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: October 27, 2015

TO: Board of County Commissioners

FROM: Vicki Lucero, Building and Development Services Manager

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director

RE: Request for Authorization to Publish Title and General Summary of Ordinance No. 2015-_____, An Ordinance Establishing Development Permit And Review Fees For Projects In Santa Fe County, New Mexico; And Repealing Ordinance 2008-12 And Section 9.A (Fee Table) Of Ordinance No. 2010-6 (Motion Picture and Television Productions).

BACKGROUND:

On October 13, 2015, this item was presented to the BCC for possible direction. The BCC wanted staff to conduct periodic reviews of the fee schedule. We have added language to the Ordinance that states the fee schedule will be periodically reviewed in conjunction with updates to the SLDC as needed but at a minimum of every five years.

At the October 13th meeting the BCC also requested that we have submittal checklists with procedures, timelines, and fees for all types of applications. Staff is working on establishing these checklists.

Also at the October 13th meeting, the Commission voted to change the Fees for Non Residential Development from $350 to $175 for projects with a valuation of $0-$999, as they felt that the percentage of the fee compared to the cost of the project was too high. Staff has made this change in the proposed fee ordinance.

Since the BCC meeting, staff has also added a fee for Plats creating a TDR sending area, in the amount of $25. These types of plats will be reviewed and approved administratively.

REQUESTED ACTION:

Staff requests that the Board of County Commissioners grant approval of the request to publish title and general summary of the proposed Development Permit and Review Fee Ordinance.

EXHIBITS:

1. Current Fee Ordinance
2. Comparison Spreadsheet

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

Permit and Review Fee Ordinance

Ordinance No. 2015-_____

AN ORDINANCE ESTABLISHING DEVELOPMENT PERMIT AND REVIEW FEES FOR PROJECTS IN SANTA FE COUNTY, NEW MEXICO; AND REPEALING ORDINANCE NO. 2008-12 AND SECTION 9.A (FEE TABLE) OF ORDINANCE NO. 2010-6 (MOTION PICTURE AND TELEVISION PRODUCTIONS)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE.

Articles I to III herein may be cited as "The Fee Ordinance of Santa Fe County"

SECTION 2. APPLICABILITY

This Ordinance applies to any application for a Development Permit under the Santa Fe County Sustainable Land Development Code ("SLDC"), as amended..

ARTICLE II. APPLICATION, RECORDS AND REQUIREMENTS

SECTION 1. APPLICATIONS.

All development within Santa Fe County requires a Development Permit and the payment of a non-refundable application fee except where otherwise indicated. All Development Permits require the completion and approval of a Development Permit Application ("Application"). An Application shall be completed according to the requirements in the SLDC and submitted to the Building and Development Services Division for review and processing. The Building and Development Services Division shall submit these Applications to the appropriate County Departments for additional review as required.

SECTION 2. RECORDS.

A record of all permits shall be maintained by the Building and Development Services Division.

SECTION 3. ISSUING PERMITS.

Permits will not be considered issued until picked up from the Building and Development Services Division of Santa Fe County. Permits not issued within thirty (30) days of approval shall be deemed void; permits thus voided will require re-submittal of the application and repayment of fees.

DRAFT 10.20.15

ARTICLE III. APPLICATION FEES

SECTION 1. FEE SCHEDULE

The fee schedule is hereby attached as Exhibit "A".

SECTION 2. PERIODIC REVIEW OF FEE SCHEDULE.

The fee schedule shall be periodically reviewed in conjunction with updates to the SLDC as needed, but every five years at a minimum.

SECTION 3. PAYMENT AND REFUNDS.

Unless otherwise stated in the fee schedule, <u>fees are due at the time of application and are not refundable</u>. Any application received without payment of fees due will not be reviewed. If a particular Development requires more than one approval, the applicant shall pay the cumulative review fees for each review and approval sought.

SECTION 4. ADDITIONAL FEES FOR PROFESSIONAL SERVICES:

The Building and Development Services Division may require information beyond that contained in the Application. In such instances, the Applicant may (i) provide the information requested at the Applicant's sole expense, (ii) pay an additional fee to cover the cost of the Department staff obtaining and reviewing the information, or (iii) withdraw the Application provided that no such withdrawal shall be entitled to a refund of fees. In addition, some Applications may require specialized reviews by outside sources, the cost of which shall be paid by the Applicant in advance.

PASSED, APPROVED AND ADOPTED, on this ______ day of ______________, 2015.

THE BOARD OF COUNTY COMMISSIONERS

OF SANTA FE COUNTY

By: ________________________________

ROBERT A. ANAYA, Chairperson

ATTEST:

____

GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

Willie R. Brown

for: **GREGORY S. SHAFFER, County Attorney**

Exhibit "A"

SANTA FE COUNTY
GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Permits		
Development Permit Residential & Agricultural Uses & Community Service Facilities	$200	Valuation Fee
Development Permit Residential & Agricultural Non-Habitable Accessory Structures of 400 Sq. Ft. Or Less	$25	
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 constuction value or part thereof:		$500
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 constuction value or part thereof:		$1,000 ($20,000 max)
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	

DRAFT 10.20.15

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
Film Permit		
Small Scale Production	$100	$10 per day
Major Production	$500	$50 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	
Conceptual Site Development Plan	$3,000	

DRAFT 10.0.15

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES
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		
Substancial Modification/ New Facilities	$3,000	
Non-Substantial Modification, Roof/Surface Mounted, or Stealth	$1,000	
Amateur Radio Antennae	$100	
Sexually Oriented Businesses	Initial - $5,000/Renewal - $1,500	
Beneficial Use Determiniation	$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	$200	(Not req'd if part of a Developemnt Permit)
Non-Residential/Mixed Use Multi Family	$300	(Not req'd if part of a Development Permit)
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	$300	
Appeal	$200	
Review of Special Reports (ie. Traffic Impact Analysis, Geohydrologic Report)	$500	
Liquor License Transfer	$220	

DRAFT 10.20.15

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	
Specialized Review if Needed	Full Cost of Review by Outside Consultant In An Amount Not To Exceed $10,000	

* See Section 6.2 of the SLDC

DRAFT 10.20.15

EXHIBIT
1

CLERK RECORDED 08/18/2008

SANTA FE COUNTY
Permit and Review Fee Ordinance
Ordinance No. 2008-12

AN ORDINANCE ESTABLISHING PERMIT AND REVIEW FEES FOR PROJECTS IN SANTA FE COUNTY, NEW MEXICO.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY:

ARTICLE I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE.

Articles I to III herein may be cited as "The Fee Ordinance of Santa Fe County"

SECTION 2. APPLICABILITY

This Ordinance applies to any application for a Development Permit under the Santa Fe County Land Development Code ("LDC"), as amended, or the Santa Fe Extraterritorial Zoning Ordinance ("EZO"), as amended.

ARTICLE II. APPLICATION, RECORDS AND REQUIREMENTS

SECTION 1. APPLICATIONS.

All development within Santa Fe County requires a Development Permit. All Development Permits require the completion and approval of a Development Permit Application ("Application"). An Application shall be completed according to the requirements in the LDC or EZO and submitted to the Building and Development Department for review and processing. The Building and Development Department shall submit these Applications to the appropriate County Departments for additional review as required.

SECTION 2. RECORDS.

A record of all permits shall be maintained by the Building and Development Department.

SFC CLERK RECORDED <08/18/2008>

SECTION 3. ISSUING PERMITS.

Permits will not be considered issued until picked up from the Building and Development Department of Santa Fe County. Permits not issued within thirty (30) days of approval shall be deemed void; permits thus voided will require re-submittal of the application and repayment of fees.

ARTICLE III. APPLICATION FEES

SECTION 1. FEE SCHEDULE

The following fee schedule is hereby established:

TABLE III.1.1 DEVELOPMENT PERMITS
FEE CALCULATED BASED ON CONSTRUCTION VALUATION

	Application Fee All Projects	$100.00
Valuation From:	To:	Fee:
$ 0.00	$25,000.00	$75.00
$25,001.00	$50,000.00	$150.00
$50,001.00	$100,000.00	$350.00
$ 100,001.00	$200,000.00	$550.00
$200,001.00	$250,000.00	$950.00
$250,001.00	$300,000.00	$1150.00
Each additional $100,000.00 in construction value or part thereof:		$375.00

TABLE III.1.2 INSPECTION FEES

PROJECT TYPE	COURTESY INSPECTION	INITIAL INSPECTION	PRE-FINAL INSPECTION	FINAL INSPECTION	Additional Per Lot Fee
Single Family Residential	$100.00	$45.00	$35.00	$50.00	
Subdivisions/Land Divisions	$150.00	$100.00	$50.00	$40.00	$25.00
Exemptions	$50.00	$65.00			
Commercial Lots/Subdivisions	$150.00	$150.00	$100.00	$150.00	$50.00
Gravel/Hard Rock Mining	$300.00	$500.00	$350.00	$500.00	
Mining Reclamation/Closure	$200.00	$250.00	$350.00	$500.00	
Blasting	$100.00	$150.00			
NPDES, SWPPP Residential Land Division 1-4 lots	$100.00	$45.00		$100.00 (post storm event)	$40.00
NPDES, SWPPP Residential Land Division 5 or more lots	$100.00	$75.00		$200.00 (post storm event)	$60.00
Accessory Structure	$50.00	$45.00		$25.00	
Utility/Community Service Facility	$150.00	$125.00	$75.00	$150.00	

Home Occupation/ Home Business	$75.00	$75.00	$50.00	$100.00	
Business Registration	$100.00	$65.00			
After Hours Lighting and Sound Inspections		$75.00			
INSPECTIONS TO CHANGES OF PREVIOUSLY APPROVED PLANS OR APPLICATIONS					$100.00

TABLE III.1.3 DIVISION OF LAND

Type of Division	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Family Transfer	$250.00	$50.00	$25.00
Land Division/Subdivision 1-4 lots	$500.00	$100.00	$50.00
Land Division/Subdivision 5-24 lots	$950.00	$150.00	$75.00
Land Division/Subdivision 25-99 lots	$1050.00	$200.00	$75.00
Land Division/Subdivision 100-300 lots	$1150.00	$250.00	$100.00
Land Division/Subdivision 300 or more lots	$1350.00	$300.00	$125.00
Residential Lot Line Adjustment	$250.00	$100.00	
Commercial Lot Line Adjustment	$750.00	$250.00	
Exemption	$250.00	$75.00	
Commercial Land Division/Subdivision	$750.00	$250.00	$150.00
Vacations of Plats or Easements	$250.00	$75.00	

TABLE III.1.4 ZONING/MASTER PLANS

Type of Project	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Subdivision 25-99 lots	$950.00	$100.00	$75.00
Subdivision 100-300 lots	$1150.00	$150.00	$100.00
Subdivision 300 or more lots	$1350.00	$200.00	$125.00
Master Plat	$1000.00	$250.00	$150.00
Master Plan Amendments/Time Extensions	$250.00	$100.00	$25.00
Zoning Statements	$150.00		
Commercial	$750.00	$50.00	$25.00
Community Service Facility	$250.00	$100.00	$75.00
Employment Center	$750.00	$100.00	$100.00
Media District	$1200.00	$150.00	$250.00
Mining Zone	$5000.00	$250.00	$500.00
Mixed-Use Subdivision	$750.00	$100.00	$100.00
Village Center	$750.00	$100.00	$250.00

SFC CLERK RECORDED <08/18/2008>

SFC CLERK RECORDED <08/18/2008>

TABLE III.1.5 PRELIMINARY OR FINAL DEVELOPMENT PLANS

Type of Project	Initial Review	Second and Subsequent Review	Additional Per Lot Fee
Land Division/Subdivision 1-4 lots	$500.00	$100.00	$50.00
Land Division/Subdivision 5-24 lots	$750.00	$150.00	$75.00
Subdivision 25-99 lots	$500.00	$100.00	$50.00
Subdivision 100-300 lots	$750.00	$150.00	$75.00
Subdivision 300 or more lots	$950.00	$200.00	$75.00
Sand and Gravel Operations	$2500.00	$150.00	$250.00
Gravel/Hard Rock Mining	$5000.00	$250.00	$500.00
Large Scale Commercial	$1000.00	$100.00	$75.00
Neighborhood Commercial	$750.00	$100.00	$75.00
Employment Center	$750.00	$100.00	$75.00
Media District	$1000.00	$150.00	$150.00
Mixed-Use Subdivision	$750.00	$100.00	$100.00
Village Center	$750.00	$100.00	$250.00
Telecommunication Facilities			
Administrative Review	$750.00	$100.00	
Requiring Single Public Hearing	$1250.00	$100.00	
Requiring Two Public Hearings	$2500.00	$100.00	
Additional Fees for Special Reports:			
Geohydrologic Report	$500.00	$125.00	
Traffic Impact Analysis	$500.00	$125.00	

TABLE III.1.6 SPECIAL PERMITS/BUSINESS REGISTRATIONS

Business Registration Application/Certificate	$35.00
Business Registration Review	$250.00
Home Occupation, Home Business Application/Registration	$175.00
Signage Permit (per sign)	$100.00
Burial Permit	$50.00
Film Permit	$500 +45.00 per day of filming
Itinerant Vendor Permit	$100.00 +100.00 per year renewal
Demolition Permit—Residential	$200.00
Demolition Permit—Commercial	$400.00
Blasting Permit	$500.00 + 25.00 per occurrence
Grading and Clearing Permit—Single Family Residential	$90.00
Grading and Clearing Permit-Subdivision or Commercial	$150.00
Driveway or Driveway Cut Permit	$100.00

TABLE III.1.7 MISCELLANEOUS

Accessory Structure >2000sq/ ft.		$250.00
Swimming Pools	Less than 30,000 gallons	$250.00
Swimming Pools	Greater than 30,000 gallons	$500.00
Utility Authorization	Residential	$35.00

	Utility Distribution Line	$300.00
Public Notice Board	Ea.	$25.00
Adjoiner's List for Certified Mailing		$250.00
Project Research/Archive Access	$40.00 per hour plus $50.00 per file requested	
Franchise review/expansion/renewal		$500.00
TABLE III.1.8 VARIANCES AND APPEALS		
Variance Requests (each)		$150.00
Appeal of Land Use Administrator's Decision		$125.00
Appeal of Development Review Committee Decision		$150.00

SECTION 2. PAYMENT AND REFUNDS.

Unless otherwise stated in the fee schedule, fees are due at the time of application and are not refundable. Any application received without payment of fees due will not be reviewed. If a particular Development requires more than one approval, the applicant shall pay the cumulative review fees for each review and approval sought.

SECTION 3. ADDITIONAL FEES FOR PROFESSIONAL SERVICES:

The Building and Development Department may require information beyond that contained in the Application. In such instances, the Applicant may (i) provide the information requested at the Applicant's sole expense, (ii) pay an additional fee to cover the cost of the Department staff obtaining and reviewing the information, or (iii) withdraw the Application provided that no such withdrawal shall be entitled to a refund of fees. In addition, some Applications may require specialized reviews by outside sources, the cost of which shall be paid by the Applicant in advance.

PASSED, APPROVED AND ADOPTED, on this 12th day of August, 2008.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

COMMISSIONER PAUL CAMPOS, CHAIRPERSON,
BOARD OF COUNTY COMMISSIONERS

SFC CLERK RECORDED 08/18/2008

SFC CLERK RECORDED 08/18/2008

CERTIFICATE

I, the undersigned, County Clerk, do hereby certify that the above is the ordinance which was duly adopted by the Santa Fe County Board of County Commissioners at a regular meeting duly convened on August 12, 2008.

Santa Fe County Clerk

VT

Valerie Espinoza

Approved as to form:

County Attorney

Stephen C. Ross

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 6

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of August, A.D., 2008 at 16:52 And Was Duly Recorded as Instrument # 1535562 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy ____ County Clerk, Santa Fe, NM

PROPOSED
SANTA FE COUNTY
C[illegible]TH MANAGEMENT DEPARTMENT
DEVELOPMENT REVIEW FEES

APPLICATION TYPE	BASE FEE	ADDITIONAL FEES	Breakdown Notes	Current Fees	City of Santa Fe	Bernalillo County	City of Albuquerque	Dona Ana County	Sandoval County
Permits									
Development Permit Residential & Agricultural Uses & Community Service Facilities	$200	Valuation Fee	Based on $200K valuation 1,500 sq. ft. (Includes Utility Authorization)	$1,175.00	$2,440.13	$1,260.00	$2,247.55	$300.00	$75.00
Development Permit Residential & Agricultural Non-Habitable Accessory Structures of 400 Sq. Ft. Or Less	$25								
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 constuction value or part thereof:		$500							
Development Permit Non-Residential, Mixed Use & Mulit Family	$700	Valuation Fee	Based on $500K valuation (Includes Utility Authorization)	$2,485.00	$6,447.23			$2,790.00	$0.25/sq. ft.
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 constuction value or part thereof:		$1,000 ($20,000 max)							
Conditional Use Permit	$1,000		DP to CDRC (Neighborhood Commercial)	$1,075.00					
Medium Impact Home Occupation	$500					$75.00			
Site Development Plan for Permitted Uses	$200		Final DP Admin (Neighborhood Commercial)	$1,050.00			$100.00		
Sign Permit	$245			$ 245.00		$15, $30, $45			
Burial Permit	$150			$ 150.00					
Film Permit									
Small Scale Production	$100	$10 per day	30 days of filming	$400.00					
Major Production	$500	$50 per day	30 days of filming	$550.00					
Episoidic Television Production	$100	$70 per week	One month of filming	$325.00					
Demolition Permit	$100			$ 420.00		$47.00			
Demolition Permit Due to Natural Disaster	$15			420.00					
Blasting Permit	$1,000			$ 750.00					
Grading & Clearing Permit-Single Family Resident.al or Community Service Facility (Not Required if Part of a Development Permit)	$100			$ 435.00	$64.25				
Grading & Clearing Permit-Subdivision/ Non-Residential/Mixed Use/Multi Family	$750			$ 495.00	$1,050.50				
Road or Driveway Cut Permit	$200			$ 270.00					
PV Solar-Private Residential	$100			$ 295.00					
Temporary Use Permit	$125			$150.00					
Itinerate Vendor Permit	$50			$ 300.00					
After the Fact Permit	2X the Base Permit Fee								
Subdivisions and Other Plat Reviews									
Minor Subdivision	$350	$25 per lot	Based on 5 lots	$2,675	$400.00		$595.00		$100.00
Major Subdivision	$1000 Prelim $500 Final	$100 per lot $50 per lot	Based on 24 lots	$5,550	$3750 Prelim/$5000 Final		$1,240.00		$1,875.00
Exempt Land Divisions & Other Plat Reviews	$200			$440.00	$160.00				
Plat for creation of a TRD sending site	$25								
Non-Residential/Mixed Use Subdivision	$1,000 Prelim/$1,500 Final	$100 per lot	Based on 10 lots	$5,025.00	$7,000.00				
Vacation of Plat or Easement	$300			$375.00			$300.00		$50.00
Plat Amendment/Replat	$300			$350.00	$300.00				
Boundary Survey	$250			$350.00	$250.00				
Time Extension	$300			$375.00			$50.00		
Zoning/Re-Zoning/Text Amendments									
Planned Development District	$3,000	$10 per acre		No Comparison					
Zoning Map Amendment	$3,000			No Comparison	$1,000.00		$240.00		
Overlay Zone	$200			No Comparison					
SLDC Text Amendment	$3,000			No Comparison	$500.00		$565.00		
Zoning Statement or Residential Condominium Confirmation Statement (No charge for confirmation of zoning district)	$150			$ 250.00			$35.00		
Conceptual Site Development Plan	$3,000		Based on 24 lot Mixed Use Subdivision	$3,450.00					
Supplemental Uses/Other									
Home Occupation/Registration:									
No Impact	$50		Includes certificate	$ 435.00	$35.00	$50.00	$35.00	$35.00	$35.00
Low Impact	$100		Includes certificate	$ 435.00	$35.00	$50.00	$35.00	$35.00	$35.00
Wind Energy Facilities									
Large Scale	$1,500		Master Plan required	$2,025.00					
Single Parcel Use	$100			$200.00					
Wireless Communication Facilities				$3,675.00			$3,000.00		$5,060.00
Substancial Modification/ New Facilities	$3,000								
Non-Substantial Modification, Roof/Surface Mounted, or Stealth	$1,000								
Amateur Radio Antennae	$100								
Sexually Oriented Businesses	Initial - $5,000/Renewal - $1,500			No Comparison					
Beneficial Use Determination	$500			No Comparison					
Development of County Wide Impact									
Overlay	$7,500								
Conditional Use Permit	$3,000								
Inspection	$250			No Comparison					
Business Registration (When Site DP not req'd	$225		Includes certificate	$450.00					
Swimming Pool	$545			$ 545.00					
Utility Authorization									
Residential/Agricultural/ Community Service Facility	$200	(Not req'd if part of a Developemnt Permit)		$255.00					
Non-Residential/Mixed Use Multi Family	$300	(Not req'd if part of a Development Permit)		$255.00					
Well Only	$100			$ 255.00					
Franchise Review /Expansion/ Renewal	$600			$600.00					
Inspections during construction/ Final Inspections for release of Financial Guaranty	$250	Per Inspection	Based on 24 lots subdivision	$690.00					
Courtesy Inspection (Will be credited at time of Development Permit)	$100		For Single Family Residence	$ 100.00					
Floodplain Determination Letter (No Application Fee Required)	$50			$0					
Variance	$300			$ 275.00					
Appeal	$200		Appeal of CDRC	$ 275.00					
Review of Special Reports (ie. Traffic Impact Analysis, Geohydrologic Report, etc)	$500			$500					
Liquor License Transfer	$220			$ 220.00					
3rd Party Reviews									
County Reviewed SRAs (TIA, APFSA, WSAR, FIA, EIR)	Full Cost of Review by Outside Consultant in amount not to exceed $10,000 per review			No Comparison					
Specialized Review if Needed	Full Cost of Review by Outside Consultant in amount not to exceed $10,000 per review			No Comparison					

tabbies
EXHIBIT
2

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: October 20, 2015

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director PEG
Robert Griego, Planning Manager RG

Via: Katherine Miller, County Manager

Item: REQUEST TO PUBLISH TITLE AND GENERAL SUMMARY OF ORDINANCE NO. 2015-_____, AN ORDINANCE ADOPTING THE ZONING MAP OF SANTA FE COUNTY APPLICABLE TO LANDS TO WHICH THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE APPLIES. (Robert Griego/Growth Management)

SUMMARY:

This item is to request authorization to Publish Title And General Summary Of Ordinance No. 2015-_____, An Ordinance Adopting The Zoning Map Of Santa Fe County Applicable To Lands To Which The Santa Fe County Sustainable Land Development Code Applies.

BACKGROUND:

The Board of County Commissioners (BCC) adopted the Sustainable Growth Management Plan (SGMP) in 2010 as a guidance document that provides policy level direction for future growth in the County. In December 2013, the BCC adopted the Sustainable Land Development Code (SLDC) which provides the regulatory and procedural structure for implementation of the SGMP.

The County released the Zoning Map Adoption draft in March 2014 and initiated a public review process and comment period. Over 34,000 letters were sent to property owners in the County based on records from the County Treasurer's and County Assessor's databases in accordance with State Statute. The 2014 Zoning Map Adoption Process included public comment period, public meetings in each of the four Growth Management Areas of the County, community meetings, and open office hours. The meetings and office hours were noticed in local newspapers, the County website and through email distribution lists. The Board held six Special Meetings to discuss the March 2014 Zoning Map Adoption Draft. Staff received several hundred public comments throughout the zoning map adoption process which were presented to the Board during the 2014 Special Meetings. Based on an analysis of the comments and zoning map criteria, staff presented recommendations for changes. In October 2014, the BCC directed staff to prepare SLDC amendments, major reserved sections, including Overlay Community Districts for adoption at the same time as the zoning map in 2015.

The 2015 Zoning Map Adoption Draft includes revisions to the previous draft zoning map based on incorporation of proposed zoning from adopted community plans, public input, correction of previous oversights, correction of data, zoning map criteria and the guiding policies and principles of the SGMP.

The Board also provided direction to include light industrial zoning as a zoning district at their meeting on October 13, 2015. Changes to the Octobe13, 2015 proposed draft for industrial are included in Exhibit C and are identified as follows:

1. Zoning Map Revision 1: Change 398.8 acres along N.M. 14, to south of New Mexico State Penitentiary, from "Industrial" to "Industrial Light".
2. Zoning Map Revision 2: Change 320 acres, to south of New Mexico National Guard Armory, from "Mixed Use" to "Industrial Light".
3. Zoning Map Revision 3: Change 139.4 acres, in the vicinity of Caja Del Rio Road and north of the Santa Fe Airport, from "Industrial" to "Industrial Light".
4. Zoning Map Revision 4: Change 10.3 acres, on either side of U.S. 84/285 in Cuyamungue Grant, from "Industrial" to "Industrial Light".
5. Zoning Map Revision 6: Rename the remaining 1,100.8 acres of "Industrial" zoning (north of the Santa Fe Airport) as "Industrial General", to distinguish these areas from the "Industrial Light" zoning district that is proposed to be established.

Following authorization to publish title and general summary of an Ordinance to adopt the Zoning Map, the proposed map will be posted and staff will begin the official notification process of every property owner in the County. Property owners will receive notice of the proposed zoning and a description of the adoption process. Staff anticipates that there will be two public hearings before the BCC to allow for public comment and discussion. Staff will also be available to answer questions from individuals during this process. Staff will document questions and requests for changes and that information will be available for review.

ACTION REQUESTED:

Staff request that the Board of County Commissioners authorize staff to publish Title and General Summary of an Ordinance Adopting The Zoning Map Of Santa Fe County Applicable To Lands To Which The Santa Fe County Sustainable Land Development Code Applies.

ATTACHMENT:

Exhibit A: Ordinance No. 2015-__, An Ordinance Adopting The Zoning Map Of Santa Fe County Applicable To Lands To Which The Santa Fe County Sustainable Land Development Code Applies

Exhibit B: 2015 Zoning Map Adoption Draft

Exhibit C: List of Revisions to 2015 SLDC Zoning Map from 10/13/15 Draft

EXHIBIT

A

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2015- _________

AN ORDINANCE ADOPTING THE ZONING MAP OF SANTA FE COUNTY APPLICABLE TO LANDS TO WHICH THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT CODE APPLIES

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

1. The Zoning Map attached hereto as Exhibit A is hereby enacted and adopted as the Zoning Map of Santa Fe County.

2. All property to which the Santa Fe County Sustainable Land Development Code (SLDC) applies is hereby zoned as shown on the Zoning Map and as otherwise set forth in the SLDC.

3. The Zoning Map hereby enacted and adopted is the zoning map referenced in the SLDC.

4. This Ordinance shall become effective 30 days after it is recorded with the County Clerk.

PASSED, APPROVED, AND ENACTED this _____ day of _______________, 2015, by the Board of County Commissioners of Santa Fe County.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: ______________________________
ROBERT A. ANAYA, Chair

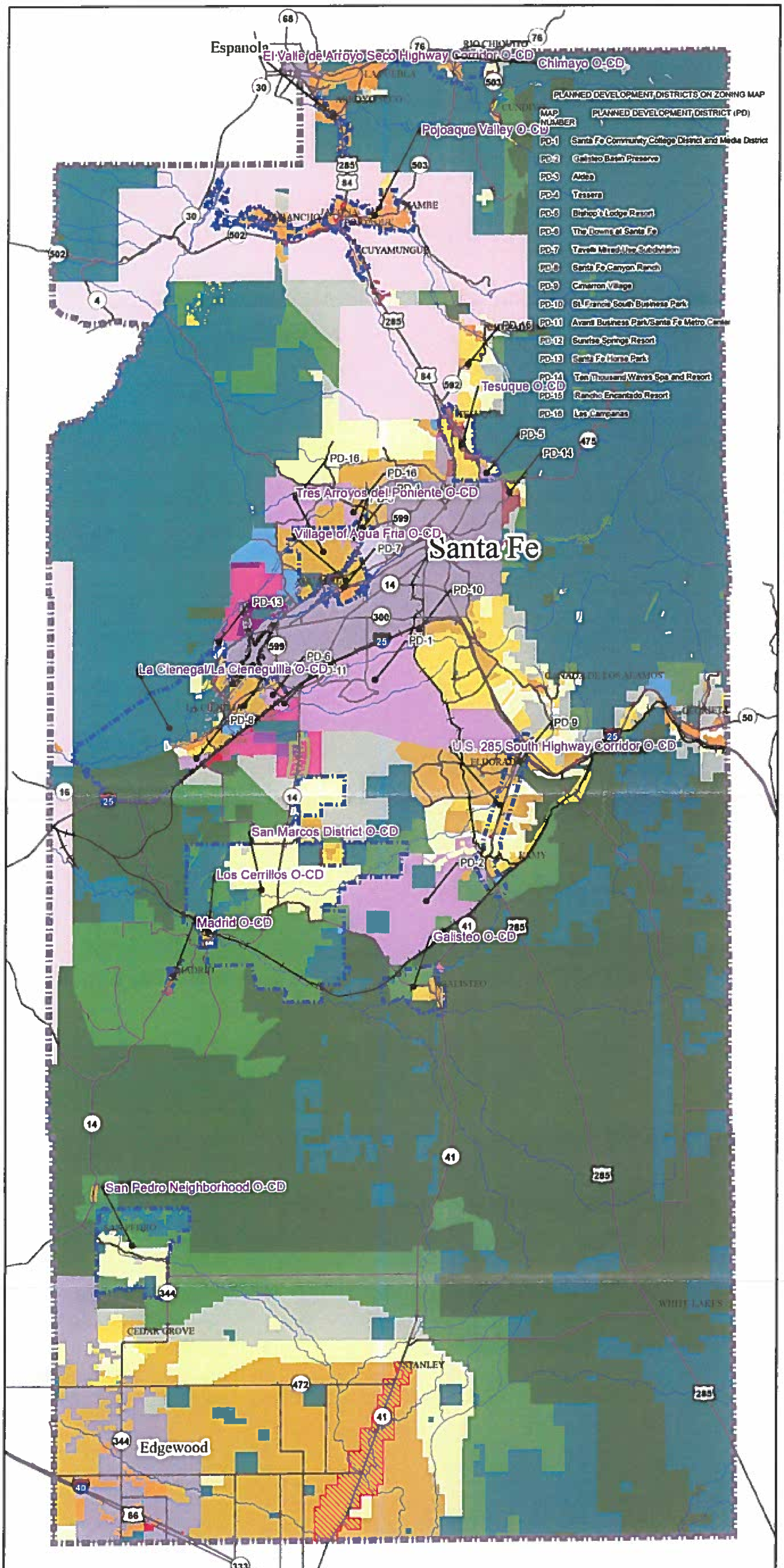
ATTEST:

____
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

Willie R. Brown
for: GREGORY S. SHAFFER, County Attorney

EXHIBIT
B



Santa Fe County
Sustainable Land Development Code
Zoning Map
Adoption Draft, October 27, 2015

Legend

Santa Fe County

Not Under Santa Fe County Zoning Jurisdiction

- Municipality
- Municipal Annexation Area
- Tribal Lands
- Federal and State Lands

Proposed 10/27/15 SLDC Zoning Map

- Ag / Ranch, A/R (1 dwelling per 160 acres base density)
- Rural, RUR (1 dwelling per 40 acres base density)
- Rural Fringe, RUR-F (1 dwelling per 20 acres base density)
- Rural Residential, RUR-R (1 dwelling per 10 acres base density)
- Residential Fringe, RES-F (1 dwelling per 5 acres base density)
- Residential Estate, RES-E (1 dwelling per 2.5 acres base density)
- Residential Community, RES-C (1 dwelling per acre base density)
- Traditional Community, TC (1 dwelling per 0.75 acres base density)
- Commercial Neighborhood, CN
- Commercial General, CG
- Industrial Light, IL
- Industrial General, I
- Public / Institutional, PI
- Mixed Use, MU
- Planned Development District, PD

Community Overlay Zoning Districts (O-CD)

Rural Commercial Overlay Zone (O-RC)

Turquoise Trail Environmental and Resource Protection Overlay Zone (TT O-ERP)

Airport Noise Overlay Zone (O-AN)

- 55 DNL
- 60 DNL
- 65 DNL

Any land or property which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

Densities referred to on this map and in the text of the County's zoning regulations indicate the gross or overall density of development projects and subdivisions, and do not necessarily indicate the minimum area required for each individual lot.

N W E S

5 2.5 0 5 Miles

SANTA FE COUNTY

Santa Fe County
Growth Management
Department
Planning Division

Oct. 20, 2015
sldc_zoning_map_adoption_draft q_10_27_15_tabloid.mxd

EXHIBIT C

List of Revisions to Proposed SLDC Zoning Map, from 10/13/15 Draft to 10/27/15 Draft

(see attached maps)

Zoning Map Revision 1: Change 398.8 acres along N.M. 14, to south of New Mexico State Penitentiary, from "Industrial" to "Industrial Light". An "Industrial Light" zoning district is proposed to be established in areas where "Industrial" zoning would have potentially created land use compatibility or visual impact problems.

Zoning Map Revision 2: Change 320 acres, to south of New Mexico National Guard Armory, from "Mixed Use" to "Industrial Light". The western half of this area has been acquired by PNM for a solar power generating site, and the eastern half of this property is partly occupied by a shooting range for the armory.

Zoning Map Revision 3: Change 139.4 acres, in the vicinity of Caja Del Rio Road and north of the Santa Fe Airport, from "Industrial" to "Industrial Light". An "Industrial light" zoning district is proposed to be established in areas where "Industrial" zoning would have potentially created land use compatibility or visual impact problems.

Zoning Map Revision 4: Change 10.3 acres, on either side of U.S. 84/285 in Cuyamungue Grant, from "Industrial" to "Industrial Light". An "Industrial Light" zoning district is proposed to be established in areas where "Industrial" zoning would have potentially created land use compatibility or visual impact problems.

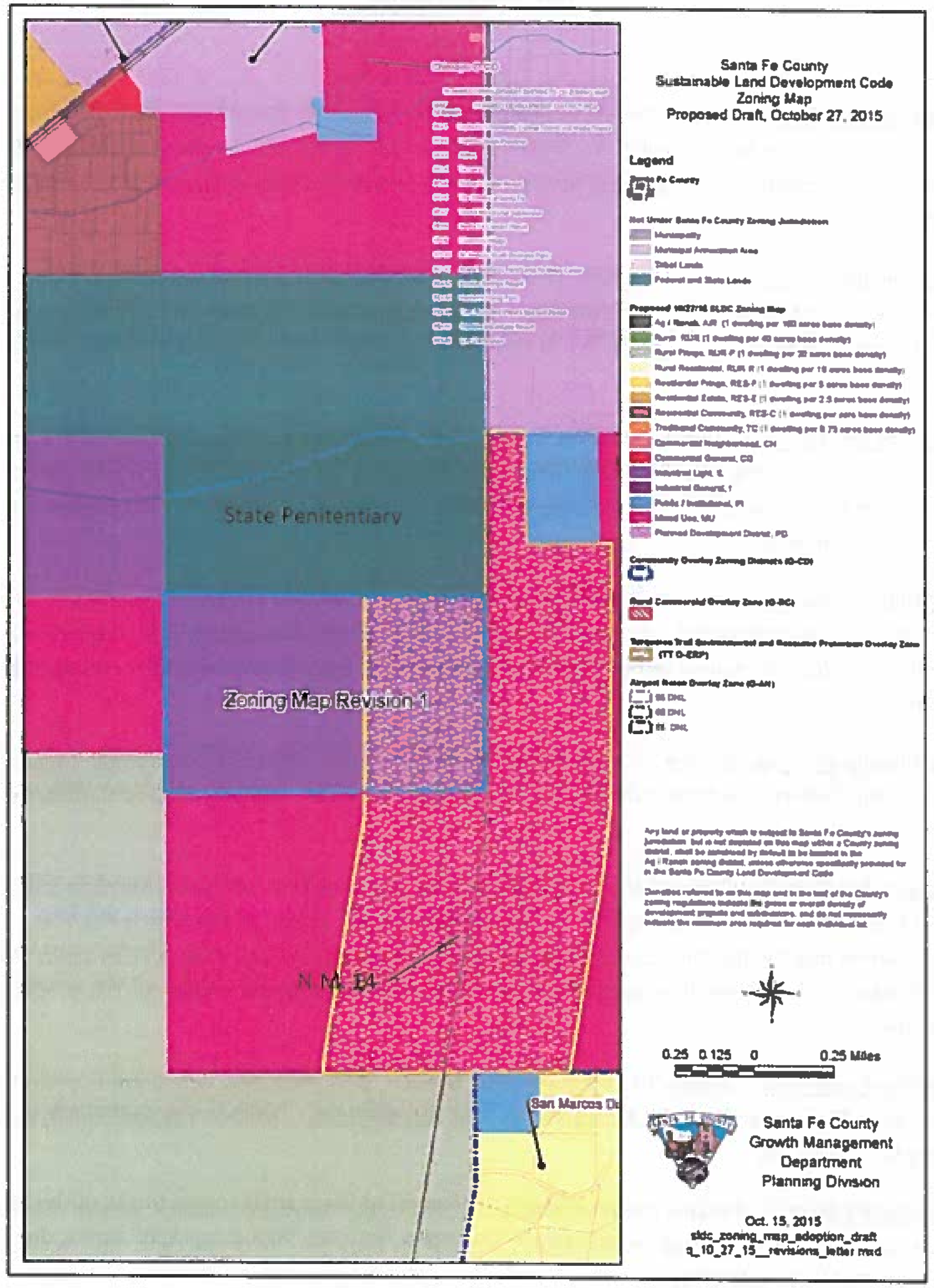
Zoning Map Revision 5a: Change 5.1 acres owned by NMDOT, along N.M. 599 near Entrada Lane in Tres Arroyos, from "Federal and State Public Lands" to "Residential Estate". NMDOT may potentially sell this property for private use.

Zoning Map Revision 5b: Change 8.0 acres owned by NMDOT, along N.M. 599 at W. Alameda Street/Via Abajo in Tres Arroyos, from "Municipality" to "Residential Estate", and show this area in the Tres Arroyos Community Overlay District. This area was not annexed by the City of Santa Fe as a part of the N.M. 599 right-of-way annexation, as previously assumed. NMDOT may potentially sell this property for private use.

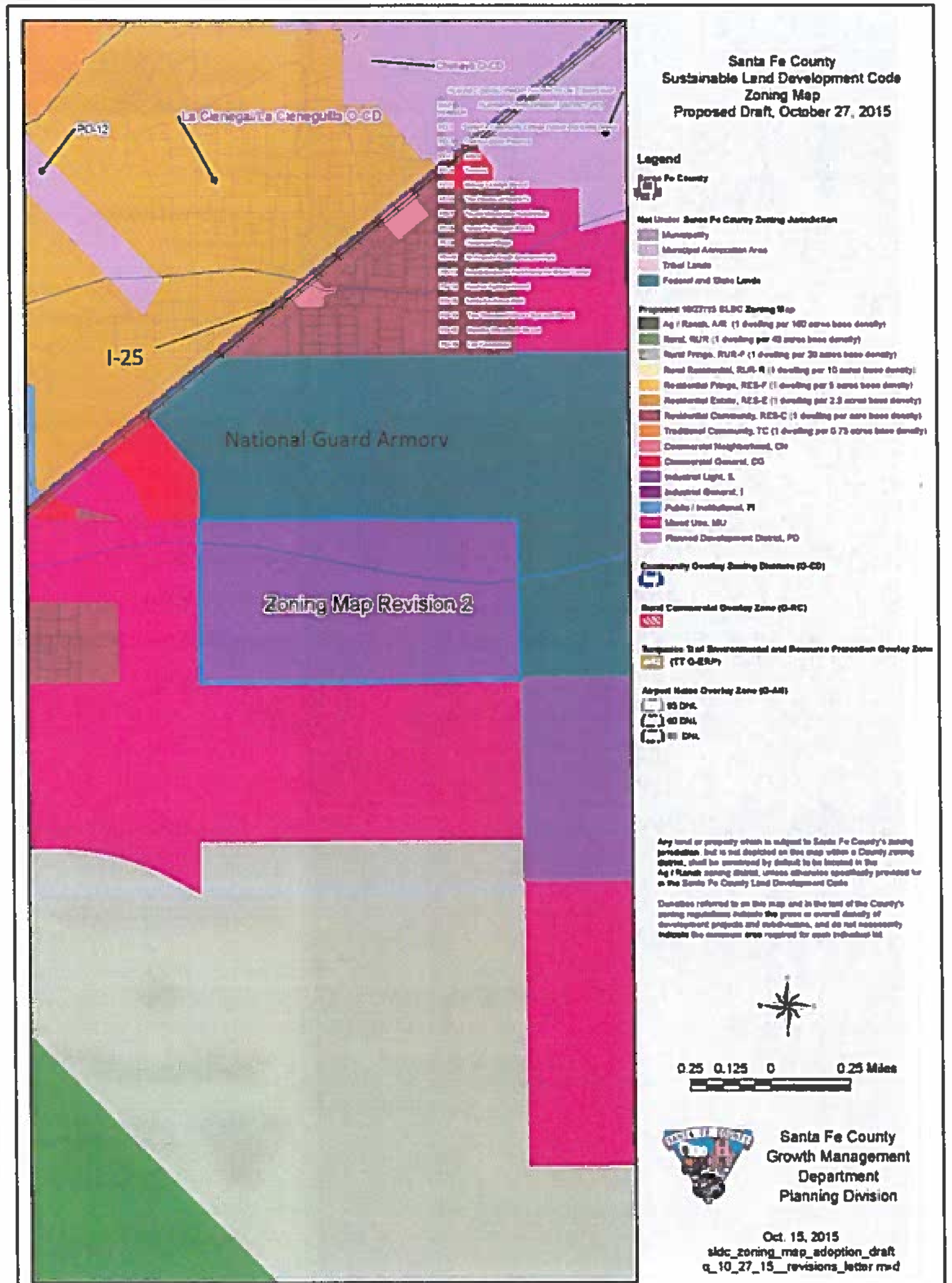
Zoning Map Revision 5c: Change 9.4 acres owned by NMDOT, along N.M. 599 near Entrada Lane in Tres Arroyos, from "Federal and State Public Lands" to "Residential Estate". NMDOT may potentially sell this property for private use.

Zoning Map Revision 6: Rename the remaining 1,100.8 acres of "Industrial" zoning (north of the Santa Fe Airport) as "Industrial General", to distinguish these areas from the "Industrial Light" zoning district that is proposed to be established.

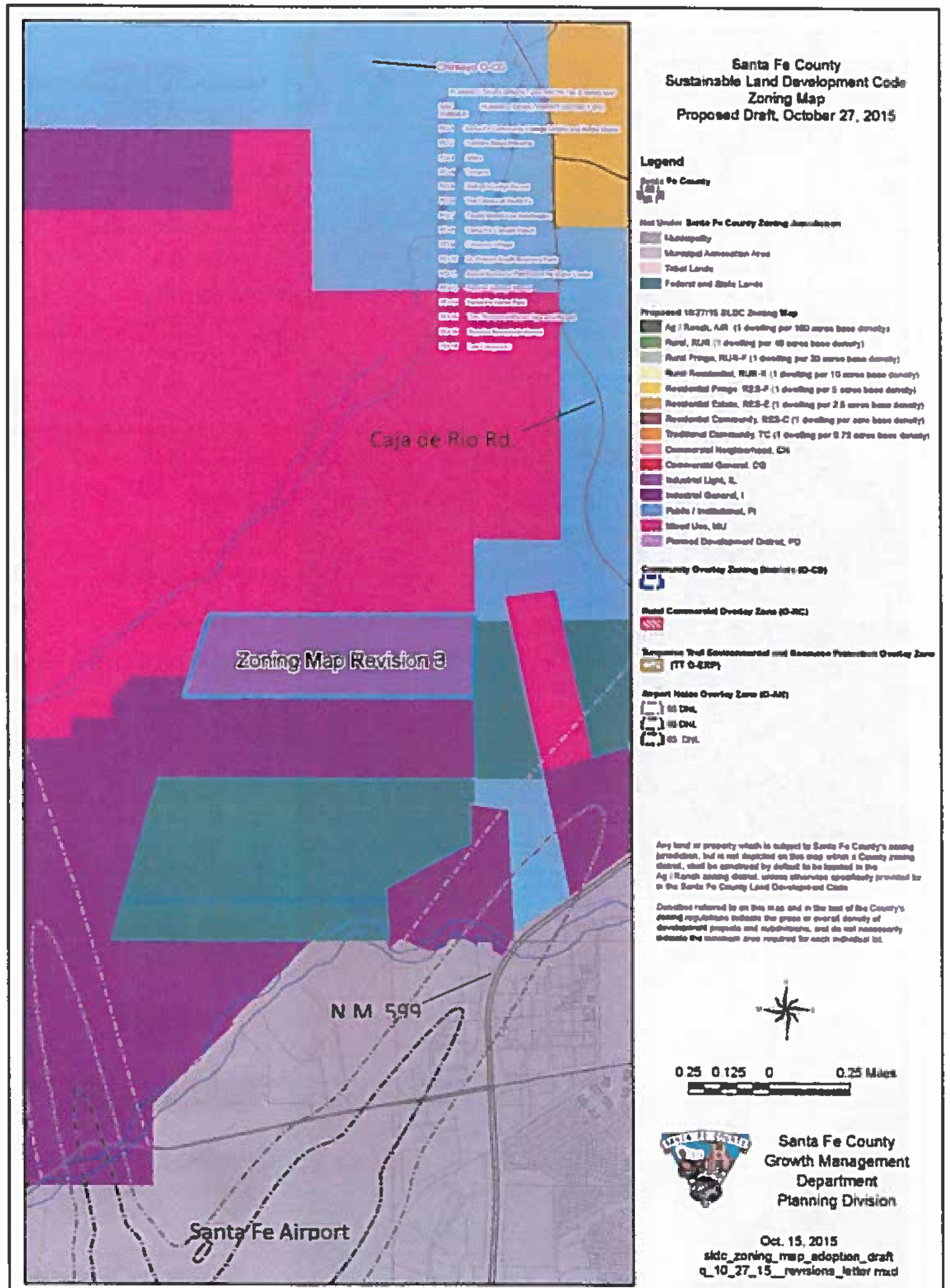
Zoning Map Revision 1



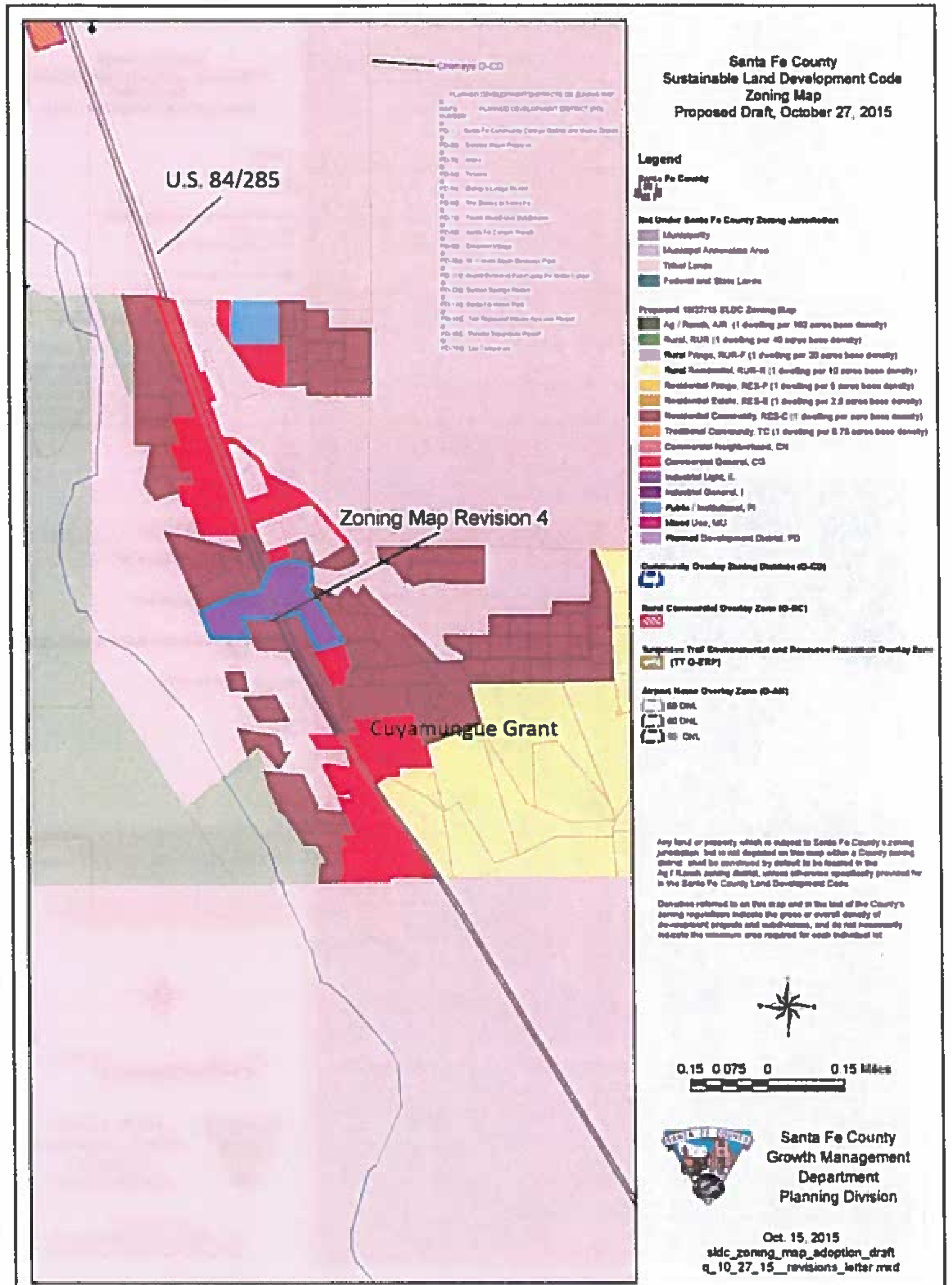
Zoning Map Revision 2



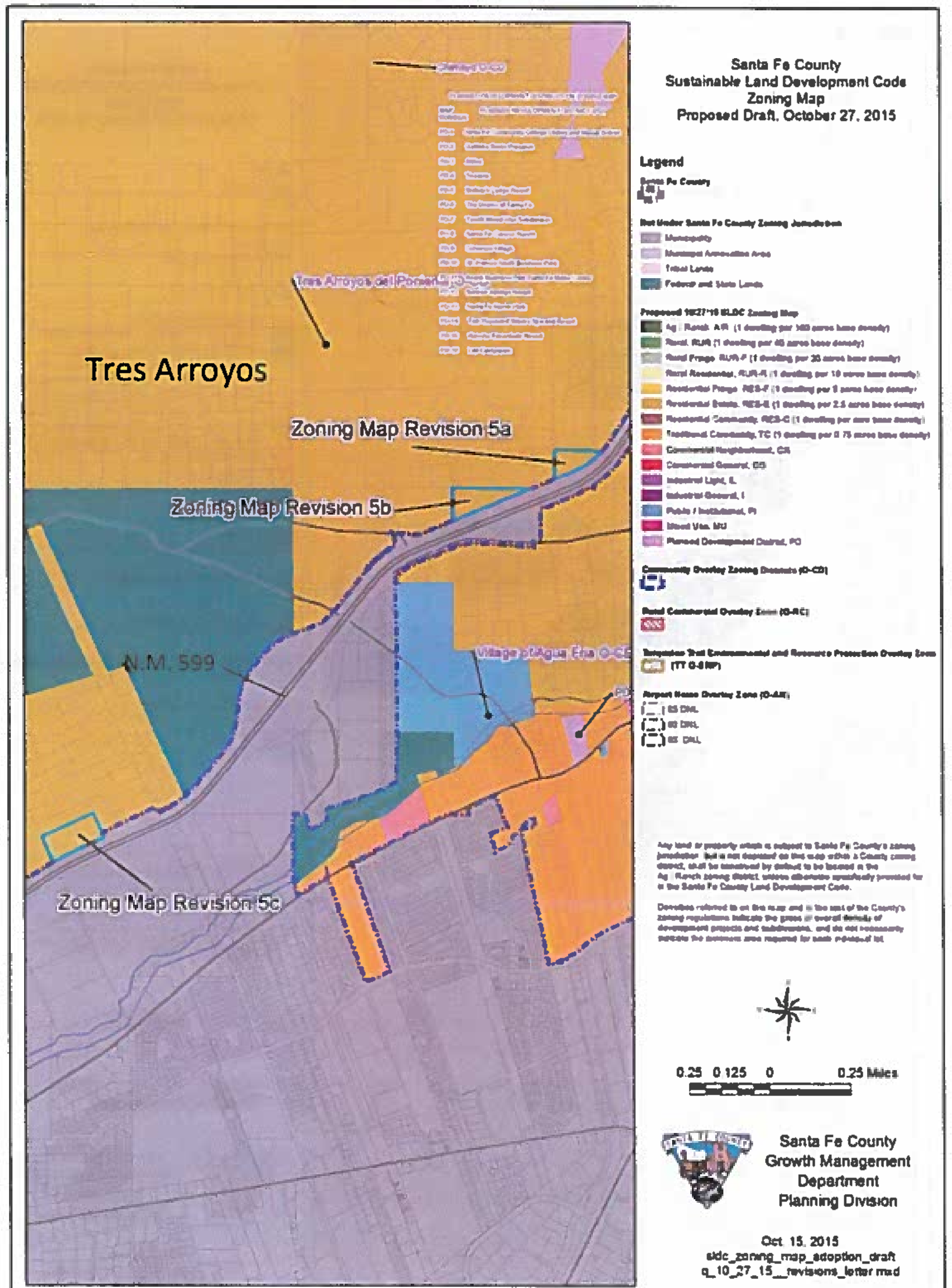
Zoning Map Revision 3



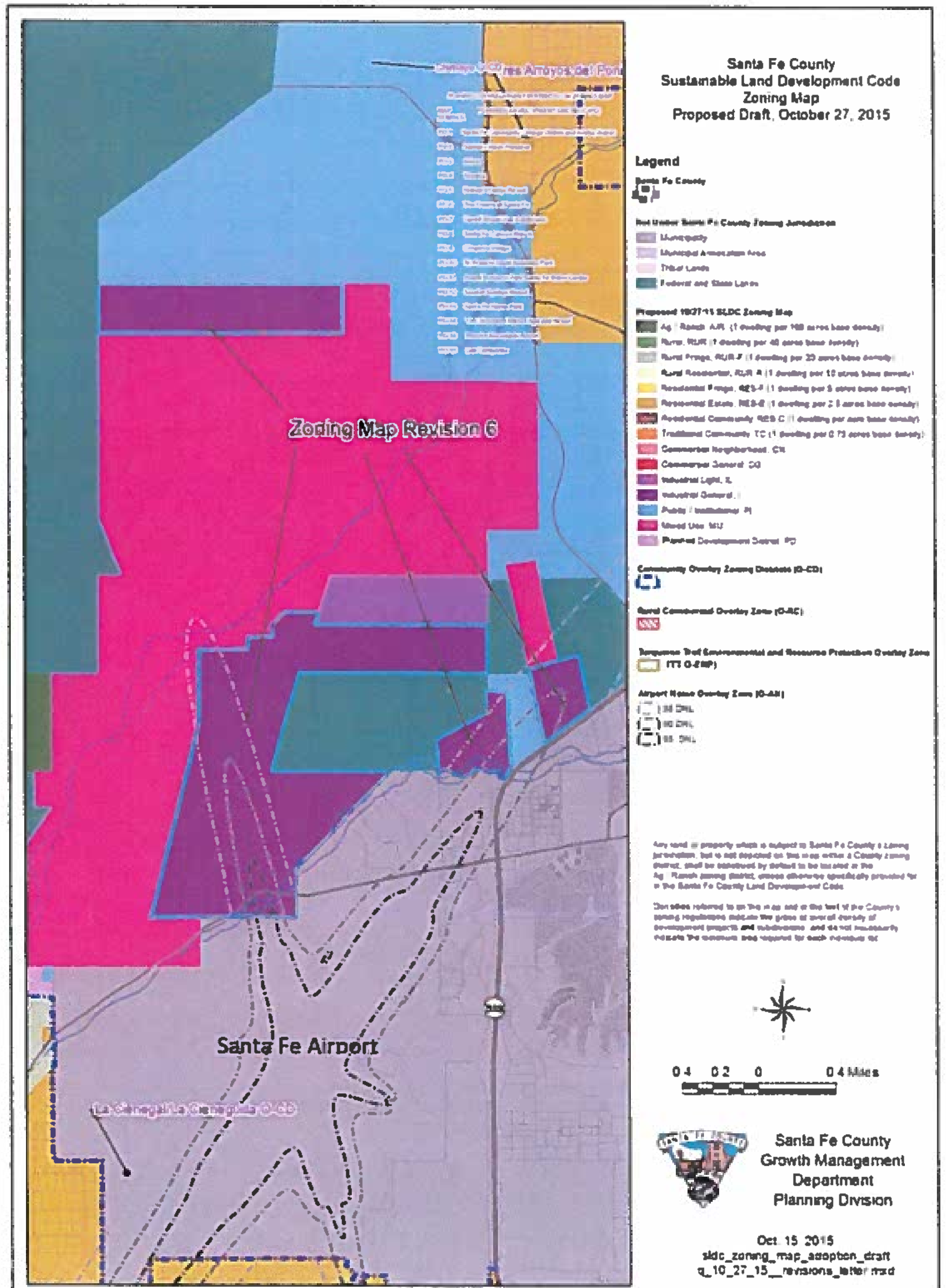
Zoning Map Revision 4



Zoning Map Revision 5



Zoning Map Revision 6



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: **October 20, 2015**

To: **Board of County Commissioners**

From: **Penny Ellis-Green, Growth Management Director** PEG ,
Willie Brown, Assistant County Attorney WRB

Via: **Katherine Miller, County Manager**

Item: **Request To Publish Title And General Summary Of Ordinance No. 2015-_____, An Ordinance Amending And Restating In Its Entirety The Sustainable Land Development Code (SLDC), Ordinance 2013-6.**

SUMMARY:

Request To Publish Title And General Summary Of Ordinance No. 2015-_____, An Ordinance Amending And Restating In Its Entirety Ordinance No. 2013-6, The Sustainable Land Development Code.

BACKGROUND:

On October 13, 2015 staff presented proposed changes to the SLDC which included new sections, previously reserved including a Density Bonus section, community overlays from 13 planned communities, regulations for small scale sand and gravel extraction, regulations for wireless communications facilities, the DCI section and Transfer of Development Rights.

At the October 13, 2015 meeting the Board requested the following additional items be addressed:

- Addition of a Light Industrial Zoning District. A new Section 8. has been added to Chapter 8 to create a light industrial district. In addition, this new base zoning district has been added to the use table, the TDR section includes IL as a receiving area, the procedures table (Table 4-1) is amended to indicate a conceptual plan is required for phased development in IL and the conceptual plan section in chapter 14 is amended to include the requirement for a phased development in IL to submit a conceptual plan.

- The Board requested that the TDR section be clarified as to the process for a sending area. Modifications have been made to this section which state where a sending area can be created. Clarification has been included that a property cannot be both a sending and receiving area (allowing a threefold increase in density by selling yourself development rights). Modifications were also made to the language stating when additional TDR's can be sold for protecting irrigated agricultural land, to the road design standards exempting a sending area plat from road improvements and in mixed use and PD districts prohibiting the required open space area to be a sending site for TDRs.

- The Board asked about "credit" for retiring agricultural water rights and changing them to domestic use. Staff has discussed this with the Utility Division, language has been added in **Section 7.13.7.3.10** allowing that any hydro report used for the OSE process of converting the water rights be allowed to be used for proof of water if the test conforms to the Code. Additional language may need to be developed as part of the 6 month review with discussions with the OSE and the Utilities Division. Current law requires that the Board make a determination as to whether a subdivision proposal has proven water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision. This is not a requirement for agricultural use of a well.

- The Board questioned whether the SLDC could prevent one subdivision exemption followed by another, this would require a statement that there be a waiting period after one subdivision exemption before another can be applied for. Legal is reviewing this request as subdivision exemptions are listed in the State Subdivision Act.

- The Board questioned whether temporary swimming pools included above ground pools **(7.13.11.2.10)**. Staff believes that these pools are included and that they were included in the original water conservation ordinance as they use a large amount of water which cannot simply be drained onto planting areas due to chemicals used. A 12 ft round pool 4 ft in height uses approximately 3,000 gallons of water to fill. A 15 ft round pool 4 ft 4 " in height uses approximately 5,300 gallons of water to fill. The Board could add in a capacity limit and allow smaller above ground pools and staff will make this change if directed.

- There was a question about prohibiting accessory structures from having kitchen facilities. These requirements are already in the existing code, but additional language is proposed to allow for enforcement when it is found that an accessory stricture has been converted into a dwelling. For staff to pursue enforcement of an accessory structure being used as a dwelling, the proposed additional language would be needed. Staff recommends the language before the Board remain.

- Several questions were raised about the Affordable Housing changes proposed, those changes were only proposed to be consistent with Ordinance 2012-1. No further changes are being proposed to this section at this time. Staff will move forward with a Board discussion focused on affordable housing requirements early in 2015.

Staff also modified language in the terrain management standards making it clear that section 7.17.10 was applicable to development over 7400 ft but under 7800 ft in elevation.

Staff added in a density bonus (Table 8-22) for Mixed Use and PD districts if those areas are identified as an environmental resource protection overlay, a historic preservation overlay or an agricultural overlay.

The proposed Ordinance adopting the SLDC is attached. The whole SLDC would be restated to allow for the approval and recordation of a single integrated document. The ordinance adopting the SLDC includes the provision from the previous Ordinance requiring a review of the SLDC 6 months after its implementation.

Staff will correct and update the table of contents and page numbers in the final document prior to recordation.

The full ordinance with all changes marked in redline is in a separate binder

ACTION REQUESTED:

Staff requests that the Board give authorization to publish title and general summary of this Ordinance amending and restating in its entirety The Sustainable Land Development Code (SLDC), Ordinance 2013-6.

ATTACHMENT:
Exhibit A - Ordinance
Exhibit B - SLDC proposed changes.

(The entire redlined SLDC is under separate cover)

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2015-__________

AN ORDINANCE
AMENDING AND RESTATING IN ITS ENTIRETY THE SUSTAINABLE LAND DEVELOPMENT CODE (SLDC), ORDINANCE NO. 2013-6

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

1. The Sustainable Land Development Code, Ordinance No. 2013-6, is hereby amended and restated in its entirety as set forth herein.

2. This Ordinance may be cited as the "Sustainable Land Development Code".

3. The Board shall begin a review of the Sustainable Land Development Code six (6) months after its effective date.

PASSED, APPROVED, AND ENACTED this ____ day of ____________, 2015.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By:________________________
ROBERT A. ANAYA, Chair

ATTEST:

____
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

Willie R. Brown
for: GREGORY S. SHAFFER, County Attorney

EXHIBIT
A
tabbies

EXHIBIT
B

SLDC changes

Table 4-1: Procedural Requirements by Application Type

Application Type	Discretionary Review?	Application Requirements: Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Review/Approval Process: Agency review	Approval by Administrator	Hearing Required?: Hearing Officer	Planning Commission	BCC
Development permit: Residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
Land divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision – final plat, more than 5 lots	yes	yes	no	See Table 6-1	As needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
..ior subdivision ..l plat	yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision – phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision – yes Others - no	See Table 6-1	As needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	See Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time Extension	yes	no	no	As needed	As needed	No	No	No	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, District Community Plan, or Plan Amendment	yes	yes	yes	no	as needed	no	no	yes	yes
Development of countywide impact	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
..eficial use ..ermination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5

7.11.11.4
The following new section 7.11.11.4.5 shall be added:

7.11.11.4. Standards for Land Divisions and Subdivisions Exemptions.

1. Divisions of land for grazing or farming as identified in Section 5.4.3.8. are exempt from on-site and off-site road requirements.

2. Divisions of land that create no parcel smaller than one hundred forty (140) acres as identified in Section 5.4.3.11 are exempt from on-site and off-site road requirements, except when more than one (1) such parcel is created in an area of land, the Administrator may require on and off-site road improvements.

3. Other land divisions and subdivisions exemptions may reduce the road easement width for off-site roads to no less than 20 feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density.

4. required off-site and on-site road improvements shall be constructed prior to plat recordation.

5. Plats creating a sending area for TDR purposed shall be exempt from on-site and off-site road improvements.

---

7. 13.7.3.10. If a pumping test has been submitted to the OSE to support an application to change the place or purpose of use of water rights from agricultural to domestic or subdivision use and OSE accepts the pumping test, then the pumping test can be utilized for the purposes of this Section if it complies with Table 7-20.

7.17.10. Development at or above 7400 Feet but less than 7800 feet In Elevation. Development at or above an elevation of 7400 feet but less than 7800 feet will be subject to additional requirements.

8.7.4. Industrial Light (IL).

8.7.4.1. Purpose. The Industrial Light (IL) district is to provide for wholesale and warehousing uses for non-hazardous materials as well as those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in a refined form and that do not in their transformation create smoke, gas, dust, noise, soot or lighting to a degree that is offensive when measured at the property line of subject property. This district also provides for research and development activities, mixed commercial and IL support services including offices, restaurants, call centers, etc.

8.7.4.2. Permitted Uses. Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the IL district.

8.7.4.3. Dimensional Standards. The dimensional standards within the IL district are outlined in Table 8-~~14~~15.

8.7.4.4. Review/approval procedures. All I developments shall meet the design standards of this section in addition to the applicable standards of Chapter 7. A conceptual plan shall be required for all phased development.

8.7.4.5. Base Density. Development at levels above the base standards identified in Table 8-16, requires the Transfer of Development Rights in accordance with 12.14 of this SLDC.

Table 8-16: Dimensional Standards – IL (Industrial Light).

Zoning District	Base	With TDRs
Frontage (minimum, feet)	50	25
Lot width (minimum, feet)	50	25
Height (maximum, feet)	27	40
Lot coverage (maximum, percent)	60%	80%

8.9.7. Mixed Use

8.9.7.3. Open Space. A minimum of 30% Open Space is required in a MU District. Developed parks shall be in accordance with Section 8.10.3.

1. The following property may be considered open space for the purpose of meeting the 30 percent requirement:

a. Open space identified on the Zoning Map shall be public open space;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to County trails;

d. Public trailheads;

e. Archaeological easements;

f. Setbacks required by this section or other Ordinances; or

g. Open space shall be dedicated or reserved on the final plat.

2. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:

a. Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

b. The continuous property is within property designated as open space on the Zoning Map; and

c. The proposed open space dedication is contiguous to other lands dedicated as open space.

3. Required open space may not be used for a density bonus or as a sending area for TDRs.

8.10.2. Planned Districts

8.10.2.8. Open Space. A minimum of 30% Open Space is required in a PD District. Developed parks shall be in accordance with Section 8.10.3.

1. The following property may be considered open space for the purpose of meeting the 30 percent requirement:

a. Open space identified on the Zoning Map shall be public open space;

b. Common or Public Parks and Plazas;

c. Trails allowing public access and connecting to County trails;

d. Public trailheads;

e. Archaeological easements;

f. Setbacks required by this section or other Ordinances; or

g. Open space shall be dedicated or reserved on the final plat.

2. Open space may be dedicated on property not contiguous to the area for which the applicant is seeking subdivision approval where all of the following circumstances exist:

a. Open space adjacent to or within the proposed development is not feasible or has already been dedicated as part of another development phase;

b. The continuous property is within property designated as open space on the Zoning Map; and

c. The proposed open space dedication is contiguous to other lands dedicated as open space

3. Required open space may not be used for a density bonus or as a sending area for TDRs.

8.12 Density Bonus

Table 8-22: Density Bonus Calculations, Requirements and Criteria by Zoning District

Zoning District	Base Density	Density with Bonus	Bonus Calculation	Open Space Easement Required	Criteria
A/R	1 du/160 acres	1 du/80 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR	1 du/40 acres	1 du/20 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-F	1 du/20 acres	1 du/10 acres	Base Density x 2 = Total Bonus Density	Three Quarters (.75) of the Total Site Area	Plat, Easement/Deed Restriction
RUR-R	1 du/10 acres	1 du/5 acres	Base Density x 2 = Total Bonus Density	One half (.5) of the Total Site Area	Plat, Easement/Deed Restriction/ Community Water
RES-F	1 du/5 acres	1 du/3.75 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-E	1 du/2.5 acres	1 du/1.875 acres	Base Density x 1.33 = Total Bonus Density	One half (.5) of the Total Site Area	Minimum area of 10 acres, Plat, Easement/Deed Restriction, Community Water and Sewer
RES-C	1 du/1 acre	1 du/1 acre	Not Applicable	Not Applicable	Density bonus not available in this zone
TC	1 du/ .75 ac.	3 du/acre	Base Density x 2.25 = Total Bonus Density	Not Applicable	Community Water and Sewer
MU	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space
PD	1 du/Acre	2 du/acre	Base Density x 2 = Total Bonus Density	Not Applicable	Only for areas identified as Environmental Resource Protection Overlay; Historic Preservation Overlay or Agricultural Overlay Districts; cannot be used for required open space

12.14. TRANSFER OF DEVELOPMENT RIGHTS.

12.14.1. Purpose. The purposes of this section are to:

12.14.1.1. promote preservation of agriculture, rural open space and character, scenic vistas, natural features, areas of special character or special historic, cultural or aesthetic interest or value, and environmental resources for the benefit of the residents of Santa Fe County. This section will also authorize an applicant or owner of any estate or interest in property to obtain a development order granting Transfer of Development Rights ("TDR") relief pursuant to a beneficial use and value determination, to transfer or sell one or more TDRs where the development order authorizes relief in the nature of TDRs;

12.14.1.2. minimize the economic impact of environmental restrictions on property owners in designated sending areas, and allow increases in development potential in receiving areas that maintain the County's overall environmental carrying capacity as defined in the SGMP;

12.14.1.3. ensure that owners of land to be preserved, conserved, or protected have reasonable use of their property by permitting a transfer or development rights to other properties;

12.14.1.4. provide a mechanism whereby development rights may be reliably transferred; and

12.14.1.5. authorize donations of development rights to the County or to the County Development Rights Bank.

12.14.2. Applicability. The procedures and regulations in this Chapter apply to the transfer of development rights from land qualifying as sending sites to land qualifying as receiving sites and/or to a transferee.

12.14.3. General Standards.

12.14.3.1. Development Rights may be sent:

1. from sending sites identified by a Community Overlay District;

2. from sites designated as an environmental and resource protection overlay, historic preservation overlay or agriculture overlay;

3. from sensitive environment lands; e. g. riparian habitats, endangered or threatened species habitat, archeological sites;

4. from traditional agricultural land;

5. from lands providing open space and preserving scenic vistas, natural features and areas of special character; and

6. through a transfer of development rights as part of a development order granting BUD relief.

12.14.3.2 Development Rights may not be sent:

1. from areas of required open space within a development;

2. from areas of required setbacks; and

3. from MU and PD districts within SDA-1.

12.14.3.3 MU and PD districts shall not be both a sending and a receiving site.

12.14.3.4. Development rights may be used on receiving sites to provide additional density.

12.14.4. Allocation of development rights.

12.14.4.1. A development right shall be transferred only by a Development Right Certificate to which Santa Fe County is party. A conservation easement shall be placed on the sending area limiting future construction to the total number of development rights established by the zoning of the property minus:

1. all development rights transferred in accordance with this Chapter;

2. any development rights previously extinguished or limited as a result of a recorded covenant and plat against the property;

3. the number of development rights to be transferred by the proposed transaction;

4. the number of existing single-family dwellings or square footage of development allowed on the sending site.

12.14.4.2 The conservation easement shall be created and identified on a survey plat clearly noting the development rights being sent from the parcel and the development restriction on the property. The plat shall be approved in accordance with Chapter 4.

12.14.4.3. Each transferor shall have the right to sever all or a portion of the rights to develop from the parcel in a sending site and to sell, trade, or barter all or a portion of those rights to a transferee.

12.14.4.4. Any transfer of development rights pursuant to this Chapter authorizes only an increase in maximum density and shall not alter or waive the development standards of the receiving site, nor shall it allow a use otherwise prohibited in the receiving zoning district, unless otherwise provided in the regulations applicable to the receiving site.

12.14.4.5. Transfer of development rights shall not be available for land restricted from development by covenant, easement or deed restriction.

12.14.4.6. Any transfer of development rights shall be recorded among the land records of Santa Fe County, New Mexico.

12.14.4.7. Value of Transferable Development Rights. The monetary value of transferred development rights is completely determined between the seller and buyer.

12.14.5. Sending Sites

12.14.5.1. Calculation of development rights. The size of the sending areas shall be the size of the allowable base density of the zoning district. Sending areas must not be occupied by a habitable structure. The number of development rights associated with a sending property shall be the larger of:

1. One development right for each residential dwelling that could potentially be constructed on the sending property;

2. Sending areas shall meet the criteria for a sending site established by this Chapter 12.

3. Sending sites with valid irrigation water rights appurtenant to 90% or more of the sending area, and with a consumptive use right of 1.5 acre-feet per acre or more, shall receive an additional unit of density for each area of irrigated land equivalent to the base density. This additional unit shall be made available only if the owner agrees to an enforceable restriction on the transfer of water rights acceptable to the County. The party sending the development rights shall bear the burden of demonstrating to the County's satisfaction the validity, amount and other elements of the water right.

4. If the sending site already has development on it, then the calculation of development rights pursuant to subsections 1 and 2 above shall be reduced to reflect such existing development, so that the resulting calculation reflects only additional potential development available on the property.

12.14.6. Right to Transfer.

12.14.6.1. A development right can be severed from an approved sending site only after a conservation easement for each right from an eligible sending site is placed on the property excluding any future development and requirement for preservation of the land for its sending value; or in the case of a property with multiple rights, limited future development reduced by the number of units transferred. The Development Right Certificate may be transferable from one person or entity to another.

12.14.7. Receiving Sites. In order to be eligible as a receiving site, a property must be located in one of the following areas or zoning districts:

1. Mixed Use (MU);

2. Planned Development (PD);

3. Industrial General (I),

4. Industrial Light (IL)

4. Commercial General (CG),

5. Designated receiving areas, or

6. A district rezoned to a higher density.

14.9.9 Conceptual Plan. For approval of certain large scale and phased development as set forth below.

14.9.9.1. Purpose. A Conceptual plan is comprehensive in establishing the scope of a project, yet is less detailed than a site development plan. It provides a means to review projects and obtain conceptual approval for proposed development without the necessity of expending large sums of money for the submittals required for a preliminary and final plat approval. A conceptual plan submittal will consist of both plans and written reports.

14.9.9.2. Applicability A conceptual plan is required for the following developments:

1. all subdivisions containing more than 24 lots

2. All developments in MU, P/I, I, IL, CG. CN that are to be built in phases

3. All new PD develoments

Use Table – Added in a column for Light Industrial