



**SANTA FE COUNTY**

Santa Fe County Planning Division  
Growth Management Department  
100 Catron Street  
Santa Fe, New Mexico, 87501  
(505) 995-2774

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**Transfer of Development Rights Program**  
**Qualification Report**

**I. PURPOSE**

The purpose of this Transfer of Development Rights (TDR) Program Qualification Report (Report) is to qualify the property for TDR Certificates (Certificates) based on the eligibility criteria for a Sending Area and to estimate the number of Certificates that can be severed from the property. If applicable, the Report also provides an estimate of Certificates from retaining irrigation water rights as permitted by the Sustainable Land Development Code (SLDC).

**II. PROPERTY OWNER & PROPERTY INFORMATION**

Property Owner Name(s): \_\_\_\_\_

Parcel ID Number(s): \_\_\_\_\_

Tract(s) Lot(s): \_\_\_\_\_

Property Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Sustainable Development Area: \_\_\_\_\_

Community / Vicinity Name: \_\_\_\_\_

Community Plan (if applicable): \_\_\_\_\_

Community Overlay Zone (if applicable): \_\_\_\_\_

Community Description: \_\_\_\_\_

Intent: \_\_\_\_\_

### III. TDR QUALIFICATION CRITERIA

Section 12.14.3 of the SLDC outlines the eligibility criteria for a property to qualify as a Sending Area. These criteria are:

- Properties that are designated as Sending Areas through a Community District Overlay.
- Areas that are designated as an environmental and resource protection overlay, historic protection overlay or agricultural overlay.
- Areas that are considered sensitive environmental lands (e.g. riparian habitats, endangered or threatened species habitat, archeological sites).
- Areas identified as agricultural land.

Table 4-1 of Section 4.4 of the SLDC requires the Land Use Administer to approve the Sending Area Plat. Other agencies may also need to review and approve the Sending Area Plat depending on the intent of the application. Approval of the Sending Area Plat must meet the following criteria:

- It must meet all of the standards for a Sending Area Plat.
- The property must be a legal lot of record.
- The property must not have any covenants or conservation easement that limit development\*.
- There must not be any open cases for code violations on the property.
- There must not be any overdue permit fees on the property.
- There must not be delinquent Santa Fe County tax payments for the property.

\*Some properties are subject to covenants, conditions and restrictions that can limit development on certain properties. Santa Fe County does not enforce these agreements.

### IV. PROPERTY DESCRIPTION

Current Uses:

Sustainable Growth Management Plan:

Community Plan:

Zoning District & Community District Overlay:

Road Access:

Existing Development & Infrastructure:

Existing Easements & Other Restrictions:

Topography:

Water Resources:

Plant Community:

Wildlife Habitat:

Historic Resources:

Cultural/Archaeological Resources:

Scenic Resources:

Other:

**V. ESTIMATE OF TDR CERTIFICATES**

The number of qualified TDR Certificates allocated to a Sending Area is determined by dividing the net acres of land that meet the Sending Area criteria by the number of acres required to build one dwelling unit as permitted by the property's zoning district.

The calculation for estimating the number of TDR Certificates is:

|   |  |  |  |
|---|--|--|--|
|   |  |  |  |
| Gross Acres   |  |  |  |
| Acres in Traditional Community Zone                             |  |  |  |
| (-) Acres for Existing Dwelling Units                           |  |  |  |
| (-) Acres of Planned Dwelling Units                             |  |  |  |
| (-) Acres Already Restricted from Development                   |  |  |  |
| (=) Net Acres of Sending Area                                   |  |  |  |
| (/) Acres Required for one Dwelling Unit in the Zoning District |  |  |  |
| (=) TDR Certificates*   |  |  |  |

\*if the calculation results in a fraction, the number of Certificates will be rounded down to the whole number unless the Land Use Administrator approves a minor administrative deviation pursuant to Section 4.9.7.6 of the SLCD, provided the deviation does not exceed five-tenths of a percent (.5%).

The property consists of \_\_ legal lot totaling \_\_\_\_ gross acres and \_\_ net acres of Sending Area.

TOTAL ESTIMATED TDR CERTIFICATES: \_\_\_\_\_

## **VI. QUALIFICATIONS**

The property qualifies as a Sending Area under the following criteria:

- Properties that are designated as Sending Areas through a Community District Overlay.
- Areas that are designated as an environmental and resource protection overlay, historic protection overlay or agricultural overlay.
- Areas that are considered sensitive environmental lands (e.g. riparian habitats, endangered or threatened species habitat, archeological sites).
- Areas identified as agricultural land.
- Lands preserving scenic vistas, natural features, and areas of special character.

The property qualifies for \_\_\_\_\_ TDR Certificates by virtue of its current use as traditional irrigated agriculture, the prevalence of archeological sites, the sensitivity of the land and water resources and scenic qualities.

The property owner retains \_\_\_\_\_ acre feet of irrigable water rights under this application for an additional \_\_\_\_\_ TDR Certificates.

## **VII. TERMS**

This Report is preliminary and non-binding. It does not guarantee approval of any Certificate(s), Sending Area Plat or TDR Agreement. The Sending Area Plat is subject to approval by the Land Use Administrator. The TDR Agreement will be subject to approval by the Board of County Commission (BCC). This Report may be amended or rescinded due to the discovery of any litigation, liens, taxes, easements, covenants, deed restrictions or other encumbrance that may affect the eligibility for TDR Certificates.

## **VIII. DISCLAIMERS**

I understand and agree with the following:

1. TDR certificates are bought and sold on the open market. Santa Fe County does not guarantee that TDR certificates will be sold at any price or to any buyer, including Santa Fe County.

2. This Qualification Report is not a guarantee that I will receive TDR certificates unless and until the Board of County Commissioners approves a TDR Agreement and the Land Use Administrator approves a TDR Sending Area Plat.
3. I am applying to have the development rights permanently severed from my property.
4. The TDR Agreement cannot be rescinded.
5. I will be required to provide a title report acceptable to Santa Fe County prior to the BCC approving any TDR Agreement and the Land Use Administrator approves a TDR Sending Area Plat.

**IX. APPROVAL**

**FOR PROPERTY OWNER:** I have read and agree that this Report fairly and accurately represents the current conditions of the property and that all statements in this Report are true and accurate to the best of my knowledge. I affirm that I am the owner or the property and am authorized to sign this Report. I will notify the County if there are any changes to ownership or any encumbrances placed on the property. I understand that approval of the Agreement by the BCC does not guarantee any tax relief. I understated that I must provide a title report that clearly demonstrates that there are no liens or mortgages on the property. If so, I also understand that any lien or mortgage is subject the approval by the lien or mortgage holder prior to approval of the TDR Agreement and issuing and TDR Certificates.

\_\_\_\_\_

Name

\_\_\_\_\_

Date

\_\_\_\_\_

Name

\_\_\_\_\_

Date

**FOR SANTA FE COUNTY:** I certify that the property meets the eligibility criteria of the SLDC as a Sending Area and that the number of qualified Certificates is my best estimate based on current conditions of the property and all applicable criteria of the Program.

\_\_\_\_\_

Land Use Administrator

\_\_\_\_\_

Date

**X. ATTACHMENTS**

Required:

- Application
- Vicinity Map
- Sending Area Plat or Map
- Zoning Map
- Deed
- Title Report

If applicable:

- Maps

Photos

Proof of Ownership - Water Rights

Proof of Ownership – Oil & Gas Rights

Studies

Surveys