

SANTA FE COUNTY***Ordinance No. 1997 - 10***

An Ordinance Amending the Interim Zoning Ordinance To Provide a Housing Density Bonus for the Provision of Affordable Housing within the Service Area Boundaries of the Santa Fe County Water Company

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

The Board of County Commissioners of Santa Fe County hereby adopts Section 10.5 - Community Affordable Housing Density Bonus for New Development within the Service Area Boundaries of the Santa Fe Water Company, which will be added to Article III - Zoning Regulations, Submittals and Reviews of the Santa Fe County Land Development Code as follows:

10.5 Affordable Housing Density Bonus for New Development within the Service Area Boundaries of the Santa Fe Water Company**10.5.1 Purpose and Intent**

Pursuant to objectives of the Santa Fe County General Plan, it is the intention of the County by this Section to create a system which achieves the following:

- A. induces voluntary participation on the part of developers and property owners in the creation of affordable housing;
- B. makes efficient use of infrastructure and utilities;
- C. directs the use of some of the County's imported water sources in the provision of affordable housing;
- D. provides the possibility for residential communities which contain an integrated variety of housing types, lot sizes and price ranges; and
- E. protects the rural character of Santa Fe County.

10.5.2 Rezoning

The effect of this Section, by giving a density bonus for the provision of affordable housing units, will increase the number of dwelling units per acre. As such, the approval of a development pursuant to this Section will be considered a rezoning of the parcel. Except in cases where master plans with affordable housing components have been approved within the jurisdiction of the CDRC prior to April 4, 1997 and except as provided for in Section 10.5.6.B. of this Section, projects are subject to the master plan rezoning procedures as set forth in this Code, or when applicable, the Extraterritorial Zoning Ordinance.

10.5.3 Applicability

This Section shall apply to development permit applications if the development is:

- A. outside the two-mile boundary of the Santa Fe Extraterritorial zoning jurisdiction;
- B. located partially or entirely within the service area boundaries of the Santa Fe County Water Company and served by the County Water Company for water pursuant to a customer contract and served by a community sewer system for liquid waste disposal;
- C. a subdivision containing 25 or more parcels, prior to adding any density bonus, with any one parcel being 10 acres or less in size (a Type I or Type II subdivision, as defined by the New Mexico Subdivision Act); and
- D. providing at least 10% affordable housing, as defined herein.

10.5.4 Definitions

For purposes of this Section, the following definitions shall apply:

Area median income - the median income for the Santa Fe metropolitan statistical area as adjusted for various household sizes and published and revised periodically by the United States Department of Housing and Urban Development. The Santa Fe metropolitan statistical area includes Santa Fe and Los Alamos Counties.

Affordable housing - housing units for sale which are affordable to households with incomes in one or more of five different ranges - between 50% to 57.5%, 57.6% to 64.9%, 65% to 72.5%, 72.6% to 79.9% and 80% to 100% of the area median income. Under the terms of this definition, affordable prices for each eligible housing type (defined below) is determined by multiplying the gross annual income (represented by the lower percentage of each income range) by a factor of three. The annual income for each range shall be adjusted for various household sizes. For the purposes of this definition a household size of three will be used to determine the price of a Type A home, a household size of four for a Type B home, and a household size of five for a Type C home. (Sec Exhibit 1) Affordable homes must be on a permanent foundation.

Density bonus - an increase in the number of dwelling units permitted by the density regulations of this Code granted for providing affordable housing units as set forth in this Section. The density bonus, as described herein, is the number of affordable units and extra market-rate units permitted in total.

Eligible buyer - a buyer of an affordable unit whose gross annual household income is below the higher percentage of each income range.

Eligible housing type - any housing unit that is built in compliance with applicable codes on a fee simple lot with one of the following specifications:

- Type A - 2 bedrooms, 1 bathroom of at least 1,000 square feet
- Type B - 3 bedrooms, 2 bathroom of at least 1,200 square feet
- Type C - 4 bedrooms, 2 bathroom of at least 1,350 square feet

Entitled units - dwelling units permitted by the density regulations of the Land Development Code prior to adding density bonus units or affordable units.

Water service area - those portions of Santa Fe County designated on the Water Service Area Map. The water service area boundary is established by the Board of County Commissioners and may be amended by resolution from time to time.

10.5.5 Density Bonus

A. Density bonus factors. Density bonuses are based on the percentage of affordable housing provided within the development and on the degree of affordability as determined by five different income ranges. The density bonus is structured so that the greater the range of affordability provided, the more bonus units are allowed. The following density bonus factors shall be used in the density bonus calculation:

Density Bonus Factor	Income Ranges
1	80% to 100% of the area median income
1.5	72.6% - 79.9% of the area median income
2	65% - 72.5% of the area median income
2.5	57.6% - 64.9% of the area median income
3	50% - 57.5% of the area median income

B. Density bonus calculations

Projects seeking a density bonus shall provide affordable housing in a mix of income ranges. The mix may be varied based on analysis of housing needs and County demographics.

i. To determine the density bonus for affordable housing in each income range, the following calculation is used:

$$(\% \text{ of affordable units to be provided } \times \text{ bonus factor for income range}) \\ \times (\# \text{ of entitled units}) = \text{density bonus}$$

Example: A 100-acre parcel that is allowed 40 units under current zoning, with a proposal to provide 20% affordable housing at 65% to 72.5% of the area median income:

(20% affordable X 2.0 bonus factor) X (40 entitled units under current zoning) = 16 total bonus units

- ii. To determine the total density bonus for a project that provides affordable housing, the above calculation is made for each income range using the appropriate bonus factor. The sum of the density bonuses is the total density bonus for the project.

- C. Density bonus limits. For projects with a mix of income ranges, the combined number of affordable units shall not exceed 200% of the number of entitled units. No more than 100% of the number of entitled units shall be in any one affordable income range.

10.5.6 Additional Incentives

- A. Discounts for water hook-ups. A discount shall be given to the developer for the affordable units which hook-up to the Santa Fe County Water Company. The discount shall be proportional to the degree of affordability provided, as determined by the five income ranges listed in 10.5.5.A, and shall be made part of the affordable housing agreement.
- B. Approval process fast tracked. Projects that provide at least 50% of the number of entitled units as affordable, shall be given priority over other projects for staff review and hearing before committees and the Board of County Commissioners for approval for each phase of the project (e.g., 50% of the 40 entitled units based on current zoning = 20 bonus affordable units.)

10.5.7 Criteria for Development

- A. Affordable housing agreement required. Final plat approval shall not be granted until developers have entered into an affordable housing agreement with the County and a Community Housing Development Organization (CHDO). The purpose of the agreement is to further establish the terms and conditions of the affordable units and to ensure compliance with the terms of this ordinance. The affordable housing agreement will describe how homes will be marketed and sold to eligible buyers as well as how the County or CHDO will monitor compliance with this ordinance and the affordable housing agreement. The Community Housing Development Organization shall be designated as such by the state agency that administers the federal HOME Program.
- B. Open space requirements. All development, including housing units, infrastructure, commercial, industrial and public buildings shall be limited to 40% of the parcel of land. The remaining 60% may be used for recreational uses and activities including, but not limited to, trails, horse stables and ball fields. The use of common areas within the developed area, such as plazas, parks, and trail connections to larger open areas is encouraged and will count towards the 60% open space requirement. Except for parking lots, the open space provided around schools can be used towards the 60% open space requirement. The location of the undeveloped 60% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.

- 1 C. Affordable housing integrated into project design. Affordable housing units shall be
2 provided as part of the development and shall be integrated into the overall design and
3 lay-out of the project. Phasing of units, both affordable and bonus, may be allowed for
4 larger projects, if integration of the affordable units into the design and lay-out of the
5 project can still be achieved and affordable housing is included in each phase of the
6 development.
7
8 D. A mix of housing types is encouraged within the project.
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10 E. The average lot size for the affordable units shall be 5,000 square feet or greater.
11
12 F. Projects shall be subject to all other standards and requirements set forth in this Code
13 except:
14 i. Lot size requirements
15 ii. Until such time as the County adopts amended road and street standards for
16 compact and village development, the Board may approve modified street and
17 road improvements provided that health, safety and welfare concerns are not
18 compromised. To the extent that the proposed improvements do not comply
19 with current Santa Fe County development standards for road and streets, the
20 applicant shall be required to provide to potential purchasers of lots or units a
21 detailed disclosure statement setting forth the areas in which the development
22 is not in compliance with the Code. The Land Use Administrator, the Public
23 Works Director and the Director of Emergency Services shall make
24 recommendations to the Board as to whether appropriate protections are in
25 place concerning the road improvements.
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27 G. Buffers. Developments using the affordable housing density bonus shall buffer
28 existing adjacent properties in order to create a transition between densities. Buffers
29 shall consist of an open space area at least 250 feet wide or lots of 2.5 acres or larger
30 abutting the adjacent property or a combination of these. Buffers do not apply between
31 individual phases within master planned developments. Buffers and transitional
32 densities shall be designed to take advantage of the site topography and be integrated
33 with the overall project design to provide visual separation for neighbors and meet the
34 open space requirements set forth above for residents of the development.
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36 10.5.8 Administration and Enforcement
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38 The Land Use Administrator may, as deemed necessary, establish policies and procedures
39 for the administration and enforcement of this Section.
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41 10.5.9 Severability
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43 If any part of this Ordinance or the application thereof to any person or circumstance is
44 held invalid, the remainder of the Ordinance and its application to other persons or
45 circumstances shall not be affected thereby.
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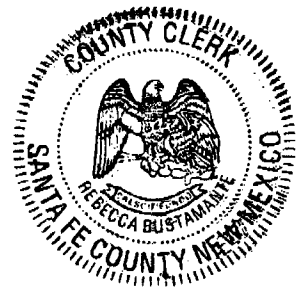
1 APPROVED, PASSED AND ADOPTED this 12th day of August, 1997, by the Santa Fe
2 County Board of County Commissioners.
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Richard D. Anaya
RICHARD D. ANAYA, CHAIRMAN

13 ATTEST:

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15 Rebecca Bustamante
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17 REBECCA BUSTAMANTE
18 COUNTY CLERK
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24 APPROVED AS TO FORM:

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26 Steven Kopelman
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28 STEVEN KOPELMAN, COUNTY ATTORNEY
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COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 995) 466
I hereby certify that this instrument was filed
for record on the 4th day of Sept A.D.
19 97, at 11:26 o'clock a m
and was duly recorded in book 1406,
page 504-510 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Veronica Clayton
Deputy

38 CERTIFICATE OF FILING

39
40 I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated
41 as Ordinance, No. 1997-10, was filed in my office on the 4th day of Sept, 1997, in
42 book Number 1406 at Page 504-510.
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SANTA FE COUNTY CLERK

Rebecca Bustamante
REBECCA BUSTAMANTE

Exhibit 1
Price Ranges for Affordable Houses

1406510

Household Income Range	Income for HH of 3 (\$)	Price of Type A home (\$)	Income for HH of 4 (\$)	Price of Type B home (\$)	Income for HH of 5 (\$)	Price of Type C home (\$)
80% - 100%	38,400	115,200	42,640	127,920	46,050	138,150
72.6% - 79.9%	34,850	104,550	38,700	116,100	41,790	125,370
65% - 72.5%	31,200	93,600	34,645	103,935	37,410	112,230
57.6% - 64.9%	27,650	82,950	30,700	92,100	33,150	99,450
50% - 57.5%	24,000	72,000	26,650	79,950	28,800	86,400

NOTES: Household incomes are based on the Area Median Income adjusted for various household sizes as published and revised periodically by the U.S. Department of Housing and Urban Development. Incomes are calculated at the bottom of each range for purposes of this Ordinance.

Home prices are based upon three times gross annual income; these maximum home prices could change as the Area Median Income is revised by HUD.