on the high cost of hay and feed in Santa Fe County, the cost to keep a horse is probably between \$3,000 and \$3,500.

The average price of hay per bale right now in Santa Fe County using costs gotten from The Feed Bin and San Marcos Feed is \$14.75 not including tax.

According to the most recent Economic Impact Study performed by Deloitte Touche Tohmatsu for the American Horse Council Foundation in Washington, 72% of horse owners in New Mexico have an annual income of less than \$75,000.

I believe it is an unintended consequence of the SLDC to place an additional \$3,000 burden per horse on horse owners.

THE POSITIVE:

We need to stop looking at manure as a negative and start recognizing what a valuable resource it is to our fragile desert soil! Manure is an ASSET to the environment.

The Equine Land Conservation Resource wrote an article in September 2013, with a lot of valuable information:

- Horse manure is comprised of 70-80 percent liquid [...] The liquid portion absorbs quickly into the ground. The majority of the solid portion- mostly grass and forage leavings- breaks down in the first 6 days.
- Horse manure is biodegradable, natural, and contains no petroleum or animal byproducts.
- Horse manure is an excellent fertilizer and improves soil conditions.
- The Environmental Protection Agency even excludes horse manure from solid waste regulation because it contains neither significant amounts of hazardous materials nor exhibits hazardous characteristics
- Horses do not carry any of the 120 viruses and pathogens that create risk for humans from carnivore and omnivore species.
- No record exists of horses transmitting any disease to humans.

OUR PROPOSAL/SOLUTION:

- 1) Article 7.20.2.5 should be amended to read: All solid waste, ~~including manure,~~ shall be removed from the property on a regular basis, but not less than monthly because it is considered a breeding place for flies, rodents, and/or pests, and a source of groundwater contamination
- 2) Create article 7.20.2.6: Stockpiling of manure has been declared a public nuisance pursuant to Santa Fe County Ordinance No. 2009-11, and will be treated accordingly. All facilities generating manure shall have a plan for manure management, which can include:
 - a) Removal of manure from property on a regular basis, but not less than monthly.
 - b) Utilization of a composting system
 - c) Spreading/harrowing of manure on the ground to enrich the soil

REC'D
CLERK
RECORDED
12/10/2011

TRAIL PROBLEM:

2

1. 7.4.4 Trail Easements: When and where provided, trail easements shall have a minimum width of twenty (20) feet to provide access for maintenance, except where necessary to accommodate terrain or other site-specific conditions.
2. 7.4.5 Fire and Emergency Access Easements. Emergency access easements shall be not less than twenty (20) feet in width and shall remain at all times clear of obstructions including vehicles, structures, trees, shrubs, and similar landscaping.
3. 7.15.3.4, number 3 states: Minimum trail widths for trail identified on the Official Map shall be 8 feet with a 20 foot easement.
4. 7.15.3.4, number 4 designates: Minimum trail widths for all other trails shall be 5 feet with a 15 foot easement.
5. 7.15.3.4, number 6: Trails shall be prepared and designed in accordance with approved plans and may be constructed of four inch (4") thick concrete, asphalt, or other hard surface permeable materials including compact crusher fines, brick, or unit-pavers.

POSITIVE:

THANK YOU TO THE SLDC FOR GIVING US 0.5 miles of trails per 1,000 residents countywide (Table 12-1). WE LOVE THAT! We know the county is behind in meeting this requirement and we have some suggestions that we think might help limit expense and make things easier.

The trails you are describing in the above sections, are very expensive and waaaay beyond the needs of the equestrian community for equestrian trails and also for most hikers and mountain bikers.

- 1) We need something simple, a dirt path actually.
- 2) We do not need 20 feet.
- 3) We do not need base course or pavers.
- 4) We do not want to kill native plants, trees, or shrubs, as suggested in 7.4.5 to clear the easement.

SLDC
RECORDED
12/1/11
11:11 AM

In fact, one of the most popular places to ride, hike, and mountain bike is the Galisteo Basin Preserve- where trails are natural. They are beautiful,

OUR PROPOSAL/SOLUTION:

Will staff please provide a trail head and a trail marker and allow natural dirt paths for equestrians, hikers, and mountain bikers?

Our suggestion is this: Add to existing Article 7.4.4: To facilitate the development of a county- wide trail system, trails shall be marked and only require a dirt path suitable for hiking, mountain bikes, and horses. There may be a better way to word this?

If there is any need for altering the surface in the future, it can be addressed in the future.

The thrust of our efforts now should be to procure and designate trails and making them accessible to the public through easements.

2000 SEP 15/2000
CLERK RECORDED
9:15/2000

3

1) APPENDIX B PROBLEM:

The SLDC draft has been out since 2012. In Appendix B, Stables and Equestrian Use were listed as a permitted use in the table all the way from that which is zoned Agriculture (160 acres) all the way down to that which is zoned Residential Fringe (5 acres).

On November 19th, with fewer than 3 weeks until the final vote, which is coming up on December 10th, the table changed in response to complaints from a small hand full of anti- horse individuals.

Our concern is this: with the exception of a single complaint from a small enclave, the collective horse-owning community is not aware of the changes. It is easy to increase zoning restrictions, but it is almost impossible to go the other way -- to unwind regulation.

Commercial horse facilities are already adequately regulated through the county process.

OUR PROPOSAL/SOLUTION:

Horses are defined as Livestock by the United States Department of Agriculture. Here in New Mexico, we horse owners are governed by the NM Livestock Board.

We understand that some people who don't understand livestock or the importance of our rural culture and they voice their concern addressing the number of horses on a property. The County of San Diego permits 10 horses per acre in their horse ordinance. What we are suggesting is far more moderate.

Appendix B:

- a) Stables and Other Equine-Related Facilities: All Personal Use and Commercial use up to 6 horses, permitted use in all zones.
- b) Stables and Other Equine Related Facilities, Commercial use 7-18 horses. Permitted use in Agricultural/Ranching, Rural, Rural Fringe, and Rural Residential. Conditional in all other zones.
- c) Stables and Other Equine Related Facilities, Commercial use greater than 18 horses- Permitted use in Agricultural/Ranching, Rural, Rural Fringe. Conditional in all other zones.

This is an industry that you have an entire section of your code dedicated to preserving & protecting. I'd like to read some excerpts from Section 8.6.4 to help you understand why it is important that stables and equine facilities be PERMITTED use in Rural Residential areas:

THE PURPOSES OF THE RURAL RESIDENTIAL DISTRICT ARE TO PRESERVE THE SCENIC AND RURAL CHARACTER OF THE COUNTY; TO PROVIDE OPEN SPACE AND AGRICULTURAL LANDS; AND TO RECOGNIZE THE DESIRABILITY OF CARRYING ON COMPATIBLE AGRICULTURAL OPERATIONS AND HOME DEVELOPMENTS IN AREAS NEAR THE FRINGES OF URBAN DEVELOPMENT WHILE AVOIDING UNREASONABLE RESTRICTIONS ON FARMING OR RANCHING OPERATIONS. USES THAT SUPPORT RURAL CHARACTER OF THE BROADER AREA SHALL BE ALLOWED INCLUDING AGRICULTURAL PRODUCTION, [...] HOME-BASED BUSINESSES, [...] AND EQUESTRIAN AND BOARDING FACILITIES.

REC'D
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01/15/2014

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How Much Does a Horse Cost?

By Nancy S. Loving, DVM • Aug 01, 2012 • Article #29502



Photo: Kevin Thompson

Initial purchase price is usually the more affordable aspect of horse ownership; feed, stabling, health care, and equipment costs add up

It has often been said that owning a horse is akin to digging a deep hole in the backyard and throwing in large sums of money, never to be seen again. Horse-crazy people, however, might say, "So what? What does it matter how much

it costs as long as I have my horse?"

Because for many the dream of horse ownership is not to be denied, let's take a look at what it really costs to own a horse besides the initial purchase price. How much an owner is willing to spend to support this "habit" varies, of course, depending on the equestrian sport she pursues, her geographic locale, and whether she keeps the horse on her home farm or boards him.

The American Horse Council's (AHC) 2005 Economic Study "dispelled the misperception that the horse industry is an activity only for wealthy individuals." Study results indicated only 28% of horse owners have an annual household income of more than \$100,000; nearly half earn \$25,000-75,000; and 34% earn less than \$50,000.

Aside from stabling costs, the American Association of Equine Practitioners (AAEP) estimates that the minimum annual cost of owning a healthy horse is \$2,500. The Communication Alliance to Network Thoroughbred Ex-Racehorses (CANTER), a nonprofit organization that rehomes these retired athletes, places this figure at \$3,600.

He Eats Like a Horse

Someone new to horses might think the horse, being a vegetarian "hay burner," couldn't possibly have an expensive diet. Grass is free, right? But considering most adult horses consume at least 1.5-2.5% of their body weight each day, depending on performance level, this can mean a lot of forage--and in many cases more than what a pasture could provide.

"I encourage owners to budget (to feed) at least 1.5% of each horse's body weight per day in hay--less if using hay feeders that reduce waste; more if hay is thrown on the ground," says Julie Wilson, DVM, Dipl. ACVIM, of Turner Wilson Equine Consulting LLC, in Stillwater, Minn. "For a 1,000-pound horse, this averages just over 2.7 tons annually." Hay costs \$4-11 per bale but with the current drought in many areas of the southwestern United States, hay is reported as high as \$25/bale. (For current hay prices per ton visit:

www.ams.usda.gov/-mnreports/lswfeedseed.pdf.)

Wilson remarks that pregnant mares, growing foals, and special needs horses, such as those with metabolic syndrome, geriatric problems, and bad teeth, require individualized care that amplifies dietary expenses.

Other nutritional expenses accumulate when horses require calories to supplement forage; these animals might consume complete feeds and/or grain mixes at the rate of 2 to 10 pounds per day. According to Fernanda Camargo, DVM, PhD, assistant professor of Animal Sciences at the University of Kentucky, pre-mixed pellets/grain feeds cost \$6-15 per 50-pound bag. Thus, a horse fed 3 pounds daily of concentrate feed goes through a bag every two weeks, costing \$12-30 per month. Supplementing fat for added calories is another expense, which varies depending on the product used (e.g., vegetable oil or rice bran).

Manure Management

What goes into a horse's mouth comes out as similar poundage in the form of manure, which requires disposal in some practical way. Krishona Martinson, PhD, equine specialist at the University of Minnesota, notes that a 1,000-pound horse excretes 50 pounds of manure and urine each day. Some owners spread manure on fields after composting (expenses of which include building a compost bin or facility, as well as investing in equipment to stack, turn, and then spread large compost piles). Another option, dumpsters, can run \$55-238, per load depending on the dumpster's size and how often it is emptied. Or, owners can hire a company to haul manure off-site at least once or twice annually. Martinson notes one outfit that quotes \$150 per 20-square-yard load, whereas other businesses estimate it costs \$100-300 per horse per year for manure removal.

Facility Costs

Sure, an owner won't need to buy as much hay if he or she houses a horse on pasture, and Martinson notes that maintaining pasture forage costs just a third of what hay does. However, in the pasture-kept horse scenario, other expenses can mount. Camargo sums up the situation: "First, it takes money to purchase property (plus taxes and insurances) where you can turn horses out on pasture. Then it needs to be made horse-livable, if not already--this includes safe fencing. If you don't have sufficient pasture for year-round forage, you'll have to supplement hay. This means needing a hay storage shed. Depending on the size of your operation and stocking rate, you'll likely need a tractor for mowing and reseeding pastures and for manure management."

In many climes horses also need shelter, which can range from a run-in shed to a full-scale barn. These buildings and structures add a category of expenses. "A barn with stalls needs cleaning, which adds in time demands as well as expenses for bedding and disposal," Camargo adds. "And, you may want to build a riding area."

Besides the maintenance that comes with normal wear-and-tear on horse facility buildings, it's important to keep in mind that fencing, paint, automatic watering systems, tank heaters to prevent water troughs from freezing, stall edge stripping and flooring, and tractors and other equipment all require constant upkeep. "Horses like to eat wood and lean on perimeters, so fence and stall boards need replacement," Camargo explains. "In cold climates, waterers often freeze. During thaws, muddy areas require gravel, concrete, or repeated plantings of grass to reduce slippage and mess."

Boarding Costs

Not everyone wants to, has the space, or can afford to keep a horse at home, in which case boarding is an attractive alternative. Monthly boarding fees vary considerably, depending on the facility, location, and services offered. Typical monthly board costs average \$500 per horse, but they can range from \$100 to upwards of \$1,500. Some options are as basic as do-it-yourself pasture board, while others are full-service facilities offering everything from farrier services to training.

"The advantages of a boarding facility include the availability of a riding arena, possible access to adjacent trails, and meeting new people," reports Camargo. "There is always someone looking after your horse and doing daily chores."

Health Care Needs

Hoof Care Horses' hooves grow continually and, unless they're left unshod and worn down by active movement on abrasive ground, they need frequent trims. "Maintaining balanced, healthy hooves is like keeping your vehicle tires in great condition," explains Wilson. "Abnormal hoof balance or growth can be uncomfortable for the horse. Imbalances can impede the normal motion patterns of the lower limb and create undue torque on joints and ligaments, as well as unequal compression of hoof structures, bone, and cartilage. This can lead to tissue remodeling, such as development of collapsed heels, and may contribute to arthritis." Managing these kinds of problems can be very expensive, but they generally can be avoided in the first place using regular foot care.

"Hooves grow more slowly in the winter and may only need trimming every eight to 10 weeks whereas in the summer six to eight weeks seems the norm," says Wilson of typical trimming intervals. "I don't advocate shoes for a horse that's not working on surfaces that require hoof wall protection or traction." Trimming costs typically run \$30-75 per visit; shoeing costs \$75-300.

Deworming "Because of reported parasite resistance to currently available antiparasite drugs, we now recommend an approach that treats each horse as an individual," says Camargo on deworming regimens. Owners can have their veterinarians run a fecal analysis, which quantifies parasite eggs and helps establish which horses are low egg shedders and which are high. "Most horses are dewormed two to three times per year, and only those with high fecal egg counts receive treatment more often," she adds.

Both Camargo and Wilson note that, initially, fecal exams are an added expense. But eventually, less-intensive parasite control treatment results in cost savings. "On larger farms, it

may be worth segregating high shedders to a specific pasture for more intensive parasite management or pasture rotation with other species," Wilson adds. She emphasizes that there are longer-term savings in health care costs if horses do not become infected with anthelmintic-resistant internal parasites.

Dental Care Regular dental care helps horses maximize nutrient use to maintain body condition and keeps their teeth useful into old age. Wilson urges owners to have every horse's teeth checked annually and any issues corrected. This can cost around \$250 per year, but might save money in the long run.

"Health issues such as tooth abscesses or cancer may be spotted before causing a bigger problem," says Camargo. "Horses with healthy teeth chew better, resulting in less feed wastage and expense." Proper mastication (chewing) also reduces the risk of colic or diarrhea. Removing sharp points from teeth can improve behavior, bit comfort, trainability, and performance.

Vaccination A core group of immunizations protect against diseases considered deadly, transmissible to humans, or widespread: tetanus, Eastern and Western encephalitis, rabies and West Nile virus. The AAEP recommends vaccinating every horse against these annually.

Risk-based vaccine recommendations (protecting against influenza, rhinopneumonitis, strangles, Potomac horse fever, botulism, anthrax, equine viral arteritis, and rotavirus) vary according to the horse's use, gender (i.e., with venereal diseases), and location. Competition horses that travel are at a higher risk of exposure to respiratory viruses and strangles.

"Considering the axiom to rest a horse for one week for each degree of fever following an infection, coming down with a respiratory virus can certainly put a damper on a show or racing season," says Wilson. "Due to the highly contagious nature of viruses, it can also shut down an entire barn." Thus, it is cost-effective to boost respiratory vaccines twice yearly to avoid these bugs, associated performance losses, and veterinary expenses. Horse owners should consult their veterinarians about which diseases are prevalent in their region (and areas where they'll travel) and vaccinate accordingly. In general, annual core vaccines and biannual respiratory viral vaccines run \$100-140.

Coggins Testing Veterinarians use ELISA testing (historically referred to as a Coggins test) to check a horse for antibodies to the equine infectious anemia virus (EIA, see *The Horse* April issue), for which there is no vaccine. This virus, spread by biting flies, is similar to HIV in humans—once infected a horse remains a carrier for life and/or becomes extremely sick and dies. Owners of a horse testing positive for EIA must adhere to a strict quarantine protocol or

have the horse euthanized. A Coggins test is inexpensive (\$40-60) and provides assurance that horses traveling across state boundaries or arriving at barns or events do not carry this disease.

Musculoskeletal Health Another health aspect is the musculoskeletal system: Is the horse sound and comfortable? Older equine athletes might benefit from periodic joint injections to minimize inflammation from progressive degenerative joint disease; such treatments can run \$400-700 once or twice a year.

Veterinarians observe that oral supplementation with nutraceuticals is becoming a common practice among owners. "I am not in favor of indiscriminate use of joint supplements as they are expensive and may not be needed," Camargo remarks.

In a 2010 AAEP Convention *Proceedings* cost analysis study on osteoarthritis management, researchers determined owners' annual joint therapy medical expenses could amount to \$3,000; indirect annual medical expenses could be as high as \$15,000. The most cost-effective treatment approach involves a thorough veterinary exam to obtain an accurate diagnosis.

Insurance

Horse owners often gain a measure of financial relief by insuring a horse, particularly one that is valuable. While insurance costs vary according to breed, age, and use, here's an example of how an insurance agent might calculate annual insurance fees (AgriRisk-Markel) for horses 1 to 15 years old based on the horse's value: mortality insurance: 3-4%; loss of use: 3.85%; medical and surgical annual fee: \$279-389 with \$375 deductible per claim.

In addition to the insurance premium, Wilson says, "An insured horse is required to have an annual examination, so combining the examination with annual vaccinations and dental equilibration saves on (farm) call charges for owners on a tight budget."

Tack and Equipment

Owning a horse implies the desire to ride; for that, a horse needs a well-fitting saddle and bridle along with equipment such as grooming tools, saddle pads, and protective boots. If you plan to travel off the property with your horse, you might need to invest in a truck and horse trailer, and prices for these vary widely depending on a rider's desires and needs.

In cold climates a blanket becomes necessary for exercised horses working up a sweat, particularly if body clipped. Owners tend to blanket horses at temperatures below 20°F and/or

in wet or windy conditions. Blanket prices range from \$100-600; some horses need more than one design or weight to accommodate different environmental conditions or clipped coats.

There is an endless list of additional potential expenses that surpass a horse's basic and preventive health needs. The only limitation on such investments (equipment, training, show fees) is the size of an owner's pocketbook and imagination.

Take-Home Message

The cumulative daily expenses of horse ownership, which reach a minimum of \$2,500-3,600 per year in addition to stabling, impact an owner's disposable income significantly.

Understanding anticipated expenses can help owners—especially new ones—budget efficiently and provide their horses with consistent and diligent care.

Seek the advice of a qualified veterinarian before proceeding with any diagnosis, treatment, or therapy.

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**CURRENT HAY Prices in SANTA FE COUNTY December 3, 2013
(not including tax)**

San Marcos Feed- phone quote

\$13.50 for alfalfa mix 60lbs

\$13.50 for 1 bale timothy 60lbs

The Feed Bin- phone quote

\$13.99 per bale Alfalfa 65lbs

17.99 Timothy 70lbs

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New Mexico Horse Council
P.O. Box 10206, Albuquerque, New Mexico 87184
(505) 345-8959 www.nmhcouncil.org



The New Mexico Horse Industry

Economic Impact Study performed by Deloitte Touche Tohmatsu for the
American Horse Council Foundation – completed November 2005

New Mexico has approximately 147,000 horses, ranking 31st in equine population. These include:

16,500 Thoroughbreds

61,100 Quarter Horses

69,600 Other horses – including both unregistered and registered. By activity,

10,100 are involved in Racing;

36,700 in Showing

64,000 in Recreation, and

36,400 in other activities.

\$759 million dollars in Total Economic Impact is generated annually by the New Mexico Horse Industry, with activity distribution as follows:

\$214 million from Racing (Direct effect \$154 million, indirect & induced \$60 million)

\$187 million from Showing (Direct effect \$119 million, indirect & induced \$67 million)

\$209 million from Recreation (Direct effect \$134 million, indirect & induced \$75 million)

\$150 million from Other Activities (Direct effect \$96 million, indirect & induced \$54 million)

91,100 New Mexicans are involved with the New Mexico Horse Industry, including

32,400 Horse Owners

37,300 Employees

21,500 Volunteers

45,000 total jobs are generated by the New Mexico Horse Industry, as follows:

Racing generates 9,800 direct jobs and 12,000 total jobs

Showing generates 400 direct jobs and 2,800 total jobs

Recreation generates 25,000 direct jobs and 27,900 total jobs

Other Activities generate 500 direct jobs and 2,400 total jobs

\$46 million tax dollars are generated annually by the New Mexico Horse Industry, as follows:

\$20 million dollars (42 %) are paid in federal taxes

\$22 million dollars (47 %) are paid in state taxes

\$5 million dollars (10 %) are paid in local taxes

It costs an average \$2,300 per year to maintain a horse, with Race horses costing more (\$3,300), Show horses \$2,630, Recreation horses \$2,100, and Other horses \$2,300. These expenses include Horse Related Goods (Feed, Bedding, Medicine, Vitamins, Tack, Equipment and all other supplies); Horse Related Services (Boarding, Training, Lesson Fees, Veterinary Services, Farrier [shoeing], stud fees, all other services); Transportation and Travel (trailer and horse transport); General Operating Expenses (Entry fees, Facilities Maintenance, other Business Expenses); Salaries (Employee compensation, cash and non-cash) and Taxes (Federal, State and Local).

72 % of horse owners have an annual income of less than \$75,000. 73 % live in communities with a population under 50,000. 13 % are under 30, 76 % are 30 to 60, 8% are 60+. (3% unknown.)

The Scoop on Poop

September 19, 2013, by timely

8+1

For horse people, manure is part of day-to-day life. For people who do not have experience with horses, manure can appear dirty and even toxic. When they see it on a trail or roadway, they may become fearful that the manure will transmit diseases in the same way that dog, cat or other animal leavings can. This article offers a few talking points to alleviate these misplaced fears.



Photo courtesy of Peggy Manness

- Horse manure is comprised of 70 to 80 percent liquid and 20 to 30 percent solids. The liquid portion absorbs quickly into the ground. The majority of the solid portion – mostly grass and forage leavings – breaks down in the first six days.
- Horse manure is biodegradable, natural and contains no petroleum or animal byproducts.
- Horse manure is an excellent fertilizer and can improve soil conditions.
- There are no known toxic effects on humans due to exposure to horse manure.
- The Environmental Protection Agency excluded horse manure from solid waste regulation because it contains neither significant amounts of hazardous materials nor exhibits hazardous characteristics.
- Horses do not carry any of the 120 viruses and pathogens that create risk for humans from carnivore and omnivore species.
- The pathogens that do exist in horse leavings require ingestion to create a health risk, typically abdominal discomfort.
- Most of these pathogens have very short lifespan on the ground, meaning the risk of infection through ingestion is very limited.
- No record exists of horses transmitting any disease to humans.

To read the research behind these talking points, please visit: <http://www.bayequest.info/static/pdf/manure.pdf>

DOES HORSE MANURE POSE A SIGNIFICANT RISK TO HUMAN HEALTH?

Abstract

Questions periodically arise during park and open space Master Planning processes, trail planning/development, and other public meetings whether horse manure poses significant health risks to humans. The following paper was developed to help provide information for non-scientists about laws and regulations defining toxic and hazardous wastes, the chemical and pathologic contents of horse manure, and some thoughts about the potential risks to humans exposed to horse manure.

This paper was prepared by:
Adda Quinn
March 1998, R.3 October 2001

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WHAT TYPE WASTE IS HORSE MANURE?
WHAT CHEMICALS COMPRISE HORSE MANURE AND ARE THEY TOXIC?
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ACKNOWLEDGMENTS, REFERENCES & TABLES

What Type Waste is Horse Manure?

Horse manure is a solid waste excluded from federal regulation because it neither contains significant amounts of listed hazardous components, nor exhibits hazardous properties. See definitions below:

Issue	Definition
Waste	Loss through breaking down of bodily tissue; damaged, defective or superfluous material produced by a manufacturing process. - Webster's Dictionary
Solid Waste	Any discarded material that is not excluded in Section 261.4 of the Code of Federal Regulations (CFR). Domestic sewage (261.4(a)) and animal manure (261.4(b)) are specifically EXCLUDED from Federal regulations
Hazardous Waste	<p>Solid wastes which are either</p> <p>A. <u>Listed</u>: literally a list of organic compounds and inorganics (metals & metal compounds) which may pose a substantial hazard to human health. The federal government maintains this list.</p> <p>B. <u>Characteristic</u>:</p> <ol style="list-style-type: none"> Fails one or more test for: <ol style="list-style-type: none"> <u>Ignitability</u>: flash point 140° F or spontaneously combustible <u>Corrosivity</u>: pH <2 or >12.5 <u>Reactivity</u>: generally sulfide & cyanide compounds <u>Toxicity</u>: fails Toxicity Characteristic Leachate Procedures (TCLP) tests (See Table 1) Is fatal to humans in low doses or lab animals at specified threshold levels Contains toxic constituents (See Table 1)

What Chemicals Comprise Horse Manure and Are They Toxic?

Toxicity Definition: Relating to or caused by a poison - Webster's Dictionary

Everything is toxic to something at some level (although not necessarily every substance to every species). Toxicity may be acute, chronic or bioaccumulative. Toxins come into the body by being ingested, inhaled or dermally absorbed. The sixteenth century Swiss physician, Paracelsus, first pointed out the fact that ALL substances are toxic and that the difference between a remedy and a poison is simply the amount that is taken into the body. "The dose makes the poison". Many chemicals that are essential to good health, like sodium chloride, are toxic at high levels, but dysfunctions can result when they are present at levels that are too low.²

The human body has the remarkable ability to function unaffected by exposures to toxics. UC Berkeley biologist Dr. Bruce Ames has said, "Every day we are ingesting in our diet at least 10,000 times more by weight of natural pesticides than of man-made"- from bacon, peanut butter, mustard, basil, tea, and wine, among others.³ The number of organic chemical compounds that have been synthesized since the turn of the century now exceeds half a million, and some 10,000 new compounds are added each year.⁴ Many of these new products are toxic to humans. Thus, the body is constantly being exposed to a variety of toxic chemicals.

As you can see in Table 2, the primary chemical constituents of horse manure are about the same as harmless household and agricultural fertilizer. In fact, animal manure is a valuable agricultural amendment and has been used for millennia to help grow our food supplies. Current mushroom culture relies heavily on horse manure, while other crops have been developed with human sewage sludges in order to recycle our own prolific wastes. Thus, based on its chemical constituents, horse manure should not be considered toxic.

Pathogens of Concern

Commercial livestock intestinal microflora has been studied in depth, but not horses. Very few statistics are available on horses. According to Dr. Deanne Meyer, Livestock Management Specialist at UC Davis (1997), it is difficult to find data on horses because it is seldom that more than 50 horses are kept in a single facility. You must have a sufficient mass of animals for study, before data can be considered representative. While the US Department of Agriculture keeps extensive data on commercial livestock operations, it keeps no data on horses. The Council for Agricultural and Science Technology (CAST) estimates livestock volume in units as follows:

Cows	104 million
Swine	60 million
Sheep	8 million
Poultry	7790 billion ⁵

The mere 6.9 million horses⁶ thought to populate the United States have been of little concern until recently when increased attention began to be given to the Clean Water Act.

"Human pathogens are rarely a concern in farm-generated wastes" (NRAES 54). Pathogens are organisms (fungus, helminths, virus, protozoa, bacteria) capable of producing infectious disease. Fungi are usually considered to be of minimal health risk (Straub et al 1993). *C. tetani* is reportedly found in equine manure, but does not represent a source of significant public health risk (NCSU 2000). Many common equine helminths (worms, bots, etc.) are pathogenic to domestic animals but are not pathogenic to man (Straub et al, 1993). Generally speaking, horse guts do not contain the 120 viruses and constituents of concern in human, dog and cat feces (carnivores and omnivores) (Atwill 1998, Putnam 1983, Davis et al 1996, Rugg 1998). Most viruses with zoonotic potential (animals infecting humans) are not found in horse wastes.⁷

As a result of intensive studies on commercial livestock, some protozoa and bacteria have been identified that can survive in horse guts. (See Table 3) Pathogens of primary concern are waterborne microorganisms that usually follow ingestion pathways into the body. Transmission can also occur through direct oral-fecal exposure. These include *Cryptosporidium parvum*, *Giardia duodenalis*, *Campylobacter* spp, *Salmonella* spp., pathogenic strains of *E. coli*, and *Yersinia* spp. By far, *C. parvum* and *Giardia* are the two of most concern because they have very low thresholds of infectious dose. People infected by these organisms may exhibit a range of symptoms from mild abdominal discomfort to death, especially among the very young, elderly, and people with immunologically suppressed systems. Neither of these organisms can be destroyed easily with traditional water treatment processes. With recent large-scale waterborne outbreaks of *Cryptosporidiosis* around the U.S., and the rising numbers of immunodeficient people, public attention has increasingly focused on the integrity of drinking water supplies. This paper will focus on results from recent studies on *Cryptosporidium* and *Giardia*.

Protozoa

Human Transmission of Disease

C. parvum, long considered a veterinary disease, has emerged as an important infectious disease of human, as well as of animal origin. Our ability to distinguish between these organisms has only become possible recently with the advent of genetic testing (genotyping). "The genotype and experimental infection data suggest the possibility of two distinct populations of *C. parvum* in humans. One population appears to involve zoonotic transmission from calf-to-human with subsequent human-to-human and human-to calf transmission. The other population appears to involve an anthroponotic transmission cycle, exclusively in humans." In laboratory experimental infection studies, the exclusively human genotype could not successfully infect laboratory animals. Retrospective analysis of outbreaks at the Georgia water park (1995; 2900 cases), Florida day camp (1995; 70 cases), and in Wisconsin (1993; 403,000 cases) indicates these infections were caused by the genotype found exclusively in humans. ⁸

In the "Cryptosporidium White Paper" published by the San Francisco Public Utilities Commission in 1996, a number of interesting facts were cited:

- While not identified until relatively recently historically, *C. parvum* is ubiquitous to 6 continents, infecting a substantial number of people (up to 16% of people in the third world and between 1-4% of the total population in North America are

prevalent for *Cryptosporidium*);, potentially 10,000,000 people in the US and 1,000,000 in California.

- Detection of the presence of the organism in water does not indicate that it is viable (i.e., capable of inducing infection), and, there is no method for assessing the mechanisms by which it becomes virulent. Oocysts of *C. parvum* are present in many North American waters (0.0002-5,800 per liter) more so in lakes and rivers, less in groundwater.
- Analytical methods for understanding/ controlling the organism are so poor that the government cannot recommend control regulations.
- County environmental health officers of Alameda, San Francisco, San Mateo, and Santa Clara believe that *Cryptosporidiosis* from drinking water is not a major concern. 9

Equine Transmission of Disease

Recently, several credible research papers have been published which demonstrate conclusively that adult horse guts do not significantly contain either *C. parvum* or *Giardia*, the two organisms of greatest human health concern when present in water supplies.

While some evidence exists that foals and their pregnant or lactating mothers can carry *C. parvum* or *Giardia*, neither foals nor their mares are likely to be found on trails. No studies had been done on adult horses until 1993, at which time watershed managers proposed to ban livestock from their property due to uncertainties about the role of livestock in shedding pathogens. In response to this, the Backcountry Horsemen of California (BHC) and High Sierra Packers Associations funded an independent study by UC Davis Tulare (Johnson et al). Fecal samples were obtained from 91 horses and 311 horses and mules used in backcountry riding to determine the potential risk of adult horses contaminating surface waters. Samples were collected at horse barns and round corrals throughout California during 1993 and 1994. Horses were between the ages of 4 and 24 years of age.

The typical backcountry horse trip in California lasts 4 to 7 days. The incubation period before these organisms start to shed is usually 1 to 2 weeks after infection. Thus, an adult horse acquiring an infection from contaminated surface water during a backcountry trip would likely not start shedding these organisms during the typical backcountry ride of 4-7 days.

The conclusions from Johnson et al "indicate that backcountry use of horses for recreational riding is unlikely to pose a significant risk of environmental contamination from *Cryptosporidium* of equine origin nor is it likely to create a significant threat to human health from either of these protozoans." 10 *Giardia* from cattle and horse has NOT been shown to be infectious for humans under normal circumstances. These data do not support the assumption that horses are infecting humans with *Giardia* in the back country. In fact, studies are underway to determine which mammals in the high Sierra are shedding the most *Giardia* and which mammals are the ones defecating closest to sources of water. The more a horse was used in the backcountry, the less likely it was to have *Giardia* infection.

When the Johnson et al paper was submitted to a scientific journal for publication, it was subjected to a rigorous peer-review. The major criticism voiced about the study by peers

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concerned the fact that the 91 horses, while representing a broad geographical spectrum, were not sampled at trail heads prior to entering backcountry. A second study was undertaken between July and November of 1996 by Ford et al of Colorado State University Fort Collins to test fecal matter of 300 horses entering at 23 different trail heads in Colorado. Horses sampled ranged from 3 to 30 years old. Of these 300 horses, only one was positive for *C. parvum* and 2 for *Giardia*. Prevalence results were completely consistent with previous finding by Johnson et al. in California. In following up to get information on the infected individuals, the sole horse with *C. parvum* was determined to be 24 years old, had bad teeth, poor digestion and was immuno-compromised. He was ridden daily as part of a commercial string, and suffered from weight loss. He probably drank contaminated water downstream from a known beaver habitat. He was immediately put to pasture to recover. The conclusion from Ford et al is: "Based on the low prevalence of *Cryptosporidium* in the trail horse population surveyed, it can be concluded that the adult recreational trail horse population is not likely to be a significant source of *Cryptosporidium* environmental contamination in water shed areas."¹¹

Interestingly, Dr. Rob Atwill of UC Davis/Tulare (a principle in the Johnson et al study) has found that wild animals have substantial rates of *C. parvum* in their guts, significantly higher than those found in either humans or horses. For example 30% of mice tested were found to have *C. parvum* in their guts; similarly 63% of rats, and 11% of feral pigs carried this organism.

While horse manure found on trails may contain some of the pathogens discussed here, they are unlikely to exist in significant numbers to impact human health. Life expectancy of most of the protozoa discussed, when deposited in manure on a trail, is very short. Atwill cites Robertson et al. 1992 "Oocysts appear to die after several hours of being dry". Most bacteria will not grow at a water activity below 0.95 according to Atlas and Bartha. (See reference 7).

Bacteria

Coliform bacteria are ubiquitous and are necessary beneficial organisms that help most normal healthy species including man and animals digest their food. *E. coli* under certain conditions - such as stress or infections - cause disease in its host or may be found as a secondary invader to other diseases. Strains that exist in one species generally do not affect others - consequently man's primary concern is for *E. coli* of human origin and then only if it is found in his food or water - not because of the *E. coli* itself but because of other germs that may accompany it. While *E. coli* from a number of species, including humans, can cause intestinal disease under certain conditions, those of equine origin have not been shown to do so. "On concentrated reflection, I can come up with no explanation why the horse should be singled out as a likely source of human disease. On the contrary, among domestic animals the horse is perhaps the least likely to play such a role".¹²

In the winter 2000-2001, Dr. Atwill of UC Davis Tulare, conducted a further research study on 250 horses in the San Francisco Bay Area. Due to concerns expressed by organic gardeners about the safety of using composted horse manure as a soil amendment, Atwill determined again that insignificant levels of *E. coli* 0157:H7 and *Salmonella* were in adult horse guts. Composted manure showed no *E. coli* 0157:H7 after 24 hours in pile residence. Research results should be available in the near future.

A 1998 NAHMS study on "Salmonella and the US Horse Population" confirms Salmonella is not an issue in horses
(www.aphis.usda.gov/vs/ceah/cahm/Equine/eq98salm.htm).

Is the Risk of Human Exposure to Untreated Horse Manure Acceptable?

There are three types of risks: true risk, calculated risk, and perceived risk.

There are 250 million people in the US and 6.9 million horses. There are 28 million people of the State of California and 642,000 horses. Over 70% of California horses are involved in showing and recreation (about 449,400).¹³ Probably only half of these potentially use trails (about 250,000). The rest are confined to show arenas, or are at pasture as retired family pets. The remaining 30% will virtually never be found on trails since they are involved in the expensive pursuits of racing and breeding, and are too valuable to expose to the dangers on trails. Thus, horses likely to be on trails are relatively few in number compared to the number of citizens who are likely to use trails. And, obviously, not all of these horses that could potentially be on trails are likely to be on trails simultaneously.

No major human disease has ever been accurately attributed to the intimate contact human beings have had with horses for thousands of years.¹⁴ Veterinarians and vet students probably have the greatest exposure to true risk from horse manure. The horse has a very inefficient gut: it's a one-way throughput system. Horses are physiologically incapable of vomiting or regurgitating. If something gets stuck on the way through, the only way to get it out is by surgery or physical intervention. As a result, you will often find vets armpit deep under a horse's tail. Nevertheless, there has never been a documented case of veterinarians contracting illness as a result of this rather extreme true exposure to horse manure. People employed by or who provide services at horse keeping facilities, could possibly have the next most frequent opportunity for exposure to horse manure, but they don't have reported problems either. Because horses are big, imposing animals, infrequently encountered by people, the perceived risk of human exposure to horse manure is probably greater than the true risk.

We have found that many younger people in parks and open spaces near urban areas have rarely seen or even petted a horse. The average trail horse in California, ridden by an employed owner from an urban area, would likely not be present on public trails more than 12 to 16 hours per week- a maximum of about 10% of a week. Winters are difficult to ride on trails, so most riding occurs between April and November. Many more people use trails than horses. For example, in San Mateo County, a supposed "horsey" jurisdiction, the human population is nearly 700,000 compared to 4,000 horses. While all citizens and all horses may not be trail users, the horse subset that uses trails is probably very small. We believe that such small numbers of horses on urban trails and the brief time spent on them constitutes very little true risk in terms of volume or contents for people encountering horse manure.

In the California backcountry average pack trip of 4-7 days¹⁵, trail time might be 7 hours per day - maximum of about 30% of a week. Access for much of the high country is limited to horses from June through October. Most individual horse riders would be lucky to spend two weeks a year in the mountains with their animals. Thus, out of 20 weeks of available trail time, privately owned backcountry horses probably use only a maximum of 10% of time available. We believe that such limited numbers of horses on

backcountry trails and brief time spent on them constitutes very little true risk in terms of volume or contents for people encountering horse manure.

Horses spend most of their time in pastures or paddocks where the majority of their excrement is deposited, collected and managed. Horse manure is about 70-80% liquid and 20-30% solids¹⁶. The liquid portion is quickly retained by soil or vaporizes rapidly into the atmosphere. In composted scenarios, total mineralization (breakdown into CO₂ and H₂O) occurs within 21 days with more than 50% of the total CO₂ produced during the first 6 days.¹⁷ There are no documented studies of decomposition rates under ambient conditions because the large number of variables (temperature, wind, moisture, direct sun, disturbances, etc.) would be difficult to control in scientific experiments. According to Jeffrey Schaffer, wilderness writer, "700 backpackers in Desolation Wilderness (West of Lake Tahoe) contribute about a ton of human waste per week. Whereas horse and cattle excrement lying on the ground decomposes rapidly, buried human excrement takes longer, for in mountain soils, subsurface decomposers such as bacteria and fungi are not abundant".¹⁸

Dr. Aaron Wildavsky, Professor at UC Berkeley has written, "The richest, longest-lived, best protected, most resourceful civilization is on its way to becoming the most frightened. Government has contributed to this process by taking responsibility for risk management away from individuals." People are exposed to a variety of risks every day of their lives and must make decisions about which risks to ignore and which ones to manage actively. We believe that exposure to horse manure is one fear people can cross off of their list of things to worry about.

People vastly outnumber horses likely to be found on trails in both the United States and California. Because horses are encountered infrequently by most people, it is likely that their perceived risk of exposure to horse manure is actually much higher than their true risk. As we have seen, manure is physically handled by only a few people with no notable health effects reported. It desiccates and decomposes rapidly in the environment. There are no known toxic effects on humans due to the exposure to horse manure. It is unlikely that the average hiker practicing conventional hygiene will experience adverse effects from exposure to horse manure on a trail. We believe that based on the information currently available, the exposure of people to untreated horse manure on trails is an acceptable health risk.

Conclusion

Horse manure is a solid waste excluded from federal EPA solid waste regulation because it neither contains significant amounts of hazardous chemicals, nor exhibits hazardous characteristics. The chemical constituents of horse manure are not toxic to humans. Horse guts do not contain significant levels of the two waterborne pathogens of greatest concern to human health risk, *Cryptosporidium* or *Giardia*, neither do they contain significant amounts of the bacteria *E. coli* 0157:H7 or *Salmonella*. Fungus, viruses, bacteria and worms found in horses have never been shown to infect humans and are unlikely to be zoonotic. Finally, the reality is that there are very few horses, and even fewer numbers of them that frequent trails. People seldom encounter or handle horse manure. People who do have occasion to handle horse manure have never been infected by this intimate contact. Humans and other sources within the environment (e.g. wild animals and birds) with their overwhelming population numbers are far more likely than horses to contribute to human health risks.

While horse manure may not be aesthetically pleasing, it should not be harmful to human health nor pose a significant health risk to people when they encounter it on public trails.

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Acknowledgments, References & Tables

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Table 1. - MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

EPA HW No. ¹	Contaminant	CAS No. ²	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	3.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0
D024	m-Cresol	108-39-4	200.0
D025	p-Cresol	106-44-5	200.0
D026	Cresol		200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	10.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	10.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Uncane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-85-1	5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	78-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-6	400.0
D042	2,4,6-Trichlorophenol	68-06-2	2.0
D017	2,4,5-TP (Silverx)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

¹ Hazardous waste number

² Chemical abstracts service number

³ Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

⁴ If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/L.

2025 RELEASE UNDER E.O. 14176

Table 2
Fresh Manure Production & Characteristics Per 1,000 kg/lb Live Animal Mass per Day

**Manure
Production &
Characteristics**

**American Society of
Agricultural
Engineering**

Adopted by the ASAE
Dec. 1978, 1990 & revised 6-14-93

ASAE Data: D384.1
(Data Expected for Horses Only)

Parameter*- mean	1000 lb in pounds (450kg)
Total Manure (79.5% water)	45 or 0.75ft ³ /da
Urine	10
Density lb/ft ³	60
Total Solids	9.4
Volatile Solids	7.5
5 day biochem O ₂ demand	1.7
Chemical O ₂ demand	-
pH	7.2
Total Kjeldahl Nitrogen (No Ammonia Nitrogen)	0.27
Phosphate P ₂ O	0.105
Potassium K ₂ O Potash	0.205
Calcium	0.29
Magnesium	0.057
Sulfur	0.044
Sodium	0.036
Chloride and Lead	-
Iron	0.016
Manganese	0.0028
Boron	0.0012
Molybdenum	0.00083
Zinc	0.0022
Copper	0.00053
Cadmium	0.0000051
Nickel	0.00062

(Per Dr. Meyer UC Davis,
may be overstated by 25%)

*Feces & urine as voided. All values wet basis from a typical live animal

USDA Agricultural Waste Management Field Handbook Ch 4-17 concurs:

Wt lb/da/1000# horse	50.0
Vol ft ³ /da/1000#	.8
TS lb/da/1000#	11.0
VS	9.35
FS	1.65
N	0.28
P	0.05
K	0.19
C:N ratio	19.0

TABLE 3
Pathogens excreted by livestock and transmitted
to humans through water

Edward R. Atwill, DVM, MPVM, PhD
Veterinary Medicine Teaching and Research Center
School of Veterinary Medicine
University of California, Davis
18830 Road 112, Tulare, CA 93274

List of pathogens of primary concern that can be shed in the feces of livestock and transmitted to humans through water.

Waterborne protozoa pathogens of primary concern (known livestock component)	Special concerns and comments
<i>Cryptosporidium parvum</i>	Low infectious dose; environmentally resistant oocysts; oocyst 5 x 5 microns
<i>Giardia duodenalis</i>	Low infectious dose; environmentally resistant cysts; zoonotic potential under debate; cysts approximately 12 x 15 microns
Waterborne bacterial pathogens of primary concern	size ranges from 0.2 x 1.5 to 1.5 x 6.0 microns
<i>Campylobacter</i> spp.	Common in livestock and wild birds
<i>Salmonella</i> spp.	Common in livestock feces
Pathogenic strains of <i>E. coli</i>	Can be highly virulent for humans
<i>Yersinia</i> spp.	Swine are considered a primary reservoir; apparent low annual incidence in humans

Pathogens of secondary concern whereby livestock have either no role or an unclear role in human waterborne infection have also been listed.

Waterborne protozoa pathogens of secondary concern	
<i>Toxoplasma gondii</i>	Felines are the definitive host; not livestock
<i>Balantidium coli</i>	Swine suspected, but no clear role
<i>Entamoeba histolytica</i>	Human reservoir
<i>Cyclospora cayentanensis</i> and microsporidia (<i>Enterocytozoon</i> <i>beneusi</i> , <i>Septata intestinalis</i>)	Unknown reservoir and livestock not known to shed these protozoa at this time
Waterborne bacterial pathogens of secondary concern	
<i>Clostridium perfringens</i> types A & C	Waterborne transmission unclear
<i>Listeria monocytogenes</i>	Waterborne transmission unclear; human infection typically foodborne
<i>Brucella</i> spp.	Waterborne transmission unclear
<i>Leptospira interrogans</i>	Waterborne transmission unclear; human infection typically by direct contact
Waterborne viral pathogens from livestock	Little scientific evidence that viruses shed in the feces of livestock pose a health threat to humans in the U.S.A.

REC'D CLERK RECORDED 01/10/2003

Katherine Miller

From: Lisa Roach
Sent: Tuesday, December 03, 2013 9:42 AM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics; Christopher M. Barela; Juan R. Rios; Melissa S. Holmes; Tina Salazar; Julia Valdez
Cc: Katherine Miller; Erik H. Aaboe; Stephen C. Ross; Penny Ellis-Green; Robert Griego; Judy_520@msn.com; melissa@sfct.org; Zach Taylor; devin bent; Michael.Patrick@tpl.org; colemantburnett@gmail.com; info@chacodogtraining.com; bill.baker@prodigy.net; eortega45@comcast.net; Tim Cannon
Subject: COLTPAC recommendation to BCC
Attachments: COLTPACrecommendation_12-3-2013.pdf; official_map_5_open_space_and_trails_revised_11x17.pdf

Commissioners Mayfield, Chavez, Anaya, Holian and Stefanics –

Over the past month the County Open Lands, Trails and Parks Advisory Committee (COLTPAC) has worked with staff to review the Draft Official Map 5 for Open Space and Trails Resources, as included in the Adoption Draft of the SLDC. During the course of their review, they identified the need for several revisions to the map prior to adoption of the SLDC. At their regular meeting last night, COLTPAC determined to present the attached Memorandum to the BCC at this evening's public hearing. The memo includes a brief description of COLTPAC's process for reviewing Official Map 5 with staff and a recommendation that the BCC consider the proposed revisions to Official Map 5, as summarized in the memo and depicted on the attached "Proposed Revised Official Map 5 – Open Space, Trails and Parks."

I submit this memo to the Board today on behalf of COLTPAC, as their staff liason.

Thank you,

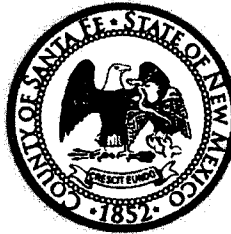
Lisa G. Roach

Community Planner – Open Space and Trails
Growth Management Department, Planning Division
Santa Fe County
102 Grant Avenue
P.O. Box 276
Santa Fe, NM 87504-0276
Direct Line: 505-992-9857
lroach@santafecountynm.gov

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: December 2, 2013

To: Santa Fe County Board of County Commissioners

From: County Open Lands, Trails and Parks Advisory Committee (COLTPAC)

Re: Recommendations for the draft SLDC Official Map 5 for Open Space and Trails Resources

Background:

At the regular meeting of COLTPAC held on November 6, 2013, a subcommittee was formed for the purpose of reviewing the Draft Official Map 5 of Open Space and Trails Resources for a) accuracy of existing facilities based upon Santa Fe County's inventory of county-owned open space, trails and parks properties; and b) consistency with the Sustainable Growth Management Plan (SGMP) and the draft Capital Improvements Plan (CIP). The COLTPAC subcommittee worked closely with staff to review the Official Map 5 and to identify proposed revisions. At their regular meeting on December 2, 2013, COLTPAC resolved to make the recommendations below based upon the work of the Subcommittee.

Recommendation:

COLTPAC recommends that the Board of County Commissioners consider the attached revised draft of the Official Map 5 for Open Space and Trails Resources for inclusion in the Adoption Draft of the Sustainable Land Development Code (SLDC). The proposed revisions can be summarized as follows:

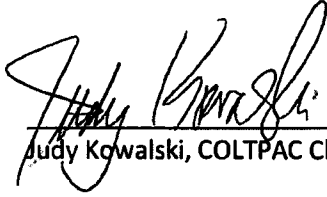
- Any county-owned open space, trails and parks properties that did not appear on previous drafts of the Official Map 5 for Open Space and Trails Resources;
- All trails through public lands (U.S. Forest Service, Bureau of Land Management, National Park Service, etc.) in Santa Fe County for which GIS data is available;
- All City of Santa Fe trails and multi-use paths for which GIS data is available;
- All projects that have been included and prioritized in the SGMP and the Draft Capital Improvements Plan (CIP); and
- All Santa Fe County Community District boundaries, in order to make reference to proposed open space, trails and parks in adopted Community District Plans.

COLTPAC's review of the Draft Official Map 5 additionally identified the need for the creation of an Open Space and Trails Strategic Plan for consistency with the SGMP, the SLDC, and the CIP. COLTPAC recommends that the Board of County Commissioners provide the necessary resources for this purpose.

Attachment: "Proposed Revised Draft Official Map 5 – Open Space, Trails and Parks Resources"

2013 DEC 13 PM 1:13
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COUNTY CLERK
SANTA FE COUNTY

As of the regular COLTPAC meeting held on December 2, 2013, COLTPAC recommends the proposed revisions to the Official Map 5 for Open Space and Trails, as described above.



Judy Kowalski, COLTPAC Chair

SEC CLERK RECORDED 01/13/2014

Proposed Revised Official Map Series - Map

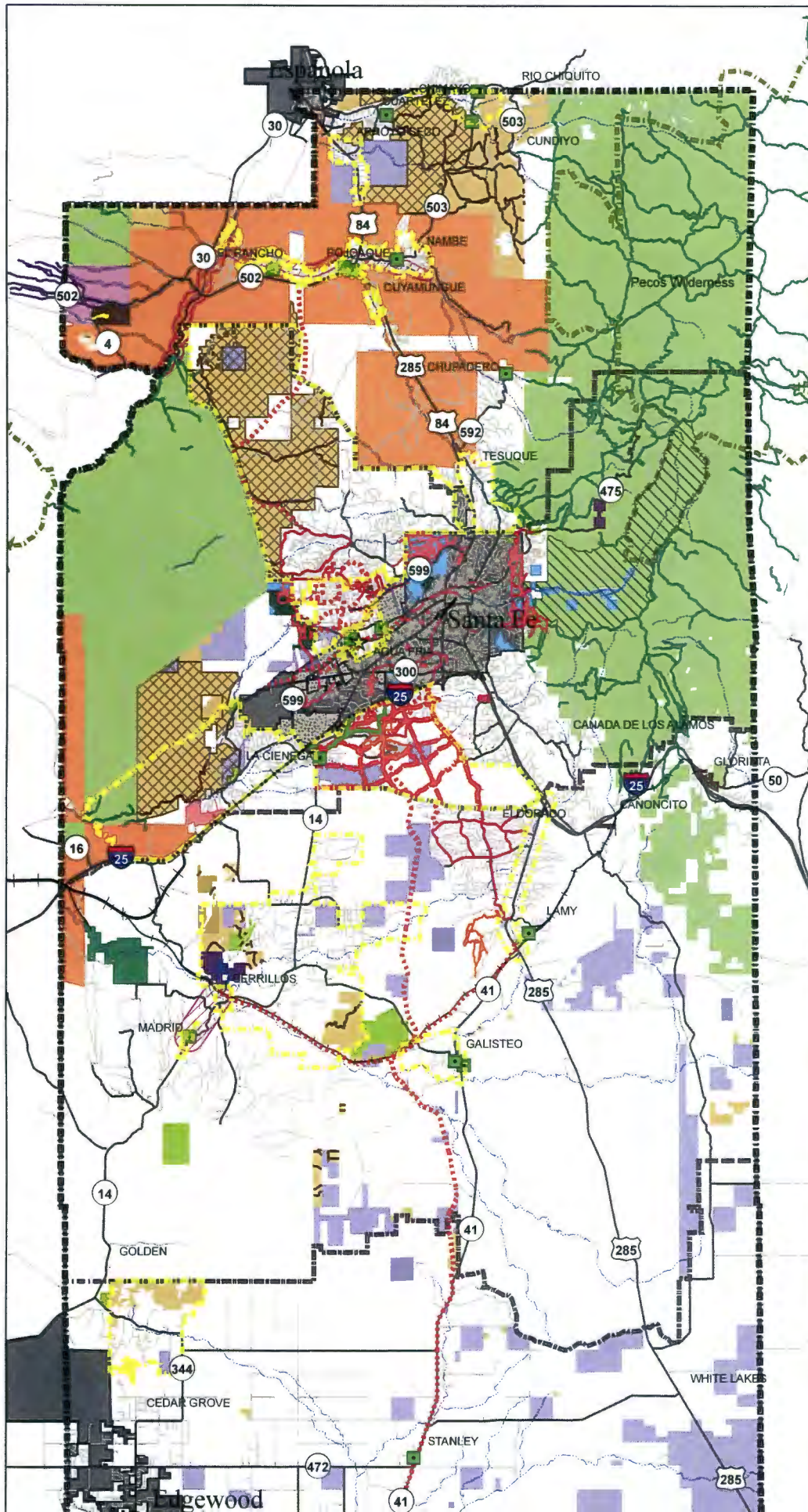
Santa Fe County Sustainable Land Development Code Official Map Series Open Space, Trails, and Parks

Legend

- Santa Fe County
- Growth Management Areas
- Community Plan Area Open Space and Trails Plan and Ordinance Maps
- Municipalities
- City of Santa Fe Annexation Area
- Pueblo Lands
- Existing Santa Fe County Parks
- Existing Santa Fe County Trails
- Proposed Santa Fe County Trail Routes
- Planned Arroyo Hondo Trail Route
- City of Santa Fe Trails and Multi-Use Paths
- National Park Service Trails
- Santa Fe National Forest Trails
- U.S. Bureau of Land Management Trails
- State Park Trails
- Los Alamos County Trails
- Private Trails *
- Railrunner Alignment
- Railroad Lines
- Major Roads
- Minor Roads
- Major Streams and Arroyos
- Santa Fe County Open Space
- Santa Fe Co. La Bajada Ranch Property
- Proposed Trail Corridors
- Municipal Parks
- City of Santa Fe Open Space
- U.S. National Park Service
- U.S. Forest Service
- Federal Dam and Reservoir
- Los Alamos National Laboratory
- U.S. Bureau of Land Management
- Federal Wilderness Areas
- U.S. BLM Areas of Critical Environmental Concern
- Santa Fe River Watershed Closure
- State Parks
- State Land Office
- Edgewood Soil and Water Conservation District

* Public access may be restricted on private open space and trails.

NOTE: This map depicts the best available data for the location of open space and trails features, based on data from Santa Fe County, the City of Santa Fe, the U.S. Bureau of Land Management, the U.S. Forest Service, and the New Mexico State Land Office. This map does not represent the surveyed or exact location of such features, and should not be used for travel purposes. This map is to be used and interpreted consistent with Section 10



Incredibly productive meeting Monday evening, December 2, in Pojoaque – deserved praise goes to David Gold, Robert Gire, Ross, and other staff whose names I do not remember.

Questions of interpretation remaining for two phrases relating to traditional communities and the Pojoaque Valley in particular.

- To the extent there is any conflict between the SLDC and any land-use ordinance that is not repealed by this §1.7 or otherwise addressed in the SLDC, the provisions of the SLDC shall apply. [SLDC Adoption Draft, p. 6.]
- 8.11.3.3. Relation to Underlying Base Zoning. An approved overlay community district does not replace the underlying zoning of the area. [SLDC Adoption Draft, p. 207.]

Useful rule of thumb: When unable to reach understanding in general terms, then ask specific questions.

Table. Permitted by Right in Two Codes in the Pojoaque Valley Traditional Community.

	Duplex	Mobile Home	Animal Hospital	Funeral Home
PVTC Code 2008	Y	y	N	N
Proposed SLD Code	N	N	Y	Y

1. If the Pojoaque Valley does NOT adopt an approved overlay community district, which of the above will prevail the day the SLDC goes into effect?

Depending upon answer to #1

2. If the Pojoaque Valley DOES adopt an approved overlay community district, then can it reassert its preferences as expressed in the above table and will these preferences prevail the day the SLDC goes into effect?

Recommended SLDC modifications prepared by Oralynn Guerrerortiz 11-21-13

Chapter 1 – General Provisions

1.7. ENACTMENT AND REPEALS. Upon the ~~adoption-enactment~~ of the SLDC, the following are hereby repealed in their entirety: the Flood Prevention and Stormwater Management Ordinance, Ordinance No. 2008-10; the Santa Fe County Land Development Code, Ordinance 1996-10 (except Article III, sec. 4 “Mineral Exploration and Extraction”),

Comment [OG1]: As written there would be no Code in place until 30 days after the Zoning Map is adopted. This keeps the current codes in place until the new one takes affect.

1.11.6.3. Any subdivision for which a Preliminary Plat was approved before the ~~adoption of the first-reading-of this-amended-SLDC~~ may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. ...

Comment [OG2]: As written the date for this is completely unclear.

Chapter 2 – Planning

2.1.4.5. Community Planning Process.

1. The community planning process is initiated by filing a letter of application with the Administrator. Alternatively, the Administrator may initiate the planning process ~~sua sponte~~ without formal prompting from another party. The application shall include:

Comment [OG3]: Use of obscure legal terminology is not user friendly and can easily be rewritten to achieve the same goal.

CHAPTER FOUR – PROCEDURES

4.4. PROCEDURAL REQUIREMENTS.

4.4.1.3. Review of the application by the Administrator and a determination that the application is complete or incomplete shall be completed within 15 calendar days of submittal;

4.4.1.4. Within 15 calendar days of an application being deemed complete, the Administrator shall ~~As appropriate, referral of the~~ application to State and Tribal review agencies for review and response;

4.4.1.5. Within 30 calendar days of an application being deemed complete, sStaff shall review, and as appropriate, take final action to make recommendation to the Planning Commission or the Board;

4.4.1.6. Notice and publication for applications requiring a public hearing;

4.4.1.7. As appropriate, public hearing before the Hearing Officer, Planning Commission, or Board;

4.4.1.8. Issuance of a development order approving, approving with conditions, or denying the application, together with written findings describing and supporting the

Comment [OG4]: As written, there are no time frames for staff to complete their work. The proposed times frames in these sections are reasonable.

action adopted shall be provided to the applicant by the Administrator within 30 days of the final decision;

4.4.3. Pre-Application TAC Meeting. Applicants required to conduct a pre-application meeting with the Technical Advisory Committee prior to filing an application. During the meeting, the applicant will discuss the application in general but in enough detail so that a reasonable assessment can be made of its compliance with the SLDC. The meeting should include a discussion of requirements of the SLDC that are applicable to the application, the procedure to be followed, notice to be provided, schedule for review and hearing, the studies, reports and assessments to be undertaken, and other relevant subjects. Technical requirements may also be discussed. After the Within 7 calendar days of the meeting, County staff will provide the applicant with a written summary of the relevant issues to be covered by the applicant in its submittal materials.

4.4.6.2. Completeness Review Determination. The Administrator shall issue a written determination on completeness after review of an application and attachments within a reasonable period of time 15 calendar days of submittal. The Administrator shall transmit such determination to the owner/applicant.

4.4.6.3. Determination that an Application is Incomplete. If the Administrator determines that the materials submitted to the review agency or department in support of the application are not complete, any completeness determination may be revised by the Administrator and the applicant shall be notified in writing of the information required. The owner/applicant may resubmit the application with the information required by the Administrator. The owner/applicant shall not be required to pay any additional fees if the application is resubmitted within 6 months or the Administrator's decision is appealed within thirty days.

Comment [OG5]: Depending on what is required, it may not be possible to resubmit within 30 days. A revised TIA or geohydro report could easily take 3 months or longer. 6 months is reasonable given the hefty fees involved.

CHAPTER SIX – STUDIES, REPORTS AND ASSESSMENTS (SRAs)

6.1. GENERALLY.

6.1.2. Types. Although SRAs are referred to collectively, they are comprised of individual studies, reports and/or assessments that may or may not be required for a particular project as set forth in table 6-1 below. The different SRAs are as follows, with reference to the applicable explanatory section of this chapter:

6.1.2.1. Environmental Impact Report (EIR). This report analyzes adverse effects and impacts on natural habitats and corridors; flood plains, floodways, stream corridors and wetlands; steep slopes and hillsides; air and water pollution; archeological, historical and cultural resources. See § 6.3.

~~**6.1.2.2. Adequate Public Facilities and Services Assessment (APFA).** This assessment indicates whether public facilities and services, taking into account the County's Capital Improvement and Service Program, are adequate to serve the proposed development project. See § 6.4.~~

Comment [OG6]: These comments eliminate reports and studies that should be conducted by the county, not the developer. I am recommending impact fees in lieu of APFA and FIAs. Reports for WSAR will only apply when connecting to non county facilities. TIAs will follow the DOT access manual.

6.1.2.3. Water Service Availability Report (WSAR). This report determines the permanent availability of and impacts to groundwater and surface water resources See § 6.5.

6.1.2.4. Traffic Impact Assessment (TIA). This assessment determines the effects of traffic created by the development upon County, state and local roads and highways. See § 6.6.

~~6.1.2.5. Fiscal Impact Assessment (FIA). This study describes the effects and impacts of the project upon County revenue and costs necessitated by additional public facilities and services generated by the development project and the feasibility for financing such facility and service costs. See § 6.7.~~

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

Application Type	SRA Type				
	TIA	APFA	WSAR****	FIS	EIR
Development Permit-non-residential (up to 10k sf)***	yes*	no	no	no	no
Development Permit-non-residential (over 10k sf)***	Yes*	yes	yes+	yes	yesno
Minor subdivision	Yes*	yes	no	no	no
Major subdivision	yes	yes	yes+	yes	yesno
Conditional Use Permit	yes±	as needed±±	as needed**	as needed±±	as needed±±no
Planned development	yes	yes	yes+	yes	as needed±±no
Rezoning (zoning map amendment)	Yes*	no	yes+	as needed±±	as needed±±no
Development of Countywide Impact (DCI)	yes	yes	yes+	yes	yes

Comment [OG7]: What is FIS?

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

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

*** Non-residential

****A WSAR is not required if the total project water use is 0.25 AF. per year or less

6.1.5. Discretion of Administrator. Applicants can submitted written requests that an SRA be waived, such request shall identify the basis of the request. The Administrator shall provide a written decision on the request within 15 calendar days. The Administrator shall have the authority to exempt the applicant from a required SRA if the Administrator reasonably determines either that the information that would likely result from the study, report, or assessment is either (a) already known and can be supplied by other means, or (b) will have no reasonable bearing on the evaluation of the application.

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

Comment [OG8]: This sounds like a book

6.3.13.1.4. A reasonable analysis of the cumulative impacts of the relevant projects. A ~~draft~~-EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects or impacts; and

Comment [OG9]: Why would there be a draft EIR submitted.

6.5. WATER SERVICE AVAILABILITY REPORT.

6.5.1. A Water Service Availability Report is required to analyze the availability of adequate potable water for a proposed project. WSARs ~~are not required for any project using both County water and sewer services. If a project only uses one service, then the requirements in this section only apply to the system not on a County system.~~ WSARs may include the use of groundwater supplies for water availability and additional review factors such as more detailed analysis of the basin or basins involved, the outcome of any adjudication of the resource, State Engineer reports on the source and an analysis of the sufficiency of the groundwater source to meet the projected water demand from the proposed project.

Comment [OG10]: I thought it was the intention to promote connection to county utilities, further, why would these details be necessary if one is connecting to county utilities?

6.6. TRAFFIC IMPACT ASSESSMENT (TIA).

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

Comment [OG11]: This requires using the State DOT manual to determine the level of TIA detail. Projects with more traffic will require a more detailed study.

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

Comment [OG12]: Impact fees should be used to further the goals of the county transportation needs.

6.6.5.10. At a minimum, the applicant shall be required, at the time ~~infrastructure construction permit granting or building permit to pay traffic impact fees. The cost of any offsite road way improvements serving more than the proposed project shall be proportionally credited to the applicant against the required traffic impact fees. of development approval, to pay for applicant's roughly proportional share of the cost for construction, operation and maintenance of all roads in the CIP for transportation facilities for the area in which development project is located. If such roughly~~

Comment [OG13]: If a developer is making offsite traffic improvements, then an impact fee credit should be provided.

~~proportional share is insufficient to meet traffic adequacy, the~~ The applicant may, through a development agreement, voluntarily advance the cost of additional roadway system improvements and shall be reimbursed when and as additional development projects are approved.

6.6.7. Expiration of TIA. A TIA shall expire and be no longer valid for purposes of this section on a date which is ~~twelve-thirty-six (4236)~~ months after its creation.

CHAPTER 7 – SUSTAINABLE DESIGN STANDARDS

7.3.1.4. Frontage. All lots shall front on a public or private road and shall have a minimum frontage width as indicated in the zoning district regulations. On irregularly shaped lots, a minimum road frontage of fifteen (15) feet is required. An “irregularly shaped lot” includes any lot located on a cul-de-sac or abutting a curved section of a roadway with a centerline radius of less than 200 feet. (Residential lots shall not front on a collector road or arterial road ~~unless vehicular access is provided via a rear alley~~.)

7.3.2. Blocks.

7.3.2.1. Lots to be Contiguous. Lots ~~shall~~ should be arranged in a contiguous pattern within blocks or abutting a cul-de-sac. In minor subdivisions all lots shall be contiguous, and any new lots subdivided from a tract that has been previously subdivided shall adjoin the existing lots.

7.3.2.2. Block Width. Blocks in the interior of a subdivision ~~shall~~ should have sufficient width to provide for two tiers of lots. One tier of required block width is permitted in blocks adjacent to open space, collector or arterial roads. Not more than two tiers of lots shall be provided for any block.

7.3.2.3. Highway Setbacks. Unless established through a right-of-way, all ~~development residential structures~~ shall be setback at least 150 feet from the road pavement of a federal highway and 100 feet from a highway ~~or~~ major arterial pavement or railroad tracks.

7.3.2.5. Commercial and Industrial Zones. Notwithstanding anything to the contrary in the Setback Table, a setback of 100 feet is required between any residential district and any commercial or industrial ~~district buildings~~. ~~For purposes of this paragraph, the phrase “commercial district” shall not include the~~ This shall not apply in a MU zone.

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

7.11.2. Applicability. The standards of this § 7.11 shall apply to all development. Tables 7-12

Comment [OG14]: Need to layout a process for this similar to what is currently in the wastewater ordinance.

Comment [OG15]: Given the length of time to process a project, 1 year is inadequate.

Comment [OG16]: In general these standards are written for urban environments and are overkill for most areas of the county. Changes proposed keep rrbn standards for higher density projects (lots less than 1 acre).

Comment [OG17]: Change to be in keeping with new urbanist design standards.

Comment [OG18]: Terrain often dictates these things, thus you should allow for some flexibility.

Comment [OG19]: ditto

Comment [OG20]: The word development is vague and could prevent development of a parking lot or landscaping.

Comment [OG21]: As written, there would have to be an undefined district (not residential, commercial or industrial) of a 100' wide between the two.

Comment [OG22]: Four feet would screen the parking and allow the commercial business to be seen from the road.

and 7-13 provide road design standards. Urban road standards shall apply to all roads in which there is at least 10 homes on lots less than one acre within SDA-1 and SDA-2, and to all planned development and mixed-use zoning districts. Rural road standards shall apply to all other roads within SDA-3.

Comment [OG23]: These modifications are to limit urban standards to high-density areas

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

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Sidewalks*	Bike lanes*	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Arterial or highway	5000 +	<u>4-6</u>	12	Two 5'	Two 5 ft on-road	100 <u>120</u>	Level: 50+ Rolling: 50+ Mount.: 50+	5%	6"	6"	Refer to AASHTO
Minor arterial	2000 to 4999	2 - 4	12	Two 5'	Two 5 ft on-road	60 to 100	Level: 30-60 Rolling: 30-60 Mount.: 30-60	5%	6"	5"	Refer to AASHTO
Collector	601 to 1999	2	11	Two 5'	Two 5 ft on-road	45-50 <u>to 72</u>	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Sub-collector	401 to 600	2	11	Two <u>One</u> 5'	Two 5 ft on-road <u>n/a</u>	60-80 <u>50</u>	Level: 30+ Rolling: 30+ Mount.: 30+	8%	6"	4"	5%
Local	0 to 400	2	10	One 5'	n/a	34 to 48	Level: 20-30 Rolling: 20-30 Mount.: 20-30	7 <u>10</u> %	6"	3"	5%
Alley	n/a	1	10	n/a	n/a	19	n/a	7%	6"	3"	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	6 <u>11</u> %	n/a	n/a	n/a

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

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

	Avg. daily traffic	# of driving lanes	Lane width (ft)	Non-vehicular side paths	Bike lanes	Minimum ROW (ft)	Design Speeds (mph)	Max % Grade	Min. agg. base course	Min. bit. pavement	Max % Super-elev.
Major arterial or highway	5000 +	4	12	n/a	Two 5 ft on-road <u>or</u> <u>One 10' off road</u>	150	Level: 70 Rolling: 70 Mount.: 50-60	5%	6"	6"	8%

Minor arterial	2000 to 4999	2 - 4	12	n/a	Two 5 ft on-road or One 10' off road	70 to 100	Level: 60-75 Rolling: 50-60 Mount.: 40-50	5%	6"	5"	8%
Collector	40+ 600 to 1999	2	11	n/a	n/a	60-50 to 80	Level: 40-60 Rolling: 20-50 Mount.: 20-40	8%	6"	4"	8%
Local	0-6400	2	10	n/a	n/a	5650	Level: 30-50 Rolling: 20-40 Mount.: 20-30	<u>910</u> %	6"	4" n/a	8%
Cul-de-Sac	0 to 300	2	10	n/a	n/a	2050	Level: 30-50 Rolling: 20-40 Mount.: 20-30	<u>910</u> %	6"	n/a	n/a
Driveway	n/a	1	14	n/a	n/a	20	n/a	<u>911</u> %	4"	n/a	n/a

Table 7-14: Minimum Corner Setbacks for Safe Sight Triangle on Rural Roads, Arterials (including Minor) and Highways.

Intersection Type (x)	Intersection Type (y)	
	Road	Driveway
Road	40 feet	30 feet
Driveway	30 feet	n/a

Table 7-15: Minimum Corner Setbacks for Safe Sight Triangle on Urban Collectors and Smaller Urban Roads

Intersection Type (x)	Intersection Type (y)	
	Road	Driveway
Road	25 feet	15 feet
Driveway	15 feet	n/a

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

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

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

7.13.6. Water Supply Requirements.

Comment [OG24]: These numbers won't work in urban areas, especially in neo-traditional designs. So I added another table for urban areas.

Comment [OG25]: There is no basis for this. The fire marshal doesn't require it, and you have had to grant plenty of variances because it is necessary in some terrains.

7.13.6.1. Quantity and Quality in General. Each development shall be required to provide water in adequate quantity and quality to meet the needs of a proposed development for ninety-nine (99) years¹. Regardless of the source of water supply, for planning purposes, the minimum required water supply assumed to be required for development of any type shall be 0.25 acre feet per unit, except for residential lots of less than 0.5 acres and multi-family developments of less than 1500 SF per unit shall be 0.20 acre-feet per unit notwithstanding that the owner or developer claims that less water is to be used. Annual water use limitations are established in subsection 7.13.11 ("Water Conservation") of the SLDC, and shall also apply, but in no case may exceed the water use budget assumed during the project review process.

Comment [OG26]: The average water use in the Eldorado is less than 0.2, the average water use in the county system is less than 0.16. Why would you over plan when we are pushing folks to reduce water use? If you make them prove up or provide water rights of 0.25 AF/unit, then the water restrictions will be set at 0.25 and the use will potential be higher than can reasonable be expected.

7.13.7.1

6. All distribution mains within a community water system shall be a minimum of eight (8) inches in diameter and shall be pressure tested in accordance with the New Mexico Standard Specifications for Public Works Construction, Section 801.16 (as amended from time to time). Exception may be made for deadend lines that do not feed a fire hydrant.

Comment [OG27]: It is a bad engineering to have dead end lines holding lots of water, as it doesn't get turned over enough and can fail to meet chlorine residual requirements.

7.13.7.2

6. Water storage to address requirements of the New Mexico Fire Code and the Santa Fe County Fire Code, or to maintain deliveries during periodic drought or as a result of climate change, shall be provided.

Comment [OG28]: How can one determine how much storage is necessary to deal with climate change?

7.13.10.3. Where Alternative Wastewater System Allowed.

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

Comment [OG29]: I think you were want to encourage treated effluent reuse, not graywater reuse. If you are also requiring graywater reuse than you are asking for 2 separate treatment systems which is really expensive. Further, it is my professional opinion that reclaimed water reuse should be highly regulated and not permitted on individual lots. This should come out.

7.13.11.2.

5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Community or residential gardens for growing edible crops do not require drip irrigation systems.

Comment [OG30]: Who has their garden on a drip system?

c. Cisterns shall be sized to hold 1.5 gallons per square foot of roofed area or the equivalent of a one month landscape water supply of water.

Comment [OG31]: This is current code.

¹Or 40 years if the source of supply is a public water system that is a 40 year planning entity pursuant to NMSA 1978, Section 72-1-9.

7.17.4.3. Areas with natural slopes of thirty (30) percent or greater as determined from an analysis of five (5) foot contours.

7.17.5. Storm Drainage and Erosion Control.

7.17.5.1 General.

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

7.17.5.2.

5. All natural drainage ways and arroyos which traverse or affect one or more lots or development sites shall be identified on the plan and/or plat. ~~All land disturbance activity, both within and outside the limits of the Special Flood Hazard Area (SFHA), must provide a Stormwater Management Analysis pursuant to Ordinance No. 2008-10 ("Santa Fe County Flood Damage Prevention and Stormwater Management Ordinance") as amended.~~

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

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

7.22. FINANCIAL GUARANTY.

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

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

7.22.8. Releases and Financial Guaranty.

Comment [OG32]: This ordinance is repealed with the adoption of the SLDC

Comment [OG33]: The suggested change matches current code. If you do not allow minor road exclusions than many more variances will be necessary.

Comment [OG34]: Site is rather vague and could be interpreted to mean building construction

Comment [OG35]: I am not sure this is not against the law. Typically after improvements are installed a one year warranty period begins. At the end of the period an inspection is conducted, and if things are in good condition, then they are accepted. If something is going to fail due to poor workmanship, it will fail in the first year.

Comment [OG36]: The requirement for these various financial guarantees are over the top burdensome and I think will stop development, as banks won't be willing to provide 200% of the cost for the infrastructure, which is what would be necessary if all these provision were in place. The problems of the past is not the lack of financial guarantees, it is the lack of knowledge and experience of staff, who released guarantees when work was not completed. Typically wiser government entities hold back 10% for 1 year after all work has been completed, to ensure the work holds up.

Comment [OG37]: The most recent amendments include a provision requiring the County Attorney to sign off on releases. This presumable stems from the failure of properly trained individuals in the past releasing financial guarantees when it was not warranted. The answer is better training or more qualified individuals in charge of these guarantees, not another layer of bureaucracy, especially with the legal department which has too much on its plate already.

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

7.22.10. **Guaranty.** The applicant shall require his construction contractors, with whom he contracts for furnishing materials and ~~for~~ installation of the infrastructure improvements required ~~under this section, that each obtains the proper financial guaranty under the SLDC, and each~~ shall furnish to the County a written guaranty of all workmanship and materials, and that the work each shall be free of defects for a period of ~~two-one~~ years from the date of acceptance by the Administrator.

7.22.12. **Reimbursement.** Where oversized County, regional, federal or state facilities are required, or when public facilities are advanced by the owner, a special reimbursement procedure shall be provided for in the development order approving the final plat and in the development and subdivision improvement agreements, to reimburse the owner from funds received from subsequent developers utilizing a portion of the capacity of the public improvements in order to meet their adequate public facility and service requirements under the SLDC. Alternative, the developer can request a impact fee credit equivalent to the cost of oversizing the facilities.

Comment [OG38]: Developer use the draws to pay the contractors, and on bigger projects it can take a year or more to get to 50% completion. No one can afford to not get paid for long periods of time, so this provision is complete unacceptable.

Comment [OG39]: Changed to agree with section 7.26.5

Comment [OG40]: Reasonable alternative for helping the county develop its infrastructure.

CHAPTER 8 – ZONING

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

MU Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
Frontage (minimum, feet)	50 25	50 25
Lot width (minimum, feet)	50 25	50 25
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a**
Maximum building size (aggregate)	n/a	n/a**

Comment [OG41]: These lower numbers would permit something like an Oshara development in the future. Townhomes typically have very narrow widths.

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

PD Zoning District	If residential uses only	If at least 10% commercial use
Density (minimum/maximum, dwelling units/acre)	2/5	2/12
Frontage (minimum, feet)	50 25	50 25
Lot width (minimum, feet)	50 25	50 25
Lot width (maximum, feet)	n/a	n/a
Height (maximum, feet)	36	48
Lot coverage (maximum, percent)	60%	70%
Maximum building size (individual)	n/a	n/a*

Comment [OG42]: See comments on table 8-17

Maximum building size (aggregate)	n/a	n/a*
Setback from outside property boundary – no existing residential uses adjoining property	50	50
Setback from outside property boundary – existing residential uses adjoining property	100	100

8.11. OVERLAY ZONES.



8.11.2.5. Dimensional Standards. Dimensional standards are as prescribed in the underlying zoning except as prescribed in this section. Lot sizes may be a minimum of 2.5 acres.

Comment [OG43]: It doesn't make sense to require a 160 acre lot for a daycare, or a church or a gas station or a small commercial establishment. Maybe 1.0 acre lots should be permitted.

CHAPTER TEN – SUPPLEMENTAL ZONING STANDARDS

10.8 BORROW. No on-site borrow may be removed from a site except removals associated with a grading permit granted by the Administrator.

Comment [OG44]: On-site removal of material is often required for site development.

Delivered by Ross Lockridge

--A proposed compromise on sand and gravel extraction supported by many communities and organizations, will both allow the county to permit limited, needed, extraction of building materials of a modest size and still follow the directives of the Sustainable Growth Management Plan concerning operations that are clearly Development of Countywide Impacts (DCIs).

--General Concept: Use Article XI ZONING FOR EXTRACTION OF CONSTRUCTION MATERIALS from the existing 1996 Land Development Code as **an interim** sand and gravel ordinance.

--Needed short-term, project-specific operations can be accommodated without the need for DCI classification.

--The size and duration of a site would be limited to the project, or if regulations require some specified acreage, near to one acre and under a year in most cases would likely be a reasonable timeframe. Such operations would be basically confined, & non-expanding. "Rolling reclamation" should be included, so that as material is removed, the land is reclaimed.

--In general, when a gravel mining operation is to involve potential countywide sales & transport, is expanding over a basic source, & is not temporary, regardless of size, this kind of operation should be recognized as a DCI and placed under the Mining Ordinance.

--Following the directives of the SGMP remains a priority and must be noted in the SLDC. Section 2.2.6.2 of the SGMP states clearly that: Sand and gravel mining will be recognized as a Development of Countywide Impact and [be] subject to the requirements of the existing mining ordinance", aka, Mineral Exploration and Extraction, Section 5 of the current 1996 code.

--Article XI would temporarily cover gravel mining of any size (including what is suggested above) until the DCI section is written and adopted.

--The mining ordinance itself is not unreasonable, but backs up this approach by giving direction to the Code Administrator to guard against over-regulation by taking into consideration the "type and size of mining land use".

[REFERENCE] To accommodate this compromise, the BCC must direct Staff to make a few simple edits to the SLDC:

- 1) Delete Sand and Gravel from Chapter 10, Section 10.19 in the draft code.
- 2) Recognize Article XI as the temporary ordinance on Sand and Gravel.
- 3) Update the references of Article XI to apply to this SLDC rather than the 1996 Land Development Code.
- 4) Add a sunset provision to Article XI that it cease to exist concurrent with the adoption of the Sand and Gravel portion of the DCIs,
- 5) Along with the Mining Ordinance, include Article XI to section 1.7 ENACTMENT AND REPEALS of the Draft Code excepting Article XI to include the sunset provision.
- 6) List Sand and Gravel in the SLDC as a DCI under 11.2. DESIGNATION while referencing the retaining of Article XI with the sunset provision.
- 7) Adopt each section of the DCI as it is writing and start with the Mining section to include Sand and Gravel.

1) Concerning **4.4.9. Review and Final Action by the Administrator**, we think that an Administrator should have discretionary powers in the timing of reviews and opinions from agencies. I understand that applicants need a process that keeps moving, but placing strict time limits on an Administrator to complete an application review absent an agency's needed reviews and opinions, could end up being detrimental to the public welfare. Contrary to the claim in **1.4.1. (under Purpose and Intent)** if you search the SGMP you will find that it does not intend "time limited" approvals. Specifically under **Review and Final Action by the Administrator**, the Administrator should have final judgment on whether, for instance, in a time of austerity, an agency like the NMED has a legitimate reason to request more than a 15 day extension.

2) Concerning **1.15. SLDC TEXT AMENDMENTS OR ZONING MAP**, we've long expressed concern to Staff about a specified process that allows--indeed encourages an applicant to apply for edits to the code text concurrently with a development application. There is agreement that providing an easy avenue to change existing regulation coincident with a development application is risky. And that if there is such a specified process it will be used more. There's concern especially regarding text amendments. The concurrency would also include the initiation of amendments "for specific tracts, parcels or lots", or as has been suggested could result in applications that violate common law restrictions on spot zoning.

To bring this home, from a planned traditional community's perspective, although there are hoops that such concurrent applications would need to pass through, rather than being encouraged to meet a community plan's zoning, an applicant might be tempted to just try to alter the code via the pressure of an application. The **Public Policy section (1.15.6.2.1.)** dwells primarily on the promotion of compact development, but there are also *no restrictions* on DCIs from such concurrent applications.

Again, the Sustainable Growth Management Plan does not specify or imply "concurrent" code text or map amendments be imbedded within development applications, as again is assumed under the Adoption Draft's **Purpose and Intent**.

But applications for amendments to the code and plan under the pressure of a development application is encouraged specifically in **1.15.2. Initiation**.

We recommend language restrictions on text amendments that will, for example, make the text itself prohibit spot zoning decisions, or specify what kinds of developments should not expect concurrent code text amendments, such as DCIs. What is there that will protect the code from becoming molded like wax to conform with a development application? Please ask staff to correct, and clarify this language.