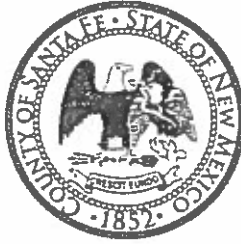


**Henry P. Roybal**  
*Commissioner, District 1*

**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:** May 19, 2015

**To:** Board of County Commissioners

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

**Via:** Katherine Miller, County Manager

**Re:** Sustainable Land Development Code, Development of County Wide Impact, Zoning Map, and Development Permit Fees Update.

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### Issue

On October 14<sup>th</sup>, 2014, the Board Of County Commissioners (BCC) provided staff with direction to prepare major reserved sections of the SLDC including Community District Overlays for adoption at the same time as the Zoning Map and to adopt the Zoning Map, SLDC amendments, major reserved sections, and Fee Ordinance together. Major reserved sections include the Developments of County Wide Impact (DCIs), Transfer of Development Rights, Bonus and Incentive Zoning and Community Overlay Districts.

On September 16, 2014, the Board approved Ordinance No. 2014-8 imposing a moratorium on certain DCIs. This Moratorium expires on September, 16, 2015. The DCI's covered in the moratorium are sand and gravel extraction activity requiring blasting, junkyards and landfills.

The purposes of this memorandum are to: (1) update the Board on activities since October 14, 2014; (2) provide a substantive overview of certain major reserved sections; and (3) provide a general timeline for completing the necessary work.

### Developments of Countvwide Impact (DCIs) Update

The County is under contract with Consensus Planning to write the DCI section of the SLDC. The process was started in early February, 2015, with stakeholders meetings regarding sand and gravel mining and protection of agricultural land and environmentally sensitive land by using Transfer of

Development Rights, cluster development and density bonus. In addition the consultants met with Commissioners and staff for initial meetings over a two day period.

A second round of meetings was held in April 2015 to discuss conceptual standards and regulations related to sand and gravel mining and protection of agricultural land and environmentally sensitive land. These meetings were with staff and community stakeholders.

Due to the timing and amount of work being done by the community planning groups that will necessitate SLDC changes and zoning map adoption, it is apparent that the DCI regulations will need to be brought forward in a stand-alone ordinance in order to meet the timeframe of approval prior to expiration of the moratorium in September 2015.

The guidelines/outline of the sand and gravel requirements is summarized below:

- Level 1 – will be regulated as a conditional use in Chapter 10 and covers sand and gravel mining on less than 10 acres with an extraction potential of less than 20,000 tons of material. The State considers 10 acres to be a minimal impact and the 20,000 ton limit is meant to ensure the operation, regardless of the acreage disturbed, is in fact small.
- Level 2 – will be regulated as a DCI and covers sand and gravel mining of 10 acres or more of land with extraction potential of more than 20,000 tons of earth materials, OR which utilizes any blasting.
- Regulations currently being considered would address the following:
  - Requirement of all State Permits
  - Hours of Operation
  - Project Traffic Impacts
  - Setbacks
  - Required Visual Screening Measures.
  - Protection Against Trespassing.
  - Noise
  - Hazardous Materials
  - Fugitive Dust Control Permit
  - Wildlife
  - Height
  - Grading and Erosion/Sediment Control
  - Activities In or Near Water Bodies
  - Cultural and Historic Sites
  - Access
  - Surrounding Vegetation
  - Water Supply
  - Reclamation Plan and Bond or Letter of Credit
  - Requirement of a Site Specific Land and Environmental Suitability Analysis

The Consultants are in the process of establishing regulations for junkyards and landfills which will include:

- Require a site specific Land and Environmental Suitability Analysis
- Screening

- Operational standards
- Locational standards
- Setbacks

### **Community Districts**

The Board established Planning Committees for 12 communities and authorized those committees to develop Community Plan Updates, draft community districts zoning and community district overlays for amendments to the SGMP and SLDC. The following communities are in the process of updating, amending and finalizing community plans as amendments to the SGMP:

- Village of Agua Fria Planning Committee
- La Cienega/La Cieneguilla Planning Committee
- Los Cerrillos Planning Committee
- Madrid Planning Committee
- Pojoaque Valley Planning Committee
- San Marcos Community Planning Committee
- US 285 South Highway Corridor District Planning Committee
- Tesuque Community Planning Committee
- Galisteo Community Planning Committee
- San Pedro Planning Committee
- Tres Arroyos Del Poniente Planning Committee
- Chimayo Planning Committee

The community planning process is progressing well. Planning committee and community members have been engaged in the community planning process and have had consistent participation throughout the process. The process was noticed to property owners and new community members have been in attendance at almost every meeting for the respective communities.

Approximately 75 community planning meetings will have been conducted in these 12 communities since the process was initiated in February 2015.

Two community meetings (to be held in the respective community) are required by Ordinance 2002-3 which will result in an additional 26 community-wide meetings which are planned for June and July of 2015. The meetings will allow community input on the plan updates and will allow community feedback on draft zoning and community overlay districts.

The Community Plan updates plans will be presented to the Board at two Public Hearings in July and August 2015 in accordance with Ordinance 2002-3. Community Plan Updates will constitute an amendment to the SGMP for each community plan area.

Community Plans land use standards will be implemented through the Official Zoning Map and through a Community Overlay District which will be an amendment to the SLDC. The Overlay Districts will be included in the SLDC changes that will come to the BCC for approval. The land use plan and zoning districts proposed by the communities will be incorporated into the Official Zoning Map and will be approved by the Board.

La Cienega/La Cieneguilla and Chimayo have unique processes as they are developing new plans that will need to be approved prior to completion of the district zoning overlays. The overlay processes are anticipated to be completed immediately following the completion of the planning process.

El Valle de Arroyo Seco did not have sufficient turnout to form a planning committee, therefore staff will provide a draft of the required transitional language for the plan and draft the overlay district and zoning map based upon their current ordinance. Staff will conduct two community wide meetings in the community in accordance with Ordinance No. 2002-3.

### **Zoning Map Update:**

#### **March 2014 Draft Zoning Map**

Santa Fe County released the Zoning Map Adoption Draft and Public Review and Comment Schedule via the County website on March 27, 2014.

Letters were sent out via first class mail to over 35,000 property owners in the County using the mailing addresses from the County Assessor's Database and other available data sources to inform the public of the Zoning Map Adoption process and Public Hearing process.

Santa Fe County initiated the Zoning Map Public Review and Comment period in March 2014 which included open office hours for several weeks and public meetings in each Growth Management Area of the County.

The Board held several Special Meetings in 2014 to consider the Zoning Maps :

- BCC Special Meeting May 28, 2014
- BCC Special Meeting June 25, 2014
- BCC Special Meeting August 27, 2014 in Edgewood
- BCC Special Meeting September 16, 2014 in Pojoaque
- BCC Special Meeting September 23, 2014 at the Santa Fe County Fairgrounds
- BCC Special Meeting October 14, 2014

Staff has reviewed the Public Comments that were received through the Zoning Map Public Review and the comments provided through the Board Meetings in 2014 and provided recommendations on changes to the draft map based on the zoning map criteria and staff analysis of the public comments.

#### **2015 Zoning Map For Adoption**

The 2015 Official Zoning Map Adoption Draft map will include the changes recommended through the Zoning Map Public Review process zoning map criteria, community land use plans and community districts.

#### **Zoning Map Issue Areas:**

There are concerns regarding the Mixed Use designations shown on the Zoning Map. Staff recommends that changes be made to the SLDC to include requiring setbacks along SR 14 and requiring the purchase or transfer of development rights to allow higher density development in the Mixed Use Districts.

Concerns were also raised regarding requests for higher density; staff recommends that there be a mechanism in the SLDC for increased density if there is clustered development and open space preservation, properties would be able to utilize a density bonus scheme to allow for this. Other concerns included proposed zoning within existing community districts. Zoning in Community Districts will be implemented through adoption and implementation of community plan updates, proposed zoning districts and Community Overlay Districts.

Other issue areas include the designation for the Cuartelez Traditional Community, the Jacona land grant and Planned Development Districts. Staff had met with Cuartelez and has identified a traditional community boundary.

The zoning map will not be released until the community planning committees have finalized their base zoning district.

Once this is done staff will proceed with releasing the 2015 adoption draft of the Official Zoning Map, request to publish title and general summary of an Ordinance adopting the Official Zoning Map and begin the legal noticing requirements of sending letters to property owners.

The letters sent to property owners must include hearing dates for approval of the Official Zoning Map, staff will be requesting to establish those dates with the BCC.

#### **SLDC Changes:**

Staff is in the process of reviewing all comments made in the Board meetings and special meetings regarding the SLDC and will be proposing additional changes to the SLDC as necessary.

During the community planning process, additional concerns have been raised and will be addressed as needed.

The "SLDC Changes" document will include the changes to Chapter 9 which is the Community Districts Chapter and which allows for community overlays. This is included in the work that the community planning committees are undertaking, therefore, the "changes" document cannot be released until the planning committees have completed their drafting.

Several key reserved sections are being drafted by the consultants:

#### **Bonus and Incentive Zoning**

Consensus Planning has provided an outline for the Bonus and Incentive Zoning section of the SLDC. This will be included in the SLDC changes document.

The purpose of density bonuses is another way to accomplish open space and the preservation of sensitive lands. These need to be carefully tied to overall carrying capacity, planning priorities (Countywide and Community specific). This technique provides an incentive for property owners to privately preserve open space as a part of a development plan for the property. This technique can be used for a variety of planning objectives including preservation of visual open space, grazing, or other agricultural lands; trail easements; or the preservation of historic and cultural sites.

Density Bonus is a voluntary program that a land owner may choose to pursue approval for.

Cluster Housing may be done exclusive of a density bonus. The density bonus is typically provided as an incentive to a property owner to pursue a cluster housing project in response to the community's value placed upon the positive results of cluster housing such as permanent open space preservation.

It is anticipated that a density bonus program could be created for residential subdivision in residential base zoning districts. It is further anticipated that the bonus will be structured differently for the larger lot, rural zones (AR, RUR, RUR-F, and RUR-R), the medium lot residential zones (RES-F and RES-E), and the smaller lot residential zones (RE and TC). The goal will be to ensure that the process for a cluster housing subdivision is as streamlined as is feasible in order to encourage this land development pattern.

Larger lot rural districts would be required to designate a minimum of 50%-75% of the gross area of the property as open space or a Conservation Easement to be held in perpetuity in order to increase the density allowed. The Conservation Easement may be held by the County or a Land Trust and includes the execution of various documents.

Medium to small lot areas will be required to provide open space and also water and/or sewer systems in order to increase the base density allowed.

A Conservation Easement or dedicated open space may be used for agriculture, landscaping, recreation, open space or any combination thereof and any accessory structures needed to support these uses. It shall be a contiguous area but may be composed of separate areas if approved by the Administrator.

A Conservation Easement is created by County approval of a Site Development Plan. Subdivision approval is contingent upon recorded deed restrictions and easements approved by the County.

### **Transfer of Development Rights (TDR)**

Consensus Planning has provided an outline for the Transfer of Development Rights (TDR) section of the SLDC. This will be included in the "SLDC Changes" document.

The purpose of TDRs is for the conservation of natural, scenic, and/or agricultural qualities of open land, areas of special character or special historic, cultural or aesthetic interest or value, or environmental protection

Development rights may be sent from designated sending parcels including agricultural lands to be preserved, sensitive environment lands such as riparian habitats, endangered or threatened species habitat, culturally sensitive lands and traditional communities. Current no-build areas may not be used for sending sites.

These development rights may be used on receiving sites to provide additional density and may also be used to alter bulk requirements, i.e. additional height, and reduction in setbacks.

Allocation of development rights will need to be established. For residential development, rights are generally on a one-to-one ratio, but ratios could be used; e.g. tying water rights to agricultural lands, cultural preservation, connectivity of open space, or trails. For commercial development, rights can translate into square footage of development potential or height or other bulk standards.

A development right can only be severed from an approved sending site when a conservation easement, development agreement, condition of approval, or zoning restriction is placed on the property excluding any future development and imposing a requirement for preservation of the land for its sending value.

Development rights are not available on properties already covered by a conservation easement, or covenant excluding development; portions of lots covered by easements owned by any government jurisdiction, utilities, or nonprofit corporations.

Sending sites shall be an entire parcel with a possible minimum area required. Qualification is based on the demonstration that the site contains the public benefit described in these regulations or as designated by Santa Fe County.

TDRs shall be recorded using the prescribed instrument of transfer (certificate or deed of transfer usually). The TDR instrument may be sold from one person or entity to another

Receiving sites may only be restricted to certain zoning districts and will be designated on the receiving site map. Receiving areas shall be served by public water and sewer and by public roads.

TDRs shall be required for rezonings to districts of higher density, e.g. rezonings for mixed use, PDDs, higher residential density districts. Mixed use and PDD requirements in the SLDC will be amended to require a TDR for high density development.

Calculation of development rights will be through ratios (i.e. units per acre by district, or sending site attributes) and/or value based (e.g. percentage of land value). In addition, Bonus or partial TDRs could be available for water rights, public access, etc.

**Fee Ordinance:**

The draft fee ordinance was presented to the BCC on May 27th, September 9th and September 23rd of 2014. The Board directed for changes to be made to reduce fees for home occupations and small scale development and to do a comparison of our fees with development fees in other local counties and municipalities and to allow for a public comment period.

The fee ordinance was taken to three Growth Management Area meetings on August 27th, September 16th, and September 23rd, 2014. It has been posted on the web site. Also a press release was sent out on September 15, 2014 and an email blast has been sent out to the SLDC related email list.

We received one public comment asserting that home occupations were too expensive. Staff proposes to present a final draft fee ordinance to the BCC when the SLDC changes draft document has been finalized to ensure all permit types are covered and to request publish title and

general summary at that time. The fee ordinance can then be scheduled for BCC hearing(s) for approval.

**Timeline**

The anticipated Timeline for DCI's, Community Planning Districts, SLDC Amendments, Zoning Map Adoption and Development Permit Fees is attached.











# **COLTPAC recommendation for focused action ...**

- Context of FY 2016 budget and planning.
- Concentrate resources on a few key programs and do them right.
- Accelerate with additional resources and spending where possible.



# Focus programs ...

- Thornton Ranch
  - Protection of Petroglyph Hill
  - Pursue a plan a for public access to surrounding property and adjacent BLM land
- Romero Park
  - Craft a realistic and affordable "Phase II" that can be completed within 2 years.
- Refresh the Open Space, Trails and Parks Master Plan
  - Increase public enrollment, support and awareness of open space, trails and parks.
  - Develop a 5-10 year roadmap for new development, along with addressing ongoing property maintenance.



# COLTPAC Role

- Track progress and where needed work issues with staff on implementation of the focus programs.
- Report progress and work with BCC to remove any roadblocks.
- Participate in the master plan refresh activities.
- Continued public outreach to enroll support. Possible increase in marketing/PR of opens space and parks.







