

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2016 - 141**

**A RESOLUTION ESTABLISHING THE COUNTY
DEVELOPMENT RIGHTS BANK**

WHEREAS, NMSA 1978, Section 5-8-43 clarifies the “existing authority” of counties and municipalities to establish by ordinance a program that facilitates the “voluntary transfer of all or partial development rights from one parcel of land to another parcel of land”; and

WHEREAS, as recognized by the New Mexico Legislature, local programs allowing the transfer of development rights (TDR) “encourage the conservation of ecological, agricultural and historical land,” NMSA 1978, § 5-8-43(A)(3); and

WHEREAS, the Board of County Commissioners (Board) of Santa Fe County (County) approved the County Sustainable Growth Management Plan (SGMP) through adoption of Resolutions No. 2015-155; and

WHEREAS, the SGMP constitutes the County’s comprehensive plan within the meaning of NMSA 1978, Section 3-21-5; and

WHEREAS, the Board adopted the Sustainable Land Development Code (SLDC) under Ordinance No. 2015-11 and the County Zoning Map under Ordinance No. 2015-12 in accordance with the SGMP; and

WHEREAS, Section 1.2.1.1 of the SGMP recognizes TDR programs as an effective growth management tool, and SGMP Policy 7.11 calls for the establishment of a TDR program “that may include exchange of development rights, transfer of development rights and or purchase of development rights for open space, agriculture and environmental protection” (*see also* SGMP §§ 2.2.4.6, 4.1.2, and 4.2.4.4);

WHEREAS, SGMP Strategy 14.2.1 calls for the creation of a “transfer of development rights program for agriculture and ranch lands”; and

WHEREAS, Section 12.3.9.6 of the SGMP calls for the establishment of a TDR Bank, referred to as the “County Land Bank” in the SGMP, “for the transfer and purchase of development rights” (*see also* §§ 22.4.1 and 22.4.2); and

WHEREAS, Section 12.14 of the SLDC creates the County TDR program in accordance with the SGMP, and Section 12.14.11 expressly authorizes the Board to establish a TDR Bank.

NOW, THEREFORE, BE IT RESOLVED by the Board County as follows:

1. The County TDR Bank is hereby established.
2. The County may deposit in the County TDR Bank development rights that have been severed from County-owned land qualified as sending areas and development rights purchased by the County that have been voluntarily severed from private lands qualified as sending areas.
3. Development rights on County-owned land that have been qualified by County staff and listed on the TDR Exchange may be deposited in the County TDR Bank.
4. Funds received by the County from the sale of County-owned development rights shall be used for the acquisition of additional development rights for deposit in the County TDR Bank and to pay the administrative costs of the TDR Program.
5. The Board may allocate additional funds to the TDR Program for the purchase of development rights if necessary to maintain a sufficient reserve of development rights in the TDR Bank and pay the administrative costs.
6. County staff shall under the direction of the County Manager develop policies and procedures that govern operation and administration of the County TDR Bank to ensure efficiency and strict accounting practices.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF DECEMBER, 2016.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Miguel M. Chavez
Miguel M. Chavez, Chair

ATTEST:

Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk

Date: 12-13-2016



APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer, Santa Fe County Attorney

Date: 12/5/2016

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Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Laura Hernandez County Clerk, Santa Fe, NM

