

SANTA FE COUNTY

Ordinance No. 1997 - 2

An 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:

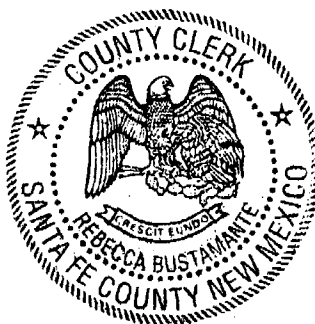
The Board of County Commissioners of Santa Fe County hereby adopts Section 10.5 - Community Affordable Housing Density Bonus for New Development within the Service Area Boundaries of the Santa Fe Water Company, which will be added to Article III - Zoning Regulations. Submittals and Reviews of the Santa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



COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO 9811708
I hereby certify that this instrument was filed
for record on the 28 day of April A.D.
19 97, at 1:08 o'clock P.m.
and was duly recorded in book 1367
page 618-624 of the records of
Santa Fe County.

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

Alexandra Clayton

Deputy

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 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;
- 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.

If the subdivision produces 100% affordable lots, proposed projects must meet the following criteria:

- A. include a request to create a subdivision containing 30 or more parcels with any one parcel being 10 acres or less in size;
- B. include the density of not more than five units to the acre;
- C. include the open space with not less than 30% of the entire tract in subdivided including the improved parts;
- D. located partially or entirely within the service area boundaries of the Santa Fe Water Company; and
- E. providing 100% affordable housing for lots as defined in the ordinance.

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 three different ranges - between 50% to 64%, 65% to 79%, 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. (See Exhibit 1) Affordable homes must be on a permanent foundation.

Affordable lot - a lot which is priced not more than 38% of the highest priced home which qualifies as an affordable house under this Section, as determined from time to time by the Land Use Administrator, and which has a square footage of not less than 7,000 square feet.

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 three 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
up to 2.0	80% to 100% of the area median income
up to 3.0	65% to 79% of the area median income
up to 5.0	50% to 64% of the area median income

1 B. Density bonus calculations

- 2
3 i. To determine the total density bonus for a project that provides affordable housing
4 in one income range, the following calculation is used:

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6
$$(\% \text{ of affordable units to be provided } \times \text{ bonus factor for income range})$$

7
$$\times (\# \text{ of entitled units}) = \text{total density bonus}$$

8
9 Example: A 100-acre parcel that is allowed 40 units under current zoning, with a
10 proposal to provide 20% affordable housing at 65% to 79% of the area medium
11 income:

12
13
$$(20\% \text{ affordable } \times 3.0 \text{ bonus factor}) \times (40 \text{ entitled units under current}$$

14
$$\text{zoning}) = 24 \text{ total bonus units}$$

- 15
16 ii. To determine the total density bonus for a project that provides affordable housing
17 in more than one income range, the above calculation is made for each income
18 range using the appropriate bonus factor. The sum of the density bonuses is the
19 total density bonus for the project.

- 20
21 C. Density bonus limits. For projects with a mix of income ranges, the combined number
22 of affordable units shall not exceed 200% of the number of entitled units. No more
23 than 100% of the number of entitled units shall be in any one affordable income range.

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25 10.5.6 Additional Incentives

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27 A. Discounts for water hook-ups. A discount shall be given to the developer for the
28 affordable units which hook-up to the Santa Fe County Water Company. The
29 discount shall be proportional to the degree of affordability provided, as determined by
30 the three income ranges listed in 10.5.5.A, and shall be made part of the affordable
31 housing agreement.
32
33 B. Approval process fast tracked. Except for projects that require EZC approval,
34 projects that provide at least 50% of the number of entitled units, as affordable, shall
35 go directly to the Board of County Commissioners for review and approval for each
36 phase of the project (e.g., 50% of the 40 entitled units based on current zoning = 20
37 bonus affordable units.)

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39 10.5.7 Criteria for Development

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41 A. Affordable housing agreement required. Final plat approval shall not be granted until
42 developers have entered into an affordable housing agreement with the County and a
43 Community Housing Development Organization (CHDO). The purpose of the
44 agreement is to further establish the terms and conditions of the affordable units and to
45 ensure compliance with the terms of this ordinance. The affordable housing agreement
46 will describe how homes will be marketed and sold to eligible buyers as well as how
47 the County or CHDO will monitor compliance with this ordinance and the affordable
48 housing agreement. The Community Housing Development Organization shall be
49 designated as such by the state agency that administers the federal HOME Program.

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- B. Open space requirements. All development, including housing units, infrastructure, commercial, industrial and public buildings shall be limited to 50% of the parcel of land. The remaining 50% may be used for recreational uses and activities including, but not limited to, trails, horse stables and ball fields. The street system within a development may be included as part of the open space requirement. 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 50% open space requirement. Except for parking lots, the open space provided around schools can be used towards the 50% open space requirement. The location of the undeveloped 50% shall take into account the preservation of ridgetops, important viewsheds, cultural sites and environmentally sensitive areas.
- C. Affordable housing integrated into project design. Affordable housing units shall be provided as part of the development and shall be integrated into the overall design and lay-out of the project. Phasing of units, both affordable and bonus, may be allowed for larger projects, if integration of the affordable units into the design and lay-out of the project can still be achieved.
- D. A mix of housing types is encouraged within the project.
- E. The average lot size for the affordable units shall be 5,000 square feet.
- F. With the exception of lot size requirements, projects shall be subject to all other standards and requirements set forth in this Code.

27 10.5.8 Administration and Enforcement

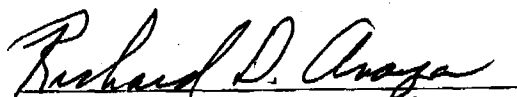
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29 The Land Use Administrator may, as deemed necessary, establish policies and procedures
30 for the administration and enforcement of this Section.
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32 10.5.9 Severability

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34 If any part of this Ordinance or the application thereof to any person or circumstance is
35 held invalid, the remainder of the Ordinance and its application to other persons or
36 circumstances shall not be affected thereby.
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39 **APPROVED, PASSED AND ADOPTED** this 5th day of March, 1997, by the Santa Fe County
40 Board of County Commissioners.
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RICHARD D. ANAYA, CHAIRMAN

1367623

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2 ATTEST:
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5 Rebecca Bustamante
6 REBECCA BUSTAMANTE
7 COUNTY CLERK
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12 APPROVED AS TO FORM:
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14 St. Kopol
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16 STEVEN KOPELMAN, COUNTY ATTORNEY
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24 CERTIFICATE OF FILING

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26 I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated
27 as Ordinance, No. 1997 - 2, was filed in my office on the 28th day of May, 1997, in
28 book Number 1367 at Page 618 - 624.
29

30 SANTA FE COUNTY CLERK

31
32 Rebecca Bustamante
33 REBECCA BUSTAMANTE
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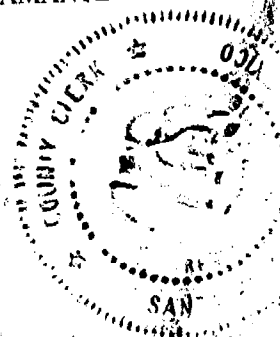


Exhibit 1
Price Ranges for Affordable Houses

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	42,650	127,950	46,050	138,150
65 - 79%	31,200	93,600	33,690	101,070	36,400	109,200
50 - 64%	24,000	72,000	26,650	79,950	28,800	86,400
Home prices are based upon three times gross annual income.						