

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4


Ed Moreno
Commissioner, District 5

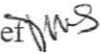
Katherine Miller
County Manager

MEMORANDUM

Date: October 30, 2018

To: Board of County Commissioners

From: Stephanie Schardin Clarke, Finance Director 

Thru: David Sperling, Fire Chief 
Pablo Sedillo, Public Safety Director
Katherine Miller, County Manager

Re: Resolution No. 2018 - _____, A Resolution Requesting a Budget Increase to the Fire Impact Fee Fund (216) for Facility Improvements to Various Fire District Stations / \$262,456 (Finance Division / Stephanie Schardin Clarke)

ISSUE:

The Finance Division requests approval of this resolution to allocate the FY18 available cash balance of \$262,456 of fire impact fee revenue for various fire districts.

BACKGROUND:

The Santa Fe County Fire Department through Ordinance No. 1995-04 is requesting BCC approval to budget impact fee revenue for the following fire districts:

- \$3,518 – Chimayo Fire District for the construction of an additional apparatus bay and storage area at Station #1
- \$105,716 – Eldorado Fire District for the construction of an additional apparatus bay at station #1
- \$20,954 – La Puebla Fire District for the construction of living quarters at Station #1
- \$102,908 – Turquoise Trail Fire District for the construction of Station #3
- \$29,360 – Madrid Fire District for the construction of a training room at Station #1

Total Project Funding Sources:

Fire District	Fund 205 Hold Harmless Fund	Fund 209 Fire Protection Fund	Fund 216 Fire Impact Fees *	Fund 222 Fire Operations Fund	Fund 318 Special State Approp. Fund	Fund 356 GOB Series 2017 Fund	TOTAL
Chimayo		75,000	3,518	103,239	85,000	300,000	\$ 566,757
Eldorado	40,000	350,000	105,716				\$ 495,716
La Puebla			20,954			1,595,997	\$ 1,616,951
Turquoise Trail	30,000		102,908			1,174,227	\$ 1,307,135
Madrid		300,000	29,360		104,155		\$ 433,515
TOTAL	\$ 70,000.00	\$ 725,000.00	\$ 262,456.00	\$ 103,239.00	\$ 189,155.00	\$ 3,070,224.00	\$ 4,420,074.00

*Resolution for Fund 209 being requested for approval 10/30/2018

REQUESTED ACTION:

Approval is requested for a budget increase to the Fire Impact Fee Fund (216) for the amount of \$262,456 to be expended on facility improvements and construction for the Chimayo, Eldorado, La Puebla, Turquoise Trail and Madrid Fire Districts.

SANTA FE COUNTY

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RESOLUTION 2018 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on October 30, 2018, did request the following budget adjustment:

Department / Division: Fire Department/Fire Administration Fund Name: Fire Impact Fees (216)

Budget Adjustment Type: Budget Increase Fiscal Year: 2019 (July 1, 2018 - June 30, 2019)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
216	0831	341	16-02	Revenue/Impact Fees	3,518	
216	0832	341	16-02	Revenue/Impact Fees	105,716	
216	0835	341	16-02	Revenue/Impact Fees	20,954	
216	0839	341	16-02	Revenue/Impact Fees	102,908	
216	0841	341	16-02	Revenue/Impact Fees	29,360	
					262,456	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
216	8020	422	80-01	Capital Purchases / Buildings and Structures	3,518	
216	8024	422	80-01	Capital Purchases/ Buildings and Structures	105,716	
216	8031	422	80-01	Capital Purchases/ Buildings and Structures	20,954	
216	8030	422	80-01	Capital Purchases/Buildings and Structures	102,908	
216	8016	422	80-01	Capital Purchases/Buildings and Structures	29,360	
					262,456	

Requesting Department Approval: [Signature] Title: Fire Chief Date: 10-9-18

Finance Department Approval: [Signature] Date: 10/9/18 Entered by: _____ Date: _____

County Manager Approval: _____ Date: _____ Updated by: _____ Date: _____

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ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

Requesting BCC approval to budget \$262,456 from the Chimayo, Eldorado, La Puebla, Turquoise Trail and Madrid Fire District's Impact Fee revenue to be utilized for facility construction.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
80-01	Fire Station Construction.	\$262,456

- 2) Is the budget action for RECURRING expense _____ or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY
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ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES _____ NO X
 - b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of grant award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request. 209 Fire Fund Distribution, 222 Fire Tax ¼% Fund, 318/356 Bond Funding.

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RESOLUTION 2018 - _____

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 30th Day of October, 2018.

Santa Fe Board of County Commissioners

Anna Hansen, Chair

ATTEST:

Geraldine Salazar, County Clerk

SANTA FE COUNTY

Ordinance No. 1995 - 04

AN ORDINANCE IMPOSING FIRE AND RESCUE IMPACT FEES

SECTION 1. FIRE AND RESCUE IMPACT FEES ORDINANCE

A new Article XII is hereby added to the Santa Fe County Land Development Code, entitled "Capital Impact Fees", and a new Section 1 to Article XII, entitled "Fire and Rescue Impact Fees".

A. Short Title

This Ordinance shall be known and cited as the Fire and Rescue Impact Fees Ordinance.

B. Findings and Declarations

The Board of County Commissioners (hereinafter "Commission") hereby finds and declares that:

- 1) The County is responsible for and committed to the provision of fire and rescue services at levels necessary to cure any existing deficiencies in already developed areas of the County; and
- 2) Such facilities and service levels shall be provided by the County utilizing existing funding sources allocated and earmarked for fire and rescue services such as the State Fire and EMS funds and the Fire Excise Tax; and
- 3) However, new residential and non-residential development causes and imposes increased and excessive demands on County public facilities and services including fire protection; and

- 4) The Land Use Assumptions, adopted on June 14, 1994, and incorporated herein, indicate that such development will continue and will place ever increasing demands on the County to provide necessary public facilities: and
- 5) To the extent that such development in the County places demands on the fire and rescue services that cannot be met by existing funding sources, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public-at-large to the developments actually creating the demands: and
- 6) A review of the existing state funding sources indicates that less than 50% of the State Fire Funds received by the State are actually distributed to the fire districts statewide: and
- 7) The impact fees should be recalculated if the County receives its fair share from the State in the future: and
- 8) The amount of the impact fees to be imposed shall be determined by the cost of the additional fire and rescue facilities and equipment needed to support such development, which shall be identified in the "Fire Capital Improvements Plan", fully incorporated herein: and
- 9) The Commission, after careful consideration of the matter, hereby finds and declares that it is in the best interest of the general welfare of the County and its residents to impose an impact fee upon residential and nonresidential development in order to finance specified major fire and rescue facilities and equipment in designated service areas for which the demand is created by the development: and
- 10) The Commission further finds and declares that such an impact fee is equitable, does not impose an unfair burden on development by forcing developers and builders to pay more than their fair and proportionate share of the cost, and deems it advisable to adopt this Ordinance as hereinafter set forth: and
- 11) The Commission further finds that there exists a rational relationship between the capital costs of providing the fire and rescue services and the impact fees imposed on development under this Ordinance: and
- 12) The Commission further finds that there exists a rational relationship between the impact fees to be collected pursuant to this Ordinance and the expenditure of those funds on capital costs relating to fire and rescue services, as limited and restricted by this Ordinance: and

- 13) The Commission further finds and declares that this Ordinance has approached the problem of determining the impact fee in a conservative and reasonable manner and that it is consistent with both the procedural and substantive requirements of the "Development Fees Act" (Sections 5-8-1 through 5-8-42 NMSA 1978).

C. Intent and Purpose

This Ordinance is intended to assess and collect an impact fee in an amount based upon the gross covered floor area of both nonresidential and residential development in order to finance fire and rescue facilities and equipment, the demand for which is generated by development in designated service areas. The County intends to maintain a minimum level of service of ISO 7/9 for fire and rescue protection. The Commission intends to impose impact fees within the entire unincorporated areas of the County. However, such fees will not be imposed within the extraterritorial jurisdiction until a joint powers agreement has been executed between the County and the Cities for imposition of such fees within the extraterritorial jurisdictions. The joint powers agreement will reflect the mutual aid response agreements. The County is responsible for and will meet all fire and rescue capital improvement needs associated with existing development within the unincorporated areas of the County. Only capital improvement needs created by new development in the designated service areas will be met by impact fees. Impact fees shall not exceed the cost to pay for a proportionate share of the cost of system improvements, based upon service units, needed to serve new development. The impact fees shall be spent on new or enlarged capital facilities and equipment that substantially benefit those developments that pay the fees. The impact fees may also be spent on (1) the estimated cost of preparing and updating the fire capital improvements plan, (2) for the fees paid for services directly related to the construction of capital improvements or facility expansions and (3) for administrative costs associated with this Ordinance, such administrative costs not to exceed three (3%) percent of the total impact fees collected.

D. Authority

The County is authorized to impose impact fees under Sections 5-8-1 through 5-8-42 NMSA 1978 (the "Development Fees Act"). The provisions of this Ordinance shall not be construed to limit the power of the County to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution or in conjunction with this Ordinance.

E. Rules of Construction

For the purposes of administration and enforcement of this Ordinance, unless otherwise stated, the following rules of construction shall apply:

- 1) In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table or illustrative table, the text shall control.
- 2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- 3) Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- 4) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- 5) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

F. Definitions

As used in this Ordinance, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

- (1) Advisory Committee means the group of appointed citizens of Santa Fe County selected by the Commission pursuant to Section 5-8-37 N.M.S.A. 1978 and Resolution 1993-44.
- (2) Applicant means the person seeking a development approval, a development permit or a refund, whichever is applicable.
- (3) Assess and assessment means a determination of the amount of the impact fee.
- (4) Capital improvements means the public buildings for fire and rescue services as well as essential vehicles and equipment costing ten thousand dollars (\$10,000) or more and having a life expectancy of ten years or more. 'Capital improvements' does not include costs associated with the operation, administration, maintenance or replacement of capital improvements unless otherwise specified herein.
- (5) Collect and collection means the time of payment of the impact fee.
- (6) Commission means the duly constituted governing body of the County of Santa Fe.

- (7) County means the County of Santa Fe, a duly constituted political subdivision of the State of New Mexico.
- (8) Development means the division of land; reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any change of use or extension of the use of land; any of which increases the number of service units.
- (9) Development permit means the permit required for new construction and additions pursuant to the Santa Fe Land Development Code 1992-1, as it may be amended from time to time. The term 'development permit', as used herein, shall not be deemed to include permits required for remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure, provided there is no increase in the gross covered floor area nor a change to a higher NFPA risk level.
- (10) Extraterritorial jurisdiction means the area subject to both the county and municipal planning and subdivision jurisdiction.
- (11) Fire capital improvements plan means the plan required by the Development Fees Act that identifies capital improvements or facility expansion for which impact fees may be assessed.
- (12) Gross covered area means the total square feet of covered space on each floor or floors comprising the structure whether enclosed or not, including carports, garages, portales, breezeways, verandas and porches.
- (13) Impact fee means the charge imposed pursuant to this Ordinance on development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the development.
- (14) Impact fee coefficient means the charge per square foot of development as calculated for each NFPA Class.
- (15) Land Use Administrator means the governmental officer charged with administering development regulations.
- (16) Land use assumptions means the analysis and projections of future growth and development prepared as the basis for planning future capital improvements. The 'land use assumptions' includes a description of the service area(s) and projections of

changes in land uses, densities, intensities and population in the service area(s) over at least a five-year period.

- (17) Mobile home means any vehicle or transportable structure without motive power, that is equipped with wheels and axles, is designed with bathroom and kitchen facilities, and is intended for occupancy as a dwelling d\for unlimited periods of time.
- (18) Mobile home park means any area of land upon which five or more mobile homes, occupied for dwelling or sleeping purposes are located, and where a charge is made for such accommodations or where mobile homes are proposed to be located and a charge made.
- (19) NFPA means the National Fire Protection Act which classifies land use according to risk on a scale of 3 to 7 with 7 being the least risky of the classes.
- (20) Risk level means the classifications prepared by the NFPA for various types of buildings and structures and the risks for fire inherent in such classifications.
- (21) Service areas means those areas designated on the Fire Protection Service Areas Map, incorporated herein, to be served by the capital improvements or facility expansions specified in the fire capital improvements plan.
- (22) Service units means the gross covered area of a structure or building and the applicable NFPA risk level.
- (23) Site means the land on which development takes place.

G. Applicability of Impact Fee

This Ordinance shall be uniformly applicable to all development that occurs within a designated service area. However, impact fees shall not be imposed on development within the extraterritorial jurisdiction of any city until such time as a joint powers agreement is executed between that city and the county for imposition of such fees within the extraterritorial jurisdiction.

H. Advisory Committee

The Advisory Committee is a standing committee established pursuant to Resolution 1993-44. The Advisory Committee shall meet at the direction of the Commission or from the committee itself in order to file annual written reports with the Commission regarding the implementation of

the fire capital improvements plan and advise the Commission on the need to update or revise the land use assumptions, fire capital improvements plan and impact fee. The Planning Department and Fire Marshal's Office shall serve as staff to the Advisory Committee.

I. Establishment of Service Areas

Service areas are established as shown on the Fire Protection Service Areas Map, a copy of which is attached as Exhibit "A" and incorporated herein by reference. The service areas include the unincorporated areas within Santa Fe County and are consistent with the service areas established in the fire capital improvements plan. The service areas provide a nexus between those paying the fees and the benefits received to ensure that those developments paying impact fees receive substantial benefits. Service areas may be deleted, added or modified by amendment to this Ordinance and the Fire Protection Service Areas Map.

The service areas are:

- | | |
|---------------------|---------------------|
| (a) Agua Fria | (h) La Cienega |
| (b) Chimayo/Cundiyo | (i) La Puebla |
| (c) Edgewood | (j) Madrid |
| (d) Eldorado | (k) Pojoaque |
| (e) Galisteo | (l) Stanley |
| (f) Glorieta | (m) Tesuque |
| (g) Hondo | (n) Turquoise Trail |

J. Land Use Assumptions

1. The land use assumptions provide a description of the service areas and projections of changes in land uses, densities, intensities and population in the service areas over at least a five-year period. The Commission hereby adopts the "Santa Fe County Fire and Rescue Impact Fees Study: Land Use Assumptions" approved by the Commission on June 14, 1994, which is incorporated herein by reference.
2. The Land Use Assumptions shall be reviewed and updated, if necessary, in conjunction with the update of the fire capital improvements plan described below.

K. Fire Capital Improvements Plan

1. The Fire Capital Improvements Plan identifies capital improvements or facility expansions for which impact fees may be assessed. The Commission hereby adopts the Fire Capital Improvements Plan, which is incorporated herein by reference, particularly as it relates to the allocation of a fair share of the costs of new facilities

for fire protection and emergency services to be borne by new users of such facilities and services, and level of service to be provided to the citizens of the County for fire and rescue.

2. The Fire Capital Improvements Plan shall be updated at least every five years from the date of adoption of this Ordinance. Appropriate revisions and amendments to the impact fee schedule and this Ordinance shall be made following such update, if necessary.

L. Presumption of Maximum Impact

New development shall be presumed to have maximum impact on the necessary fire and rescue capital facilities and equipment as permitted under the highest risk level based on the NFPA classifications for that development.

M. Assessment and Collection of Impact Fee

1. No development permit shall be issued for development in a designated service area as herein defined unless the impact fee is assessed and collected pursuant to this Ordinance.
2. No business license shall be issued for a new business which involves a change of use or conversion of an existing structure to a higher NFPA risk level unless the impact fee is assessed and collected pursuant to this Ordinance. The impact fee will be assessed by calculating the applicable fee for the higher risk level minus the fee which would have been applicable for the previous occupancy.
3. Mobile home parks, as defined herein, shall be assessed impact fees based on the average size of a mobile home unit (adding the typical double-wide unit and typical single-wide unit together and dividing by two) multiplied by the total number of spaces provided in the mobile home park. (See Section N. Schedule of Impact Fees, below.) Impact fees shall also be assessed for any community buildings located within the mobile home park. The applicable impact fee shall be collected at the time the owner of the mobile home park obtains the development permit for the park. Mobile homes located outside of established mobile home parks shall be assessed impact fees based on the gross covered area in the applicable risk level for a single family home. Mobile homes shall be exempt from the fifty (50') foot requirement in Section M(8).

4. The County shall calculate and assess the impact fee at the earliest possible time.
 - (a) For land that is platted after the effective date of this Ordinance, the impact fee shall be assessed at the time that the plat is recorded.
 - (b) For land that was platted prior to the effective date of this Ordinance or for development that occurs without platting, the impact fee shall be assessed at the time of issuance of a development permit.
5. The calculation and assessment of the impact fees shall be valid for a period of at least four years from the date of such assessment.
6. Notwithstanding #5 above, the calculation and assessment of impact fees may be revised under the following circumstances:
 - (a) If the number of service units in the specific development increases; or
 - (b) If construction is not commenced within four years from the date of development approval or issuance of the development permit, whichever date is earlier.
 - (c) If the proposed use changes after the assessment is made but before the impact fees are collected, placing the development in a different risk level.
7. The County shall calculate the amount of the applicable impact fee due by:
 - (a) Determining the applicable designated service area; and
 - (b) Determining the NFPA Classes (3-7) of the development; and
 - (c) Verifying the gross covered area of the development in each class; and
 - (d) Determining the applicable impact fee coefficient(s) from the table below; and
 - (e) Multiplying the gross covered area(s) by the impact fee coefficient(s).
 - (f) If gross covered area is not known at the time of assessment, the impact fee shall be stated in terms of the applicable coefficient for such development.
8. If the development for which a development permit is sought contains a mix of uses in different NFPA classes, the County shall calculate the impact fee due for the

highest risk and apply it to the entire structure. If the development consists of structures separated fifty (50') feet or more from each other, each structure shall be assessed separately according to the applicable NFPA class for each structure. Structures closer than fifty (50') feet to each other shall be considered in the same and highest NFPA class for purposes of assessing the impact fee.

9. The County shall retain a record of the impact fee assessment. A copy shall be provided to the applicant on the form(s) prescribed by the County. A notice of the impact fee assessment shall be recorded in the appropriate real property title records unless the impact fee is collected at the time of assessment.
10. The impact fee shall be due and payable at the time of issuance of a development permit or a business license, whichever is applicable.

N. Schedule of Impact Fees

The impact fee imposed by this Ordinance shall be determined by assignments of various types of structures and buildings to risk levels, and application of the impact fee coefficients below. In the event that a question arises as to which Risk Level applies to a particular development, the Fire Marshal shall make the final determination. Such determination may be appealed to the Commission as provided in Section T below.

(A) RISK ASSIGNMENTS

- 1) Risk Level RL 3 - Occupancies in this classification shall be considered SEVERE HAZARD OCCUPANCIES, where quantity and combustibility of contents are very high. Fires in these occupancies can be expected to develop very rapidly and have high rates of heat release. Such occupancies include: aircraft hangars, cereal/flour mills, chemical plants, chemical storage, chemical works, cotton processing, distilleries, explosive manufacturing, explosives storage, feed mills, grain elevators, grain warehouses, grist mills, hay bale storage, linseed mills, lumber yards, oil refineries, plastics manufacturing, plastics storage, sawmills, solvent extracting, straw bale storage, varnish/paint manufacturing, wood chip storage.
- 2) Risk Level RL 4 - Occupancies in this classification shall be considered HIGH HAZARD OCCUPANCIES, where quantity and combustibility of contents are high. Fires in these occupancies can be expected to develop rapidly and have high rates of heat release. Such occupancies include: auditoriums, commercial barns, bingo halls, casinos, convention centers, department stores, exhibition halls, feed stores, freight terminals, gaming parlors, mercantiles, paper/pulp mills, paper processing, repair garages, rubber manufacturing.

rubber storage, commercial stables, theatres, storage warehouses, department store, furniture storage, general storage, paint storage, paper storage, liquor storage, woodworking shops.

- 3) Risk Level RL 5 - Occupancies in this classification shall be considered MODERATE HAZARD OCCUPANCIES, where quantity and combustibility of contents are moderate and stockpiles of combustibles do not exceed twelve (12) feet in height. Fires in these occupancies can be expected to develop quickly and have moderately high rates of heat release. Such occupancies include: amusement parks, clothing manufacturing, cold storage warehouses, dairy barns, farm storage, grain storage, hatcheries, laundries, leather manufacturing plants, libraries (large rack), lithography shops, machine shops, metalworking shops, pharmaceutical manufacturing, plant nurseries, printing plants, publishing plants, restaurants, rope/twine manufacturing, sugar refineries, tanneries, textile manufacturing plants, tobacco barns, unoccupied buildings.
- 4) Risk Level RL 6 - Occupancies in this classification shall be considered LOW HAZARD OCCUPANCIES, where quantity and combustibility of contents are moderate and stockpiles of combustibles do not exceed eight (8) feet in height. Fires in these occupancies can be expected to develop at a moderate rate and have moderate rates of heat release. Such occupancies include: armories, auto parking garages, bakeries, barber shops, beauty salons, beverage manufacturing, boiler rooms, breweries, brick/tile manufacturing, canneries, cement plants, churches, creameries, doctor's offices, electronics plants, foundries, fur processing plants, gas stations, glass products manufacturing, municipal/county buildings, post offices, slaughterhouses, telephone exchanges, undertaking establishments, watch/jewelry manufacturing, wineries.
- 5) Risk Level RL 7 - Occupancies in this classification shall be considered LIGHT HAZARD OCCUPANCIES, where quantity and combustibility of contents are low. Fires in these occupancies can be expected to develop at a relatively low rate and have relatively low rates of heat release. Such occupancies include: apartments, colleges/universities, convalescent homes, detention centers, dormitories, dwellings, fire stations, fraternity/sorority houses, hospitals, hotels/motels, libraries (small rack), mental health uses, museums, nursing homes, business offices, police stations, prisons, reformatories, schools.

(B) IMPACT FEE COEFFICIENTS

1194337

NFPA CLASS	VEHICLE FEE	STATION FEE	ADMIN. and PROJECT FEE	TOTAL IMPACT FEE
Class 7	\$0.17/sq.ft	\$0.095/sq.ft	\$0.01/sq.ft	\$0.275/sq.ft
Class 6	\$0.215/sq.ft	\$0.11/sq.ft	\$0.01/sq.ft	\$0.335/sq.ft
Class 5	\$0.215/sq.ft	\$0.13/sq.ft	\$0.01/sq.ft	\$0.355/sq.ft
Class 4	\$0.285/sq.ft	\$0.16/sq.ft	\$0.015/sq.ft	\$0.46/sq.ft.
Class 3	\$0.355/sq.ft	\$0.215/sq.ft	\$0.015/sq.ft	\$0.585/sq.ft

(C) IMPACT FEE APPLICABLE TO MOBILE HOME PARKS

\$385 per mobile home space X (multiplied times) the number of spaces + plus any and all applicable impact fees for community buildings.

O. Use of Impact Fees Collected

1. The funds collected pursuant to this Ordinance shall be used solely for the purpose of administering, planning, acquisition, expansion and development of off-site related fire and rescue capital improvements determined to be needed to serve new development, including:
 - a) estimated capital improvements plan cost; and
 - b) planning, surveying and engineering fees related to the construction of capital improvements or facility expansions; and
 - c) fees related to the preparation or updating of the fire capital improvements plan.
2. All funds shall be used exclusively within the service area from which they were collected and in a manner consistent with this Ordinance and the requirements of the Development Fees Act [Sec. 5-8-1 NMSA 1978 et seq.]
3. Notwithstanding the above, the County shall be entitled to retain three percent (3%) of the impact fees collected annually. The retained funds shall be utilized to offset the administrative costs associated with the collection and use of such funds.

P. Variances

Petitions for variances to the application of this Ordinance shall be made to the Land Use Administrator in accordance with procedures to be established by resolution of the Commission.

Q. Administration of Impact Fee

1. *Transfer of funds to finance department:* Upon receipt of impact fees, the County Finance Department shall be responsible for placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts in a bank authorized to receive deposits of County funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
2. *Establishment and maintenance of accounts:* The County Finance Department shall establish and maintain separate accounts for each service area described herein.
3. *Maintenance of records:* The County Finance Department shall maintain and keep accurate financial records for each account that shall clearly identify the payor of the impact fee, the date of receipt of the impact fee and the amount received. The financial records shall show the disbursement of all revenues from each account. The County Finance Department shall prepare an annual report describing the amount of any impact fees collected, encumbered and used during the preceding year by service area.
4. *Public inspection:* The records of the accounts shall be available for public inspection and copying during ordinary County business hours.

R. Refunds

1. The current record owner of property on which an impact fee has been paid may apply for a refund of such fee if:
 - (a) the County has failed to provide a capital improvement included in the fire capital improvements plan within that service area within seven (7) years from the date of payment, or
 - (b) the fire and rescue service is not available within a reasonable period of time after completion of construction considering the type of capital improvement or facility expansion to be constructed, or
 - (c) the development permit for which the impact fee has been paid has lapsed for noncommencement of construction.
2. A petition for refund must be filed by the applicant within one (1) year of the event giving rise to the right to claim a refund.

3. The petition for refund must be submitted to the Land Use Administrator or his duly designated agent on a form provided by the County for such purpose.
4. Within thirty (30) days from the date of receipt of a petition for refund, the Land Use Administrator or his duly designated agent must provide the applicant, in writing, with a decision on the refund request including the reasons for the decision. If a refund is due the applicant, the Land Use Administrator or his duly designated agent shall notify the County Treasurer and request that a refund payment be made to the applicant.
5. The applicant may appeal the determination of the Land Use Administrator to the Commission within thirty (30) days of such determination, as provided in Section T below.
6. A refund shall bear interest calculated from the date of collection of the impact fee to the date of refund at the statutory rate as set forth in Section 56-8-3 NMSA 1978.

S. Credits

1. A property owner may elect to construct or purchase a capital improvement listed in the Fire Capital Improvements Plan. If the property owner elects to make such improvement, the property owner must enter into a written agreement with the County prior to issuance of any development permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to accepted County standards, and such other terms and conditions as deemed necessary by the County. The County must review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any development permit. In no event may the County provide a refund for a credit that is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the property owner may utilize such excess credit toward the impact fees imposed on other development permits for development on the same site and in the same ownership.
2. The County shall reasonably provide for credits for other past and future monetary and nonmonetary contributions by the developer to the construction of the same capital improvements, as follows:
 - (a) Present value of amounts contributed within the past two years for any land dedications, physical improvements, financial contributions, or property taxes;

- (b) Present land dedications and physical improvements;
 - (c) Future land dedications, physical improvements and property taxes for a period of two years.
- 3. No credits shall be given for the construction of local on-site facilities required by zoning, subdivision, or other County regulation intended to serve only that development.
 - 4. The applicant shall have the burden of claiming such credit at the time the impact fee assessment is made. The Land Use Administrator shall make the final determination regarding the applicable credits. The applicant may appeal the decision of the Land Use Administrator to the Commission, as provided in Section T below.

T. Appeals

After calculation and assessment of the impact fee, an applicant may appeal the amount of the impact fee to the Commission. The applicant must file a notice of appeal with the Land Use Administrator or his duly designated agent within thirty (30) days following the assessment of the impact fee. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to County counsel in an amount equal to the impact fee assessed, the Land Use Administrator or his duly designated agent shall issue the development permit. The filing of an appeal shall not stay the collection of the impact fee unless a bond or other sufficient surety has been filed.

U. Bonding of Excess Facility Projects

The County may issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitations as may be provided by law in furtherance of the provision of capital improvement projects. Funds pledged toward retirement of bonds, revenue certificates or other obligations of indebtedness for such projects may include impact fees and other County revenues as may be allocated by the Commission. Impact fees paid pursuant to this Ordinance, however, shall be restricted to use solely and exclusively for financing directly, or as a pledge against bonds, revenue certificates, and other obligations of indebtedness for the cost of capital improvements as specified herein.

V. Effect of Impact Fee on Zoning and Subdivision Regulations

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision

regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such development.

W. Impact Fee as Additional and Supplemental Requirement

The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the County on the development of land or the issuance of development permits. It is intended to be consistent with and to further the objectives and policies of the comprehensive plan, the fire capital improvements plan, and other County policies, ordinances and resolutions by which the County seeks to ensure the provision of public facilities in conjunction with the development of land.

X. Review and Amendment

The County Planning Department and Fire Marshal shall review, update and propose any amendments to the land use assumptions, fire capital improvements plan and the impact fee at least every five years from the effective date of this Ordinance. The Advisory Committee shall be consulted during such review and file its written comments concerning any amendments with the Commission. The Commission shall take action on any proposed amendments consistent with the provisions of the "Development Fees Act" [Sec. 5-8-1 NMSA 1978 et seq.].

SECTION 2. LIBERAL CONSTRUCTION

The provisions of this Ordinance are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience, and shall be liberally construed to effectively carry out its purposes.

SECTION 3. REPEALER

All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of the conflict.

SECTION 4. SEVERABILITY

Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

1194342

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on ^{August 27,} ~~September 23,~~ 1995.

APPROVED, ADOPTED AND PASSED this 11th day of July, 1995.

BOARD OF COUNTY COMMISSIONERS

Betty Platts

Betty Platts, Chairperson

Jona G. Armijo
Jona G. Armijo, County Clerk

Approved as to Form:

Steven Kopelman
Steven Kopelman, County Attorney



COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 916)417
I hereby certify that this instrument was filed
for record on the 28 day of Aug A.D.
19 95, at 2:17 o'clock P m.
and was duly recorded in book 1194
page 326 - 343 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Urmica Clifton
Deputy

SANTA FE COUNTY FIRE DISTRICT IMPACT FEE ANALYSIS

Revised 8/29/18 dm

Fire District	FY-15 IF Revenue	FY-15 IF Budgeted	FY-16 IF Revenue	FY-16 IF Budgeted	FY-17 IF Revenue	FY-17 IF Budgeted	FY-18 IF Revenue	FY-18 IF Budgeted	FY-19 IF Revenue	FY-19 IF Budgeted	Cash Balance ***TOTALS
Chimayo	\$547.02		\$1,304.36		\$45.25		\$1,504.25				\$3,518.32
Eldorado	\$6,836.99		\$21,148.49		\$14,818.84		\$33,434.07		\$2,570.16		\$105,716.49
Edgewood	\$9,491.60		\$10,372.63		\$9,821.07		\$12,278.49		\$1,534.23		\$94,555.61
Hondo	\$18,427.06		\$14,451.98		\$14,036.89		\$19,715.11		\$956.18		\$90,166.57
La Puebla	\$2,735.25		\$4,856.92		\$1,571.68		\$4,079.90		\$1,080.48		\$20,954.44
Pojoaque	\$5,001.40		\$8,498.77		\$5,675.50		\$7,965.93		\$629.75		\$61,644.08
Stanley	\$638.62	(\$73,000.00)	\$1,195.16		\$5,832.53		\$1,919.78		\$492.80		\$10,908.64
Tesuque	\$28,128.33	(\$181,850.00)	\$22,290.09		\$16,776.52		\$47,450.49		\$465.03		\$154,288.49
Turquoise Trail	\$12,536.10		\$12,139.20		\$11,086.20		\$8,715.60		\$51.43		\$102,908.16
La Cienega	\$65,550.77		\$58,806.45		\$41,734.00		\$58,765.41		\$5,432.63		\$359,152.83
Madrid	\$513.49		\$900.10		\$803.52		\$179.28		\$127.88		\$29,360.28
Glorieta	\$2,135.85		\$1,713.77		\$1,865.11		\$533.50		\$242.00		\$8,062.69
Agua Fria	\$70,396.76	(\$197,268.00)	\$83,441.66		\$89,846.87		\$103,272.67		\$11,634.18		\$433,325.97
Galisteo	\$1,171.56		\$1,453.59	(\$29,497.00)	\$1,149.16		\$1,826.83				\$4,806.26
Agua Fria EZ2											\$54,402.39
Hondo EZ2											\$165.08
Tesuque EZ2		(\$181,851.00)	\$127.60								\$80,618.23
La Cienega EZ2			\$449.90								\$2,638.71

NEXT EZ2 CITY OF SANTA FE PAYMENT PERIOD IS JANUARY 19, 2008 THROUGH PRESENT

Fiscal Year Impact Fee Revenue

***Cash Balance Totals as per Fire Administration Calculations

Donna Morris:
Purchase Mini
Pumper

Donna Morris:
Light Rescue

Donna Morris:
Galisteo
Station
Remodel

Donna Morris:
Purchase Engine

Donna Morris:
Purchase Engine

