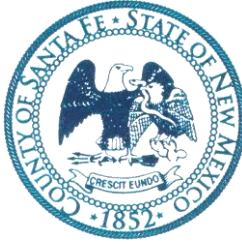


Daniel “Danny” Mayfield
Commissioner, District 1

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: October 10, 2014

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director

Via: Katherine Miller, County Manager

Re: Presentation by Staff and Possible Direction by the Board of County Commissioners Concerning Options for How to Proceed and Timelines with Respect to the Consideration and Possible Adoption of All of the Following: (i) Amendments to Ordinance No. 2013-6, the Sustainable Land Development Code; (ii) the Zoning Map of All Land in the Unincorporated Area of Santa Fe County to which the Santa Fe County Sustainable Land Development Code Applies; and (iii) an Ordinance Adopting Development Permit Fees

Issue. How should Santa Fe County (County) proceed with respect to the adoption of (i) amendments to the Sustainable Land Development Code (SLDC); (ii) Zoning Map of all land in the unincorporated areas of the County to which the SLDC applies; and (iii) the Fee Ordinance of Santa Fe County (Fee Ordinance), which would establish fees for various reviews under the SLDC.

Background. On December 10, 2013, the Board of County Commissioners (Board) approved the Sustainable Land Development Code (SLDC); this code will not go into effect until the Zoning Map for the County is approved.

The SLDC included the following, significant reserved sections and references to existing ordinances:

- The Bonus and Incentive Zoning (SLDC, § 8.12) section is reserved;
- Most Planned Development District (PDD) sections were reserved (SLDC, § 8.10.3 to § 8.10.8);
- The Santa Fe Community College District and Media District PDD sections reference existing ordinances (SLDC, § 8.10.9 and § 8.10.10); and
- Regulations governing most Developments of Countywide Impact (DCIs) were reserved (§ 11.3.3 to § 11.3.6).

In addition, Community District Overlay Zones (O-CDs) were not written. Rather, Section 9.3 of the SLDC references existing community district ordinances and plans.

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Since the adoption of the SLDC, the following events have occurred. First, staff has identified several potential amendments to the SLDC for consideration by the Board. Second, staff has developed a proposed Zoning Map, which assigned to community districts base zoning that was consistent with the SGMP and that was the closest match to the zoning established in their community zoning ordinances. Third, the Board has directed staff to write the regulations for certain DCIs and imposed a 12 month moratorium on certain DCI's. Fourth, staff has prepared a draft of the Fee Ordinance of Santa Fe County.

At its May 28, 2014, meeting, the Board decided to have a series of public meetings concerning the draft Zoning Map and proposed SLDC amendments prior to starting the formal adoption process. In addition, the Board targeted December, 2014, as the completion date for adoption of the Zoning Map and proposed SLDC amendments, subject to re-evaluation based upon how things evolved through the public input process.

As a result of the direction given at the May 28, 2014 meeting, five public meetings have been held on the SLDC amendments and Zoning Map, at which issues and concerns were raised by the public. In particular, concerns were raised about the SLDC's impact on existing community district ordinances and plans. In light of those public meetings and the Board's stated desire to re-evaluate timelines in light of the public input process, staff is providing the following options to the Board to consider in deciding how to proceed with the development and adoption of the SLDC amendments, Zoning Map, and Fee Ordinance.

Options to proceed with the SLDC amendments, Zoning Map, and Fee Ordinance.

Option 1. Continue on current approval timeline; assign base zoning to the community districts on the Zoning Map; adopt Zoning Map, SLDC amendments, and Fee Ordinance by year end.

In order for this to happen by year end, a special Board meeting would be needed in October where direction would be given as to what the next version of the Zoning Map would look like and to authorize publication of title and general summary of the ordinances for the Zoning Map, SLDC amendments, and Fee Ordinance. If this option is chosen, it is suggested that a special BCC meeting be held on October 21st and another meeting scheduled for October 24th, should not all necessary direction result from the October 21st meeting. This schedule will give staff time to then create the proposed adoption draft of the Zoning Map and do the required legal noticing in early November. Additional adoption public hearings would need to be scheduled in December; it is proposed that this could occur as special BCC meetings on December 2nd and 16th.

SLDC would still have some reserved sections (DCIs, O-CDs, density bonus section, Community College PDD). Staff will need to write transitional language for the community districts and the Community College District to include in the SLDC changes along with an assessment of the cell tower provisions.

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Under this option, there would be no change to the Zoning Map with respect to community districts. In other words, community districts would be left in the Zoning Map as currently shown, with modifications considered as the communities write their O-CDs in the future.

| Pros | Cons |
|--|--|
| Consistent with current expectations | Policy choices constrained as no SGMP update |
| Allows some SLDC concepts to be implemented sooner, such as 3 tiers of home occupations, accessory dwelling units, and rural commercial overlays | Concerns about effect of SLDC on community district zoning ordinances |
| Allows for concerted effort and focus on individual portions of the SLDC | Opposition from some communities who want to see their overlays incorporated immediately |
| Some decisions will have been made | Potential inconsistencies between community plans and SGMP |
| The Zoning Map Adoption Draft has been reviewed throughout the public comment and review process and conforms to the SLDC | Community district overlays or O-CDs may take longer, depending on allocation of resources |
| | Will not have time to go back and work individually with communities prior to Zoning Map being approved |
| | Initial SLDC will still be incomplete as sections (overlays, density bonus, and DCIs) will need to be drafted and adopted later |
| | There are significant conflicts with procedures, cross references, and regulations between the SLDC and approved community districts and the Santa Fe Community College PDD |
| | Board will need to decide on transitional provisions concerning Santa Fe Community College PDD and community districts and staff will need to develop transitional language to reflect Board direction |
| | Transitional provisions for Santa Fe Community College PDD and community districts may be difficult to draft and will lack certainty of an overlay district |
| | Drafting transitional provisions may divert resources from overlay drafting |

Option 2. Continue on current approval timeline; do not propose to assign base zoning to community districts in Zoning Map; adopt Zoning Map, SLDC amendments, and Fee Ordinance by year end.

This option would require the same special meetings described above, under Option 1.

Under this option, community districts would be removed from the Zoning Map until such time as the community develops an O-CD in accordance with the SLDC. Zoning Map would cross reference existing community ordinances on the Zoning Map. Communities would need to work with County staff in accordance with the SGMP and SLDC to revise the Community Plans and develop O-CD within a 3 year period.

| Pros | Cons |
|--|--|
| Consistent with current expectations | Policy choices constrained as no SGMP update |
| Allows some SLDC concepts to be implemented sooner, such as 3 tiers of home occupations, accessory dwelling units, and rural commercial overlays | Opposition from some communities who want to see their overlays incorporated immediately |
| Allows for concerted effort and focus on individual portions of the SLDC | Potential inconsistencies between community plans and SGMP |
| Some decisions will have been made | Community district overlays may take longer, depending on allocation of resources |
| Approved community districts would remain in effect as-is, which is suggested by certain provisions in the SGMP and SLDC | Will not have time to go back and work individually with communities prior to Zoning Map being approved |
| | Initial SLDC will still be incomplete as sections (overlays, density bonus, and DCIs) will need to be drafted and adopted later |
| | There are significant conflicts with procedures, cross references and regulations between the SLDC and approved community districts and the Santa Fe Community College PDD. |
| | Board will need to decide on transitional provisions concerning Santa Fe Community college PDD and community districts and staff will need to develop transitional language to reflect Board direction |
| | Transitional provisions for Santa Fe Community college PDD community districts may be difficult to draft and will lack certainty |

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| | of an overlay district |
| | May be no desire for a community to move forward with an overlay |
| | Zoning Map and SLDC would be less comprehensive and possibly less consistent with the SGMP |

Option 3 – Do not follow current approval timeline; prepare major reserved sections, including O-CDs, for adoption at the same time as the Zoning Map; adopt Zoning Map, SLDC amendments, major reserved sections, and Fee Ordinance by early fall 2015.

Staff to prepare major reserved sections (i.e., Bonus and Incentive Zoning (SLDC, § 8.12), the Santa Fe Community College District PDD, which includes a substantial part of the SDA-1, and regulations governing most DCIs) and other SLDC amendments and do comprehensive review of cell tower provisions. With respect to community districts, staff to work with communities to do consistency review between community plans and the SGMP and prepare O-CDs. This would be done in the same timeframe as the development of DCI sections.

In addition, staff would prepare an update of the SGMP to reflect new population, employment, and land use assumption figures and to update DCI elements.

| Pros | Cons |
|--|--|
| We would have a much more complete document, which would allow the Board and public to see and weigh major policy decisions at the same time | Timing would be contrary to current expectations regarding the adoption of the Zoning Map and effective date of the SLDC |
| The SLDC would have greater consistency with the SGMP | Significant resources will be needed - external (consultants), internal (staff time) |
| Because of SGMP update and depending upon scope and content of update, more zoning options may be possible | Impact on other priority projects |
| Communities will have their overlay districts in the document, eliminating the need for transitional provisions and alleviating community concerns about the SLDC's effect on their community ordinances | As this will be a public process, there may be a call for more time. To avoid further delay in the process, the County may need to set deadlines on community planning |
| Community plans can be updated for consistency with SGMP | Opening up community planning process may expose lack of uniform community vision |
| Allows staff to work with communities individually | Consistency review will identify changes needed for community plans and ordinances |

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| Allows time to review a comprehensive document | |
| If SGMP is updated, it will be a current plan and will not need to be revisited as soon | |
| Leverage resources needed for the DCI section to address all outstanding sections at once | |

Recommendation. Give staff direction on how to proceed with respect to the adoption of SLDC amendments, Zoning Map, and Fee Ordinance by making a motion to adopt one of the options described above.