

SANTA FE COUNTY

Ordinance No. 1998 - 5

1497303

An Ordinance Creating a New Article XIII of the Land Use Development Code To Outline a Community Planning Process for the Development of Community Plans, and Amending Article III, Article VI and Article X.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THAT THIS ORDINANCE WILL AMEND THE SANTA FE COUNTY LAND DEVELOPMENT CODE AS FOLLOWS:

Section 1.

Article III. ZONING REGULATIONS, SUBMITTALS AND REVIEW, Section 5, Mineral Exploration and Extraction. Subsection 5.3.6, Local Land Use Plans, Community, Neighborhood or Sector Plans and Code Amendments is repealed in its entirety.

Section 2.

Article VI. SPECIAL REVIEW DISTRICTS, Section 4, Traditional Community Districts is amended to read as follows:

SECTION 4 - TRADITIONAL COMMUNITY ZONING DISTRICTS

4.1 Traditional Community Zoning Districts

La Puebla, Chimayo, Rio Chiquito, Cundiyo, the Pojoaque Valley (including Pojoaque, Nambe, Jacona, Jacanita, and El Rancho), Chupadero, Rio en Medio, Tesuque, Cuyamungue, La Cienega, Cañada de Los Alamos, Glorieta, Lamy, Galisteo, Arroyo Seco, Agua Fria, Los Cerrillos, Golden, Madrid, Stanley and Edgewood are established as Traditional Community Zoning Districts, in the locations shown on Code Maps 37 through 57.

4.2 Alteration or Creation of Traditional Community Zoning Districts

- 4.2.1 The Board upon request from the community may alter or create Traditional Community Zoning Districts only after compliance with Article XIII of the Code. Upon adoption of the Community's Plan, the Board shall approve, deny, or approve with modifications the proposed Traditional Community Zoning District changes.
- 4.2.2 Any alteration or creation of Traditional Community Zoning Districts shall constitute a rezoning and shall follow notice and hearing procedures as set forth in Article II, Section 2.5 of the Code and applicable State Statutes.
- 4.2.3 Altering or creating a Traditional Community Zoning District does not automatically grant $\frac{3}{4}$ acre zoning to areas within the new boundary. Communities may propose a variety of density and zoning areas, in order to:
 - a) include areas for infrastructure development.
 - b) protect sensitive environmental or cultural areas.
 - c) create buffer zones contiguous to the community for lower density.

d) designate areas for specific uses or activities to implement community planning goals.

Subsection 4.3 is repealed in its entirety.

Subsection 4.4 is repealed in its entirety.

Subsection 4.5 is hereby renumbered to 4.3 and is amended to read as follows.

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4.3 Neighborhood Center Uses in Traditional Communities

Uses allowed in neighborhood center districts are allowed anywhere within the boundaries of a Traditional Community, provided that any requirements of the Code, other than requirements concerning location of neighborhood center districts are met.- See Article III, Section 4.2.2, Traditional Community Districts.

Section 3.

In the following sections of the Code, the term "Local Land Use and Utility Plan" is deleted and the term "Community Plan" is substituted:

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Article I, Section 9;

Article II, Subsection 1.3.1;

Article III, Subsection 10.3.3;

Article X, Subsection 1.33.

Section 4.

In the following sections of the Code, the term "Local Land Use Plan" is deleted and the term "Community Plan" is substituted:

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Article III, Subsection 4.2.2.b.1.e;

Article III, Subsection 4.2.3.e;

Article III, Subsection 5.3;

Article III, Subsection 5.3.6;

Article III, Subsection 5.4.3.B.2.f.

Section 5.

A new Article XIII, Community Planning, is established and shall read as follows:

ARTICLE XIII - COMMUNITY PLANNING

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SECTION 1 - PURPOSE AND INTENT

- 1.1 It is the intent of this article to allow Traditional and Contemporary Communities as those terms are defined herein, to obtain approval from the Board to begin a community planning process in conjunction with County planning staff to identify problems within the community and to propose solutions. The Board may direct the planning staff to begin work with communities designated as Critical Planning Areas. The community planning process shall provide diversity of representation in each community and shall conform to the overall goals and policies of the County General Plan.
- 1.2 It is not the intent of this article to create or encourage exclusive residential areas.

SECTION 2 - TRADITIONAL COMMUNITY DESIGNATIONS

- 2.1 Guidelines for determining Traditional Community status include:
 - a) continuous settlement since 1925;
 - b) a historic pattern of diverse and mixed community land uses which has carried through to the present;
 - c) presence of historic structures; and
 - d) existence of a village center(s).
- 2.2 Any community meeting the guidelines as set forth in Subsection 2.1 may appear before the Board to request Traditional Community status.
 - a) supporting documentation shall be reviewed by the CDRC which shall make a recommendation to the Board.
 - b) the Board shall make a determination on whether the criteria have been met based on documentation and public testimony.

SECTION 3 - CONTEMPORARY COMMUNITY DESIGNATIONS

- 3.1 Guidelines for determining Contemporary Communities status include:
 - a) located away from traditional settlements as a result of either large subdivisions or many adjacent small land divisions; and
 - b) located in or near traditional settlement areas but the dominant development pattern has been determined by land subdivision or land platting, not by the social or functional needs of Traditional Communities.
- 3.2 Any community meeting the guidelines as set forth in Subsection 3.1 above may appear before the Board to request Contemporary Community status.
 - a) supporting documentation shall be reviewed by the CDRC which shall make a recommendation to the Board.
 - b) the Board shall make a determination on whether the criteria have been met based on documentation and public testimony.

SECTION 4 - PLANNING PROCESS

4.1 Application Process

- 4.1.1 Any Traditional or Contemporary Community may prepare a Community Plan. Two or more communities may choose to do a joint Community Plan.

4.1.2 Participation and Representation

- a) Any community undertaking a Community Plan shall first create a Planning Committee that shall be recognized by the Board. Members of this Committee shall be residents and property owners of the community and be representative of its diversity. Once this Committee is defined and organized, planning activities may begin. Where other communities are affected by the planning effort, those communities shall receive reasonable notice of the planning effort and the Planning Committee meetings.
- b) All planning sessions and activities shall be open to the public and advertised throughout the community. Open discussion and diversity of opinion shall be encouraged. The Community Plan shall document resident/owner participation and representation.
- c) All planning sessions and activities shall be recorded.

4.1.3 A Planning Committee shall apply to the Board to proceed with a Community Plan. The letter of application to begin community planning shall include:

- a) list of members of the initial Planning Committee, at the time of application.
- b) conditions which justify undertaking a Community Plan.
- c) a public participation plan assuring diverse representation of community residents and property owners.
- d) any request for County staff involvement, facilitation of meetings, use of County facilities, mapping and other available resources.
- e) a description of community commitment in terms of resources to be given to the process.
- f) a map of the existing and/or proposed community boundary.
- g) if a community is seeking Critical Planning Area designation, documentation of specific circumstances or problems that address criteria as set forth in Section 4.5.
- h) recommendation of a community contact person or organization so that the County may notify the community about development projects and other pertinent issues.
- i) proof of reasonable attempts to notify the affected property owners.

4.1.4 All submittals shall be reviewed by staff and presented by the Planning Committee and community members to the Board with staff recommendations. The Board shall review the submittal, review staff recommendations and determine at a public hearing whether to proceed with a Community Plan. The Board may specify planning elements which need to be included, and areas that should be included in the Community Plan. The Board shall determine in conjunction with the community, the extent of County staff involvement and the resources that shall be provided to the community's planning effort.

4.2 Traditional Community Boundaries

4.2.1 Boundaries shall be proposed for a Traditional Community at the time of application to proceed with a Community Plan and the Board shall approve the boundary based on criteria as set forth in Subsection 4.2.2 and determined upon adoption of the Community Plan.

4.2.2 Criteria to be considered when altering or creating a traditional community boundary and a Traditional Community Zoning District include:

- a) natural resource limitations, such as water quantity.
- b) infrastructure limitations and needs.
- c) conformance with the Traditional Community Guidelines as set forth in Subsection 2.1.
- d) uninterrupted and inward or outward peninsulas shall be generally avoided.

4.2.3 Any amendment to the current zoning and density requirements requires that an ordinance amendment be adopted by the Board.

4.3 Contemporary Community Boundaries

- 4.3.1 Boundaries shall be proposed for a Contemporary Community at the time of application to proceed with a Community Plan and the Board shall approve the boundary based on criteria as set forth in Subsection 4.3.2 and determined upon adoption of the Community Plan.
- 4.3.2 Criteria to be considered when altering or creating a contemporary community boundary include:
- a) natural resource limitations, such as water quantity.
 - b) infrastructure limitations and needs.
 - c) integration of a variety of mixed uses and appropriate contiguous areas that support community functions.
 - d) uninterrupted and inward or outward peninsulas shall be generally avoided.
 - e) conformance with the Contemporary Community Guidelines as set forth in Subsection 3.1.
- 4.3.3 Any amendment to the current zoning and density requirements requires that an ordinance amendment be adopted by the Board.

4.4 Critical Planning Areas

- 4.4.1 The BCC may designate specific communities as Critical Planning Areas and may establish priorities for preparation of Community Plans for such areas. Critical Planning Areas are those Traditional or Contemporary Communities where one or more of the following critical problems are documented:
- a) water delivery systems or water supply is inadequate or is threatened, as determined by the Board; or
 - b) pollution of water resources has occurred or is threatened based on authoritative analysis or as determined by the Board; or
 - c) fire protection is hindered as determined by the County Fire Department Chief or as determined by the Board; or
 - d) 10% or higher annual rate of growth is occurring over a consecutive five (5) year period; or
 - e) mediation is needed because of a lack of consensus on development issues among residents; or
 - f) existing infrastructure is inadequate and detailed planning is needed; or
 - g) significant open spaces and trails identified by the community are immediately threatened; or
 - h) cultural integrity and unique character are immediately threatened as determined by the Board; or
 - i) a New Community District is proposed.
- 4.4.2 The Board shall review submitted relevant documentation of the critical problems and make findings in order to designate Critical Planning Areas. The purpose is to prioritize Critical Planning Areas due to limited County resources.
- 4.4.3 For Critical Planning Areas, the Board may direct County planning staff to lead the planning process and to prepare all or part of the Community Plan with community participation. These Community Plans shall meet required planning elements as set forth in Section 5.3 and shall focus on resolving the community's critical problem(s).

4.5 The County Role

- 4.5.1 The County planning staff shall assist with the planning process and provide for local public involvement in the development of the Community Plan. At the community's request and based on available or budgeted resources, the County may provide facilitation for meetings, provide mailing services, consult on methodology for surveys and studies, provide mapping, review documents and

provide feedback, and offer technical assistance for community projects. Critical Planning Areas will be given priority for County resources.

4.6 Plan Review

- 4.6.1 Documents and maps shall be submitted to the County for review and when the Land Use Administrator deems the application complete based on criteria set forth on 5.3.1, scheduling of appropriate hearings will occur within thirty (30) calendar days. The Planning Committee shall hold no less than two (2) public hearings in the community to receive community feedback on the proposed Community Plan. County staff will review and make recommendations for approval, denial or modification.
- 4.6.2 The Board shall conduct no less than two (2) public hearings to review each Community Plan, with notice to residents and property owners in the affected community, and reasonable notice to affected communities outside the boundaries of the planning area. The Board may approve the Community Plan as submitted, approve with amendments, or deny. Public hearings shall be noticed in a newspaper of general circulation in the area of the affected community and in local newspapers and newsletters if applicable, at least ten (10) working days prior to the hearings. Public hearings may be held at a location within the community. Additional options for public notice include posting at central areas and other media such as radio. Any zoning ordinances shall follow notice and hearing procedures as set forth in Article II, Section 2.5 of the Code and applicable State Statutes.

SECTION 5 - PLANNING ELEMENTS

5.1 Multi-Step Process

The County recognizes that communities have limited resources and need to solve problems in a timely and efficient manner. This community planning process is designed to allow individual communities to work at their own pace and within their resources. It is also recognized that the County needs to assist with the planning process of each community.

5.2 Documentation and Mapping

To support problem identification and proposed solutions for a Community Plan, communities may seek or develop documentation and maps showing unique community features, water supply, water quality, infrastructure, utilities, transportation facilities, public facilities, population and demographics, housing stock and conditions, and the extent and nature of development, including commercial uses. An environmental map shall designate slope, soils, wetlands and flood plains, vegetation and hydrologic zones. The County will assist in the preparation of any necessary maps and documents.

5.3 Required Planning Elements

5.3.1 Identification of Problems, Issues and Proposed Solutions

A community that desires to develop a Community Plan shall identify problems and issues, describe the reasons for needing a Community Plan and state how the Community Plan will conform to the policies of the General Plan. To accomplish this, each community shall undertake the following:

- a) Conduct a resident and property owner survey and public meetings within the community to identify issues, problems and assets within the community. Based on the survey results, County staff and the community shall make a decision as to what other planning elements shall be addressed.
- b) Develop a current land use map.
- c) Determine the extent of the community's traffic problem.
- d) Identify water quality and quantity issues within the community.
- e) Write a community vision statement, identify specific goals and objectives, and short and long term actions which address community and County wide needs.

- f) Delineate any areas in the community not suitable for development based on applicable codes and regulations. (i.e. terrain, soils, flood plains)
- g) Delineate potential sites the community would like to develop, protect and improve based on survey results, mapping and other documentation.
- h) Recommend solutions and develop implementation strategies, e.g., zoning and design standards, local activities and initiatives, and funding strategies for suggested improvements.

5.3.2 Planning staff will work with the Planning Committee to reach an agreement on the planning process and the basic guidelines for decision making that shall be followed throughout the process. The planning committee shall resolve disagreements by consensus, rather than by majority voting. Consensus is defined as reaching agreement among all parties in the community and formulating alternatives. In cases where disagreements on key issues are not resolved, the County may assist through mediation or impasse resolution to reach consensus before a Community Plan is scheduled for public hearing and adoption. If there is a party in the process that cannot reach consensus, they may write a letter of dissent that will travel with the Community Plan and will be reviewed by the Board at the time of adoption.

5.3.3 In some communities, the process as set forth in Subsection 5.3.1 may provide sufficient information to formulate a community plan. Other communities may have more complex issues and may choose to do additional research and studies as set forth in Section 5.4.

5.4 Additional Planning Elements

- 5.4.1 The County may assist with research for additional planning elements which include the following:
- a) identify historic and cultural resources and elements contributing to the local and rural character and document the history and important events;
 - b) address densities and patterns of existing land uses and proposals for future growth, reflecting local character, resources, and community features;
 - c) research the history of variance requests and development proposals, and evaluate the appropriateness of current zoning;
 - d) study possible residential and commercial design standards and guidelines;
 - e) research the need for a variety of housing types, i.e. single family, multiple family, affordable housing within the community, mobile homes and manufactured housing, (strict adherence to "fair housing practice" is required to avoid exclusion of classes of people);
 - f) inventory and analyze business and commercial uses, including home occupations, local businesses and industries of various sizes, and make recommendations for economic development;
 - g) explore the need for institutional uses, including churches, schools, and post offices;
 - h) consider the need for community facilities, including plazas, community centers, recreational facilities and fire houses;
 - i) study circulation and traffic on streets, roads, paths and trails used by motorists, bicyclists, pedestrians and equestrians;
 - j) research the need for water, sewer and other utilities;
 - k) assess the need for parks, open space, trails and natural resource areas, and identify potential open space and trails;
 - l) recommend strategies for the protection of open space and trails;
 - m) explore the need for the Planning Committee to incorporate with the New Mexico State Corporation Commission to receive non-profit status to seek private funding for proposed community projects;
 - n) assess environmental quality.

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SECTION 6 - STATUS OF COMMUNITY PLANS

6.1 After approval by the Board, a Community Plan shall constitute an amendment to the County General Plan. Once a Community Plan has been adopted, the appropriate Planning Committee or designated contact person as set forth in Subsection 4.1.3 will be notified of development proposals within the traditional or contemporary boundary. Any projects and proposals identified through the planning process may be considered as possible projects in the Infrastructure Capital Improvement Program (ICIP) and the County's Capital Improvements Program (CIP).

APPROVED, ADOPTED AND PASSED this 12 day of May, 1998.

BOARD OF COUNTY COMMISSIONERS

Marcos P. Trujillo
Mark Trujillo, Chairman



Rebecca Bustamante
Rebecca Bustamante, County Clerk



Approved as to Form:

Jessica Brown Kalschein
County Attorney

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed
for record on the 29 day of May A.D.
19 98, at 12:24 o'clock P m.
and was duly recorded in book 1447
page 303-310 of the records of
Santa Fe County.

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