

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

**ORDINANCE NO. 2021-\_\_\_\_\_**

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**AN ORDINANCE  
AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE, ORDINANCE NO.  
2016-9, TO AMEND AND RESTATE SECTION 7.2 TO INCLUDE THE LATEST  
ADOPTED CODES AND TO AMEND AND RESTATE SECTION 7.14 CONCERNING  
ENERGY EFFICIENCY TO, AMONG OTHER THINGS, REQUIRE NEW  
STRUCTURES TO COMPLY WITH SPECIFIED PATHWAYS IN THE 2018 NEW  
MEXICO RESIDENTIAL ENERGY CONSERVATION CODE AND 2018 NEW  
MEXICO COMMERCIAL ENERGY CONSERVATION CODE AND REMOVES THE  
WHOLE-HOUSE MECHANICAL VENTILATION REQUIREMENT FOR  
RESIDENTIAL STRUCTURES**

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**BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS  
("BOARD") OF SANTA FE COUNTY ( "COUNTY" ):**

1. Findings.
  - a. The Board adopted and restated the Santa Fe County Sustainable Land Development Code ("SLDC") on December 13, 2016, via Ordinance No. 2016-9.
  - b. In 2020, the Constructions Industries Division ("CID") of the Regulation and Licensing Department adopted, with amendments, the residential and commercial provisions of the 2018 International Energy Conservation Code ("2018 IECC"), via 14.7.6 and 14.7.9 NMAC.
  - c. Adopting energy efficiency and ventilation standards that are consistent with CID's regulations will ease the compliance burden on developers as well as the enforcement burden on the County.
  - d. The 2018 IECC provides several alternate compliance approaches or pathways for residential and commercial buildings.
  - e. The energy rating index approach (for residential structures to which 14.7.6 NMAC applies) and ANSI/ASHRAE/IESNA 90.1 pathway (for commercial structures to which 14.7.9 NMAC applies) will, on average, achieve higher energy efficiency than if a structure met the minimum requirements of another approach or pathway. The ANSI/ASHRAE/IESNA 90.1 pathway (for commercial structures to which 14.7.9 NMAC applies) is also most similar to existing provisions of the SLDC.
  - f. It is in the public interest to update Section 7.2 of the SLDC to state the most recent version of fire and building codes that have been adopted.

2. Section 7. 2, Fire and Building Codes, is hereby amended and restated in its entirety as follows:

**“7.2. FIRE AND BUILDING CODES.** In addition to the requirement of the SLDC, all development shall comply with the most current applicable codes adopted by the State of New Mexico, Santa Fe County and other entities, including but not limited to the following:

**7.2.1. International Fire Code, 201503 edition,** as adopted by 10.25.2-5 NMAC (“Fire Prevention and Public Occupancy”).

**7.2.2. New Mexico Commercial Building Code,** as adopted by 14.7.2 NMAC (“201509 New Mexico Commercial Building Code”), which adopts, with amendments, -by reference- the 201509 International Building Code.

**7.2.3. New Mexico Residential Building Code,** as adopted by 14.7.3 NMAC (“201509 New Mexico Residential Building Code”), which adopts by reference, as amended, the 201509 International Residential Building Code.

**7.2.4. New Mexico Earthen Building Materials Code,** as adopted by 14.7.4 NMAC (“201509 New Mexico Earthen Building Materials Code”).

~~7.2.5. New Mexico Non Load Bearing Baled Straw Construction Building Standards as adopted by 14.7.5 NMAC (“2009 New Mexico Commercial Building Standards”).~~

~~7.2.65. 2018 New Mexico Residential Energy Conservation Code,~~ as adopted by 14.7.6 NMAC (“201809 New Mexico Residential Energy Conservation Code”), which adopts, with amendments, the residential provisions of the 2018 International Energy Conservation Code.

~~7.2.6 2018 New Mexico Commercial Energy Conservation Code,~~ as adopted by 14.7.9 NMAC (“2018 New Mexico Commercial Energy Conservation Code”) which adopts, with amendments, the commercial provisions of the 2018 International Commercial Energy Conservation Code.

~~7.2.7. New Mexico Existing Building Code,~~ as adopted by 14.7.7 NMAC (“201509 New Mexico Existing Building Code”), which adopts, with amendments, the 2015 International Existing Building Code.

**7.2.8. New Mexico Historic Earthen Buildings,** as adopted by 14.7.8 NMAC (“201509 New Mexico Historic Earthen Buildings”).

~~7.2.9. New Mexico Plumbing Code,~~ as adopted by 14.8.2 NMAC (“2015 2009 New Mexico Plumbing Code”), which adopts, with amendments, -by reference- the 2009-2015 Uniform Plumbing Code.

**7.2.10. New Mexico Swimming Pool, Spa and Hot Tub Code,** as adopted by 14.8.3 NMAC (“2012 New Mexico Swimming Pool, Spa and Hot Tub Code”), which adopts, with amendments, the 201209 Uniform Swimming Pool, Spa and Hot Tub Code.

**7.2.11. New Mexico Mechanical Code,** as adopted by 14.9.2 NMAC (“201509 New Mexico Mechanical Code”), which adopts, with amendments, the 2009-2015 Uniform Mechanical Code.

**7.2.12. New Mexico Solar Energy Code,** as adopted by 14.9.6 NMAC (“201209 New Mexico Solar Energy Code”), which adopts, with amendments, the 2009-2012 Uniform Solar Energy Code.

**7.2.13. New Mexico Electrical Code**, as adopted by 14.10.4 NMAC (“2017+ New Mexico Electrical Code”), which adopts the ~~2011-2017~~ National Electrical Code.

**7.2.14. New Mexico Electrical Safety Code**, as adopted by 14.10.5 NMAC (“201207 New Mexico Electrical Safety Code”), which adopts, with amendments, the ~~2007-2012~~ National Electrical Safety Code.

**7.2.15. ~~The Santa Fe County Fire Code~~**, as adopted by County Ordinance No. 2018-8, which adopts, with amendments, the International Fire Code, 2015 edition, and International Wildland-Urban Interface Code, 2015 edition~~Santa Fe County Urban Wildland-Interface Code, as adopted by County Ordinance No. 2001-11.~~

~~**7.2.16. Santa Fe County Fire Code (as applicable).**~~

~~**7.2.167 New Mexico Night Sky Protection Act**, enacted as NMSA 1978, §§ 74-12-1 to 24-12-11.”~~

3. Section 7. 3, Energy Efficiency, is hereby amended and restated in its entirety as follows:

“7.14. ENERGY EFFICIENCY.

**7.14.1. Purpose and Intent.** The standards in this Section are intended to accomplish the following:

**7.14.1.1.** To ensure that newly constructed residential and commercial ~~structures~~ buildings and structures incorporate cost-effective energy efficiency measures and technologies in order to:

1. Conserve natural resources;
2. Minimize local, regional and global impacts on the environment from energy extraction and use;
3. Protect public health;
4. Maintain ~~indoor air quality~~consistency with energy conservation codes adopted by the State of New Mexico; and
5. Keep monthly energy expenditures manageable over the useful life of a structure.

**7.14.2. Required Energy Conservation Pathways.**

7.14.2.1. Except accessory buildings, modular homes, and manufactured homes, each new structure or portion thereof to which the 2018 New Mexico Residential Energy Conservation Code applies shall comply with the energy rating index

approach, 14.7.6.12(A)(3) NMAC, as such may be amended or recompiled from time to time.

7.14.2.2. Each new structure or portion thereof to which the 2018 New Mexico Commercial Energy Conservation Code applies shall comply with ANSI/ASHRAE/IESNA 90.1, Section C401.2(1) of the 2018 International Energy Conservation Code, as such may be amended or recompiled from time to time.”

### **Residential Structures:**

~~7.14.2.1. Each new residential structure, excluding accessory buildings, mobile homes, modular homes and manufactured homes and structures constructed to the standards prescribed by the State of New Mexico Earthen Building Materials Code and New Mexico Historic Earthen Buildings Code, shall achieve a HERS rating of 70 or less, or have demonstrated that it achieves some equivalent energy performance. Structures required to achieve this rating shall be designed, constructed, tested and certified according to the Home Energy Rating Standards (HERS) index, as most recently adopted by the Residential Energy Services Network (RESNET). After completion of the residential structure, a final HERS rating, indicating a score of 70 or less, shall be submitted to the County as part of obtaining a Certificate of Completion from the County pursuant to this Section.~~

~~7.14.2.2 The HERS 70 standard or equivalent shall be certified by a qualified, independent, third party accredited HERS rater for both the designed and final constructed HERS or equivalent rating.~~

~~7.14.2.3. As an alternative to a HERS 70 requirement, other energy efficiency performance measures or methodologies may be utilized to demonstrate compliance with the requirement, provided that:~~

- ~~1. The residential structure achieves an equivalent or lower level of energy performance (in BTUs per square foot per year) as a HERS 70 rated structure; and~~
- ~~2. A New Mexico licensed engineer, architect, or qualified independent building science professional performs the analyses, inspections and certifications.~~

~~7.14.2.4 In addition to the energy performance standard above, new residential structures shall also:~~

- ~~1. Comply with the following whole house mechanical ventilation requirement. In order to maintain indoor air quality, continuous mechanical ventilation is required based on the following formula: Required minimum cubic feet per minute of ventilation =  $\{(Total\ heated\ floor\ area\ in\ square\ feet\ \times\ 0.01) + [(number\ of\ bedrooms + 1) \times 0.75]\}$ . Systems on timers or only running for specific hours of a day shall be designed by ventilation professional to achieve an equivalent cumulative ventilation rate over a 24 hour period as a ventilation system running continuously; and~~

- ~~2. Complete the United States Environmental Protection Agency’s “Thermal~~

~~Bypass Inspection Checklist” or “Thermal Enclosure System Rater Checklist” during the building process, as determined by the Checklist’s guidelines. The Administrator shall determine which updated version of the checklist, or equivalent, shall be applicable at any given time.~~

~~7.14.2.5. To demonstrate compliance with these requirements, a preliminary certification of energy performance, signed and/or stamped by the independent third party verifier, shall be documented on a form provided or approved by the County and included as a part of the application package submitted for development review. Similarly, compliance with the ventilation and thermal enclosure checklist requirements will be documented by submittal of forms to the County signed by an independent third party verifier. These submittals are required as part of obtaining a Certification of Completion pursuant to Section 14.2.~~

~~7.14.2.6. Larger multifamily residential structures that are not included under RESNET’s HERS index rating system shall comply with the energy efficiency requirements for nonresidential structures in Section 7.14.3.~~

**7.14.3. Nonresidential Structures.**

~~7.14.3.1. All new nonresidential buildings that are eligible to achieve EPA’s “Designed to Earn Energy Star” certification shall obtain written confirmation from the United States Environmental Protection Agency that the building is designed to meet this certification. This certification shall be submitted to the County along with the other required materials required to support and application for development approval.~~

~~7.14.3.2. Nonresidential builders shall, in the actual construction of the structure, to maintain consistency with the energy efficiency elements that resulted in achieving the “Designed to Earn the EPA Energy Star Certification” in order that the building may achieve the EPA Energy Star label during its first few years of operation.~~

~~7.14.4. Reference Material. A reference document will be available in the Growth Management Department to assist the public with regards to this Section to include but not limited to: educational brochures, step by step compliance instructions, user friendly forms, and County staff contact information. These materials shall be available in both hard copy and on the County’s web site.~~

       4. The effective date of the amendments to the SLDC adopted by this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.**

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

By: \_\_\_\_\_  
Henry P. Roybal, Chairperson

ATTEST:

\_\_\_\_\_  
Katharine E. Clark  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gregory S. Shaffer  
County Attorney

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