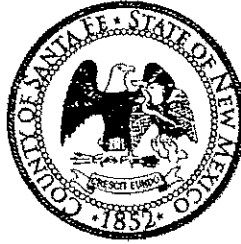


Henry P. Roybal
Commissioner, District 1

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 13, 2016

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager *VL*

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *VL for PEG*

RE: Ordinance 2016-___. An Ordinance Amending and restating in its Entirety Exhibit A to the Fee Ordinance of Santa Fe County, Ordinance 2015-10. (SECOND AND FINAL PUBLIC HEARING)

BACKGROUND:

On October 25, 2016, the Board of County Commissioners (BCC) gave approval to publish title and general summary of this Ordinance. On November 29, 2016 the BCC held the first public hearing on this Ordinance.

On December 8, 2015, the BCC approved Ordinance No. 2015-10, Permit and Review Fee Ordinance (Fee Ordinance) in conjunction with the Sustainable Land Development Code.

After several months implementing the Fee Ordinance, and comments made by the BCC, staff is recommending the following changes to Exhibit "A" of Fee Ordinance:

- Inclusion of Residential remodels with a valuation up to \$25,000 with Residential Accessory Structures of 600 sq. ft. or less, which imposes a \$25 permit fee.
- Addition of new line item for Non-Residential remodels with a valuation of up to \$50,000, which will be assessed a \$75 permit fee, as opposed to a maximum \$2,200 fee as required by the current ordinance.
- Addition of a new line item for Minor Amendments through a Conceptual Site Development Plan which will be assessed a \$500 fee, as opposed to a \$3,000 fee under the current ordinance.
- Clarification that the variance fee is \$300 per variance.
- Clarification that the fee for Third Party Reviews is \$10,000 per review.

With the proposed changes, staff is proposing to restate Exhibit A of the Fee Ordinance in its entirety.

REQUESTED ACTION:

This is the second and final public hearing. Staff recommends approval of this ordinance.

The Ordinance and Proposed Changes To Exhibit A are attached

EXHIBITS:

A – Redline copy of Exhibit A of the Ordinance

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2016-_____

**AN ORDINANCE
AMENDING AND RESTATING IN ITS ENTIRETY EXHIBIT A TO THE FEE
ORDINANCE OF SANTA FE COUNTY, ORDINANCE NO. 2015-10**

**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS (BOARD)
OF SANTA FE COUNTY:**

1. The Board adopted Ordinance No. 2015-10, the Fee Ordinance of Santa Fe County, on December 8, 2015.

2. Exhibit A to the Fee Ordinance of Santa Fe County sets forth development permit and review fees for various applications.

3. On December 13, 2016, the Board adopted multiple amendments to the fees set forth in Exhibit A to the Fee Ordinance of Santa Fe County.

4. The public, Santa Fe County staff, and Board will benefit from having Exhibit A to the Fee Ordinance of Santa Fe County restated in its entirety such that there is a single Exhibit A with all amendments included.

5. Exhibit A to the Fee Ordinance of Santa Fe County is hereby amended and restated in its entirety as set forth in the attached.

6. The effective date of the amendments to Exhibit A to the Fee Ordinance of Santa Fe County shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED, AND ENACTED this 13th day of December, 2016.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____
MIGUEL M. CHAVEZ, Chair

ATTEST:

GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

GREGORY S. SHAFFER, County Attorney



**SANTA FE COUNTY
GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES**

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Permits		
Agricultural, Grazing and Ranching Accessory Structures where the principal use is Agriculture, Grazing or Ranching	No Fee	
Development Permit Residential*, Residential Accessory Structures over 600 sq. ft.* & Community Service Facilities	\$200	Valuation Fee
Development Permit Residential Accessory Structures of 600 sq. ft. or Less or remodel up to \$25,000 valuation*	\$25	
Residential Accessory Structures used only for storage that are 120 sq. ft. or less	No permit or fee required	
Residential additions with a valuation of less than \$10,000*	\$50	
* Seniors over 62 years of age and Veterans and their spouses will receive a 25% reduction in fees for residential permits with a valuation for new construction of \$150,000 or less or a remodel valuation of \$75,000 or less. (A reduced fee shall be available only to an applicant of a residential development permit who owns and/or resides on the residential property requiring a fee.)		
Project Valuation		
\$0 - \$25,000		\$75
\$25,001 - \$50,000		\$150
\$50,001 - \$100,000		\$350
\$100,001 - \$200,000		\$550
\$200,001 - \$250,000		\$950
\$250,001 - \$300,000		\$1,150
Each Additional \$100,000 in construction value or part thereof		\$500
Development Permit Non-Residential Remodel up to \$50,000 valuation	\$75	
Development Permit Non-Residential Mixed Use & Multi Family	\$700	Valuation Fee
Project Valuation		
\$0 - \$999		\$175
\$1,000-\$4,999		\$600
\$5,000-\$49,999		\$1,100
\$50,000-\$149,999		\$1,500
\$150,000-\$499,999		\$2,500
\$500,00-\$749,999		\$3,500
\$750,000-\$999,999		\$5,000
\$1,000,000-\$1,999,999		\$7,000
\$2,000,000 and above		\$10,000 for first \$2 Million
Each Additional \$1,000,000 in construction value or part thereof		\$1,000 (\$20,000 max)

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conditional Use Permit	\$1,000	
Medium Impact Home Occupation	\$500	
Site Development Plan for Permitted Uses	\$200	
Sign Permit	\$245	
Burial Permit (For Human Burial)	\$150	
Film Permit		
Small Scale Production	\$25	\$10 per day
Major Production	\$100	\$10 per day
Episodic Television Production	\$100	\$70 per week
Demolition Permit	\$100	
Demolition Permit Due to Natural Disaster	\$15	
Blasting Permit	\$1,000	
Grading & Clearing Permit-Single Family Residential or Community Service Facility (Not Required if part of a Development Permit)	\$100	
Grading & Clearing Permit-Subdivision/ Non-Residential/Mixed Use/Multi Family	\$750	
Road or Driveway Cut Permit	\$200	
PV Solar-Private Residential	\$100	
Temporary Use Permit	\$125	
Itinerate Vendor Permit	\$150	
After the Fact Permit	2X the base permit fee	

Subdivisions and Other Plat Reviews

Minor Subdivision	\$350	\$25 per lot
Major Subdivision	\$1000 Prelim \$500 Final	\$100 per lot \$50 per lot
Exempt Land Divisions & Other Plat Reviews	\$200	
Plat for creation of a TDR sending area	\$25	
Non-Residential/Mixed Use Subdivision	\$1,000 Prelim/\$1,500 Final	\$100 per lot
Vacation of Plat or Easement	\$300	
Plat Amendment/Replat	\$300	
Boundary Survey	\$250	
Time Extension	\$300	

Zoning/Re-Zoning/Text Amendments

Planned Development District	\$3,000	\$10 per acre
Zoning Map Amendment	\$3,000	
Overlay Zone	\$200	
SLDC Text Amendment	\$3,000	
Zoning Statement or Residential Condominium Confirmation Statement (No charge for confirmation of Zoning District)	\$150	

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Conceptual Site Development Plan	\$3,000	
Conceptual Site Development Plan Minor Amendment	\$500	

Supplemental Uses/Other		
Home Occupation/Registration:		
No Impact		\$50
Low Impact		\$100
Wind Energy Facilities		
Large Scale		\$1,500
Single Parcel Use		\$100
Wireless Communication Facilities		
Substantial Modification/ New Facilities		\$3,000
Non-Substantial Modification, Roof/Surface Mounted, or Stealth Amateur Radio Antennae		\$1,000 \$100
Sexually Oriented Businesses	Initial - \$5,000/Renewal - \$1,500	
Beneficial Use		
Determination		\$500
Development of County Wide Impact		
Overlay District		\$7,500
Conditional Use Permit		\$3,000
Inspection		\$250
Business Registration (When Site DP not req'd)		\$225
Swimming Pool		\$545
Utility Authorization		
Residential/Agricultural/ Community Service Facility (Not req'd if part of a Development Permit)		\$200
Non-Residential/Mixed Use Multi Family (Not req'd if part of a Development Permit)		\$300
Well Only		\$100
Franchise Review /Expansion/ Renewal		\$600
Inspections during construction (incl. SWPP and grading)/Final Inspections for release of Financial Guarantee		\$250 Per Inspection
Courtesy Inspection (Will be credited at time of Development Permit)		\$100
Floodplain Determination Letter (No Application Fee Required)		\$50
Variance (per variance)		\$300
Appeal		\$200
Review of Special Reports (ie. Traffic Impact Analysis, Geohydrologic Report)		\$500
Liquor License Transfer		\$220

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
3rd Party Reviews		
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000 Per Review	
Specialized Review if Needed	Full Cost of Review by Outside Consultant In An Amount Not To Exceed \$10,000 Per Review	

* See Section 6.2 of the SLDC

**SANTA FE COUNTY
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DEVELOPMENT REVIEW FEES**

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Each Additional \$1,000,000 in construction		\$1,000

EXHIBIT

A

value or part thereof:	(\$20,000 max)	
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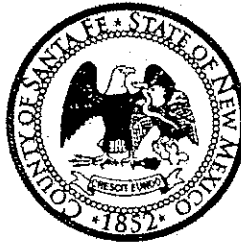
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* See Section 6.2 of the SLDC

Henry P. Roybal
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 13, 2016

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director and Land Use
Administrator *PEG*
Andrea Salazar, Assistant County Attorney *AS*

Via: Katherine Miller, County Manager

Re: Ordinance No. 2016-____, An Ordinance Amending And Restating In Its Entirety
The Santa Fe County Sustainable Land Development Code (SLDC), Ordinance
2015-11.

OVERVIEW:

On October 25, 2016, the Board of County Commissioners (BCC) gave approval to publish title and general summary of Ordinance No. 2016-____, An Ordinance Amending And Restating In Its Entirety The Santa Fe County Sustainable Land Development Code (SLDC), Ordinance 2015-11. The SLDC became effective on January 15, 2016.

Included in the SLDC was a requirement to review the code six months after its effective date. Staff initiated the review process on July 26, 2016.

As part of the review process, staff held 4 area meetings, reaching out to the community for feedback from August 9, 2016, through August 30, 2016. On October 20, 2016, the Planning Commission reviewed the amendments to the SLDC and made a recommendation to restate the SLDC with the recommended amendments.

The BCC held the first public hearing on November 29, 2016.

SUMMARY:

For simplification and readability, the changes have been addressed chapter by chapter in the following table:

Chapter	Section	Change and Reason
Chapter 1	Section 1.3, Effective Date	Language was added to clarify when the SLDC became effective.
Chapter 2	Section 2.1.5, Area, Community, and District Planning Process	The text only explained the process for community planning but was supposed to be for area, community, and district plans, so we changed the language to reflect the intent of the section.
Chapter 3	Section 3.5, Hearing Officer	Since we are restating the SLDC we are incorporating the amendment to this section that was adopted earlier in the year.
Chapter 4	Section 4.3.1, Legislative	This section was clarified to be consistent with the language in Chapter 1, Section 1.15.4, which explained when hearing is legislative rather than quasi-judicial. The sections were in conflict without this clarification.
	Section 4.4.14, Subsequent Applications	The SLDC failed to have a section that specifically addressed what would happen if an applicant submitted the same application for public hearing that had been denied, so this section now includes this scenario.
	Section 4.8, Administrative Development Approval	This section was previously in Chapter 14, we brought it into Chapter 4, so that all procedural and application processes were located in the same chapter.
	Section 4.9, Development Approvals Requiring a Hearing	This section was previously in Chapter 14, we brought it into Chapter 4, so that all procedural and application processes were located in the same chapter.
Chapter 5	Section 5.7.5.3, Adverse Opinions	In order for this section to be clarified, the exact statutory text was added to this section to better explain the timeframe for the process regarding adverse opinions.
	Sections 5.7.3.3 and 5.8.4.5	Clarification was necessary because of issues arising during application process for subdivisions connecting to county utility, public utility or publicly regulated water or waste water systems. These sections now make it clear at what stage a Board approved water allocation or water delivery agreement is required. This is needed to provide consistency between approvals and puts in writing what our practice has been
	Section 5.7.9.1	Added a decrease in the number of lots as a minor amendment. So, when the overall layout, design, and services conform to the preliminary plat but the number of lots is decrease the applicant may apply for a minor amendment rather than a major amendment.
	Section 5.14, Appeals	There were inconsistencies between this section and

		Chapter 4, Section 4.5, this was corrected by directing all appeal process to Chapter 4, rather than having two appeal sections.
Chapter 6	Section 6.4.2.3(7)(a)	This section was removed to comport with law regarding supply requirements.
	Section 6.5.5.3(1)	This section was added to comport with statute regarding irrigation water rights that are appurtenant to the land, which have been severed.
	Section 6.6.7, Expiration of TIA	In the County's growth areas, TIA's may change more frequently than in other areas; this addition gives the Administrator the ability to request a TIA sooner than the 3 year expiration date.
Chapter 7	Table 7-A, Setback Table and Section 7.3.8(13) and (14)	The setbacks were changed and exceptions were added to allow additions to structures that are already built in a setback and a reduction where there is no way for an applicant to meet a required setback.
	Section 7.4.3.1, Utility Easements	A calculation formula was added to clarify this section to determine the width of an easement where storm drainage pipes are used.
	Section 7.6.8.6, Alternative Landscaping, (6-8)	Further alternative were necessary to add due to properties that have zero lot lines, or there is no place on the property for landscaping, or where a fire station needs a solid fence rather than landscaping for safety reasons.
	Section 7.9, Signs	Sign regulations were substantially rewritten and simplified to avoid any arguable content based restriction. The section now includes the stylist types of signs, the dimensional requirements for those signs, and how they are regulated based on the zoning districts.
	Section 7.10.7, Shared Parking	This section addresses multi-use facilities and shared parking capabilities, which were not provided for in the SLDC.
	Section 7.10.15, Accessibility Requirements	Added exception for single family residences.
	Tables 7-12 and 7-13	Road requirements for SDA2 have been moved to the rural standards
	Section 7.11.11.5, Standards for Residential Development	The same ability given to subdivision exemptions was extended to residential development to use the same easement allowed by a plat.
	Section 7.11.12.2.5	Added the ability to use an existing driveway for an existing dwelling and their accessory structure.
	Tables 7-17 and 7-18, When Connection is Required	Made the tables uniform and applicable to specific development and made it clear that residential connection is for a dwelling. The tables were split up for water and sewer as our legal ability to require

		connection is different for each of these utilities.
	Section 7.13.2.4. Required connection to the County, or a public water and wastewater systems	Clarification that some zoning districts required community water and sewer.
	Table 7-20, Well Test Requirements, and Section 7.13.7.3, Standards for hydrologic reports	Both the County Utilities Division and the County Hydrologist needed to require longer pumping standards for larger developments to obtain accurate testing results.
	Section 7.13	All water suppliers now have the same 99 year water supply requirement.
	Section 7.13.11.1	The 0.25 acre foot per year limit on water used for domestic purposes was clarified in Section 7.13 and in the accompanying definitions. Specifically, revisions are proposed that clarify that this limit applies to new residential dwellings constructed on new lots only and that it does not apply to water harvested using rainwater catchment systems and gray water. The exact language now states: "Except for water harvested using rainwater catchment systems and gray water, the annual water use for domestic purposes for new residential dwellings constructed on any lot created after the effective date of this Ordinance shall not exceed 0.25 acre foot per year or such lower amount as may be established in the development order approving the land division."
	Section 7.13.11.7, Water Conservation, water harvesting	The language of this section has been updated to be more precise about when these requirements are placed on a property and the requirement of 2,500 square feet size trigger for cisterns has been changed to 2,500 heated square feet (what was in the repealed water harvesting ordinance) because the desire was to have cisterns for larger and more expensive homes.
	Section 7.13.12	Due to our ability to require hooking up to the County utility, a County domestic well permit requirement was added in the service area of the County utility. This allows us to permit these wells to ensure the hook up requirements are met.
	Section 7.14, Energy Efficiency	This section has been updated to be more user friendly, including a calculation for compliance with energy performance standards for ventilation requirements.
	Section 7.17.9.1 Applicability (Steep Slopes, Ridge tops,	(1) was added to clarify the section that ridgetop standards apply within 200 ft of the shoulder.

	Ridgelines, and Shoulders)	
	Section 7.17.11(2), Development at or above 7800 Feet in Elevation	The requirement for a conditional use permit to build a house in this area was taken out because a residence is permitted in this area and conditional use permits are for uses that are only conditionally permitted.
	Section 7.25, Special Protection of Riparian Areas	This section was reviewed and edited for simplification of the section by referring to the diagram for stream side, managed use, and upland zones.
Chapter 8	Section 8.8.5 Side and Rear Setbacks, and Table 8-17.1, Side and Rear Setbacks P/I	These sections have been deleted because the application of these sections was too restrictive
	Section 8.10.2.8. Infrastructure requirements	Changed the section to clarify that new PD districts require connection to community water and sewer systems
	Section 8.10.3.4 (10), Conceptual Plan, and Section 10.3.13(1)(b and c)	These sections required employment centers to include residential, which is not practical upon application, so it was removed.
	Section 8.11.7, Agricultural Overly	This section was added to implement the Board adopted agricultural plan.
	CCD Use Matrix	Includes changes which match the Use Table in Appendix B; adding Tap or Tasting Rooms; changing Churches, temples, synagogues, mosques, and other Religious Facilities to Religious Facilities; and differentiating Sand and Gravel to Small Scale Sand and Gravel Extraction and Sand and Gravel Extraction.
Chapter 9	All sections containing signage requirements	All sections have been updated per the discussion above about avoiding any arguable content-based restriction.
	Use Tables	For all Use Tables throughout Chapter 9, Staff has included the explanation of codes and classification, which is before the Use Table in Appendix B. Added Stables and other equine-related facilities- All personal use and changed the other Stables section to Commercial, per Board direction. Additionally, all Use Tables have changed Churches, temples, synagogues, mosques, and other Religious Facilities to Religious Facilities and differentiated the Sand and Gravel Use to Sand and Gravel to Small Scale Sand and Gravel Extraction and Sand and Gravel Extraction.
	Section 9.8, Table 9-8-1	The Riparian Buffer Corridors have been changed to match the table in Chapter 7.
	Section 9.8, 9.9, 9.12, 9.14,	All these setback requirements now include that where

	and 9.15.4 Setbacks	a setback would prohibit development of a parcel the Administrator may approve the setback in accordance with Chapter 7, Section 7.3.
	Section 9.14, Movie Ranch	San Marcos Community District Rural Residential incorporated Movie Ranches as allowable with specific requirements because San Marcos already has a Movie Ranch.
	Section 9.15.4, GCD Overlay Zone	Galisteo Planning Committee identified the need to include the rural commercial overlay zone from the Galisteo community the plan. This Section was drafted and approved by the planning committee in Galisteo.
Chapter 10	Section 10.3, Accessory Structures	Additions to this section were made to be clearer explaining that an accessory structure cannot be used or designed to be used as a dwelling.
	Section 10.4 Accessory Dwelling Units	Staff identified that in major subdivisions, which have already been platted, the development did not contemplate the increase in density by allowing every dwelling to have an accessory dwelling unit. Without this contemplation the completed water availability, traffic study, and fire protection reviews would not be sufficient to account for every dwelling to have an accessory dwelling. Thus, we have ensured through this provision that the footprint of the community remains as originally envisioned.
	Section 10.6.6, Noticing Requirements for Home Occupations	This section was added for clarity.
	Section 19, Small Sand and Gravel	After reviewing public comments and upon advisement of the BCC, Staff added an additional setback of 1000 ft. from existing residences and a 2 year timeframe for any Small Sand and Gravel uses.
	Section 10.22, Land Use Restrictions on Medical Use of Cannabis	New Mexico law has changed: all licensed non-profit producers must comply with local ordinances regarding zoning, occupancy, licensing, and building codes – which in turn gives the County authority to determine the locations for these production locations on our use table. In an effort to simplify, we have listed which medical cannabis uses will be allowed with what uses. All medical cannabis facilities must also comply with the New Mexico Administrative Code requirements regarding the location of these facilities but the SLDC has identified where these uses may be placed.
	Section 10.24, Tap Room or Tasting Room	We added this category to the Use Table because there is a demand for Tap Rooms and Tasting Rooms.

Chapter 11	All Sections referring to Hazardous Materials	For all these sections we added that an impoundment structure should be lined and designed by a registered NM Professional Engineer.
Chapter 12	Section 12.14.7.3 TDR Unit Equivalencies	Amended additional units allowed per TDR in receiving areas to incentivize the use of TDRs based on input from focus groups and studies.
Chapter 13	Title	Changed title to Fair and Affordable Housing to clarify purpose.
	All of the Chapter	Refined language in several provisions to clarify intent but not change the basic requirement and eliminate unnecessary definitions in text.
	Section 13.1	Delineate Fair Housing purpose in accordance with existing state and federal law.
	Section 13.2.1.2 Income Range 1	Added this section to allow each dwelling provided in Income Range 1 to count as two affordable dwellings based on Affordable Housing Focus Group recommendation and Board direction.
	Table 13-1	Added to clearly identify affordable housing distribution requirements by creating a table with requirements for each income range. Additionally, combined the percentage of affordable dwellings required by Table 13-1 for income range 1 and 2 to eliminate the requirement for income range 1 but still maintain the overall percentage required.
	Section 13.2.1.4	Added this section to establish an opportunity for Affordable Rental Units in accordance with Board Direction.
	Section 13.6	Amended Affordable Housing Incentives to clarify language and intent.
	Section 13.9.1	Amend section to eliminate any reference to "mortgage" and replace with "lien". The use of "mortgage" led to making buyers execute "notes," which makes them personally liable to the County and makes it appear as if the County provided the loan. (A mortgage is still appropriate where we do actually lend money, i.e. down payment assistance.) Amend section to eliminate any county sharing in market appreciation to eliminate inconsistencies. Eliminated any reduction in the lien amount, except for hardships (as allowed currently) in order to eliminate inconsistency with adopted ordinance.
	Section 13.9.2.	Added new sections, Exceptions to the Affordability Lien, to eliminate the need for an affordability lien for market rate transactions and, Exceptions to the Affordability Lien, to allow a non-profit housing organization to hold a lien in lieu of the County if

		certain requirements are met.
	Section 13.10	Deleted this section in order to remove the language for establishment of the Affordable Housing Administrator position. This position is currently not filed and this change in the language allows the Administrator to delegate this responsibility to a staff member.
Chapter 14	Sections 14.3, 14.4, 14.5, 14.6, and 14.7, Violations of the SLDC, Penalties, Criminal Enforcement, Civil Enforcement, and Other Remedies	These sections have been streamlined into one Code Enforcement Section in order to increase usability, update the references to state statutes, and guarantee a fair process.
	14.8 and 14.9, Ministerial Development Approval and Development Approvals Requiring a Hearing	These sections have been moved to Chapter 4 because they are procedural and all procedures have been combined into Chapter 4 for better usability of the SLDC.
Appendix A	Part 2: Definitions	<p>Sign definitions are proposed to be removed, since those definitions would not be used in the substantive provisions concerning signs.</p> <p>The vested rights definition has been change to the definition used in case law.</p> <p>Affordable housing definitions are changed to reflect Chapter 13 changes.</p> <p>Church was changed to religious facilities</p> <p>Shoulder was changed to a 30% slope from a 20% slope, through implementation it was found that this was overly restrictive</p> <p>Numerous definitions were changed, clarified, and struck out. Many changes were due to application of the Code, including removing terms that did not exist in the Code.</p>
	Part 3: Acronyms and Abbreviations	All acronyms and abbreviations that exist in the SLDC are now contained in this section.
Appendix B	Use Table	<p>Changed Stand- alone Store or shop to Store or shop no drive through facility to be clearly differentiated from Shop or store with drive-through facility.</p> <p>Added Tap or Tasting Room because this was added to the Use Table.</p> <p>Changed Churches, temples, synagogues, mosques, and other religious facilities to Religious Facilities, to match the definition of Religious Facilities.</p> <p>Additionally, the definition of a Religious Facility no longer includes ancillary uses because there is a great impact on the community with ancillary uses, so these</p>

		facilities only include the Religious Facility itself. Since there was no difference between Child care institution (basic) and (specialized) we took out the language and only kept one Child care institution use. Added Small scale wind facilities to the use table because there were not included in the use table, but they are in the text of the SLDC. Changed the Stables Uses so it is clearly differentiated what is personal use and what is commercial use. The Sand and Gravel titles on the use table were changed for clarity.
All Chapters	All Sections	All internal citations to the SLDC have been uniformly changed from § to Section.
	All Sections	Citations to New Mexico Statutes have been corrected to follow the New Mexico Supreme Court General Rules for Citations
	All Sections	All :’s have double-spacing after them
	All Sections	There have been capitalization changes throughout the SLDC
	All Sections	The Table of Contents have been updated to match the updates
	All Sections	All spelling or repetition in the SLDC has been corrected
	All Sections	The structure of sections have been changed to make the section easier to read.
	All Sections	Numbering was corrected where the numbering was found to be incorrect.

These recommended changes have been made in response to new developments in the law; through application of the SLDC, which include direction from the BCC; grammar, punctuation, spelling, consistency, and usability changes; and changes recommended for a combination of the other three reasons.

In addition, during the first public hearing held by the Board on November 29, 2016, several comments were received; as a result Staff is proposing the following changes:

Chapter	Section	Change and Reason
Chapter 7	7.17.10.2	Added in an exception to the disturbance limit if the driveway takes up more than 50% of the allowable disturbance.
	7.17.11	Deleted this section as the previous section already requires setbacks and screening standards to minimize visual impacts.

In accordance with NMSA 1978, § 47-6-10, staff sent the proposed changes to reviewing agencies, only the Office of the State Engineer and the State Historic Preservation Office

responded and recommended additional changes. The following changes were made to address comments from the Office of the State Engineer and the State Historic Preservation Office:

Chapter	Section	Change and Reason
Chapter 4	4.4.7.4	Changed language to allowing reviewing agencies 30 days from the request being received by their office as per statute, old language stated from being sent.
Chapter 5	5.7.3.3.	Adding in "ready willing and able" letter for consistency
	5.7.5.1. and 5.7.5.3.	Changed language to allowing reviewing agencies 30 days from the request being received by their office as per statute, old language stated from being sent.
Chapter 6	6.4.2.3.	Added in a reference to 7.13 and a requirement to include water quality to the WSAR.
Chapter 7	7.13.7.1.5. and 7.13.7.2.7.	Corrected Statute reference
	7.13.7.3.9	Added in hydrogeologic boundaries and specified 99 year for hydrologic reports
	7.13.7.2 and 7.13.8	These sections were combined as they were repetitive.
	7.16.3.1	Changed the sentence structure to clarify when an excavation permit is necessary.
	7.16.3.2	Added a statutory and administrative code reference that was necessary and removed "the protection and preservation of" because in some instances this may not apply in all instances.
	7.16.4.2	Grammatical error changed
	7.16.5.12	Removed "the State Historic Preservation Officer" because this office is unable to provide funding to land owners.
	7.16.10	Changed this section to include the State Historic Preservation Office, depending on the type of human remains found.

STAFF RECOMMENDATION:

This is the second and final public hearing.

Staff recommends approval of the Ordinance and restatement of the SLDC with all changes proposed by staff as included in the redline and clean versions of the SLDC provided.

EXHIBITS: (under separate cover)

Exhibit A - public comments database

Exhibit B – Additional Public comments from Planning Commission hearing

Exhibit C – Reviewing Agency Comments

Exhibit D – Ordinance and SLDC in redline format

