

Santa Fe Board of County Commissioners

County Commission Chambers

County Administration Building

6:00 PM November 29, 2011

Please turn off Cellular Phones during the meeting

Study Session Agenda

- I. Sustainable and Development Code Public Input Process Summary (David Gold) (10 Minutes)**
 - a) SLDC Concepts to Code (Jack Kolkmeier (5 Minutes)**

- II. Staff Presentation of Preferences (15 Minutes)**
 - a. Energy Efficiency/Green Building Standards (Craig O’Hare and Eric Aaboe)**
 - b. Open Space and Trails (Beth Mills)**
 - c. Agriculture/Ranching (Robert Griego)**
 - d. Home Based Business Concept Code Draft**

- III. Growth Management Strategy**

- IV. Zoning and Density**

- V. Public Comments**

- VI. Board Discussion**

- VII. Sustainable Land Development Code Draft Process Next Steps**

- VIII. Adjourn**

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to people with disabilities. Individuals with disabilities should contact Santa Fe County at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

SLDC Public Input 11/29 BCC Study Session

1

9/12 El Norte Phase III Public Meeting.....	2
9/13 El Centro Phase III Public Meeting.....	3
9/19 Galisteo Phase III Public Meeting.....	5
9/20 Edgewood Phase III Public Meeting.....	7
Phase III Public Meeting Summary.....	9
11/9 Edgewood Phase IV Public Meeting.....	11
11/14 Galisteo Phase IV Public Meeting.....	14
11/16 El Centro Phase IV Public Meeting.....	16
11/17 Pojoaque Phase IV Public Meeting.....	19
Phase IV Public Meeting Summary.....	21
10/18 Open Space and Trails Focus Group.....	22
11/03 Open Space and Trails Focus Group.....	25
10/19 Green Building Standards.....	28
Database Input: Green Building.....	31
Database Input: Open Space and Trails.....	33
Database Input – Zoning and Density.....	39

9/12 El Norte Phase III Public Meeting

Sustainable Land Development Code Public Input Meeting Notes September 12, 2011 Pojoaque Schools Board Room

There was initial discussion about the Pueblos and how they need to be in compliance with County rules and regulations

Sustainable Development Areas:

- Evaluation mechanism for places
- Sewer or wastewater treatment facilities are needed in El Norte
- Maintain rural community culture
- Maintain acequia culture
- Developers should pay for growth infrastructure
- Residents should pay impact fees for new residential development
- There should be limited development
- Maintain consistency in community planning
- Local character should be preserved
- Add “practical” as a word to define SDA locations
- Should Airport SDA 1 take into account the municipal airport; would limit the size of the airport; noise issues
- Is there enough water to service designated SDA 1 areas?
- Planned Development Districts should consider the character of the area.
- SDA 2's are pretty well built out (Jack's note: that is why they are “infill” areas.
- There should be more to a “place” than density....Levels of Service should be considered.

Family Transfers

- Create a list of problems associated with family transfers
- Non-conforming uses should remain unchanged
- Respect non-conforming uses with reference to health, safety and welfare, codes and impact to surrounding community
- Conduct land development suitability prior to family transfers
- Effectiveness of community planning can be evaluated by the number of variances
- Why should anyone be against them?
- Can we combine “systems” in FT areas to make them more efficient?
- What is the right balance between density/family transfers and “sense of place”?
- What criteria does the County use to make decisions?
- “Point of Sale” should require reevaluations of the use.
- How many variances for non-conforming uses have occurred since the Pojoaque Valley Plan and Code were adopted?

Other Issues

People want to see the “Code”. Can county Satellite Offices provide downloads of Planning and Code documents?

9/13 El Centro Phase III Public Meeting

Sustainable Land Development Code Public Meeting

September 13th, 2011

Growth Management

- Question from Jim Siebert: How do these elements get implemented into the code?
- Question: Within 10 years after a development plan was approved housing costs increased between \$50 thousand and \$200 thousand dollars. It seems that the planning fosters an increase in housing costs. This seems like discrimination against low income people. There are so many hidden costs in buying a house such as the requirement for a water tank including in rural areas.
- Robert: There is an on-going question about how infrastructure and services in future development areas gets paid for. This code specifically does not address what is required by fire code. The fire code is a separate set of code regulations that is outside of the County's jurisdiction.
- The Future Land Use Map is NOT a zoning map.
- Concept Decision questions:
- Question: Are these SDA's the County's idea for promoting new growth or is the County simply responding to the growth pressures? Who designated these areas to be high density development?
- Robert: These were designated as primary growth areas such as the CCD which had already been designated as a primary growth area. Other areas such as the Airport Redevelopment District have the potential for infrastructure improvements to meet the demand for future growth.
- Is the Tres Arroyos community plan within this primary growth area? Answer: No
- Is the County committed to helping developers in the SDAs?
- What makes a property "high density"?
- The County should do what's responsible for infrastructure.
- SDA's should have "District Plan" developments which address County-wide impacts.
- There should be integration of school sites with public parks so that the resources are shared. Other communities do this and it helps to maximize the use of this property. Transportation (transit) is also important - transportation plan.
- Also like to see an urban forest! Trails or sidewalks made more natural than concrete. There should be shaded areas which are contiguous allowing for comfortable areas to walk. These urban forests should also provide for inter-connectivity with roads which would provide emergency ingress and egress.
- These should be integrated into SDA 1 and 2.
- Important to keep undeveloped open space with interconnectivity.
- Community meeting places including parks and playground. It's hard to meet neighbors without public meeting places. Central neighborhood park should be created. Wild lands should be preserved too!
- David: Should the developer be called on to pay for these public places?
- It depends on the size of the development. For larger ones, maybe, but if it's a smaller development or incremental development, then who pays for it?
- David: Impact fees could potentially finance these public spaces.
- These open spaces are big attributes to help sell lots.
- It seems that the County is providing for growth – that this is a given. The County would seem to be coping with this growth pressure. Goal to bring the developer's interest in line with the County's interest.
- David: The balance has to function. Where community is served and where the economic engine can function.
- Can we afford all this growth given the limited water? If we allow this growth, this could be a real disservice to the existing residents.
- It would seem the County should find out what the real limits of water are before they allow any significant growth to continue.
- County should consider who is going to maintain these roads/parks, etc. The real question is how these amenities are going to be maintained and who is going to pay for it.
- David: What is appropriate transportation infrastructure? And under what circumstances should an area allow for increased growth? What makes a place an appropriate target for growth?
- Robert: Hydrologic zoning hasn't functioned very well for us. There are ways to work the system to allow for higher density growth. The County is attempting to direct growth not to promote growth. Should growth be based around surface water or on hydrologic studies where the water may not actually be there?

- Why spend all the time and effort until after the County knows how much growth the land can support. Planning for growth without knowing how much wet water is available is putting the cart before the horse.
- Further growth should not be approved until the County determines the availability of wet water. It doesn't make sense to have new wells to allow for new growth if that water source is not sustainable.

Family Transfers – Re-subdivision and Non-conforming Uses

- Each house has an impact on the community, but are the impact fees really enough to off-set the larger impact? Maybe there's the potential for a revolving fund through foundations/donations or other creative funding mechanism to offset the impacts.
- Family transfers IS affordable housing in traditional communities like Agua Fria. Family Transfer could evolve into a "family trust" that could function as a revolving fund – so that it can't be sold off in pieces.
- The property would stay in the trust but houses could be built on the property.
- Banking wants to hold the warranty deed for the tenants NOT for the compound.
- This might be possible but everyone would have to sign on it.
- Agua Fria was looking at buying out subdivisions and using them for the family transfers in a Housing Trust.
- Should a period of holding for Family Transfers be part of the Code? 5 years...may 10 years.
- Traditional Communities grow differently than a subdivision. Subdivisions grow in phases. Traditional Communities grow in generations.
- David: Should Family Transfers be exempt from impact assessments?
- That's why Agua Fria proposed the idea of the Trust. Traditional Communities should pay for impact fees cumulatively.
- Maybe the code should require covenants to address this issue.
- David: What's a "real" or "appropriate" family transfer?
- What about the option for attached housing? This would seem to be a good alternative to the detached compounds that seem to be the norm.
- David: Is it appropriate for family transfers to go to half the allowable minimum lot size? Are there specific circumstances wherein this should be allowable? Should this be specified?
- Many guest houses are actually converted garages.
- Maybe these attached guest houses should be more the norm so that they can't just be resold as is oftentimes the case with houses built under the process of Family Transfers.

Community and District Plans

- Community Plans should have the option to be flexible to adapt to new technology such as creating an energy coop. Every community is unique.
- Maybe a community would want to impose/increase their impact fees. Allowing a Community Plan to decide if the community would like to impose impact fees should be allowed through the Community Planning Process.
- Robert: State sets requirements on impact fees, but the community could create its own special assessment district.
- Emphasis on interconnectivity with transportation – emergency egress that accesses more than just one road. This is a safety issue.

9/19 Galisteo Phase III Public Meeting

SDLC CDP PIP

09.19.2011

Eldorado Community Center

Growth Management

- Question: PIP Quantitative? No. County seeking ideas. Follow input on wikipedia; Staff recommendations will be e-mailed to participants.
- Questions: Do SDA's imply a level of funding?
- What are criteria for growth in rural areas – example SDA 1 in Edgewood? Responding to activities in Moriarity.
- What is relationship b/t SDA Map and Future Land Use Map? SDA=level of infrastructure & likely timing of development FLUM = guide future zoning
- In lieu of county provided Infrastructure, what will control development in rural areas (SDA2 & 3)?
- Comment: Even if county doesn't provide infrastructure there will still be development.
- Question:
- Planned Dev Districts (PDD) new? No. been used over the years Example= Community College District and Commonweal.
- SDA's Vs PDD's ? PDD can be within any of the SDA's; will most likely be performance based.
- Comment: If PDD located in SDA2 &3 should be required to provide water, parks, connections etc.
- Questions:Are there implied densities w/ SDA's and FLUM? Yes but county not there yet- will drill down next month.
- Are there any designated no growth areas? Versus everything with potential for growth? For example wild life corridors or Arch sites?
- Will there be other criteria besides infrastructure to determine development patterns?
- Comment: Criteria; Consider impacts of development to open space, state parks, wildlife corridors.
- Question: If developer comes with money, are they good to go?
- Is it a tiered Concept: fill SDA 1 go to SDA 2 and on to SDA 3? No; areas likely to develop with intensities related to infrastructure/ timing
- Comment: Leave SDA 3 undeveloped & SDA2 should stay the same
- Comment: PDD should have permanent open space buffers-to define boundaries or edges.
- Thornton Ranch Project-example of project which included open space.
- County purchase – COLPAC Program- not through code
- There needs to be connections to existing places and enhancements of conditions of existing places.
- Commercial in 285 corridor could be designated as Minor SDA 1 to regulate connections.
- Focus our development on existing approved places. Minor SDA status for existing areas. Enhancement to areas for connections. Walking connections.
- SGMP identified directions. SLDC is about implementation. Fine grained implementation.
- Seems like county questions are going back to SGMP process: we already stated ambitions. When do we drill down and codify ambitions? NOW: What is your aspiration for SDA 3 areas? i.e. 1600 acres- DUs=how should we develop?
- Use Case studies. Test example of 1600 acre in SDA 3
- Incentive Clustering – for clustering include increased density-more units. Make it more economically feasible. Waive Fees.
- Protection of wildlife corridors, trail corridors. What benefits infrastructure, roads, energy. Isn't Open Space a benefit? Use open space value to lend credibility to restrictions on development.
- Connections
- SDA 1 areas-amenities make sense for developer to provide diverse housing types, high, middle, affordable. Recreational opportunities. Parks, playgrounds. Travel corridors trail corridors. Public facilities, libraries.
- Economic development opportunities.-mixed uses.
- SDA 2s-impact of infill activities, density, on adjacent areas: use density match or lower, buffers. Do not use access road used as a boundary between new or infill development and existing development.
- Preserve open space area & agriculture by not allowing them develop in the first place.
- Need to set land aside. Large development will impact everything around it including viewsheds, agriculture, etc will be unusable. Land is the value of what it is. Water is value of what it is. Water and fertile soil not

destroyed. Migrating wildlife corridors. If you want to develop in these areas, you need to have a really compelling reason to invade those spaces. Stuck with damage – no mitigating once it has occurred.

- County has received input from many agencies, include fish and wildlife, energy. Protection of surface water and key habitat areas.
- Large developments over 50 acres –buffers for conservation, buffer perimeters and key elements, If large development over 50 acres in SDA 3, it should be regulated on a case by case basis.
- Large ranches uses change-we need to have a requirement to identify natural resources and determine if there are key things that need to be preserved.
- There needs to be sustainability from an economic standpoint as well. It needs to work economically.
- Main incentives should not be more units. Water should be used as criteria- parameter – revisit hydro zoning. Water is big constraint.
- Water is a major issue.
- What is missing is landowners' perspective about what is compensation for not developing? What are potential incentives/ transfer of economic benefit?
- Conservation Easements
- TDR's in code? Yes
- Tax policies-preferred use for wildlife corridors. Relationship b/t land classification and tax code.
- Tax policy really important. Huge opportunity for open space. Tax policy good compliment to Land Development Code.

Family Transfers/ Lot Splits/ Non-Conforming Uses

- Family transfer may be outmoded mechanism.
- Eliminate selling; keep all land in family by deed or will.
- Allow increase of density on lot but no lot splits. Encourage family compounds.
- Add mechanism that the property be held by the recipient for a number of 5 years.
- Apply fee for transfers.
- Family transfer lot splits are a huge problem. Variances are major problem. We need to eliminate variances for family transfers. Water supply is the overriding factor. Septic tanks pollute the groundwater. Also consider surrounding area. Traffic pattern in particular areas.
- Performance criteria; review family transfer on case by case basis.
- Ensure facilities are developed to accommodate additional development. Look at offsite improvements needed to accommodate family transfers.
- Restriction on lot splits- number of units, min lot size or generations.
- We should not mess too much with the family transfers. Estate planning and estate taxes are a mechanism for transferring wealth.
- Control the density of transfers. Health and safety issues particularly with water & sewer.
- What is difference b/t Family transfers & Lot Splits? Family transfer based on ½ the base zoning; lot splits can only go down to minimum lot size for base zoning.
- What do other counties around the state do about family transfers?
- Full representation of community might result in different outcome.
- What do we do with the land after family transfer? Regulate after land transfer for septic & sewer.
- Should a development be allowed to do whatever they want?
- State law allows family transfers but don't require family transfers- County can do what it wants in this regard.
- Notification process to be defined differently. i.e. 200' not adequate for large lots low density areas.
- Notify adjacent lots plus one more deep as opposed to distance by feet. Commissioners usually require applicant to notify neighborhood Associations.
- Developments that have County wide impacts: are there limits?
- Just scratched surface with SDA and future land use map; zoning and densities will follow next (October?)

Community Plans

- Community plans should determine density, land use and major impacts. Whole point of community plans- local planning by locals with local knowledge.
- Is there a baseline? What if community wants low density sprawl?
- Community Plans should stay within SGMP directives on sustainability.

9/20 Edgewood Phase III Public Meeting

SLDC CDP PIP

09.20.2011

Edgewood Community Center

Discussion on Access to Review Comments, Public Input and Staff Recommendations with explanation on sounty website, BCC Study session and county staff accepting and sending e-mails w/ attachments.

Growth Management

- Discussion on questions about SDA's, PDD and Special Assessment Districts. Reinforce that PDD are will be allowed anywhere in SDA 2 with appropriate infrastructure.
- Discussion on SDA 1 near Moriarity; why not both sides of road; need to lok at designation boundaries more closely, possibly expand.
- Discussion on how does growth get paid for? Some feel growth pays for itself through Gross receipts tax- actually more than pays for itself: one and 1/ 2times more. Other taxes such as property tax are part of the equation.
- Growth projected for area will pay for goods and services
- Analyze = Incremental costs –gross receipts tax provide for goods and services
- County should have to justify fees with relation to GRT's . Fees come ahead of service. There is no need for fees above the GRT's. It is not fair.
- Discussion on Impact Fees: Misunderstanding about county impact fees/ assumption was that county charged impact fees for a variety of services including open space. Clarified by staff that at this time County only charges impact fees related to fire.
- Places – word is too generic. Community can define it.
- Subdivisions are going to occur and they will be nice but areas outside of development may not benefit.
- Impact outside of subdivision is important to consider. i.e. water system should benefit areas. If new development comes in it might be welcomed if it brings water that existing development can tap into.
- Water-1/3 of the people in San Pedro have to carry water in San Pedro.
- New development could contribute to sidewalks/trails/% open space. This would be desirable.
- Subdivisions—means to negotiate with developer and community to benefit from new development. Open space, density, dark skies,
- Should address increases in traffic from new development.
- If new development increases density than water and sewer must be considered/addressed.
- Flip side-property rights needs to be considered.
- Transitions- to lessen impact on surrounding / adjacent area.
- Town of Edgewood provides for higher density areas. King properties may be appropriate for higher density.
- We don't have infinite water. Wells have dried out in certain areas. We have to have definitions. It needs to be tighter.
- We should not require something of new development that existing development did not provide.
- Need for some density but what is higher density out here? Market will determine density.
- What I want to see may not be fair to property owners. There are a variety of things for example Elderly housing which = higher density but most likely will happen in Edgewood.
- Edgewood will take care of many services.
- Flexibility-everything is not going to be the same.
- County should encourage banking of water.
- Problem; wells have dried out due to adjacent development. 2.5 acre development must have stricter water regs.
- Question to people expecting new development to contribute to existing development. What did you give to the big property owner when you moved in? what's fair. Don't make new developer pay for surrounding area.
- Expectations are that zoning densities be matched with water availability.
- Expectation that new densities or minimum lot size will remain the same as existing. Should be base zone.
- Where is water coming from? Switch from agriculture to residential actual show lower water use. Less draw down, ½ the amount. Consider change from agricultural water use to residential when talking about water.
- We kept to our 40 acre minimum and neighbors benefit. If higher density comes in, pollution must be mitigated.
- PDD is a floating zone. PDD will have to go through process.
- Process must be fair. If process was fair and includes input from surrounding area than restrictions in the code could be reduced.

- Process prior to SGMP was not good.
- Balancing act between what the code will say and process whereby development occurs. If process set up by County guarantees input.....balancing act.
- Odd shape of SDA 1 and mixed use nonresidential should change. Hwy 66 is zoned commercial-adjacent areas should be designated commercial.
- What if an Intel or Honey well wants to locate in SDA2 or 3? PDD and rezone. Would SDAs have conditional uses? Yes. Existing code has conditional uses.
- Conditional uses provide flexibility require more regulation.
- Forward questions you have on procedures- big part of code.

Family Transfers, Resubdivision, Non-conforming uses

- Family Transfers-real important-should be stricter review process. What are the cumulative impacts of family transfer?.
- Basis for zoning-water availability makes sense. No need to allow ½ of the minimum lot sizes.
- Re-subdivision-anybody that does not anything will result in a re-subdivision. Disclosure is critical factor.
- Notification-
- Lot line adjustments should be a sacred cow-we should continue to allow in the future.
- Nonconforming uses should continue.
- Family transfer-once you have completed transfer, selling it should not be restricted.
- In Edgewood area, 60% of lots done were family transfers or 4 lot subdivisions. This resulted in the best development in Edgewood area.

Community Planning

- You should be able to differ from the SGMP.
- Regulations and policies in code will increase cost of housing. Communities should manage their own economies. Community plan ought to be able to forge its own way.
- Communities should be able to determine affordable housing.
- Designing homes to meet the needs of our own communities.
- Land should not cut off access to public land.

Phase III Public Meeting Summary

Should there be additional criteria for allowing density aside from basic infrastructure (sewer/water/emergency services)

- (N) Evaluation mechanism for places to determine suitability
- Maintain rural community culture
- (N) Maintain acequia culture.
- Local character should be preserved. Planned Development Districts and SDA's should consider the character of the area.
- There should be more to a “place” than density
- Leave SDA 3 undeveloped & SDA2 should stay the same
- (E) New development could contribute to sidewalks/trails/% open space. This would be desirable.
- (E) Subdivisions—means to negotiate with developer and community to benefit from new development. Open space, density, dark skies,
- (E) Flip side-property rights needs to be considered.

What should planned areas provide?

- Like to see an urban forest! Trails or sidewalks made more natural than concrete. There should be shaded areas which are contiguous allowing for comfortable areas to walk. These urban forests should also provide for inter-connectivity with roads which would provide emergency ingress and egress.
- Provide plaza areas and other social centers. In SDA-2 less commercially oriented.
- Important to keep undeveloped open space with interconnectivity. These should be integrated into SDA 1 and 2.
- (C) County should consider who is going to maintain these roads/parks, etc. The real question is how these amenities are going to be maintained and who is going to pay for it.

SDA Specific Input

- Is there enough wet water to service designated SDA 1 or any growth areas?
- (N) Add “practical” as a word to define SDA locations
- (N) Should Airport SDA 1 take into account the municipal airport; would limit the size of the airport; noise issues
- (C) It seems that the planning fosters an increase in housing costs. This seems like discrimination against low income people
- SDA-1s should have a “District Plan” which addresses impacts.
- SDA 2s-impact of infill activities, density, on adjacent areas: use density match or lower, buffers.
- (G) Need to set land aside. Large development will impact everything around it including viewsheds, agriculture, etc will be unusable. Land is the value of what it is. Water is value of what it is. Water and fertile soil not destroyed. Migrating wildlife corridors. If you want to develop in these areas, you need to have a really compelling reason to invade those spaces. Stuck with damage – no mitigating once it has occurred.
- Main incentives should not be more units. Water should be used as criteria- parameter – revisit hydro zoning. Water is big constraint.
- (E) Town of Edgewood provides for higher density areas.
- (E) Problem; wells have dried out due to adjacent development. 2.5 acre development must have stricter water regs.

Who should pay for development?

- Developers should pay for growth infrastructure
- Residents should pay impact fees for new residential development
- (C) For public spaces it depends on the size of the development. For larger ones, maybe, but if it's a smaller development or incremental development, then who pays for it?
- (G) There needs to be sustainability from an economic standpoint as well. It needs to work economically. What is missing is landowners' perspective about what is compensation for not developing? What are potential incentives/ transfer of economic benefit?

- (E) County should have to justify fees with relation to GRT's . Fees come ahead of service. There is no need for fees above the GRT's. It is not fair.
- (E) Question to people expecting new development to contribute to existing development. What did you give to the big property owner when you moved in? what's fair. Don't make new developer pay for surrounding area.

Should there be buffers between higher and lower density areas?

- PDD should have permanent open space buffers-to define boundaries or edges.
- Do not use access road used as a boundary between new or infill development and existing development
- (E) Transitions- to lessen impact on surrounding / adjacent area.

Family Transfer Issues

There was almost a universal embrace of the idea the if family transfers are allowed, they should:

- Create true mechanism to let families live next to each other
- (C) Family transfers IS affordable housing in traditional communities like Agua Fria.
- Generally be a small, local transfer, rather than create a new subdivision
- Be required to meet infrastructure requirements for future safety
- (N) Respect non-conforming uses with reference to health, safety and welfare, codes and impact to surrounding community

Should family transfers be allowed to go lower than the hydrologic minimum? Are family transfer appropriate?

- (N) Why should anyone be against them?
- (GE) Why were family transfers ever allowed in the first place?
- (G) Family transfer may be outmoded mechanism.
- (G) We should not mess too much with the family transfers. Estate planning and estate taxes are a mechanism for transferring wealth.
- (G) Eliminate selling; keep all land in family by deed or will.
- (G) Family transfer lot splits are a huge problem. Variances are major problem. We need to eliminate variances for family transfers. Water supply is the overriding factor. Septictanks pollute the groundwater. Also consider surrounding area. Traffic pattern in particular areas.
- (G) Performance criteria; review family transfer on case by case basis.
- (E) Basis for zoning-water availability makes sense. No need to allow ½ of the minimum lot sizes.

Family Transfer Ideas

- Should a period of holding for Family Transfers be part of the Code? 5 years...may 10 years.
- (C) Family Transfer could evolve into a "family trust" that could function as a revolving fund – so that it can't be sold off in pieces.
- (C) Questions about bank financing for family compounds
- (C) Agua Fria was looking at buying out subdivisions and using them for the family transfers in a Housing Trust. The Trust could pay for impact fees cumulatively.
- (C) Maybe the code should require covenants to address this issue.
- Maybe attached guest houses should be more the norm so that they can't just be resold as is oftentimes the case with houses built under the process of Family Transfers.
- (E) Family Transfers-real important-should be stricter review process. What are the cumulative impacts of family transfer?.

Non-Conforming Uses

- Existing homes should remain unchanged
- Existing business should remain unchanged
- Subdivisions should generally conform to new code
- (N) "Point of Sale" should require reevaluations of the use.
- (N) Respect non-conforming uses with reference to health, safety and welfare, codes and impact to surrounding community

11/9 Edgewood Phase IV Public Meeting

SLDC Zoning & Density PIP

Nov 9

2011 Edgewood

Senior Center Meeting Notes:

- Rezoning?
- Public Process = Notification & Hearings
- Variances? = Mechanism for adjustments usually due to difficult lot situation.
- Rural Uses vs Urban Uses: example Hay Lofts not Urban Lofts.
- Land Use Categories- Rural Residential is not on FLUM- Where is it?
- Why does Rural Fringe coincide with Basin Fringe?
- Do Maps Correspond With Chart? Not at this time; there is a need for refinement.
- The FLUM is not a Zoning Map.
- Where do base zones go?
- Residential Fringe; does it match FLUM?
- Hard to discuss density w/o a map.
- Relate to current "hydro zones"?

Do proposed densities for LU categories or Zoning Districts include water conservation adjustments?

SFC) "Water adjustments" will not be part of code. However there will be other ways to increase density.

What was wrong with the water adjustments?

SFC)SGMP- policy to change density adjustments and not base on water availability.

Cases of development that had proven availability but wells have run dry and they are now hauling water.

SFC)Other factors should be considered for increases in density.

- Basic zoning should stay the same for areas that really do have the water such as Edgewood Area.
- Allow higher density where there is actually water.
- If the county takes away the water adjustments- it is a down zoning
- Sewer down here was designed for commercial uses but it has gone to residential uses. However there is a limit to the number of units it can serve.
- Septic tanks are still an acceptable means due to the depth of ground water. State accepts one acre for both well and septic. This should still be okay in some areas.
- What is a "sustainable" ground water supply? No one has said.
- There are 3 Community Water Systems serving this area.
- Is there 100 year supply? Yes for what is existing now. For how much more population? Part of the problem.
- This assumes water rights; you stop when you run out of water rights (using Meters).1980 Plan works well. It allows higher density in areas with more water.
- Shared wells- works with conservation.
- Dictating where commercial goes also determines who profits- instead should allow for natural progression- don't dictate where commercial should go.
- Eldorado elected to have commercial.
- Where commercial goes should still be predicated on water.
- Heavy Industry not in Edgewood. It should go where there is water.
- Commercial is okay for Edgewood.
- There is a problem with process- What is the Economic Impact of zoning. If you dictate where/ when it goes it will take away from innovation and Competition. Nobody can guess the future. Number of Jobs should not be part of the performance standards (or approval) because it would disadvantage individuals who want to start out with a pilot development -- so there is not a need for a large number of employees.
- Process is difficult: cart before the horse: Zoning categories but no MAP.
- What am I allowed? What about my neighbor? What are they allowed?
- No problem with categories. Problem is we don't know where they are mapped.
- We can't say we support categories without a map.
- This area is "emerging". If you correlate zoning to FLUM it is too restrictive for this area.
- Maybe floating Zone (PDD) would work with the emerging nature of this area.
- Out here it is rural not a lot of people. Don't have as many "guidelines" -- cues from existing development as areas around Santa Fe.
- Performance based standards might work -- not just water performance standards.

- Family Transfers are problematic
- Not a colored map like the other areas. Performance standards could include water, transportation, road improvements, Access, treatment facilities.
- What is the Baseline? Maybe base zoning is mapped then go forward based on performance e standards- not rezones.
- Original families were homesteaders, then I-40 came in and system allowed for change. Some way for (code-system) to Acknowledge this is an emerging area.
- In SDA-2 area many things that should have happened didn't happen due to restrictions.(Responding to questions about what do you want or how do you want things to go)
- How did I know I wanted this I-Phone, I didn't- current zoning works (mostly). Manage Area as a Valley- It was a Valley before there were political subdivisions.
- Current zoning has allowed people to settle where they want. We don't want to limit where our children live in the future.
- Threats to the Valley include Santa Fe and Albuquerque looking to take water from the Valley.
- What about Cost? Bothered by the Santa Fe county investment priorities- example Santa Fe Canyon Ranch.
- Fix things in the code that don't work.
- Mechanisms should be performance based; based on our needs. Get input from people here in this area. Floating zones may work. Even clustered housing should be considered. It may be part of natural progression.
- "Sustainable" water maybe the areas that are served by "systems".
- SDA 1,2,& 3 show county priorities. This is a concern. Tax base. How equitable is it to put public resources into SDA -1? Many projects around here are State funded.
- What is cost of mixed-use? It may be better to have commercial development designated vs performance standards because it is very expensive to prove water- hard on small business. Only well-financed companies can do business in Santa Fe County.
- Consider other agency plans for example MRCOG
- Floating Zones maybe not- Allow communities to identify itself. Base zones on geography. For example Edgewood should be in southern zone.- Identify this area as part of Santa Fe County (not Edgewood). Our own ideas. Most Likely al will be on the water system.
- Use a Community Plan to develop a Southern Zoning District; One Size doesn't fit all. Do fixed zoning (prescribed/ mapped) through a community plan.
- Don't agree with floating zones- developer & Santa Fe county will get to much leeway in getting what they want.
- There can be flexibility- it doesn't all have to be tied down.
- Edgewood has established some uses. If Community doesn't mind -- notification, we need better notification. We don't want commercial encroachment from Edgewood.
- We don't have structure for setting up process for community input/ planning.
- San Pedro has a community plan- we are impacted/ focused on NM 14 not I-40 like Edgewood. How do you do infill? Need to involve people. I like the categories. Question is what scale do you plan? Is it 25 sq miles? Maybe the 5 areas (GMA's) used in the SGMP process.
- Don't leave performance standards up to Zoning Commission.
- Zone first before developer spends a lot of money to seek zoning and then turned down. Can't leave everything "floating" - It cuts both ways. -- FLUM does shoe this as an emerging area. It's just reflecting status quo.
- Something between floating and planned districts.
- Come up with performance standards and then find locations that meet them.
- Process evolving should be more user friendly.
- What you see now is what is allowed.
- Example Madrid started as a mine town now it is an Art community.
- Drought drove people away 2nd job is needed to finance farming & ranching "habits"
- Deference for maturity of the area. Planning for Future of people not in this room.
- Shifting resources for example farmers and irrigators shifting resources (water) to other uses.
- A Mapping exercise with community may be way forward. Coloring land uses etc.
- Zoning should accommodate a variety of industries- for example a flour mill- now, not allowed due to height restrictions.
- Compare basin fringe to base zones on the map- rural residential?
- Consider Fire Flow- pressure at hydrants. County is responsible -- it is a big concern for firemen, a big concern for development in Santa Fe County- maybe constraint.

SLDC Public Input 11/29 BCC Study Session

13

- Clarify Edgewood and unincorporated areas of the county outside of Edgewood. Unincorporated areas are ignored by the county.
- No solution yet- hope we are not neglected because we didn't come up with a solution at this meeting.

11/14 Galisteo Phase IV Public Meeting

Eldorado Community Center

Nov 14, 2011

Meeting Notes:

- Has the SLDC been adopted? When will it be adopted? What is being adopted?(At the starting point)
- What is in mixed use area of CCD? TBD?
- What is density of CCD? (3 DU per acre allowed; current densities approx 1.8 Du per acre)(CCD is already planned/ zoned)
- How does this relate to Community Plans? Existing and Future?
- What is carrying Capacity of the County? Have you thought of that?
- Has the 1980 Hydro zones study been updated?
- What about covenants? (Covenants trump the code)
- Uncertainty of water supply= a limit to development.
- Carrying capacity is not just about water; it's also related to sustainable traffic patterns; for example proximity of uses.
- Update hydro study with factors: drought & more wells in the ground.
- What about the surface water; the Buckman project?
- Surface water is not sustainable. Bringing surface water to an area for more uses rather than driving to existing is not sustainable -- better to drive or provide buses, will anyway.
- Buckman is a city deal with County share of the water & costs.
- There is a limit to the number of people who can use surface water. County surface water rights = to 1700 acre feet a year.
- What if all areas are developed? Once Buckman is used up?
- Don't put more users on systems.
- Waterline out to Eldorado is so the County can take over.
- Are there areas off the development equation?
- There should be a moratorium on development due to uncertain water.
- What is the purpose of rushing to "run out" of resource- water?
- What is projected growth?
- Go back to regulating development via the 1980 Hydro zones.
- Buckman should serve SDA 1
- Mining ground water is unsustainable now. Using surface water through Buckman is also unsustainable.
- Surface water can be used to offset the existing wells and restore aquifers/ ground water flows.
- County utility user are conservative using .11 acre feet a year.
- The # of people can be predicted.
- What about Oil & Gas & Fracking? (None going on now also County has a strong ordinance)
- Is there a land use category for no -- dwellings- areas for preservation?- should be one of the land use categories.
- Covenants win over code.
- Eldorado has highest wter rates in the State.
- Scenario- water comes; what should control use & density?
- Save the water- don't give it away. Start of water wars.
- Water must be written into code for every development. Water should be most IMPORTANT Criteria.
- Golf courses are not an appropriate use in the desert.
- Also clear about water rights and wet water.
- No More Development! No more new development. Reuse / redevelopment/ infill is more sustainable.
- Most important criteria doesn't mean only criteria. Random development worse than reaching a middle ground.
- Commonweal = a cluster development, green building, mixed use (commercial, residential, civic)
- Went through Hydro review- very diligent- proved 100 year supply. County water line from Buckman could support Commonweal development. Density of Thorton Ranch (Commonweal property): right to subdivide into 12 to 40 acre lots in a checker board pattern. Commonweal wants it to be a better development pattern- more diverse- more sustainable. Accommodate seniors & young families. Better match for community profile.
- Eldorado pattern doesn't support diverse households-

- Recognize place in Galisteo Basin- development to underwrite open space & trails- 4,000 acres & 15 miles of trails set-aside, open to public. Objective to heal landscape -- degraded due to years of over grazing- improve water table with conservation measures.
- Embrace/ support whole/ diverse community profile.
- Directing growth & sustainable patterns is a messy process. Should be on a case by case basis- Process needs to honor people here and those to come, and the landscape and the night sky etc
- Method- case by case basis is that appropriate?
- Environmental Planning; Use the environment to improve the area. How do you determine the constructive use of environmental principles versus destructive use?
- Rating System? Is it necessary? Not realistic to shut down development. Development is going to happen. How do we change in the best most thoughtful way that we have the least damaging. Water, transportation, etc. is the best metric. Process of going before communities engaging in dialogue. Proposed outcome.
- High standards communication and transparency. Landscape values, wildlife, vegetation, night sky. Does this resonate as an appropriate future.
- Honor people who live here.
- Community and Developer in collaborative process-
- Put them through a process that requires collaboration.
- BCC can change land use, not based in community view. Code has to have a process that involves community.
- Unlikely to have a moratorium; property rights must be honored.
- Code should establish Certainty & Compatibility.
- No sprawl
- Madrid area is example of sprawl under existing hydro zone code.
- Eldorado is a Master Planned Community.
- Process of voting to determine what development happens- not a decision for the elected officials.
- Put people closer to town, not out here.
- Don't put pipe out here.
- Moratorium needed because there is a crisis with water.
- New development should not impact existing development, including impacting resources such as water views, landscape- character of the area.
- Process is negative versus positive.
- Overlaying density doesn't ensure environmental health.
- Zoning sets base. If you want to move off base must meet performance standards.
- Eldorado 2005 Hydro Study: Was it done with the assumption of mixing water? Re-use to lower footprint. Protect people who are using water.
- Galisteo basin example: Drought drove out Indians. The 100 year availability approval is just a prediction. It equals to mining ground water. (not sustainable recharge). Eldorado water-mining the aquifer. . Anybody that predicts 100 years into this future is very wishful thinking. Our water district does not want to consider that.
- Availability of water- what is sustainable- don't hook into Eldorado's water.
- Consider re-use, conservation, gray water.
- Honor people who are here.
- Sustainability is a moving target. There is constant change. For example water catchment systems. Examine what you have at the time and work towards sustainability.
- For SLDC: Go with the more conservative approach of the 1980 hydro zone with no water adjustments that increase densities.
- Remove disconnect between land use and well permits issued by the State.
- Santa Fe County is leading the way nationally with Rainwater Catchment-
- For SLDC: Compatibility and dispersal to reflect higher densities (1 du per 2.5-10 acres) closer in and lower densities (1 du per 160 acres) further out.
- Existing lots and family transfers? (Existing lots will still be legal, Family transfer will follow base zone densities). Will taxes go lower for properties that keep open - can't convey family transfers? Should be lower.
- Private property rights-we need to sustain private property rights.
- Family transfers needed to preserve property rights.

11/16 El Centro Phase IV Public Meeting

Sustainable Land Development Code (SLDC) Public Input Meeting Notes

November 16, 2011

Nancy Rodriguez Community Center

- What are the growth projections? Population? Very important(Refer to SGMP: over 200,000 by 2025)
- What are Buckman Project water rights? 8,000 acre feet. What are limits to the water? All of the water is already "spoken" for in "approved" developments. Conclusion is to make SDA 1 Low Density (in order to stay within limits of water)
- Caja del Rio lines up with airport fly in/ protection zone.
- How do we deal with existing commercial development? How does traffic impact intersections?
- Need for off-site improvements; including from State Land Office projects.
- Does county have jurisdiction over state properties? (No)(Future Road Network in the ADD created to disperse traffic in conjunction with zoning and master plans.)
- Visit "whole" road network.
- Impact fees are possible. County has traffic impact fees. County should dictate traffic regulations, not the city.
- Surface water and ground water are over adjudicated (over prescribed).
- Need to quantify growth. Need to do a water study.
- There is a RFP for extending the water utility system (pipe) to Eldorado. Why is water infrastructure going outside of the priority area SDA 1? Makes no sense. Extending it all the way to Galisteo. Why? For growth?
- When will we do a Water CDP? It should have happened at the beginning of the process.
- If water is over prescribed then SDA -1 zoning should be contingent on water; no water, no development.
- Aldea was put forth with commercial -- not happening.(Aldea is an aberration; it was a nice project in the wrong place. -- city water)(Need to learn from the past examples like CCD and Aldea particularly as they relate to commercial development.)
- What authority has the right to pump water? (Public & Private)
- Does it count if people participate, don't participate in the decision to hook up or not hook up to county water system?
- Can Oil and Gas go anywhere? (Very difficult with new ordinance. No areas are designated for Oil & Gas.)
- Some uses have county wide impact and will be special uses.
- King Ranch location? What is so special? -- It's undeveloped)(What should zoning be?) Surface rights; Currently if you have surface water rights you can do 1 d.u. per acre.
- Where is the Buckman Diversion Project and Line? (Diverted off of Rio Grande- indicate line on the map)
- Do numbers (density) on Zoning Handout reflect current thinking? Yes
- Down zoning for Mountain Zone 1 du per acre is now 1 du per 80 acres.
- Rural districts = 1 du per 10 acre but with current water adjustments down to 1 du per 2.5 acres.
- What should density for your Area be?)
- Where does Buckman water come from? (Rio Grande River) Aldea water? (Aldea has city water.)
- Along Caja del Rio like to see 1 Du per 2. 5 acres. No commercial on Caja del Rio Road on Highway 14 in Industrial?- (There is residential all around it. Not industrial it's mixed-use non residential- not a land fill)
- Will there be impact fees for commercial development along Caja del Rio? Sounds like the State and City are not required to pay impact fees.
- Will Community Plans determine density? (Yes)
- Tesuque does not want water line that's being planned. There seems to be a disassociation between the Plan and Water lines.
- What are densities outside of Traditional Community of Chupadero? (Rural Fringe= 1 du per 20 acres).
- Should be 1 du per 160 acres due to terrain issues or 1 du per 40 acres in some areas if they aren't limited by terrain; Purpose of low density is to keep open and more accessible.
- Commercial is related to population projections but as mapped doesn't rely on population.
- For commutes from SDA 2- to SDA 1, county says commutes are not sustainable, still likely everyone will commute so make it sustainable with a good trail system, the alternative is small scale commercial but this is not financially sound. It is very difficult to succeed financially with small scale commercial.
- Don't try to develop commercial in SDA 2 : instead develop trails to increase non-motorized connectivity between SDA-2, SDA-1 and the City
- There is incompatibility between the locations of SDA-1 areas on the map and the plans the County Water System has for running water lines into SDA-2 and SDA-3. (needs to be resolved)

- In New SDA -1 areas (higher density areas) Make connectivity for bikes & walking within and to other areas.
- To understand future land use intent; Fed & State Lands should be identified. Could have intensive development on those fed and state properties. Add information to Future Land Use Map.
- San Marcos – SDA2 1 du per 5 acres according to hand outs and FLUM
- San Marcos District (community plan & ordinance) = 1 du per 15 acres.(Show that on map all community districts. Map needs refinement)
- The 599 by-Pass is now noncommercial except nodes. Is that due to highway corridor Plan? (It was part of extra-territorial portion but went away when extra-territorial dissolved. The highway corridor plan no longer controls county portion of 599)
- Is the TAP (Tres Arroyos) Plan in County Area? Yes
- When will we see a zoning map?
- Will zoning map be based on District Matrix? (yes)(First County will refine future land use map).
- Dec 1, from 4-6 United Communities will have a public meeting with Katherine Miller (county manager) to discuss water pipeline.
- What is the procedure to change the FLUM? It may take too much time; instead go forward with zoning map and code.
- Don't let landfill get any closer to Caja del Rio and archery range. We desire open space. Open Space from 62 to Buckman.
- Why does FLUM reflect current existing land uses, patterns. What are future pieces?
- Caja del rio is major access to recreational uses; don't add more big trucks, interferes with biking to open space.
- Lot splits? (Change from base zone will require a rezone)
- Family transfers? ½ the min lot size?
- State statutes must be clearly identified & must be in the framework of zoning. Keep to .5 of min lot size even ten years later.
- Are we still worried about sprawl in the rural area? Base densities may be way to limit sprawl.
- Gerald Peters has approved master plan: went from 440 units to 600 acres. Not yet built. Will it change with new zoning?(Approved master plans continue under new code- some may expire for example Gerald Peters may expire in 5 years- may renew).
- If county is maxed out on water, code needs to allow -- support 100% recycled water (black and gray) as viable water. It will come with new technology. It is cheaper than county running a pipeline.
- Communities should have say in densities for development projects.
- Western boundary of TAP is a concern. The owners dropped out of planning process and area- plan area is not based on a rational boundary. Base future land uses on rational basis not political.
- Concerns for the King Property: like to see low density residential 1 du per 2.5 -- 10 acres.
- Mechanisms for change:
- Notification
- Must include community intent for approval for change done through a consensus process. Performance Standards should include water/ infrastructure/ compatibility/ community consensus.
- Rezoning should require a more arduous public process.
- Zoning certificates should be issued so property owner knows what he/she can do with the property.
- Need a Water CDP at the BCC
- We need a zoning map
- Forbid serial subdivisions.
- Draft zoning map -- public needs to see it.
- Hydro study -- county wide is needed.
- Pipeline will = an increase in density
- If a community Plan does not want a water pipeline it shouldn't have to have one.
- Put height restriction in Caja del Rio Area- in the mixed-use area.
- Use wells for monitoring (right now developers/ property owners can forbid monitoring).
- What about counties current meter reading program?
- Elders: include housing types- example Rural Retreats- to accommodate older population.
- Guesthouses that reflect a variety of family structures but with strict ideas on the size.
- Add wind turbines & Communication towers to use list.
- Towers should be a conditional use.
- Be very clear about the approval and appeal processes (Aldea is example of bad process, first defeated then suddenly approved).

- Aldea again problem with increase in cars, no affordable housing, no commercial
- Remember the more intensive a development is the more difficult it is to remove, impossible to remove, once built it's there for a long time.

11/17 Pojoaque Phase IV Public Meeting

Sustainable Land Development Code (SLDC)

Public Input Meeting Notes

November 17, 2011

Pojoaque Satellite Office

- Concerns regarding development plan requirements, costs and timeline for review & approvals. How are these related to the scale of the development proposal?
- There are too many restrictions on development
- Community Center Development in Nambe (Commissioner Mayfield's concerns regarding County development requirements)
- What is the projected growth/development scenario for El Norte?
- Infrastructure requirements for development need to be specified: water, wastewater, utilities, roads, etc.
- Development restrictions imposed by the code and be expensive for county residents
- Impacts of Fire Codes via Federal and State requirements
- Existing conditions and densities related to communities need to be "cleaned up"
- The county bureaucratic system is a reflection of national trends
- Traditional Communities are unique, planning must recognize local settings, conditions
- 1980's introduction of General Plan and code first recognized non-conforming uses
- Variances are on-going-who enforces and tracks the process, often utility connections are abused
- Land use regulations are not enforced by the County
- Increase in intensity of uses needs a permit, what about change of use requirements?
- Community Center at Nambe: County requirements/review of traffic, remodeling, fire regulations. County must follow its own regulations (Commissioner Mayfield)
- The County now has a Technical Review Team to review all development applications including its own projects
- Why are there so many restrictions on the County and not the Pueblos? Example of height restrictions on County structures while Pueblos can build multi-story buildings unregulated.
- There are "double standards" when it comes to roads, fire requirements. How can this be addressed? Perhaps through the code, impact fees, waivers.
- Code of The West: provides information on existing conditions, limitations on levels of service. Serves to inform new residents with information prior to building in remote sites
- It is difficult to provide county services in rural areas, due to lack of infrastructure
- Community plans are in effect but need to be revised and ordinances will need to be updated
- Pueblo of Pojoaque traditions include multi-story construction historically continuing today
- Pueblos are working with the County in coordinating on emergency services infrastructure and often provide land for these facilities
- Pueblos deal with State and Federal regulations, there is no "double standards". The goal is to provide for the safety and welfare of Pueblo residents
- Jacona Land Grant is considering some residential development, what would be the appropriate densities?
- How will special needs/visions be addressed absent of the variance process
- Development suitability analysis should be incorporated into the code as a procedure for project proposal feasibility studies and preliminary cost estimates
- Increased development increases water requirements for local communities with limited supplies
- Variance request procedure should be reversed from existing procedure: CDRC should first review request and provide recommendation as to whether it should go forward.
- A matrix or checklist within the code would be useful for itemizing the requirements for development applications
- Existing variance process, what portions could be imbedded in the code that would eliminate the need for requests?
- Are inspections by CID effectively implementing and enforcing rules and regulations?
- Enforce the code or not have one at all
- 1980 well meter ordinance is not being enforced by County
- Aamodt- Watermaster will have to enforce stipulations of agreement.
- Land Use Regulations are contributing to diminishing land values due to the over regulatory process and cost associated with development application process

- There should be a waiver process in the code or some type of disclosure to new owners, perhaps final plat requirements
- Better coordination is needed between County/State and federal regulations
- Arroyos and low water crossings are required to adhere with FEMA regulations for 100 year flood potential
- County regulations make it too difficult to develop, sell, transfer to family-i.e. bridge across an arroyo makes it impossible to build.
- Jacona Land Grant future rezoning will impact property taxes, most likely an increase
- Base zone changes-how do they trigger assessment process and associated land valuation?
- A ¾ acre Traditional Community zoning need to be re-evaluated using infrastructure drivers
- On-site improvements stemming from EID, County requirements for small lots often render land useless
- Family transfers need to be protected and implemented for the right reasons, they should eliminate loop holes and abuse
- Traditional Community commercial requirements should fit within mixed use/master plan process (El Rancho Bar)
- Intensified use definition-more cars, people, facilities
- Use of easements for seven years will lead to adverse possession of land
- What is the difference between site jobs and home occupation/business requirements
- Home occupation enforcements and application procedures should be user friendly
- Goal of code should be to streamline regulations
- Use list for proposed zoning districts should be available
- Protect family transfers for local residents
- How does one obtain a trade name instead of having to apply for a business license?
- Other closing issues: Widespread solid waste disposal, cellular towers/PRC involvement

Phase IV Public Meeting Summary

Density and Land Uses

- Sentiment to keep densities at current or less dense levels near them. “Honor people who live here”.
- Private property rights need to be respected.
- Concern about whether SDA-1/PDD areas will increase sustainability (minimize traffic, save water). Failed commercial centers in high density projects were brought up as example. (El Centro)
- Questions about what ‘To Be Determined’ specifically means for stated densities of SDA-1 and PDDs
- Questions about definitions of Mixed Use / Residential and Non-Residential means. Concerns in El-Centro about allowable uses in Western SDA-1 area. Concern about fire safety and desire to keep gateway to wilderness.
- Concern about whether SDA-2 commercial nodes will function.

Future Land Use Map (FLUM)

- Difficulty of determining appropriate densities with the Future Land Use Map, since densities didn’t correspond to land use categories or base hydro zoning. Need for clarification of map.
- Some specific adjustments to land use categories and to the map were suggested. These were drawn on the map
- Concern about what process will be followed for changes to FLUM

Zoning Changes

- Community members expressed desire for a strong public process with public control nearby increases in density.
- Community acceptance and compatibility with existing neighborhoods should be a performance standard, in addition to basic infrastructure
- Concerns about specifics of performance standards from developers and community representatives.

PDDs/Floating Zoning

Pros:

- Allows for flexibility in usage
- Encourages creativity and entrepreneurial spirit

Cons:

- Concerns that without definite zoned areas, decisions would be left to a “political board”. Result is uncertainty for nearby residents.
- Desire expressed to have local oversight

Base Hydro Density for Zoning

The SGMP envisions a using the base hydro density rather than the value associated with water restrictive covenants

- Some land owners see this as effectively a “taking”.
- Some nearby property owners saw this as a way to protect water.

Water

Although the meeting goals were centered on zoning and density, water came up often:

- Water is not part of the discussion but should be. “Most important thing”
- Is there enough BDD water to support development? Surface water is not necessarily “sustainable”.
- The county water utility’s plan to run lines to SDA-2/3 areas conflicts with the Growth Management objectives in the SGMP.
- Hydro study needs to be updated
- Is using a 100 year supply truly sustainable in SDA-2/3 areas?
- Concern about restrictions due to stormwater ordinance (Pojoaque)

10/18 Open Space and Trails Focus Group

SLDC Open Space Focus Group Meeting

Tuesday October 18, 2011 4:00 PM

Focus Group Participants included: Toby Gass, Deborah Dickerson, Bill Hutchinson, Carol Johnson, Brent Bonwell, Gretchen Grogan, Lesley Mansfield, Dave Dogruel, Jerry Powers, Adrienne Simpson.

Open Space staff representative Beth Mills attended.

David Gold introduced meeting as SLDC PIP Coordinator/Facilitator. David went over the agenda and provided background discussion.

Pre-Clarification Questions

- Toby: Could we ask some questions for clarification?
- Commercial districts. Open Space req. controlled..
- Beth: Standards established for the amount of area for Open Space and parking and standards for trail connectivity. Other standards could include requirements for impervious surfaces or designated plaza or designating pedestrian circulation or how development is connected to adjacent development. Not being specific about requirements but the question of whether these additional requirements should be in the code.
- Toby: are there places that have 1DU in less than 2.5 acres?
- Beth: We're not looking retrospectively at existing lots. Just looking at densities for new development.
- Robert: Zoning densities have not been established. The only densities below 2.5 acres per dwelling unit are traditional communities. In the future planned development districts and mixed use communities could have greater densities than 2.5 acres.
- Beth: Need to accommodate bike lanes where roads are faster and within the right of way. We need to address rural road standards in a way to determine what the requirements will be for future development. In this document the road speed was used as a threshold.

County Wide Requirements 1 – 5

- Debra: Do we know enough what the impacts would be if this code is implemented? Specifically, vegetation pre-clearing practices. Will this allow the clearing of 5 acres, for example, for one house. This is an inappropriately large amount.
- Dave: In discussing fencing requirements adjacent properties needs to be addressed. Should have a fencing standard that is both ecological as well as economically feasible so that we are not creating undue hardship for example grazing. Riparian does not necessarily imply wildlife habitat corridor. As development review developers should be asked to provide a clearing plan and schedule. No untimely clearing if development is not planned
- Beth: Any sites that may be included in the GBASPA should be protected in advance and in perpetuity. Distinction with other Open Space to apply stronger level of protection for these sites should be considered.
- Ed from Cieneguilla: Does this apply in the historic districts? Is there a minimum number of units in a planned sub-division where there will be Open Space reqs?
- If these reqs are to benefit the general public then the private land owner should be paid a reasonable amount rather than just imposing regs. Ex. Designation of critical habitat. "Appropriate buffer" is not defined. Commensurate with current fair market value or negotiated between the county and the land owner. Fencing – where there are already current fencing, requiring a no fencing is unworkable. Properties in historic register there are already protection regs in place therefore this is not in the County's regulatory authority.
- Many properties can be "deemed eligible for historic listing" and according to what is proposed this would imply that it is eligible for no-build.
- Beth: Not that entire property is eligible for no-build, just that particular part of the property.
- Ed: In my case, this would include most of the property which would be eligible for "no-build". I would have to designate OS... Could this be clarified? I like #5. Because of historic significance and because of ag use these first 4 don't apply.
- Carol from Glorieta: Concerned how this would apply to historic communities.
- David: Would there be Open Space reqs for new additions or other small scale development?
- Carol: Access connected to adjacent property? Is this in here? Answer: in trails section
- Brent: item 4 "deemed eligible" would severely limit development. If critical habitat, this should be protected. Also there is only limited need for fencing such as to keep cattle in since new development is not likely to have cattle. Not applicable for other uses

- Carol: “In conjunction with floodplain”
- Gretchen: #1 “appropriate buffer” undefined. Currently 20 ft setback from arroyo open space specific to 100 yr storm event. If there is a buffer this is appropriate. There’s no reason to offer additional incentives to put these un-usable lands in a conservation easement.
- Beth: trying to get the development to designate an area for a trail easement.
- Gretchen: Perhaps there should be a fencing reqs that both allow a property owner to include them but which also allow wildlife to cross. In essence the developer avoids development on any arch site. Don’t think you can require this in a protected easement. If land owner is in an area with many arch sites then maybe the County can work with the developer to put them in conservation easements. These sites can be protected in the development process. Not sure that a conservation easement is the appropriate way to do this. If the property has significant conservation value there are many incentives such as tax credits. If these areas are designated as no-build through the code, then they cannot receive these tax credits.
- Ed: Scenic vistas?
- Jerry: In support of compensation. These areas should not be designated no-build for the same reasons that Gretchen stated. 20 ft buffer seems adequate. Anyone have a solution of how to keep the cows in if fencing is not used? “deemed eligible” is a subjective interpretation – needs to be specific. Who compensates for the no-build area? If required to be no-build then these properties are no longer eligible for credits. In favor of #5.
- Tim: Request that they follow federal guidelines. Prohibit from destroying but does not preclude them from making historically appropriate modifications.
- Toby: Need for precision in wording. Effects from development around the floodplains or riparian areas effectsSuggest that staff look at what is already protected by state and fed protection. Is there something that there is a need to protect that is not under state and fed regulations?
- Will be available means there are no incentives. Either determine what these incentives might be before or say might be available. Fencing – is it legal to prohibit fencing? “Eligibility” IS a technical term which meets criteria to be on the historic register.
- The SHPO arch survey already designates protected areas. The County shouldn’t duplicate efforts
- Adrian: Leaving designated Open Space undisturbed throughout the process. Often times the Open Space that gets designated is disturbed and becomes a weed patch forever. There should be restrictions to limit disturbance only in the specific spot where there will be construction.

Specific Zoning Designation Requirements

- Beth: I would request comments on overlay zoning question.
- Beth: The goal of the specific requirements were to look at look at the question of the quality of open space instead of just a fixed percent, which was suggested in the document present to the Board of County Commissioners.
- Adrian: Is there still a minimum requirement for Open Space?
- Jerry: requiring Open Space at certain densities doesn’t make a lot of sense. If you buy 40 acres there is a desire to have various structures spread out. How to use density bonuses makes more sense.
- Beth: There are no reqs shown for 40 acres and greater.
- Jerry: How does a LSA determine OS?
- Beth: Based on existing conditions. That is part of what I would like to receive comments on.
- Jerry: why are trad communities exempt?
- Beth: These trad communities are distinct ecologically and historically. Also there are less opportunities in general because they are built out and surrounded by either tribal or government lands.
- Jerry: In favor of different standards for different areas which are associated with different lifestyles
- Gretchen: LSA should be used to determine where development should be located (rural estate densities) Look at incentives for developers for Open Space preservation adjacent to other existing OS. Limited to see density bonuses as the only incentive. Expedited approvals should be looked at as a an incentive.
- Brent: How to provide compensation? How to preserve existing Open Space adjacent to existing development when there is such economic gain from development.
- Ed: wouldn’t make much sense if there is an Open Space requirement but development on either side of property. Adjacent use should be a fundamental consideration.
- Adrian: Are traditional communities defined?
- Robert: they are defined in the Land Development Code and in the original Code these are associated with specific densities.
- Adrian: Incorporate existing trails into that Open Space req.Emphasizing connectivity either through incentives or reqs.

- Dave: No distinction between existing and proposed OS. There needs to be reqs which allow for connectivity. No connectivity requirements will create isolation. Need to consider what is for the greatest good. Need to clarify what we mean by incentives in trad communities.
- Debra: There should be a distinction between if this applies to new sub-divisions or just an additional out-building on a property that already has existing structures. With these definitions, is the future land use map. What exists currently? Do we have any existing requirements for open space and trails in the code.
- Toby: there are no minimum open space requirements in any areas in this document. Rural estate densities may need open space requirements. Land suitability analysis needs to determine what the suitability is for. Requirement for open space at 1 du per 2.5 acres.
- Concern that there are no requirements for traditional communities. Mentioned that Agua Fria village has different issues than northern traditional communities. Planned development districts compact development districts don't have a minimum and should have a minimum requirement. The 50% requirement is gone. Would like to see a minimum requirement reinstated. Doing subdivision by subdivision will not result in integrated open space.
- Gretchen: open space requirements should be melded in with density requirements.
- David requested input from the focus group on how the focus group wanted to address the remainder of the questions on the agenda. Participants indicated that they wanted to hold another meeting to address the remainder of the agenda. Participants generally agreed that the best way to schedule the meeting was through the Doodle schedule and would like to hold the meeting in two weeks.

Public Input

No members of the public wished to speak

11/03 Open Space and Trails Focus Group

SLDC- Open Space and Trails Focus Group –

November 3, 2011

Santa Fe County Board of County Commissioner Chambers

The following are comments from Focus Group participants

- Details regarding which road sections (Rural Arterial, Rural Collectors, Rural Collectors) are to include trails or bike lanes is too specific for the context of this discussion. The discussion instead will focus more on the general concepts and consider possible elements of implementation.
- Lumping SDA-2 and SDA-3 may not be a good idea. These two should be separated with Goals regarding trails in SDA-3 to be more lenient.
- SDA-2 covers a fairly wide range of development types. This category might need to be broken down into SDA-2A and SDA-2B. Glorieta and some other areas could have very different conditions than some other rural areas in this classification.
- Is there a way to put the density in some sort of denominator?
- Jack Kolkmeier: For the purpose of this discussion it is useful to consider that the Green areas on the SDA map are rural (very low density), Yellow is not as rural as the green but rural to urbanizing, and orange is urbanizing to urban. All Traditional Communities are in yellow even though some of these traditional communities have higher densities than in other rural areas. Orange areas in the next 10 years will be more dense when services and facilities can be provided. The distinction between the orange and the yellow is a factor more of timing than anything else.
- Is the development leading or accommodating the trails or will these trails be proposed initially? Grouping SDA-2 and SDA-3 with respect to trails may be problematic. The concept of connecting SDA-1 and the other SDAs should be addressed.
- What is the planned density in SDA-1?
- Robert Griego: SDA-1 is the primary growth area. These areas will have higher densities but there are no proposed densities yet.
- With regard to SDA-1, there should be compact development areas surrounded by open space. Features would include Sharrows for roads with low volume or striped bike lanes. Outside of that there could be paved trails that are in the ROW but not necessarily on the roadway and maybe a striped bike lane. This should be guided by the density of the development i.e. how many houses are being served. Specific design of these roads or trail inclusions should be according to the context i.e "context sensitive solution".
- Particularly in SDA-1 there should be a "hierarchy of trails". In all trail systems there are a variety of trail standards. In SDA-2 and SDA-3 we need to think of the horse people and access to regional trail networks. Connections become the big question. There are plenty of 2 lane roads that look like good bike roads when there are no vehicles on them which can be dangerous to cyclists when large vehicles are speeding. The point is even though they seem like good bike facilities, they may not be.
- There appear to be two groups of trails: one for recreation and one for transportation. There needs to be different standards. Sometimes they serve both purposes, but sometimes they don't. It makes sense to look at what trail resources already exist. How to we preserve the best of what is already there instead of saying new developments are all well suited for trails. What currently exists on the property (access points, opportunity for parking). The challenge is coming up with a standard. Implementation of what is already there.
- The central question becomes "where are the important destinations?"
- Residents in the rural area should have the option of using the horse for transport. #3 (access to public lands/public trail networks) is very important. There is concern about trails to nowhere. Equestrians would like to be able to access public lands.
- From the equestrian point of view, I dread the day they get the \$ to develop trails because this will ruin the equestrian experience. A perfect trail for equestrians is a dirt path through the grass. The ultimate trail system should be established in SDS-1. As long as there is enough Open Space and a corridor, the equestrians don't need nor desire a developed trail.
- There is a need for access corridors for equestrians.
- There is concern about the width of these trails which can create unnecessary disturbance.
- The next step to map out SDA-1 in more detail. Future trails, schools other civic institutions should be mapped out. We need to get ahead of the development. We need to consider preserving these alignments.

- There is a need to know where are the major connectivity trails. Currently there is no inventory of these socially used (unofficial) trails. Developments with existing density should be addressed first and the zoning areas second. Prioritization of these trail networks should be driven by the development.
- Regarding paved trails in low density environments, who's going to pay for this? It doesn't seem right for home owners to absorb the cost of providing paved trails.
- Take "paved" out of the rural road standards.
- Trails along rural roads may have to be dirt paths initially and paved later if and when it is appropriate
- It is important to preserve natural distributions of trails. Sometimes over-developing the trails can spoil the facility.
- Beth Mills: The Arroyo Hondo Trail in the CCD moved in on an existing rural neighborhood. AASHTO standards tell us that the trails have to be 10 ft wide, paved, with a certain slope etc. (requirement to utilize public funding). There is a question of how to make sure that there is a separate equestrian path to accommodate the previous uses including equestrian use.
- In Question 2, #2 ("Connectivity in and through new development in SDA2 and SDA3 will be achieved through rural road standards") the word "will" is somewhat restrictive. This could be changed to "may" be achieved through rural road standards.
- When you write a deed for a conservation easement you can designate a trail within the conservation easement. This could potentially affect the value of the easement depending on how extensive the trail network may be. The question becomes, "what is being protected?"
- It is important to work with the City of Santa Fe which is a hole in this map.
- Also, there are a lot of road bikers in rural areas. There should be analysis of where the road bikers go and what their needs are. Saying that it has to be in the ROW could be restrictive in terms of the trail design.
- General Obligation Bonds have been utilized by the City to address cyclist network. CIP Bonds can also be used to address on-road bike facilities. Road-bikers don't like to be on off-road paths -- they want to be on the road ideally with on-road bike facilities. This is due to safety in order to avoid collisions at intersections. What is a rural road standard is not defined. The trail inclusion is too broad. Does the off road trail have a destination? The situation is more complex than what can be achieved through prescriptive road standards. This should be looked at at a case by case basis.
- Is the desire for on-road bike facilities just something that SF cyclists prefer?
- Maintenance is a big problem for off- road trails. Also there are other users (dogs, etc). Providing additional shoulders with off-road trails in the ROW may be prohibitively expensive. Single track trails are much more cost effective. If the development is not on a transportation corridor, these on-road facilities are too expensive and not necessary. It may be better use of \$ to improve roads to include curb and gutter rather than have the additional cost of providing these bike/ped facilities in the ROW. In many cases it is not enjoyable to walk on the side of the road. There is a need to look at the quality of the trail particularly where it is not a destination trail.
- We shouldn't say every development has to have trails. Look at where there are currently trails being used and turn this into a positive by preserving the public access to these trails that are already being used. It needs to be considered how to turn this into an asset. Much of this depends on the development review process (implementation).
- Not every particular development needs the same type of trail. There should be flexibility for the developer to propose a trail system that works for them as well as benefits the public.
- The Cookie-cutter approach doesn't work -- it has to be contextual.
- Children should have the options to get from point A to point B safely. They have different needs and different safety concerns.
- Context based requirements becomes much more difficult to implement for County Staff. The outline in the Code should leave sufficient wiggle-room for implementation which addresses safety and accessibility to the trail system.
- On a practical level we cannot divorce density requirements from Open Space requirements. Are there any standards for trails next to riparian areas?
- Breaking access to public lands is not allowed in the Code. Historic trail use should be preserved. Broad guidelines are appropriate that allow for flexibility.
- Trails seem to have the connotation that they are for recreational purposes which is clearly not always the case. Paved trails are not appropriate in rural areas.
- In the more rural areas, the volume of people using the areas is an issue. There is an estimated 10 thousand horse owners between Glorieta and Santa Fe. There should be rules for how the trails are to be used.
- There should be options in the code (A or B) e.g. widen the trail or allow for on-road road facility. Costs need to be comparable.

Open Space Discussion

- In SDA1 such as in the CCD there should be incentive developers to do something more than just Open Space (e.g. community gardens, playgrounds, parks, etc). Uses should be more specific rather than just calling it Open Space.
- Jack Kolkmeier: These uses are allowable in the CCD Open Space and referred to in the Plan. The first trails map the County produced created a lot of controversy. People don't want to see their property on a map. Context works best through District Planning. The patchwork approach much more problematic.
- Land Suitability Analysis -- what would be the implications of LSA for development review?
- Robert: LSA is something worth considering as we do the District Plans
- Would it be appropriate to do an analysis which would create something smaller than the SDAs where it would be something between SDAs and subdivision scale?
- In rural settings down to 2.5 acres there already is a sense of Openness.
- Mapping and inventory of resources on a large scale help people understand what's out there in the larger context and what to preserve County-wide. Part of the process should put the test to the developer to answer: "What is the Public Benefit for conservation or the Open Space designation". This helps to address what would be the benefit to both developer and the public.
- Water should be included in there as well (Public Benefit) Are developers required to address this?
- Developers have to provide any number of reports including water availability, Traffic Impact Analysis, archaeological survey, etc. This is already being required.
- It would be good to have a County-wide analysis to determine where the open space should be located.
- Often times the Open Space that the developer designates is unusable land (arroyos) or otherwise undesirable. There should be plans to keep the Open Space land vital.
- As long as the native vegetation is not disturbed it remains healthy. If the land is designated as Open Space it shouldn't be touched. Open space that has experienced disturbance becomes a field of weeds.
- Some places have regulations that say the greater the distance from Open Space, the greater the size of the Open Space. If there is Open Space in close proximity, then the dedication could be covering the cost for maintaining the Open Space.
- Could State and Local laws be modified to allow for recreation, education, restoration, corridor protection? Sometimes liability prohibits the land owner from being able to do the right thing.

Meeting adjourned at 6:00pm

10/19 Green Building Standards

Santa Fe County Green Building Focus Group Meeting- October 19th, 2011 2:00 PM

Focus Group Participants: Wayne Nichols, Brad Hill, Rex Ross, Kim Shanahan, Stephen Onstad, Harvey Monroe, Beth Beloff, Sue Barnam

David Gold introduced the meeting as the County facilitator. Erik Aaboe summarized the board study session on green building options.

- Ensure code requirements that procedural impacts on low impact folks. Need to consider the financial and procedural impacts of code on low to moderate-income constituents.
- Discussion on different needs of developers of individuals and distinction. Consider an approach that does not price out individuals relative to developers.
- Consider using incentives to promote and facilitate the code requirements.
- Increasing the overall affordability (e.g. combined monthly mortgage payment and energy utility costs) of a home is important.

Craig O'Hare indicated that the Board was not interested in developing a full fledge green building program.

Focusing on concept of affordability concept defined as considering energy efficiency as part of the cost of homes, i.e. lowering the combined monthly mortgage and energy utility payments when compared to the base home. County relies on the State building industry. Need to work with CID to withhold COO until after they comply with the energy efficiency standards. We hope to have a resolution within the next couple of weeks.

Question 1: HERS Cost Benefit Analysis - Model Discussion

- Kim pointed out the fact that the comparison is based upon the state code standards that will be in effect in February.
- Erik reviewed the cost benefit analysis for a HERS 70 Energy Efficient Residential Building Standard document.
- Brad Hill – supported the methodology in the document and was a good tool for both the public and builders. Asked if document was public domain and if it would be possible to distribute and utilize document outside of this context.
- Kim –thought it would be important to analyze the effect of a 5% mortgage rate. Felt the 4% rate in the analysis could produce a slightly lower result.
- Q - Are there any efforts to lower mortgage rates for energy efficient homes? Brad-indicated that MFA does provide below market rates for affordable homes. Kim added that Wells Fargo has an Energy Efficient Mortgage product that increases loan to value.
- Wayne Nichols-indicated that there is an erroneous assumption in the analysis based on including increased housing costs due to including energy efficient measures.
- Current appraisal practices are based on comparable size and features. Energy is currently not considered in the process. Therefore the buyer will not be able to qualify for a house. Increase in cost will be borne by the person who chooses the energy efficient home through larger equity.
- Craig – This means that if one is talking about a 2300 sq. ft. home, that a buyer at the limit of their purchasing ability will have to purchase a 40 sq. ft. smaller home.
- Brad-It is important to recognize that there are benefits to the community with energy reduction. Adds significant value to renters, property owners, tourists etc. this is good public policy. As a public official I see this as necessary.
- Beth – It is important to include other metrics in the analysis–greater indoor health, reduced carbon footprint. The result of better ventilation is better health.
- Sue-How did City implement its HERs requirement? What is the hue and cry in this process?
- Kim-City of Santa Fe developed and approved their green building code without any public dissent.
- Brad-emphasize the plus plus aspect of Option 2. Thermal bypass issue. We build better houses. We should refer to this code as a high performance code or high performance building.
- Wayne-forced ventilation changes the way the building functions. You may be undermining the ability to create houses that breathe. It is important to not rely on mechanical systems that require owner / operators to take action. Over time, systems fail and are often not repaired. This could jeopardize owners health. Typically in his passive solar house typically uses other methods to achieve appropriate ventilation.
- Eric – I believe the current code requires mechanical ventilation in all new buildings.
- Beth – The Analysis would be improved by having more options to reduce a HERS rating.

Question 2: Additional Options and pros and cons

Option 1:

- Sue – “Strong Support” may not be accurate and should not be emphasized.
- Kim - It is important to emphasize that Option 1 does not satisfy the Green Building policies adopted in the SGMP. There was a lengthy process to adopt the plan and it was unanimously adopted.

Option 2:

- Wayne – Mention hand calculation methods in addition to softwareKim - Cons on page 8-need to adjust % on cost from 1 to 2 percent.
- Rex-the analysis is good given certain assumptions. The direction is good. Lowering carbon footprint is important to many. What is the degree of what we are accomplishing? What are the costs, incremental benefit? It is important to note that there are existing codes from the state and these are more energy efficient than they have ever been. Are we able to reach the goals that we are trying to achieve? We need multiple paths to be able to achieve the outcome. Option 1 should be considered. Option 2 will save money in the long term. The difference is the up-front costs. There is an educational component here.
- Brad – Pros on page 7. Should be “Consistent with City of Santa Fe relative to energy.”
- Beth – Make sure that a Pro is listed that identifies that this option addresses concerns with air quality.
- Need to verify that HEED process has ventilation-related procedures to insure good air quality.

Option 3:

- Steve – LEED was never meant to be used as code, it has always been intended to be exclusive for those who want to go beyond requirements.
- Rex- Feels that the building industry moves forward best if there opportunities for builders to innovate in response to market demand. Therefore option 1 is sufficient.
- Wayne agrees.
- Kim – Totally disagrees. The only way to move the industry forward is to have regulations that require it. Otherwise the industry has no incentive to move forward.
- Beth –It is clear from the analysis that almost immediately there is a cost benefit to the consumer using Option 2. Perhaps people need more education. Why would anyone want to consumers to bear additional long term expense?
- Kim - We are a group appointed by the Board. We are not going to get accurate representation of our input and opinions with the dry statement of positions without preference. The focus group should provide a recommendation to the Board. The majority of the focus group agrees with Option 2.
- We don’t think that the cost benefit analysis is the only important aspect to this topic. This is not the germane point. The environmental benefits of this issue need to be better addressed. This is an issue that results in actions for the public good. What is the purpose of this focus group?
- Dave – The demographics of the focus group don’t necessarily reflect the demographics of the citizens at large. The intent of creating the focus group is to provide a thorough analysis of the issues and record divergent points of view, if there are differences. We try to present Commissioners with all the rationale for each viewpoint and let the logic of the rationale speak for itself.

Question 3. Discussion of Incentives

- Brad-It is essential to mention that you cannot incentivize a code. Outside of code-you can encourage higher than code standards via incentives.
- Kim- agrees with Brad-you should not provide incentives to those building homes with revenue from taxpayer funds. Ultimately on group of taxpayers is subsidizing others.
- Densities were discussed as an option for incentives. City of ABQ waives impact development fees for the green pathway.
- Greatest benefit for green building is through improvements of existing housing stock. Discussion on manufactured housing. If we are going to impose standards on site built, we should also require standards for manufactured housing. Craig indicated that the State (and therefore the County) may not be able to regulate any homes that have an axle because of Interstate Commerce Clause requirements.
- Wayne-The cost benefit analysis may be overstating the case because of the erroneous assumption that the costs to improve a home’s efficiency can be financed as a part of the mortgage.
- Craig – There is no evidence that buyers of City of Santa Fe homes meeting the HERS 70 requirement have been unable to get all of the costs of building their homes financed.
- Appraisal gap is a big enough issue. County could provide a mechanism to work with appraisers to recognize that green buildings have higher value. Theoretically, it has more market appeal.

SLDC Public Input 11/29 BCC Study Session

30

- Dave – If all homes are built to higher standards, over time is the appraisal issue negated, since all homes are now at comparable efficiency levels.

Public Input

No members of the public desired to speak.

- Meeting concluded at 4:00 PM.

Database Input: Green Building

From: tgc1113@gmail.com [mailto:tgc1113@gmail.com] On Behalf Of Theresa Connaughton
Sent: Sunday, October 09, 2011 9:08 PM
To: Robert Griego
Subject: Input on Green Building

I have a concern that adopting Option 2 or 3 would, indeed, add significantly more to the cost of home construction. If a person wished to build a "summer" home only, for example, requiring HERS rating standards would negate that desire. This could affect private landowners in the mountains where snowfall makes access nearly impossible in some years yet the need for a summer residence is desired or required. Summer homes do not require the same building standards as regular homes since year-round usage is not an option that will or can be exercised. Additional building standards of necessity would require compliance checks, even if done by qualified professionals. This adds costs to taxpayers if not directly to the private land owners. Please do not adopt more requirements to supplement the State Building Code.

From: Beth Beloff [mailto:beth@bethbeloff.com]
Sent: Monday, October 17, 2011 9:56 PM
To: Robert Griego
Subject: Re: SLDC Focus Groups

Dear Robert:

I am attending the Green Building Standards Focus Group on Wed. In reviewing the materials, I see that the focus of attention is on energy efficiency. Given the impending water issues that we may experience in the region over time (climate change related), I wonder if it would be useful to also discuss water efficiency issues around green building. Please would you advise me as to whether introducing these aspects of green building would be appropriate at this time.

Thank you.

Kindly,

Beth

Beth Beloff

Principal, Beth Beloff & Associates
President, Bridges to Sustainability Institute

Description

From: David Van Winkle [mailto:david@vw77.com]
Sent: Friday, October 14, 2011 11:45 AM
To: Robert Griego
Subject: Energy Efficient Building Code for Santa Fe County

Robert,

I am a resident of Santa Fe County and would like to submit comments about the proposed energy efficient building code for Santa Fe County.

I support the staff recommendation, option 2, that would implement the plan that includes third party verification to a HERS rating of 70.

First, I would like to provide some personal background that is related to energy efficiency in my residences. In 2005, while living in Dallas, Texas, I had an energy audit done on my home. As a result of the insight gained in this energy audit, I reduced electricity usage by 35%. In 2006, we began the process to buy a home in Santa Fe County. Having learned the importance of energy audits, I had an energy audit performed on my prospective home in Santa Fe County, before I purchased the home. Having learned that home energy usage is not determinable by simple visual inspection, I wanted to be sure that I was not buying a house that used a lot of expensive energy. The energy audit included both a blower door test and duct blaster test.

I believe that is essential to have new construction tested to ensure that it will be energy efficient. Leaks that cause your nice warm house to be transformed into a building that is as leaky as a barn are not readily observable without testing used by HERS or BPI experts. My house in Dallas leaked the equivalent of a hole in a wall that is 10 feet by 10 feet. Well intentioned builders cannot find the leaks either without proper testing. In 2005, there was a builder in Dallas who was building a zero energy house, intending to do everything right from a leaky stand point. At the end of construction, the house failed the initial blower door test, because the cable TV installer had created a significant hole/leak the day before the test. Houses are complex structures and need to be verified by experts to ensure that they create the desired energy efficiency.

The County staff have done cost analysis that demonstrates that the net cost of home ownership is less with an energy efficient home than one that may be slightly less expensive to build, but consumes much more energy. The energy efficient building code saves people money! This same conclusion has been reached by many communities throughout the world. The County staff analysis does not even include the fact that energy costs are growing rapidly. Over the past four years, PNM has raised electricity rates by about 40%. It is very likely that this trend will continue in future years. PNM's coal-fired power plants are 40 years old and they provide more than 60% of PNM's energy. These facilities will require significant cost increases to continue to operate them.

Again, I support option 2, that implements third party verification and a HERS rating of 70.

David Van Winkle

Database Input: Open Space and Trails

From: Carol Johnson [mailto:carolj@cybermesa.com]

Sent: Sunday, October 09, 2011 4:09 PM

To: Robert Griego

Subject: Open Space & Trails

Hello Robert,

Kathy Holian sent around a summary of the BCC Meeting on Sept. 27, including info on the Open Space & Trails recommendations from county staff. It looks pretty good to me. As a member of the Open Space & Trails group I have some thoughts which I'll share at the next meeting. FYI -

I have reservations about the requirement that all new development of 5 lots or more must include open space. For example, if a new development contains 5 lots of 10 acres or more each, I question the need for open space. Perhaps here should be a lot size guideline.

Also, there is no mention of equestrian trails. Depending on the location and proximity to public lands, I believe that separate equestrian trails should be designated.

Thank you,

From: RIII [mailto:murlock@raintreecounty.com]

Sent: Tuesday, October 18, 2011 7:41 PM

To: SLDCmeeting

Cc: Beth Mills

Subject: "Remote Call" __Comments on SLDC__Open Space__wildlife corridors

At today's Open Space & trails Focus Group meeting, concerning Wildlife Friendly fencing, there was the impression or recommendation that such fencing only be considered for new development.

But if wildlife corridors are really to be encouraged, mapped, and made viable, it seems clear that the Code must try to encourage and over time, mandate Wildlife Friendly fencing through what must certainly be previously "developed" properties along such corridors.

There could, for instance, be gateway areas along such corridors where inappropriate fencing would be phased out and replaced with appropriate fencing.

The attached Figures show several such fencing methods. This flyer was provided by Chuck Hayes of NM Game & Fish back in May of 2008.

Perhaps he (if he is still there) or someone else at Game & Fish could be helpful in conceiving reasonable requirements.

Ross Lockridge

Ann Murray

Cerrillos

Figure 1. The preferred 3-strand fence for big game habitats in New Mexico. Top and bottom wires are best if smooth, rather than barbed. This is more critical for the top wire. Fence posts and stays should be no more than 10 feet apart, to keep a taut fence. Wires should be at 16, 26 and 38 inches above the ground to accommodate crawling, penetrating and jumping animals.

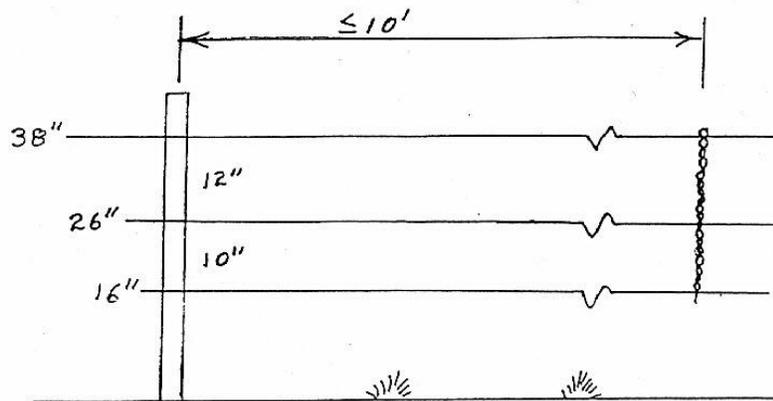
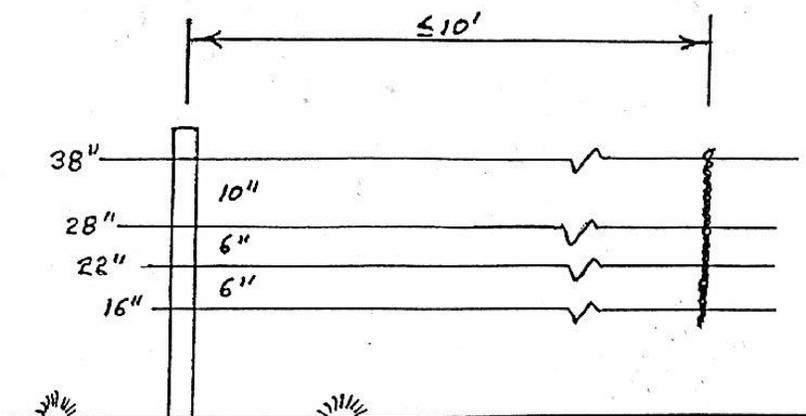


Figure 2. Recommended 4-strand fence with nearly-equal wire spacings. Top and bottom wires are best if smooth, rather than barbed. This is more critical for the top wire. Fence posts and stays should be no more than 10 feet apart, to keep a taut fence. Wires should be at 16, 22, 28 and 38 inches above ground to accommodate crawling and jumping animals.



Aesthetics of trail signs, landscaping, visual impacts and general approach

Added by Thor Sigstedt 11/01/2011

I would like to introduce the idea that landscaping for trails and erosion projects, etc., should always be constructed of the most local objects such as local gravel that is highly compatible with the surrounding stone and soil and sands. The use of "foreign" stones such as volcanic rock and gravel or white or even grey gravel is offensive and does not blend into the landscape. Often people who have no sense of these things or are simply interested in the budget order stone and such from wherever they can get them and the result is a lifetime of aesthetic insults to the area.

Included in this thinking is the look and use of signage and lighting, which often is done in the same way as described above. The signs need to be thought of as architecture in the historic district of downtown Santa Fe or for a national park, such as Yosemite. There are plenty of ways to do signs that do not look so offensive; pierced steel that will rust and be on poles that are not perforated with hundreds of holes that are useless and ugly, engraving on rocks, hiding the rears of signs in trees or shrubbery, couching signs in plant growth, painting signs that are not generic and mass produced, engraving signs, etc. etc.

The point is that one should be able to , for instance, take a beautiful landscape photo which includes the sign or the landscaping and not where one must avert the camera, the eyes, or the mind in order to have a pleasant outdoor experience. In a town like this there should be many people who can assist the non-aesthetic planners to do this important work. The benefits far outweigh some initial budgeting or thoughtlessness.

This systematic aesthetic consideration can be done with some fairly simple guidelines as suggested above.

Thor Sigstedt

Trails concept decision points

Toby Gass November 8, 2011

Hello,

Here are my thoughts on trails following the Focus Group meeting on Nov. 3, 2011. I've taken the handout prepared for that meeting and interspersed my comments and specific suggestions for base requirements. The original text written by County staff is in BLACK and my comments are in BLUE. I also reference the County proposals presented at the BCC study session in October but I don't copy them here. In some places, I get a little wordy; that is so folks can understand the rationale for my suggestions. Please let me know if you have questions, need clarifications, or want to talk about any of this. This is only on Trails; perhaps I will take a stab at Open Space, too. I hope you find this useful and applicable. I will follow Dave Gold's suggestion and send this directly to Beth, Robert, and Dave, and also attempt to submit it to the public input database. Cheers,
Toby Gass

Discussion basis for meeting on November 3, 2011

Trails

Open Space and Trails Focus Group members,

We appreciate your participation on this focus group. The focus group that will be held tomorrow at 4:00 PM in the County Commission Chambers. Based on your input and suggestions, we are taking a different approach to this meeting in order to better solicit your feedback and input on Trails.

The Focus Group meeting discussion items will include questions, concepts and implementation possibilities for your consideration.

Question # 1: What concepts should be considered for trail connectivity? Concepts for consideration:

Comment:

An initial linear trail corridor that improves safety and has some aesthetic value provides a framework and motivation for future connectivity. In all SDA's, development of off-road recreational bicycle, hiker, or equestrian trails should be considered:

1. where linear corridors (such as the Santa Fe River, Arroyo Hondo, Pojoaque River Valley, new or historical rail alignments, abandoned road beds, arroyo systems, etc.) exist.
2. in areas that are likely to have a young demographic (lots of kids).
3. where safety concerns suggest that mixing vehicular traffic with bicyclists or pedestrians is not appropriate (how many bicyclists use the suicide lane on Cerrillos Road?).
4. Where off-road alignments are more efficient than the existing road alignments in getting people where they're going.
5. Where road alignments are inappropriate for the intended user group (bicyclist, pedestrian, equestrian) due to considerations such as grade, sightlines, soil type, or terrain.

Trails in SDA1 (compact development and planned districts) should connect open spaces, parks, regional trail networks, community facilities, schools, commercial centers, and transportation facilities. A hierarchy of trails and trail standards will be designed to be appropriate to the development in SDA1.

Comment:

For those trails that are wholly within a subdivision, the standards adopted can differ among subdivisions, in keeping with the character of the particular subdivision. Standards in all subdivisions within SDA1 should provide for both pedestrians and bicycles. Bicycle and pedestrian improvements associated with roads or trails that connect subdivisions to each other, to open space areas, or to regional trail networks, and to community facilities and commercial centers will be of similar standard throughout SDA1. In SDA1, the word "trails" can include designated bike lanes that are part of a roadway. Summarizing the above, It is appropriate to use the term Complete Streets to describe the objective in SDA1. The Complete Streets website (<http://www.completestreets.org/completestreets-fundamentals/complete-streets-faq/>) and the photo gallery make clear that the term does not refer to a specific design, but to the goal of designing a safe multimodal transportation system. Every new road in SDA1 should be a Complete Street, if we recognize that the term means the road design deliberately contributes to a safe multimodal transportation system rather than referring to a set design criterion.

Given the above, I would suggest merging the suggestions presented at the BCC study group with the concept statement provided above for the Nov. 3 meeting. My suggested requirements get the County out of the business of determining widths, surfaces, etc. for all new subdivisions and allows the developer to figure out how to meet the requirement, consistent with the character of the subdivision.

Base trail requirement for all new development in all SDA's:

- 1. Trails or a route provided by Complete Streets must connect all lots in a new development to any existing or planned Regional Trail Corridor adjacent to the proposed development.****
- 2. At least one public shared- use trail or route provided by Complete Streets must connect to any existing or planned public trails adjacent to the proposed development.****
 - a. The designated use of the trail (pedestrian, bicycle, equestrian) will be context- dependent and consistent with adjoining or local uses.****
 - b. If no public trails exist or are planned due to lack of current development, a trail alignment must be provided that has the potential to connect to future adjoining development. (In other words, it doesn't end on a talus slope or a canyon edge...)**
- 3. Trails or Complete Streets must connect residences to any existing or planned public facility within the new subdivision, such as community facilities, schools, commercial centers, and transportation facilities.**
- 4. Design of all trails or roads will incorporate available context- appropriate standards, such as those developed by AASHTO, The National Complete Streets Coalition, or The National Center for Biking and Walking (these are examples only).**
 - a. At a minimum, designs and engineering must reflect the degree of urbanization, the anticipated type and volume of motorized traffic of the specific subdivision, the anticipated volume, type, and season of trail use, demographics of the users, aesthetics, terrain, and longevity or durability of the trail. (Note that the term Complete Streets does not indicate a particular design but references the goal of designing a safe multimodal transportation system appropriate to the setting (see <http://www.completestreets.org/complete-streetsfundamentals/complete-streets-faq/> and the accompanying photo gallery).**

A rural road that serves one or two houses can be consistent with Complete Streets without any unusual or novel design requirements. A similar hierarchy of trail design standards is available for trails ranging from highly developed paved and striped hardened surfaces to wilderness paths.)

5. Trails within the right- of- way and designated bicycle lanes must include safe crossings of Collector and Arterial Roads at intervals of no more than 1 mile in SDA1 and SDA2 and as suggested by the location of residences, intersections, and public or private facilities in SDA3.

6. New subdivisions should preserve traditional use trails or, if not possible, replace them with an equivalent trail with the same connectivity.

7. Trailheads or trail access points will be signed to inform users of trail etiquette and intended uses.

8. Requirements in addition to the above or specific design standards can be required by local Community Plans, Compact Development Plans, Neighborhood Plans, etc.

****These provisions will not apply to subdivisions with an area of less than ?? acres or with fewer than ?? lots unless required by a local planning document. The provisions will apply if either of these criteria is met.** (I'm really not sure what to do with the small lot split issue, particularly since I live near an entire subdivision that was never platted but was created by splitting lots on multiple adjoining parcels, destroying multiple traditional use trails and cutting off public land access in the process. Perhaps there will be other new provisions in the Code that will minimize this issue).

For all new development in SDA2 and SDA3 (less dense areas), residents should be able to safely walk or ride a bicycle from their home to existing or planned nearby parks, open spaces, regional trail networks. What types of on- road bike/pedestrian facilities or off- road trails are appropriate given the rural context?

Comment: I think SDA2 and SDA3 are quite different. Regarding commuter/transportation bicycle trails and pedestrian facilities, most residences in SDA2 are close enough to SDA1 that the residents are highly likely to use facilities in SDA1, such as schools, commercial centers, and community facilities, on a daily basis. SDA2 should therefore have connections to the facilities in SDA1, with a focus on bicycles – they are not going to walk the distance. I address this in suggested additional base requirement #1, below. If new SDA2 development is based on existing collector and arterial roads, then the overall objective can only be achieved by retrofitting existing roadways.

Trail use in SDA3 is likely to fall into one of 3 categories: very local, long-distance, or used to access public land. If a subdivision in SDA 3 is platted to include local parks, open space, schools or community facilities then trails or roads in the subdivision should provide safe multi-modal connections to these local facilities as well as to the nearest collector road. This is addressed in the suggested base requirements above.

Question # 2: How should trails be connected?

Comment:

Traditional trail alignments used by bicyclists, hikers/pedestrians, and equestrians (and pilgrims) in SDA2 and SDA3 should be mapped and preserved to the greatest extent possible as the new county plan is being prepared so potential trail alignments will still be available if/when subdivisions are built under the new Code. Hikers and equestrians can share off-road trails.

To create an integrated trail system with a significant recreational or transportation component, existing roads must gradually be retrofitted to the same standards as new construction and additional off-road trail alignments need to be acquired, whether through easement, purchase, donation, impact fees, TDR's, etc. In no particular order, possible criteria for prioritizing and developing acquisitions are: areas that have the largest number of injury accidents; areas with large numbers of children; areas that are most inadequately served by trails; access to public lands, open space, and trails.

Possible Implementation Options:

1. Open space and trails planning will be incorporated into standards for all development in SDA1. Specific thresholds will be determined during the planning process for compact development and planned districts. Standards might be similar to those in the Community College District.

2. Connectivity in and through new development in SDA2 and SDA3 will be achieved through rural road standards. Rural Arterials will provide 5' shoulders, Rural Collectors and Rural Local roads will provide a 4' wide off road paved trail in the Right of Way.

3. New development will provide trail easements to adjacent public lands and other public trail networks.

Add: Easements will be sized and located to accommodate appropriate trail design. (I mention this because I know of easements purchased to provide trail access to National Forest land that were too narrow for the switchbacks that the slope demanded)

Comments:

Is the 5' shoulder on Rural Arterials wide enough? I believe this is often a suggested minimum width. In New Mexico, Rural Arterial Roads have high speed limits, hazards from vehicles associated with agriculture,

horse-hauling, woodcutting, logging, etc. are great, and many wide pickup trucks and recreational vehicles have extended side view mirrors. I suggest either a wider shoulder that includes an unseamed pathway for bicycles or an offroad trail. See mention of this issue at <http://www.bicyclinginfo.org/engineering/facilitiesshoulders.cfm>. I also suggest specifying either a minimum width or that the trail be consistent with current guidelines, instead of insisting on a particular width. Sometimes, for instance, terrain necessitates increased widths. See, for example:

<http://www.bicyclinginfo.org/engineering/paths-details.cfm>

Under FHWA definitions, I believe the term Rural Local Roads includes all the little roads that go to individual houses. A 4' wide off-road paved trail is unlikely to be necessary or appropriate on local residential roads where bicycles and pedestrians can probably cope successfully with motorized traffic. A 4' wide off-road unpaved trail, however, might be an excellent accommodation for equestrians and pedestrians in SDA2 and SDA3, unless the Rural Local Road is not paved.

These comments lead to the following suggestions:

Additional base requirements for new development in SDA2 and SDA3

1. Trails or Complete Streets in SDA2 will provide safe access for bicyclists to the adjacent regional trails, trails in adjoining subdivisions or adjoining Collector and Arterial Roads that serve public and commercial facilities in SDA1.***

2. Rural Collector or Arterial Roads in SDA2 and SDA3 that form part of a route that is or will be commonly used to access public lands, designated open space, or regional trails will be designed to accommodate bicyclists or equestrians en route to those destinations, on the road surface or within the right-of-way.

a. Trails that do not follow the road alignment can be substituted if they provide the same connectivity to the destinations.

b. Paved shoulders for bicyclists will have a minimum width of 6'.

c. Design for pedestrians will not be required more than (5?) miles from the destination.

3. Rural Local Roads in SDA2 and SDA3 will accommodate equestrians on unpaved surfaces in the right of way.

*** I omitted pedestrians here because most people in SDA2 are not going to walk the distance to services in SDA1. I omitted equestrians because hitching posts in SDA1 are unlikely to become a reality.

Database Input: Zoning and Density

Suggestion to get more precise input

Cathy McManus 11/10/2011

The Zoning and Density meeting in Edgewood 11-9-11 was status quo with the folks who want to develop the Southern part of the County with higher densities and commercial development (Edgewood) vs. the folks that live out here to get away from all of that and want to control growth (Cedar Grove/San Pedro). The Edgewood Group is comprised of individuals with large land ownership/private water companies/real estate/building companies that can only flourish with growth. This is not a good or bad thing but only proves that lines need to be drawn in this part of the County for placement of higher density neighborhoods, commercial businesses, mixed uses and rural residential and agriculture.

The Edgewood group suggested floating zone areas which of course means no zoning, which would result in even more contentious land use battles with the County Commission than there are now. If zoning lines were drawn, groups or individuals who want to live or create a business in this part of the County would know what to expect and that spot zoning that has taken place in the past would not be allowed. That should be our "End Game".

These zoning areas to a degree have already been established. The Town of Edgewood has designated areas of Town services and Mixed Use as far North as the Edgewood Middle School. Commercial zoning has been designated for both sides of I40 all of the way to Moriarity. County Rd 41 on both sides North of I40 could be more mixed use and commercial because of the low population residing there and some folks in that area have expressed an interest or the talks of the Racino would not have progressed as far as they did. The population in Edgewood is not even near critical mass so there should be no need for encroachment into the smaller communities that want to retain their rural lifestyle and protect the beauty and nature of the San Pedros Mountains.

The only way to get everyone on the same page is to get these groups to sit down and hash out the zoning boundaries. If we can come to agreement, the County would also need to re-define their process so that commercial and mixed use development or residential development can occur more easily within these designated areas. The current County process for land development is flawed and this is why there is so much trepidation in Southern Santa Fe County.

Retail and Commercial in SDA 2

Toby Gass 11/17/2011

Sorry, I couldn't figure out which Tracker or CDP category this went under - I couldn't find one called "Zoning".

Following up on my comment in the public meeting, I don't think traditional retail/commercial is financially feasible in SDA2 because these are bedroom communities. The commuters are going to do business in the "destination" commercial centers near where they live, whether this is in SDA1 or an incorporated city/town.

BUT...I'm interested in the possibility of having small - very small - commercial nodes scattered through the SDA2 areas that would have the following characteristics:

- flexible space
- shared space
- indoor/outdoor space

These might be appropriate for barber shops, a coffee cart, selling local produce and other agricultural products, perhaps a weekly visit by a regional business, vendors of wood/rock/Christmas trees/ristras/latillas, etc. Micro-retail??

I don't know if this would work but it might be nice to try it out.

Process for changing zoning

Added by Toby Gass 11/17/2011

Description

At the El Centro meeting last night on zoning and density, one of the questions raised by County was how to handle requests for changes in zoning. I've written up a delightfully bureaucratic process for doing so. Attached as pdf.

Proposed process for changing zoning designations:

This process incorporates the presumption that the zoning map [once it is passed] reflects the County's decision as to where development of various types should occur, based on the SGMP, extensive public input, extensive staff analysis, and the final vote of the BCC. The documents also reflect a belief that piece-meal zoning is not a good thing. A request for a zoning change essentially asks the County to reconsider its decision. This process therefore puts a heavy burden on the requester to show why a rezoning is both not harmful and in the public interest. The requester can combine Steps 1 and 2 (below) if desired, or wait for the decision on Step 1 before investing the time and energy required for Step 2.

Process initiated by an individual or entity other than the County

Step 1:

Given that the county plan has an approved rationale and long-term vision for development, the requester must provide a convincing argument that the rationale is no longer appropriate for this parcel.

This argument must be made on at least one of the following bases:

1. Current zoning is not consistent with the growth management plan, e.g., is in error
2. Conditions have changed and the original zoning is no longer appropriate for this location
 - a. the changed conditions must be articulated and must be projected to be sufficiently long-term to warrant a significant change in impacts to the land
3. No suitably zoned land exists in the County and the project provides a critical public benefit

The proposal must be made for an actual intended project, not for a change in land designation to be acted on with some indeterminate project at an indeterminate time in the future. A proposal that cannot address at least one of these arguments will be rejected without additional analysis.

TBD: Who does the approval/rejection?

What is the appeal process, if any?

Step 2:

The requester must provide a description of the proposed project that is sufficiently detailed to address the following:

1. How does this project complement the SGMP?
2. Are the required water and other infrastructure in place?
 - a. If not, how will they be obtained?
 - b. Water rights purchased elsewhere that cannot be proved with actual water flows will not be considered proof of water in place.
3. How will the following be affected:
 - a. Schools
 - b. Emergency responders
 - c. Medical facilities
 - d. Traffic
 - e. Ambient noise
 - f. Air quality
 - g. Utility drawdown
 - h. Viewsheds
4. What other locations have been considered and why was this one selected?

5. Will the project generate pollutants or other hazards?

This preliminary analysis will be made available to the public for at least 45 days, allowing the public to provide feedback on these specific issues to the requester, who can then refine the analysis. The completed analysis, including a record of the public comment received, will be reviewed by County Staff. The request will either be approved to proceed to the final step or will be denied the zoning change.

Criteria for approving or denying will include:

1. Consistency with the SGMP
2. Environmental impacts
3. Impacts on adjoining or nearby properties or neighborhoods
4. Impacts on County services
5. Other issues?

TBD: Who does the approval/rejection?

What is the appeal process, if any?

Step 3:

If the proposal passes Step 2, within 2 years, the requester will provide a full plan of the project [including all the things plans usually require] within 12 months of the approval. This will be a typical review process as for other similar types of developments in the County and will result in the final approval or disapproval of the rezoning.

TBD: Who does the approval/rejection?

What is the appeal process, if any?

Process initiated by County

But, what if it is the County that wants to change the zoning, having in mind some typical future uses but not a specific project? Then, the County would make the arguments in Step 1 to the public and address the issues in Step 2, to the extent possible without an actual project. Eventually, the BCC would vote on changing the map. There need to be checks, however, to ensure that a County-initiated process is a process for the public benefit and not a backdoor for individual developers.

Question on industrial zoning

Added by Toby Gass 11/18/2011

What does "industrial" mean?

Is it non-retail, non-hospitality commercial activity?

For instance, is the business park on Bisbee "industrial"?

Thank you.

Zoning

Added by Toby Gass 11/18/2011

Some thoughts following the meeting at the Rodriguez Center:

Caja del Rio Road:

I am opposed to "industrial" development, or any significant development, west of Caja del Rio Road for the following reasons:

1. If there is ever a major fire on the Caja, the road will be the "hold at all costs" fire line.

2. Development on the west side of the road will make fighting a fire much more complicated and greatly increase the costs of firefighting.
3. If there is a major fire, the road is likely to be closed to public access.
4. Development on the west side of the road will extend the wildland-urban interface into the wildland.

I think the area is better suited as a gateway to the open space to the west. The presence of Game and Fish and the MRC already lend a "recreational" feel to the area. Many of us have also suggested for years that a westside trail system converge on that area and connect with the federal lands. This area is particularly suitable for equestrians who have lost so much of their traditional use trails. The several arroyos that converge in the area are also important wildlife corridors between the Caja and the mountains to the east. Focusing on recreational uses and open space would give the area "utility" while respecting the potential for a wildland fire. Let's develop the area instead so that it is friendly to non-motorized users of the federal lands. But if industrial development does occur, any construction in the area should be subject to particularly stringent criteria regarding defensible space, ingress, egress, roofing materials, etc. And certainly no storage of hazardous materials, as might be required for various industries, in the wildland-urban interface.

Densities:

The areas designated as 1 DU/2.5 acres up to 1 DU/40 acres are suburban sprawl zones. We don't want to increase density if it is based on hydrology. This makes an argument for mandated open space that did not come up during the Open Space Focus Group discussions. In these suburban sprawl zones, I'd like to see a provision encouraging clustered housing as long the total number of DU's does not exceed the number of DU's that would have been built without clustering. In other words, given 250 acres in a 1 DU/2.5 acre zone, you can build 100 DU's, each on its own 2.5 acres, or you can build 100 DU's in one or more clusters and maintain the rest as open space. There is no density bonus. People pay huge amounts of money for clustered housing near golf courses, lakes, ski areas, and so on. A developer is not going to go bankrupt on well-designed clustered housing with open space and trails. This might require brainstorming some creative incentives. Of course, if you decide to mandate open space, then this won't be necessary. The main demographic that built and lives in the existing low-density areas is old and aging. I find it hard to foresee the growth pattern over the next 20 years.

Comments on specific lines in the General Use Table Example Draft

I'd like to see crop production as a primary use allowed in the 2.5 AC zone.

I don't know what the "Home Based Business" group has come up with, but "business, professional, scientific, and technical services" could probably co-exist well with residential areas, as could a home-based caterer.

Child care gets an "x" in Ag/Ranch 160 and RUR-40. I think child care, at least to the licensing level of "family day care home" should be allowed anywhere.

Library buildings should be permitted anywhere - they are shown as prohibited across all base zoning districts.
Post offices should be permitted anywhere - currently they are shown as prohibited across all base zoning districts.

Mobile homes - what is the rationale for prohibiting mobile homes in most base zoning and planned districts?

It looks like anything related to construction as well as lumberyards, produce warehouses, stone cutting and other things I probably didn't notice are prohibited in the Ag/Ranch zone (not under Agriculture, Forestry, but under later categories). These should probably be acceptable in these areas.

Local transit systems should be permitted everywhere, or does this mean their offices?

"Solar energy facility" is permitted everywhere. What does this mean? Does it mean someone can build a solar farm in a residential area? Santa Fe County is ideal for solar farms and the community college is busying training students in solar techniques. Solar farms should be close to population centers to reduce efficiency losses due to transmission. But maybe not automatically permitted, "p", everywhere. Large solar farms might also be considered for "industrial" zoning on larger tracts. Solar farms don't need much in the way of water or highway access.

We should probably consider home wind power - can you put a windmill on your property?

Daniel “Danny” Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Elizabeth Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: November 17, 2011

To: Board of County Commissioners

From: Craig O’Hare, Erik Aaboe – Energy Specialists

Via: Jack Kolkmeier, Growth Management Department Director
Patricio Guerrerortiz, Public Utilities Division Director

RE: Energy Efficient Building Codes Update

On September 27th, the BCC held a public hearing and study session on certain elements of the proposed Sustainable Land Development Code (SLDC). The County’s Energy Specialists provided an overview of public input received on Green Building Code options for the BCC’s consideration. The public input came from four public meetings held throughout the County and one Green Building Code Focus Group meeting. Based on maintaining consistency with the green building policies established in the Sustainable Growth Management Plan and public input, staff provided the BCC with its preliminary recommendations for including residential and commercial green building code elements in the code. While acknowledging that all green building measures had merit, both public and staff felt, given cost impact concerns, it was desirable to focus the code exclusively on including cost-effective energy efficiency (EE) measures. Therefore, the title has changed from “green building” to “energy efficient” building codes.

At the September 27th meeting, staff recommended:

- 1.) For new residential structures – a “Home Energy Rating System” (HERS) standard of 70 or lower (the lower the score the more EE the home) or an equivalent, 3rd-party verified energy performance
- 2.) For new commercial structures – a “Designed to Earn the EPA Energy Star Certification” standard.

Staff provided general information suggesting that the recommended standards would enhance buildings’ “affordability” – defined as the savings in monthly energy utility bills would exceed the slight increase to the monthly mortgage payments. At the hearing, some members of the general public expressed concerns regarding the impacts the proposed standards might generate on the price of a

home. Some Commissioners, while supportive of the energy efficiency objective, expressed similar concerns about the potential cost impact.

In October, staff convened a group of home building science experts (e.g. builders, HERS raters, etc.) to conduct a specific analysis of the impacts a HERS 70 rating would have on the price of a home, the increase to the monthly mortgage payment, and the decrease to the monthly energy bills. The results of the analysis (attached) confirm that a HERS 70 standard promotes home affordability. The analysis indicates that, for a 2300 square foot, \$300,000 home, a HERS standard of 70 increases the price of the home (over the existing 2011 NM Energy Conservation Code) by approximately \$4000, or 1.3%. Assuming a 5%, 30 year mortgage, this translates to a monthly mortgage payment increase of approximately \$21 (\$23 for a propane fueled home.) For a natural gas home, the monthly utility bills savings is approximately \$27, creating an overall net savings of \$6 per month. For a home using propane, the monthly energy savings is \$129, resulting in a net savings of \$106 per month.

In addition to the cost-benefit analysis, staff researched the selling prices of homes currently complying with the City of Santa Fe's HERS 70 standard. Centex/Pulte Homes sells a variety of smaller (less than 1500 sq. ft.) homes that achieve a HERS of 65-69 for less than \$200,000. An 1800 sq. ft. Centex/Pulte HERS 70 home sells for less than \$230,000.

On October 19, a second Green Building Focus Group meeting was held to explain the cost-benefit analysis, solicit the Focus Group's support for the assumptions and methodology used in the analyses, and obtain additional input on staff's recommendations. Generally, the FG supported the analysis and its conclusions. Based on input from Commissioners at the September 27th meeting, the facilitator sought input on possible incentives that could be included to help defray the additional costs of meeting the standard. The FG found it difficult to identify viable incentives, save for the suggestion by some of the FG members to reduce the development review permit fee to cover all or a portion of the costs of the HERS inspections and certification. Some FG members also emphasized that promoting energy efficient construction is not simply about costs and benefits but the substantive non-monetary benefits that are generated (e.g. reducing greenhouse gas emissions, reducing air pollution and protecting public health, keeping energy dollars in the region, etc.). The non-monetary benefits are also emphasized in the Sustainable Growth Management Plan.

Based on the additional public input and the results of the cost benefit analysis, staff continues to support the energy efficient code recommendations it provided at the September 27th BCC meeting (see draft language attached).

Santa Fe County Cost-Benefit Analyses for a HERS 70 Energy Efficient Residential Building Standard

A group of HERS raters and builders met with Santa Fe County and City of Santa Fe staff to analyze the difference between an example house meeting the NM Energy Conservation Code, also known as the International Energy Conservation Code (IECC 2009) and that same house modified to meet a Home Energy Rating Standard (HERS) of 70 or equivalent requirement. HERS is a “performance” rather than a “prescriptive” standard; this allows the builder a whole host of options to achieve the standard. This analysis is necessary because the IECC 2009 is not currently in effect and will not be in effect in New Mexico until February 2012. Santa Fe County wants to verify the affordability of a home built to a HERS 70 or equivalent requirement. Affordability, in this context, is defined as lowering the combined monthly mortgage and energy utility payments when compared to the base case home.

A 2,300 square foot one-story home with 300 square feet of windows equally distributed on all four walls was modeled to comply with the requirements of the 2009 IECC that apply to climate zone 5b (all of Santa Fe County.) This example or base case home was equipped with a conventional water heater and forced air heating and air conditioning system with the HVAC ducts located in the unheated attic. When modeled to meet the requirements of the IECC 2009 code, this home had a projected HERS rating of 89 (this is equivalent to annual total energy use of 50 KBTU/square foot.)

County staff has recommended a “HERS 70, plus, plus” (HERS 70, ++) standard where the two “pluses” represent: 1) inclusion of a thermal by-pass inspection/check-list process to ensure that there are not air gaps between the inside and outside of the home, 2) inclusion of mechanical fresh air exchange to protect occupant health by maintaining indoor air quality.

Changes were made to the example home to reach a HERS 70++, (42 KBTU/SF.) Those changes are listed in the table on the document’s last page. As shown in that table, the changes were sequentially modeled to determine their impact on reducing the home’s energy use and lowering the home’s HERS rating. While there are many other design-related ways to reduce a home’s energy use that are more cost-effective (building shape and orientation, window size and location, inclusion of some passive solar features, selection of major appliances, for example) the changes modeled in this example were chosen to make a straightforward before-and-after comparison. However, it’s important to emphasize that if those other less costly measures were utilized, rather than those modeled for this analyses, the net financial benefit of a HERS 70 standard would be even greater than those presented below. The table also includes the estimated costs of each of those changes as well as some average service costs for third-party analysis, inspection and verification of the HERS requirement.

It is important to note that the IECC 2009 code has some new requirements that many builders may not be currently familiar with. For example, the new code requires that whole house air infiltration must be tested using either a blower door or through visual inspection by an approved independent party (IECC 402.4.2.) Also, duct systems outside of the conditioned space must also be tested. That will require a duct blaster test and may also require the blower door test (IECC 403.2.2.)

From the table on the following page, the estimated costs of the improvements are \$3,870 for homes using natural gas and \$4,370 for homes using propane. This is because the NM Gas Company offers rebates for efficient water heaters and furnaces in both new and existing homes and those rebates are not available for propane-fueled homes. Financing the costs of these improvements for the HERS 70 home will result in an increased monthly mortgage payment as shown in the table below when financed at 5%

Santa Fe County Cost-Benefit Analyses for a HERS 70 Energy Efficient Residential Building Standard

for 30 years. It is important to note that some developers have raised concerns that the additional costs of the options below may not be includable in the home's appraised value and may require additional equity from the borrower. Recent evidence in homes that meet the City of Santa Fe HERS 70 requirement does not support this assertion.

If we assume that a 2300 sq. ft. home might sell for \$300,000 (\$230,000 in construction costs at \$100/sq. ft. plus \$70,000 in land costs), \$3870 represents a 1.3% cost impact.

Combustion Fuel Type	Additional Cost of Measures to reach HERS 70	Monthly Mortgage Increase (30 years at 5%)	Monthly Energy Bill Savings for HERS 70 Home (for both gas and electricity)	Combined Decrease in Monthly Bills (Affordability)
Natural Gas	\$3,870	\$20.75	-\$26.50	- \$5.75
Propane	\$4,370	\$23.50	-\$129.00	-\$106.00

Annual electricity and natural gas costs for this example home are modeled at \$1,646 for the base case HERS 89 home and \$1,327 for the HERS 70 home. Fueling and powering the HERS 70 natural gas home will save the homeowner approximately \$26.50 a month. For propane, the energy savings are greater ($\$3,284 - \$1,725 = \$1,559 / 12 = \129.00 per month.) This analysis indicates that building this example home to a HERS 70 or equivalent will lead to lower combined mortgage and energy payments than the base case home. Of course, as electric, natural gas and propane costs increase over the coming years and decades, the monthly savings will increase relative to the base case home.

Erik Aaboe
 Energy Specialist
 Santa Fe County
 505-995-2718
eaaboe@santafecounty.org

Craig O'Hare
 Energy Specialist
 Santa Fe County
 505-992-3044
cohare@santafecounty.org

10/24/2011

Santa Fe County would like to acknowledge the invaluable support and assistance of the following in the preparation of this analysis:

Larry Gorman	Building Energy Solutions, Inc.
Katherine Mortimer	City of Santa Fe
Stephen Onstad	EverGreen Building Solutions, LLC
Bill Roth	Clear Creek Management Corp.
Kim Shanahan	Santa Fe Area Home Builders Association

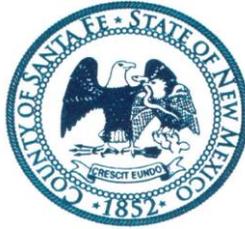
Santa Fe County Cost-Benefit Analyses for a HERS 70 Energy Efficient Residential Building Standard

Original Equipment	Changed Equipment	HERS before	HERS after	Estimated Cost of Change
Base case 2009 IECC Code Compliant House	None	N/A	89	N/A
100% Incandescent Lighting	100% Compact Fluorescent Lighting	89	85	\$100 (40 lamps at \$2.50 each)
Windows w/ R value of 2.85 (U = 0.35)	Windows w/ R value of 3.33 (U = 0.30)	85	83	\$800
82% efficient (AFUE) furnace	92.4% efficient (AFUE) furnace	83	78	\$900(after \$200 NM Gas Co rebate for natural gas) – source Hercules Industries in ABQ
56% efficient (EF) tank water heater	83% efficient (EF) tankless water heater	78	71	\$500 (after \$300 NM Gas Co rebate for natural gas) – source Takagi 144kBTU cost
Conventional bathroom exhaust fans (To protect occupant health by maintaining indoor air quality.)	Continuous-duty fans & timers (improved ventilation to meet ASHRAE 62.2)	71	71	\$200 – source Panasonic Whisper Green fans
Code default infiltration assumed	Perform Blower Door Test to verify code required infiltration	71	70	Cost included below in testing
Subtotal of this example's additional cost items to reach HERS 70 and comply with ASHRAE 62.2 improved ventilation				
Estimated Average Service Costs for Third Party Verification				
Plan Analysis (unit cost can be reduced if many homes built to the same model)				\$345
Inspections				\$200
Testing (may be lower depending upon IECC 2009 required testing as discussed above)				\$250
Quality Assurance Fee				\$55
Subtotal of Verification Costs				\$800
Sub-total				\$3,300 (\$3,800 for Propane areas)
Contractor markup / profit (15%)				\$570
Total				\$3,870 (\$4,370 for Propane areas)
“Beyond 70” improvements for informational purposes on possible options				
Code Default Infiltration of 7 air changes per hour at 50 Pascals (ACH at 50 Pa)	6 ACH at 50 Pa	70	69	No cost / Low Cost, requires improved construction management
Non-Energy STAR refrigerator 775 kWh/year	Energy STAR Refrigerator 500 kWh/yr	69	68	No cost / Low Cost
Window orientation - 75 SF of windows all four sides	40 SF windows E and W, 140 SF S, 65 SF N, no overhangs	68	67	No cost / Low Cost
R38 batt ceiling insulation	R50 blown ceiling insulation	67	65	\$327 - source Miller's Insulation (\$2077 vs. \$1793 plus 15% installed in Santa Fe Area)

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: November 22, 2011

To: Board of County Commissioners

From: Beth Mills, Community Planner/ Projects and Facilities Division, PWD

Via: Jack Kolkmeier, Director/Growth Management Department
Robert Griego, Planning Manager/GMD

Re: Open Space and Trails Recommendations for SLDC

OPEN SPACE AND TRAILS
Final Recommendations to the BCC / Synthesis of Focus Group and Public
Comments on the Code
November 29, 2011

The Open Space and Trails discussion with the community boiled down to several key questions.

OPEN SPACE DISCUSSION AND RECOMMENDATIONS

Key questions generated from the OPEN SPACE discussion were:

- What is the difference between private and public open space, and who is responsible for acquiring / designating and maintaining each?
- At what threshold density should private open space designation be required of a developer?
- What mechanisms should be used to determine the location of required open space in a subdivision and to ensure that "quality" open space is designated?
- How can the code regulate fairly to implement the open space goals of the Sustainable Land Development Plan while still respecting private property rights and the cultural and geographic differences in Santa Fe County?

The discussions yielded these recommendations:

- Blanket open space requirements for developers countywide were rejected. Requirements need to be context specific.
- For subdivisions in sparse density zoning districts (Agriculture/Ranching, Rural, Rural Fringe) the open space requirement will be handled through lot coverage restrictions (i.e. defined building envelopes) and site development review.

- For subdivisions in more densely zoned rural areas (Rural Residential, Rural Fringe, Rural Estate) a land suitability analysis will be required to determine “no build” areas in order to ensure the parts of the property with high conservation value are targeted to accomplish contiguous open spaces within the subdivision.
- In Traditional Communities incentives will be available for consolidated and contiguous areas to be set aside as permanent open space or agricultural land.
- In Commercial Districts open space requirements will be controlled through lot coverage and landscaping requirements. These will include standards for pervious/impervious surfaces, courtyards, plazas, portals, internal pedestrian circulation, and connections to adjacent developments or transportation facilities.
- In Planned Districts & Compact Development Districts (urban and urbanizing areas) open space requirements will be implemented by the specific area or district plan. A Land Suitability Analysis will be performed to determine appropriate locations for development based on terrain management, natural drainage, soils, centers, and circulation.

TRAILS DISCUSSION AND RECOMMENDATIONS

Key questions generated from the TRAILS discussion were:

- How will the Code reconcile the need to plan for and designate regional trail corridors (*before* a development comes to the County for review) with the resistance of private property owners to acknowledge that a regional trail corridor may impact their property? What mechanisms are available to compensate the property owner for a trail right of way or easement?
- How will the Code address the differences between recreational trail standards and multi-modal trails used for alternative transportation?
- How can the Code ensure that access to public land is not cut-off by new development?
- How will the Code regulate the location of trails to ensure they can be built sustainably, to the appropriate standard, and make all the necessary connections (to other developments, public facilities, public open space)?

The discussion yielded these recommendations:

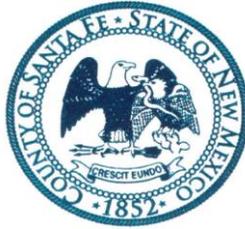
- The code will distinguish between recreational and transportation uses for trails. Bikeways should be handled with 5’ on road bike lane in the road design section of the code in order to accomplish the “multi-modal” objective. Road standards should require “complete streets” in urban and urbanizing areas.
- All subdivision plats and Site Development Plans shall provide non-vehicular sidewalks or trails or trail easements along arterials, collectors and local roads.
- Where a development is traversed by a trail shown on an adopted plan or otherwise recognized by Santa Fe County as part of the long range Open Space Plan or Official Map, a trail easement shall be dedicated (in accordance with the requirements of the section of the code that applies to trail easements), which substantially conforms with the trail or provides equivalent connectivity.
- Alternatively and in lieu of the above requirements in rural areas, an internal, off-road trail system may be required, provided that such system connects existing trails, trail easements, or otherwise contributes to the creation of an area-wide trail network on adjacent lands.

- Subdivisions greater than 5 lots shall plat trail connections to adjoining subdivisions, trails, and public open space.
- Subdivisions adjacent to public land shall provide easements for a trailhead and parking to access the public land. Alternately, and in lieu of this requirement, an easement for equivalent access to public land may be provided at another location outside the subdivision.
- Surfacing of sidewalks and trails shall be coordinated with streetscape and project design and be appropriate to the scale and intent of the development.

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: November 29, 2011
To: Board of County Commissioners
From: Robert Griego, Planning Manager/Growth Management
Via: Jack Kolkmeier, Director/Growth Management
Re: Agriculture Recommendations

SUMMARY

Agriculture and Ranching was identified as a Concept Decision Point and was discussed in the public input process meetings for implementation of SGMP policies into the SLDC. Agriculture has been identified as key to sustaining the diversity of cultures, local economy and the overall quality of life for residents of the County.

In addition to the public meetings, an agriculture & ranching focus group was established to review existing code regulations for implementation of agricultural policies into the SLDC.

1996 Land Development Code:

- Existing Land Development Code allows agriculture anywhere in the county
- Cluster development is not permitted or conditional use in 1996 code
- Lack of incentives pertaining to cluster development relative to preservation of agricultural land/open space

SGMP

- The SGMP includes several directives from the sections on Land Use, Economy and Agriculture/Ranching that address Clustered Development, Conservation Subdivisions & Agriculture
 - Zoning & Zoning Incentives
 - Transfer of Development Rights
 - Agricultural Protection

The Agriculture and Ranching focus group met on September 1, 2011. General issues **and direct code related issues were discussed including the following:**

- Transfer of development rights as an option for maintaining agricultural land.
- Structures, fences
- Water
- over regulation of land use
- non-conforming uses
- open space issues
- confined animal feeding operations
- Genetically Modified Organisms (GMOs) (State & Federal jurisdiction)
- Pesticides (State & Federal jurisdiction)
- Preferential Taxation for Agriculture and Ranching
- Conservation Issues
- Other: municipal sludge, community & land grant mapping

RECOMMENDATIONS:

- 1) Allow Agricultural uses throughout the County.

Agricultural, grazing and ranching uses including greenhouses and community gardens and accessory uses should be permitted uses in all County zoning districts.

- 2) Establish Tools and Incentives such as TDRS and Conservation Easements.

Develop Transfer of Development Rights Program for both agriculture and open space preservation. A TDR Program should reward lot owners and developers for enhancing agricultural/open space opportunities. Relieve development pressure on agricultural land by transferring development rights to areas more suitable for development.

- Establish TDR Ordinance for Agriculture and/or Open Space
- Establish sending & receiving areas for TDRs
- Create mechanism for allowing density transfers for agriculture preservation.

- Include code language & standards on cluster/conservation subdivisions.
 - Provide incentives for landowners to preserve agriculture/ranching land, critical habitat & open space through conservation subdivisions.
 - Create standards to ensure a variety of housing types for conservation subdivisions
 - Create standards to consider scale, historic land use patterns when developing conservation subdivisions.

SANTA FE COUNTY HOME BASED BUSINESS STANDARDS

CONCEPT CODE DRAFT

It is the purpose of these Standards to:

- A. Stimulate economic development in the County by promoting home occupations and home businesses;
- B. Recognize the differences between residential communities throughout the County and provide standards for home based businesses with these differences;
- C. Ensure the compatibility of home based businesses with other uses permitted in the community, neighborhood or subdivision;
- D. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;
- E. Maintain and preserve the character of the community and residential neighborhood;
- F. Mitigate noise, traffic and other possible negative effects of home based businesses;
- G. Streamline and simplify the application and approval process for certain home based businesses;

No home business shall commence operation or change use without full compliance with these and other applicable regulations.

- It is recognized by Santa Fe County that certain home based businesses are an important aspect of the local economy. This being the case, home based businesses will be permitted anywhere in the County, provided all of the requirements are met.
- Home based businesses may have impacts on traffic, surrounding areas, etc., while others have little to no impact. In an effort to expedite and enhance the review process, these various home based businesses have been categorized based on anticipated impacts. Each type of home based business shall apply for a Development Permit.
- No Development Permit is required in conducting garage or yard sales, holiday bazaars, or home parties unless these activities are held more than four times in a calendar year or operate in excess of fourteen (14) total days in a calendar year.
- The sale of agricultural products raised or grown on a residential property are not subject to a home based business Development Permit. Note that certain agricultural activities may be deemed a development of county wide impact and require separate permitting based on intensity or designation as a Concentrated Animal Feeding Operation as established by federal law.
- No Development Permit shall be issued for a Home Based Business where:
 - Code Violations are present on the property;
 - Adequate access is not available
 - Adequate infrastructure is not in place
- Minimum submittal requirements, all home based businesses
- Development Permit Application
- Business Registration Application;
- Proof that property taxes on property where business is to be conducted are current;
- Proof of residency on property, or a Notarized Letter of Consent from Property Owner;

- Schematic Floor Plan of Residence, indicating area to be utilized in conducting the Home Business, including approximate overall square footage and square footage used for business;
 - If a proposed Home Based Business is Conditional or an Exception, additional information may be required, including but not limited to:
 - Schematic Site Plan of the property including:
 - Location and square footage of house
 - Location and square footage of all accessory structures
 - Dimensions from property line to all structures
 - Street or roadway name
 - Site address
 - Driveway location and width
 - Parking location and number of spaces
 - Number of employees
 - Number of vehicles associated with business
 - Location of any proposed outdoor storage
 - Location and dimensions of proposed signage
 - Location of water source
 - Location of septic system or sanitary sewer
 - Recorded warranty deed
 - Copy of recorded plat of survey

USES and DESIGN STANDARDS

CATEGORICAL TYPES OF HOME BASED BUSINESSES

(A) No Impact Home Business (NIHB):

1. Location: can be located anywhere in the County.
2. Operator: The operator of the Low Impact Home Business shall reside in a dwelling unit on the subject property.
3. Employees: No persons other than residents of the residential unit in which the home business is located shall be employees of the No Impact Home Business.
4. Hours of Operation: Hours of operation are not regulated as it is anticipated that no tangible evidence of the NIHB will occur during operation.
5. Building Space: The home based business shall be conducted entirely within the dwelling unit, but is limited to incidental use thereof.
6. Noise, Vibration, Glare, Fumes and Odors: The No Impact Home Business shall not create noise, vibration, glare, fumes or odors detectable to normal sensory perception off the subject property.
7. Electrical Interference: The No Impact Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
8. Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the No Impact Home Business shall occur, except as specifically allowed by the Sign Ordinance of the SLDC. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the No Impact Home Business are allowed.
9. Total use of the business shall not exceed the 25% heated square footage of the residence.
10. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC, and require a separate permit.

(B) Low Impact Home Business (LIHB):

1. Location: can be located anywhere in the County.
2. Operator: The operator of the Low Impact Home Business shall reside in a dwelling unit on the subject property.
3. Employees: The Low Impact Home Business shall have no more than 4 employees.
4. Hours of Operation: All Employee ingress/egress activity must occur between the hours of 8 a.m. and 5 p.m. Monday through Saturday. Deliveries shall occur Monday through Saturday during daylight hours.
5. Building Space: The Low Impact Home Business may be conducted in a dwelling unit but is limited to 30% of the total heated floor area of the residence.
6. Exterior Storage/Use of Accessory Structures: A maximum of 600 square feet of accessory space may be used for the Low Impact Home Business. If a portion of an accessory building is authorized for use in the LIHB, a partition wall of six feet shall separate the LIHB from the accessory building. A partition wall may include a door for ingress and egress.

7. Noise: Noise shall be regulated according to Ordinance 2009-11. A noise study may be required by the Code Administrator to demonstrate compliance.
8. Vibration, Glare, Fumes and Odors: The Low Impact Home Business shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
9. Electrical Interference: The Low Impact Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
10. Storage and Display: Up to 600 sq. feet for outside storage is permitted in conduction the Low Impact Home Business. No display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the LIHB shall occur, except as specifically allowed by the Sign Ordinance of the SLDC. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.
11. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC, and shall require a separate permit. Maximum size of the sign shall not exceed 4 square feet, flush mounted, no illumination.
12. Traffic: The LIHB shall not generate more than 10 vehicle trips per day. This includes clients and employees.
13. Parking: Parking associated with the Low Impact Home Business shall be regulated as follows:
 - (a) Vehicles associated with the LIHB shall not be stored, parked or repaired on public rights-of-way. On-site parking only.
 - (b) The maximum number of vehicles that are associated with the LIHB and located on the subject property shall not exceed 4 at any time.
 - (c) The LIHB shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 5 ½ tons, except deliveries by parcel post or similar in-town delivery service trucks.
 - (d) The parking, storage, repair or use of any vehicle exceeding a gross vehicle weight of 5 ½ tons shall not be allowed by an LIHB.
 - (e) Parking spaces needed for employees or customers/clients of the LIHB shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced appropriately and may be required to comply with Americans with Disabilities Act.
14. Access: The subject property shall have frontage on, and direct access from, a constructed public, county or state road, or take access on an exclusive road or easement serving only the subject property.

(C) Conditional Use Home Business (CUHB):

1. Location: The Conditional Use Home Business shall be located on a property where a minimum of 50 percent of adjoining properties are greater than 5 acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home business.
2. Operator: The operator of the home business shall reside in a dwelling unit on the subject property.

3. Hours of Operation: All Employee ingress/egress activity must occur between the hours of 8 a.m. and 5 p.m. Monday through Saturday. Deliveries shall occur Monday through Saturday during daylight hours.
4. Employees: The Conditional Use Home Business shall have no more than 6 employees.
5. Building Space: The Conditional Use Home Business may be conducted in a dwelling unit but is limited to incidental use thereof and shall not exceed 50% of the total square footage of the residence. A maximum of 1500 square feet of accessory space may be used for the CUHB. If only a portion of an accessory building is authorized for use in the CUHB, a partition wall of 6 feet in height shall separate the CUHB space from the remainder of the building.
6. Noise: Noise shall be regulated according to Ordinance 2009-11. A noise study may be required.
7. Vibration, Glare, Fumes and Odors: The CUHB shall not create vibration, glare, fumes or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
8. Electrical Interference: The Conditional Use Home Business shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
9. Storage and Display: Outside storage is allowed but must be included in the 50% allocation. Display of goods or merchandise visible from outside an enclosed building space, or other external evidence of the Conditional Use Home Business shall not occur, except as specifically allowed by the Sign Ordinance of the SLDC.
10. Signs: Signs shall be permitted pursuant to the Sign Ordinance of the SLDC. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.
11. Traffic: The Conditional Use Home Business shall not generate more than 20 vehicle trips per day. If a proposed use exceeds this volume of traffic associated with a residence (10 trips per day), a Traffic Impact Analysis will be required.
12. Parking: Parking associated with the CUHB shall be regulated as follows:
 - a. Vehicles associated with the CUHB shall not be stored, parked or repaired on public rights-of-way. On-site parking for all associated vehicles must be provided.
 - b. The maximum number of vehicles that are associated with the CUHB and located on the subject property shall not exceed six at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from public view. Any additional storage or accessory use area shall be calculated as part of the allowable 50% total square footage of the residence.
 - c. No more than one vehicle shall be located on the subject property at one time that exceeds a gross vehicle weight of 5 ½ tons.
 - d. Parking spaces needed for employees or customers/clients of the CUHB shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed and surfaced appropriately.
13. Access: The subject property shall have frontage on, and direct access from, a constructed public, county or state road, or take access on an exclusive road or easement serving only the subject property.

(D) Exceptions:

The Hearing Officer may approve a Conditional Use Home Business that includes an exception to any of the standards identified in the previous sections, if the applicant provides evidence substantiating the following:

1. The subject property takes direct vehicular access to a road with a functional classification of collector, minor or major arterial or freeway/expressway as identified in the Sustainable Growth Management Plan.
2. The use remains compatible with the residential neighborhood.
 - a. The more standards exceeded, the more difficult it may be to demonstrate compatibility within the neighborhood and, thus, the need for the proposed use to seek a commercial location;
 - b. The character of the area or neighborhood, including such factors as the size of the lot, the presence of similar uses, proximity of other residential dwellings, the level of surrounding traffic, the size of the accessory buildings, background noise levels, and other storage uses;
 - c. The ability to mitigate impacts by screening, landscaping, building location, building design, and other property improvements (for example, driveway or roadway improvements);
 - d. Potential environmental impacts, including effects on air and water quality and availability; and
 - e. Provision of adequate and safe access to public, County or state roads.
3. The Hearing Officer shall consult existing Community Plans applicable to the property and shall solicit comments and recommendations from area Community Organizations (CO's). All Registered Organizations (RO's) associated with or adjacent to the subject property shall be consulted.

(E) Use List: Uses are described for each Category as listed above in **Table B**.



HOME BASED BUSINESS DESIGN STANDARDS **TABLE A**

DESIGN STANDARDS	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business	Exceptions
All licensees must reside on property				
PERMITTED USES	REFER TO USE LIST			Exceptions may be granted by the Hearing Officer based on location, lot size, hours of operation, number of employees or vehicles, screening, surrounding uses similar in nature, etc. and will be considered on a case by case basis. Any use not similar in nature to a business on the use list will be considered an exception and a hearing will be required.
FEES	REFER TO FEE SCHEDULE			
APPROVAL PROCESS	Administrative No Noticing Required	Administrative Ten Day Site Posting Required	Administrative Fifteen Day Site Posting and Certified Letters to Adjoiners, Community Meeting Required	Ministerial Twenty-One Day Site Posting, Newspaper Legal Notice, Certified Letters to Adjoiners, Community Meeting and Public Hearing Required
Minimum Lot Size/Zoning District	No Minimum Lot Size Permitted in All Districts	No Minimum Lot Size Permitted in All Districts	Must be located on parcel where a minimum of 50 percent of adjoining parcels are greater than 5-acres	
Maximum Area Utilized	25% interior, no exterior	30% interior, 600 S.F. exterior must be covered or screened	30% interior, 1500 S.F. exterior must be covered or screened	Determined via Submittal and Hearing Process
Water Restrictions	Per Plat or Water Restrictive Covenant (if none, cannot exceed 0.25 acre feet)	Per Plat or Water Restrictive Covenant (if none, cannot exceed 0.25 acre feet)	Per Plat or Water Restrictive Covenant, uses that require water beyond anticipated residential use (0.25 af/yr) will be required to submit a water budget to demonstrate use does not exceed availability. If on municipal system, letter from water provider required.	Per Plat or Water Restrictive Covenant, uses that require water beyond anticipated residential use (0.25af/yr) will be required to submit a water budget to demonstrate use does not exceed availability. If on municipal system, letter from water provider required.
Application Renewal Period	5 years	5 years	3 years	2 years

NOTE: BUSINESS REGISTRATION RENEWALS ARE REQUIRED ANNUALLY



HOME BASED BUSINESS DESIGN STANDARDS TABLE A

DESIGN STANDARDS	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business	Exceptions
Employees, Bed and Breakfast Lodgers, Child or Adult Care Individuals	none	4 Maximum	6 Maximum	10 Maximum
Noise	not audible off property	not audible off property	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors
Signage	none	4 s.f., setbacks per sign code	10 s.f., setbacks per sign code	20 s.f., setbacks per code, location dependant
Vibration, Glare, Odor, Lighting	none associated with business	none associated with business	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors	Uses exceeding normal residential levels will be required to submit environ study, and cannot negatively impact neighbors
Access	minimum driveway width 14'	minimum driveway width 14'	Frontage or direct access to publicly maintained roadway right-of-way, or notarized letters from HOA associated with road easement maintenance	Frontage or direct access to publicly maintained roadway right-of-way, or HOA associated with road easement maintenance



HOME BASED BUSINESS USE LIST

TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
<p align="center">ART RELATED ACTIVITIES</p>			
Artists	x		
Art Appraisals	x		
Art Galleries			x
Art classes/workshops			x
Art Marketing		x	
Art Sales/Advertising (Internet)	x		
<p align="center">AUTO RELATED ACTIVITIES</p>			
Automobile Repair			x
<p align="center">ANIMAL RELATED ACTIVITIES</p>			
Boarding			x
Training			x
Breeding			x
Pet-sitting	x		
Grooming		x	
Black Smithing		x	
Farrier		x	
Riding Instruction			x
Saddlery/Tack fabrication		x	
Rodeos/Roping Events			x



HOME BASED BUSINESS USE LIST

TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
CONSULTANT RELATED ACTIVITIES			
Accountant		x	
Archaeologists	x		
Architects	x		
Attorneys		x	
Engineers	x		
Graphic Designers	x		
Computer Consulting	x		
Private Investigators		x	
Secretarial Services	x		
Photographers	x		
Surveyors	x		
Tax Consultants		x	
Web Advertising, Design, Development		x	
CONSTRUCTION RELATED ACTIVITIES			
Home Builders/Contractors			x
Cabinet Makers		x	
Plumbers		x	
Landscapers			x
Home Inspectors	x		
Handy Man Services		x	
Water Well Drilling		x	



HOME BASED BUSINESS USE LIST

TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
CONSTRUCTION RELATED ACTIVITIES, Cont			
Wood Working		x	
Electricians		x	
Welders			x
Irrigation/Rainwater Systems			x
Painters			x
HEALTH CARE RELATED ACTIVITIES			
Accupunture Provider		x	
Chiropractor		x	
Counselor		x	
Home Health Care Provider	x		
Hypnotherapists		x	
Personal Fitness Trainer	x		
Phsyciatrist		x	
SERVICE PROVIDER RELATED ACTIVITIES			
Appliance Repairs			x
Audio Visual Production		x	
Bicycle Service/Repair		x	
Carpet/Upholstry Cleaning		x	
Clock Service/Repair		x	
Estate Planning	x		
Event Planning	x		



HOME BASED BUSINESS USE LIST

TABLE B

CATEGORY OF USE (broadly defines use, administrator will make final determination as to impact of use if not defined herein)	No Impact Home Occupation	Low Impact Home Occupation	Conditional Use Home Based Business
Refer to Design Standards Matrix for specific criteria, if you exceed design standards for a specific designation, you will be required to meet the criteria that best fits			
SERVICE PROVIDER RELATED ACTIVITIES, cont			
Recording Service--Sound and Video		x	
Shoe Repair		x	
Snow Removal Service			x
House Cleaning/Janitorial Services		x	
Jewelry/Watch Repair		x	
Translators	x		
Tutors		x	
Miscellaneous			
Bed and Breakfast			x
Short Term Rentals			x
Child Care			x
Adult Care			x

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: November 29, 2011
To: Board of County Commissioners
From: Robert Griego, Planning Manager/Growth Management
Via: Jack Kolkmeier, Director/Growth Management
Re: Growth Management Strategy

This report provides staff responses and recommendations for incorporating public input gathered during Phase III Growth Management Strategy Public Input Meetings into the SLDC drafting process. The responses and recommendations are organized under each of the topics from the Public Meeting Summary.

THE SUSTAINABLE DEVELOPMENT AREA (SDA)

SDA's are part of the County Growth Management Strategy approved by the SGMP to establish future service areas, target and leverage public and private funding and investment to priority growth areas and direct and phase future growth. SDAs serve as an incentive for compact development in priority growth areas.

- Impact fees should be incorporated into the SLDC to ensure appropriate infrastructure and services.
- Higher density development in SDA 1 should meet strict sustainable performance standards and provide appropriate buffers to ensure compatibility with adjacent areas.
- Incent higher density development to appropriate areas.
- Performance standards should ensure economic and fiscal sustainability.

COMMUNITY PLANNING

- Refine Community Planning Ordinance to streamline the process and be consistent with the SGMP.
- Ensure community Plans are accommodated in SLDC and adopt them as amendments to the Future Land Use Map.
- Community Plans and District Plans should reflect local preferences, conditions and regional opportunities.
- Establish Community Organizations and Registered Organizations to resolve issues on an ongoing basis, and to provide input on development proposals.

FAMILY TRANSFERS

- Continue Family Transfers as a true mechanism to provide land for affordable housing.
- Generally be a small, local transfer, rather than create a new subdivision.
- Require all family transfers to meet off-site infrastructure
- Establish clear procedural requirements to ensure the intent of family transfers is met and to prevent serial subdivisions.
- Consider options including secondary dwelling units to meet the intent of family transfers without going below the minimum lot sizes allowed for the base zoning district.

FUTURE LAND USE MAP (FLUM)

The Future Land Use Classifications and Map describe and show the general character of land use that is intended to be accomplished over the 20-year planning timeframe, and indicate the maximum potential range of uses and densities that can potentially be established in any particular area. The FLUM will be used to guide the SLDC and will be the basis for new zoning district map. Public Comments related to concerns for how development will occur and what process will be followed for changes to the FLUM. Staff responses to the concerns are outlined below:

- A. The Future Land Use Classifications and Map do not preclude development in accordance with a previously-approved development order or permit, for as long as the development order or permit remains valid, and does not preclude the development of a lawful-created previously existing lot for a single-family detached dwelling, provided that the construction of a dwelling on the lot was lawful at the time of the adoption or amendment of the Future Land Use Plan or its implementing zoning regulations.
- B. The FLU Map is not a zoning map but rather a graphical representation for future growth patterns in an area which depicts where different types of development should occur. The SLDC text and Zoning Map will determine in a more detailed manner the specific development uses, densities and area requirements that apply to a particular property. The Zoning Map will be a component of the SLDC, which is a legal document that delineates the requirements for each category of land use.
- C. The zoning regulations may establish a range of uses and densities that do not exceed the maximums indicated by the Future Land Use Classifications and Map, but may establish a more restrictive range of uses and densities, based on more detailed local conditions, including:
 1. Existing uses, parcels sizes, and approved development projects;
 2. The source and availability of central potable water and central sanitary sewer service;
 3. Location with respect to transportation facilities;
 4. Major terrain and environmental features, as well as land use compatibility issues; and
 5. The general availability, efficiency, and timing of public facilities and services.
- D. Zoning regulations may establish more intensive uses and densities than those indicated by the Future Land Use Plan, for limited, compact, and well-defined areas, based on pre-existing uses and parcel sizes, including approved development projects. Establishing more intensive uses and densities may require a “Specific Plan”, “Area Plan” or “Community Plan”.
- E. The Future Land Use Classifications and Map should be reviewed annually and may be amended by resolution as conditions change and to incorporate land use plans developed as part of a Community Plan, “Area Plans” or Planned Development Districts”.

RECOMMENDATIONS:

Amend Future Land Use Map:

- Expand Future Land Use Classifications to include purpose and intent
- Include Commercial, Industrial, Public and Institutional land use classifications.
- Add additional land use category Rural Residential to the FLUM to more accurately accommodate areas that are developed at densities of one unit per five acres.
- Refine Future Land Use Map to more closely reflect densities as identified in the current base hydrological zones.
- Add Community and District Plans on the FLUM to reflect adopted and proposed Community and District Plans.

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

Overview of CDPs	1
Growth Management Strategy.....	1
Growth Management Strategy from the SGMP-	1
Placemaking	2
Existing Land Development Code.....	2
What are some of the problems with the existing code and process?.....	2
Questions	3
Impact Fees.....	3
Background	3
Options to pay for infrastructure and improvements:	4
Issues with the Current Code	5
Questions	5
Family Transfers	5
Background	5
Existing Code for Family Transfers:	5
What Does the SGMP Say about Family Transfers?	6
Issues With Current Family Transfer	6
Questions and Alternatives	7
Resubdivision	7
Background	7
Issues	7
Questions	7
Non-Conforming Uses	8
What the SGMP Says about nonconforming uses:.....	8
Questions	8
Process	9
What are some of the problems with the existing code and process?.....	9
What does the SGMP state about Policies?	9
Questions	11
Reports.....	11
Meetings	11
Community Planning.....	11
Background	11
Questions	12

Overview of CDPs

These CDPs cover the County growth management strategy, procedures, community plans and associated issues. These include:

- Growth Management Strategy
- Impacts and impact fees
- Family transfers
- Re-subdivisions
- Application procedures for subdivisions of all sizes
- Application procedures changes to homes and properties
- Required studies and their uses
- Community Plans

Growth Management Strategy

The following contains excerpts from the SGMP. Please see accompanying document for further info.

Growth Management Strategy from the SGMP-

The overall growth management strategy for the County is to direct growth to areas most efficiently served by adequate facilities and services using a wide range of techniques. The growth management strategy includes:

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

1. Designated Sustainable Development Areas (SDAs) and the SDA Map which establish future service areas and prioritize planning, budgeting and provision of infrastructure and services.
2. The Future Land Use (FLU) Categories and FLU Map identify anticipated development patterns and establish the guidelines for the County's future development and a framework for zoning map.

SDA's- The Sustainable Development Area (SDA) concept is for the County to establish future service areas, target and leverage public and private funding and investment to priority growth areas and direct and phase future growth. SDAs serve as an incentive for compact development in priority growth areas.

SDA 1 identifies the County's primary growth areas where new development is likely and reasonable to occur within the next 10 years. Infrastructure is required in these areas, including approved public or private water and wastewater systems, urban road improvements, and urban service levels for public safety, fire and emergency medical assistance. Service providers should plan and construct facilities in these areas to meet the needs of development at these urban intensities.

SDA-2 areas include existing communities and areas where new development may occur over the next 10 to 20 years and in some cases. Infrastructure may not be currently available, but may be included for future funding but new development would be required to provide infrastructure for development greater than the base densities.

SDA-3 areas have no plans to provide urban or suburban facilities and services. Infrastructure is not available or budgeted and any use that requires infrastructure to be provided solely at the expense of new development. The SDA 3 areas may contain agricultural and equestrian development, natural resources, wetlands, hillsides, archaeological areas and areas identified as environmentally sensitive.

In SDA-1 and SDA-2 areas, the County can work cooperatively with municipalities, communities and service providers to provide facilities and services necessary for development.

Placemaking

Placemaking is about maintaining existing communities and creating new ones with the intention of promoting citizens health, happiness and well-being. In Santa Fe County **places** were historically created for a variety of functional reasons—agricultural, commercial, transportation destinations, protection and religion. There is a diversity of “**place**” in Santa Fe County, ranging from small, compact villages based around agriculture to expansive range lands centered on family compounds.

Placemaking was, and continues to be, a process that focuses on a local area's assets, inspiration and collective aspirations. It implies not only design options but also something less tangible, a conveyance or confluence of spirit. The idea of “**sense of place**” derives from these two important aspects of **placemaking**. Long time La Cienega resident and renowned landscape geographer, J. B. Jackson, suggested that “it is place, permanent position in both the social and topographical sense that gives us our identity”.

Most places in Santa Fe County have certain centering, design features that give the place both coherence and function. The three most prominent features include plazas, crossroads and main streets. There are other important centering features that include water courses, country lanes and small homesteads.

Existing Land Development Code

- Existing Code created in 1980 and updated in 1996.
- County currently bases density on hydrologic zones.

What are some of the problems with the existing code and process?

- Hydrologic zoning does not consider growth management or infrastructure requirements
- Limits choices available for new development
- Does not create places or communities
- Does not consider overall effects or interaction of individual subdivisions

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

- Does not preserve aquifers
- Severely limits transit options
- Creates sprawling conditions which limits the ability of the County to provide adequate public services

Questions

- How will the implementation of SDA areas and planning districts contribute to creating “placemaking” and sustainable communities?
- What standards should each SDA area and planning districts meet to accommodate the growth management goal of assuring adequate public facilities and services?
 - Water
 - Sewer
 - Public Facilities
 - Police/fire/emergency services
 - Transportation-roads/transit
- What standards should SDA areas and planning districts have to meet other sustainability goals?
 - Proximity to work, schools and commercial services to minimize transportation needs
 - Transportation centers to promote public transportation
 - Open space and trails
 - Minimizing use of water
 - Minimizing energy usage
- Creating communities-opportunities for social interaction (placemaking)
- What should be required and what should be incentivized in which SDA areas?
 - Clustering
 - Open space
 - Affordable housing and housing choices
 - Mixed use
 - Connections
 - Centering features
- What considerations should be given for boundaries or transitions around SDA-1 areas and planning districts?
 - Buffer zones
 - Transportation issues through adjacent areas
 - Natural features

Impact Fees¹

Background

From the SGMP--An impact fee is a charge or assessment imposed on new development in order to generate revenue for funding or recouping the costs of certain capital improvements or facility expansions necessitated by and attributable to new development. Impact fees include amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, development fees, and any other fee that functions as described. Impact fees do not include utility hook-up fees, dedication of rights-of-way or easements, or construction or dedication of on-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks or curbs if the dedication or construction is required by a previously adopted valid ordinance or regulation and is necessitated by and attributable to the new development. Adequate public facilities are required:

1. to link the provision of needed public facilities and services to the type, amount, location, density, rate and timing of new development;

¹ Cities and counties in New Mexico are authorized to impose impact fees pursuant to the New Mexico Development Impact Fee Act.” (§5-8-1 to 5-8-42 NMSA 1978)

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

2. To ensure that new growth and development do not outpace the ability of service providers to accommodate such development at established level of service standards;
3. To coordinate public facility and service capacity with the demands created by new development.

Levels of Service--Levels of service ("LOS") standards define the County's role as a service provider and, in partnership with other service providers, define public and private responsibilities for the provision of facilities. An LOS standard is a locally desired ratio of service and facilities demand to supply.

The goal of an impact fee program is to equitably distribute the costs of serving new development while achieving sufficiency of capital improvement revenues. Impact fees exist together with proceeds from bond issues, motor fuel taxes, improvement and utility districts, and developer dedications as means of achieving adequate capital facilities. Together these sources should provide sufficient resources for the County to make the necessary investments for the projects shown on the CIP and have adequacy of public facilities. The essential issue with respect to impact fees is the need for the expansion of public facilities in order to adequately serve new development with:

- public roads;
- public parks, recreation areas, open spaces, scenic lands and trails;
- law enforcement protection equipment and facilities, including corrections;
- fire and EMS equipment and stations;
- potable water acquisition and distribution;
- wastewater collection, treatment, and disposal;
- stormwater prevention and protection facilities.

Options to pay for infrastructure and improvements:

Special Assessments and Improvement Districts -- Special assessments are revenue-raising devices designed to recover the cost of capital improvements that directly benefit properties within a designated "benefit area". Fees are collected from property owners for tangible public infrastructure improvements that a local government provides and that benefit the properties being charged.

User or Impact Fees--"Pay-as-you-grow" programs help protect existing residents from growth-related costs. These programs, such as development impact fees and exactions, or provisions for financing infrastructure and services in development agreements, include a variety of techniques that allocate the public costs of development fairly and do not unduly burden existing residents.

Capital Improvement Plan--The Capital Improvement Plan (CIP) will be a significant implementation component of the SGMP and Sustainable Land Development Code (SLDC). A CIP is a countywide infrastructure plan that identifies projects for infrastructure, facilities and improvements. A CIP is intended to guide the development of facilities and services in a sustainable, planned manner.

Exactions, mitigation fees and dedications --Exactions, mitigation fees and dedications may be required for the developer to dedicate land for public purposes where proposed public infrastructure is located on the development land or to pay exactions or fees for off-site mitigation.

Development Agreements--A development agreement is a voluntary contract between the County and a developer, whereby the developer promises to pay for certain on-site or off-site improvements or performs certain obligations in exchange for the vesting of future discretionary development approvals on the same project.

New developments may be charged impact fees in order to generate funds needed to pay for capital facility expansion, or to recoup the cost of improving those facilities. Impact fees are typically dollar amounts that are charged for each residential dwelling unit, 1,000 square feet of commercial or industrial floor area, or per room for tourist facilities. There is a separate portion of the total fee paid for each of the individual public capital facilities. Once paid, the receipts are deposited into separate interest-bearing accounts for each category of impact fee. Balances may be removed from the separate accounts only to fund capital improvements that are specified in the CIP and are consistent with the limitations imposed by the New Mexico "Development Impact Fee Act."

The amount of an impact fee is set following a methodology that has evolved under legislative and judicial scrutiny. The standard is that an impact fee cannot exceed a "proportionate share" of a local government's actual or anticipated cost of accommodating new development with what are called "system improvements." System improvements are expansions of off-site public capital facilities shown on the CIP that are designed to provide service to the community at large. System improvements may be contrasted with "project improvements," which serve a particular development. An example of project improvements would be on-site

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans
neighborhood streets. A proportionate share is defined by a reasonable means to calculate improvement costs and to distribute those costs over all benefited development being assessed the fee.

Issues with the Current Code

- Developers currently provide infrastructure for development but total impacts of development are not sufficiently covered
- There are no code mechanisms in place to deal with impacts for facilities and services

Questions

- Who should pay for infrastructure: the County, developer, public or a combination?
- Should residents in new development be assessed for services like roads and fire stations that existing residents don't have to pay for? Is it a disproportional tax?
- Should existing residents subsidize new development by paying for services like roads and fire stations that are only needed because of new development?
- What mechanisms should be used to pay for infrastructure?
- Suppose nearby neighbors don't want the "improvement". Should they pay? Suppose 20 people live on a dirt road that is sufficient for them. A new development of a 1000 people makes it necessary to improve the road. Should the existing residents pay? For example a small community living on wells that would be impacted by a large new subdivision. A water line could be run, but should they be required to participate?
- In certain cases impact fees will require massive public projects that have a 30 year cycle. How will this be administered? Will bonding be required from developers? Are there limits to overlaps of special assessment districts?
- How will the actual cost of impact fees be determined and what appeals processes are available?
- Suppose there are cost under-runs or overruns?

Family Transfers

Background

The SGMP defines family transfers as: The division of land to create a parcel that is sold or donated as a gift to an immediate family member, and which are exempt from the subdivision requirements or zoning densities that would otherwise normally apply. State law allows a county to have subdivision regulations exempt family transfers, but does not require the county to do. The county is allowed to use zoning as a method to regulate family transfer created subdivisions.

Family transfers sometimes are only way for local families to transfer wealth to children while family member is alive. Makes it possible for families to stay together which benefits society by:

- Providing built-in child care and sense of belonging for children
- Similar for elderly care
- Creating strong social fabric by supporting families

Existing Code for Family Transfers:

Small Lot Inheritance Transfer or Small Lot Family Transfer definitions: Family Transfer is defined as the division of land to create a parcel that is sold or donated as a gift to an immediate family member however, this exception is limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member.

Dwellings and customary accessory structures may be erected on a lot which does not meet size requirements of the Code and is being created by inheritance or family transfer, provided the definitions, restrictions and standards of this Section are met.

Small Lot Inheritance Transfer - A lot created by an order of a court in probate, but not for the purpose of sale or lease, and which lot does not meet the density requirements of the Code. Requirements for Approval:

- i. Deed transferring the parcel(s) to or among the heirs or beneficiaries shall be recorded at the time the plat is filed.

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

- ii. Proof that the land has been in the lawful possession of the family proper for no less than five years and that the recipient is an adult or emancipated minor is required;
- iii. Lots created by family transfer under this Section shall be so noted on the plat; and
- iv. An affidavit showing that notice of the application for approval of a family transfer plat has been mailed by certified mail to owners of property, as shown by the records of the County Assessor, adjacent to and within one hundred (100) feet, excluding public right-of-way, of the proposed family transfer parcel(s).
- v. The person transferring the lot shall file an affidavit with the County Clerk containing the following:
 - (i) A legal description of the property being transferred; and
 - (ii) A statement that he or she has not made a family transfer of any other lot(s) to the person receiving the current lot.

Small Lot Family Transfer - A lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code. (These relationships are further defined below in "Family Proper".) Any person may receive only one lot through Small Lot Family Transfer. Family Proper - Lineal relations up to and including the third degree, i.e. grandparent, parent, child. Step relationships shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer. Also including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.

Lot Size Standards for Small Lot Inheritance Family Transfers and Small Lot Family Transfers. These lot size standards shall apply to the parcel(s) retained as well as the lot(s) transferred:

- No lot shall be smaller than one half of the standard minimum lot size allowed in the particular location or hydrologic zone;
- No lot shall be smaller than 3/4 acre except as provided in Article III, Sections 10.3.3 and 10.3.4 for lots utilizing both an approved community sewer system and an approved community water system.

What Does the SGMP Say about Family Transfers?

The SGMP has three total mentions of the phrase "family transfer". One is the definition above. Otherwise:

- **2.2.1.5 Planning and development regulations must be comprehensive**, and take into account the cumulative impacts of individual development projects, family transfers, lot line adjustments and parcel divisions that are exempted by statute from subdivision review but not zoning processes.
- 10.2.2 ... This leaves some roads under built and does not adequately address the need for road improvements resulting from the cumulative impacts of many small lot splits through various means such as family transfers.
- The SGMP defines a Family Compound as: The allowance of multiple dwelling units on a single lot or parcel, that are occupied by persons who are related to each other by blood, marriage, or adoption.
- Section 2.2.4.6: A land density transfer program allows the transfer of all or part of the permitted density on a parcel to another parcel or other locations on the same parcel. This may include concepts such as family compounds or density transfers to protect agricultural, open space or other land protection or preferred development patterns.

Issues With Current Family Transfer

Family transfers have been abused and used to create large and small scale subdivisions while bypassing subdivision regulations. The land is passed to relatives, then immediately resold to third parties. The Land Use Department has considerable documentation of advertisements that clearly state this. The results from these lot splits include:

- Currently not required to construct offsite road improvements, lots are created without benefit of adequate access (all-weather, grade, width)
- Cause unplanned addition to traffic, noise, pollution because development does not conform to a master plan
- Currently exceeds the base hydro zoning, increasing drawdown for nearby neighbors and the aquifer in general
- Most are done on individual septic systems, could result in groundwater contamination issues down the road.
- Allowed to divide to ½ the minimum lot size for the district
- The cumulative effect of numerous family transfers makes overall planning difficult
- Indirectly penalizes developers who follow the rules and master plan developments

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

- Lots transferred, re-split, transferred, and re-split again and again used to create large scale subdivisions with poor or insufficient planning
- Could be considered an unfair benefit, as it favors those with families over single people or estranged from families.
- Lots not held by family members sold for profit.

Questions and Alternatives

- What should a family transfer be?
- Should family transfers be allowed?
- Allow family transfers using current methods?
- Create a mechanism for family compounds?
- Require improvements when selling to non-family members?
- Other options?
- Do not allow?

Family Transfer Density--Currently family transfer can go to ½ minimum lot size. Minimum lot sizes are based on hydrologic zoning.

- What should the density be for family transfers?
- No exemption for family transfers
- Allow increased density for family compounds
- ½ of hydro zoning (current)
- Base zone
- Allow decreased density to base zoning
-
- What methods are appropriate to ensure family transfers stay in family?
- Require holding periods for a family transfer before it can be sold?
- Ensure that the family transfer is actually for a family member
- No changes to existing family transfer policy

Discussion Points:

- If a family transfer is granted, should the family be required to use it as a family residence.
- Should a holding period be imposed? Holding period may be difficult to enforce
- Level of review: administrative, Planning Commission, BCC, community review?
- Do family compounds provide a sufficient method to accomplish the goals of family transfers?
- Are there concerns about financing a house if the home is in a family compound?

Resubdivision

Background

Re-subdivision means the changing of an existing parcel created by a plat and recorded with the county clerk commonly known as lot splits.

Issues

The issues around re-subdivision are almost the same as family transfers. Basically the same questions of overall community planning for traffic, safety, and water. On the balance the rights of an individual homeowner to subdivide property.

Questions

Should re-subdivision be allowed?

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans **Non-Conforming Uses**

Nonconforming use²-- n. the existing use (residential, commercial, agricultural, light industrial, etc.) of a parcel of real property which is zoned for a more limited or other use in the city or county's general plan. Usually such use is permitted only if the property was being so used before the adoption of the zoning ordinance which it violates. Example: a corner parcel has been used for a gasoline station for years, and now the city has zoned the entire area as residential (for homes only). The nonconforming use will be allowed as "grandfathered in," but if the station is torn down the only use would be residential. (See: zoning, general plan)

A code can require various types of non-conforming uses to be brought in compliance with a code:

- For buildings it is possible to require buildings be brought up to a specific standard within a specific time frame. This could be energy, fire codes, etc.
- A commercial type of enterprise that is no longer in compliance with existing codes
- For master planned subdivision requirements could change for density, zoning, affordable housing, open space, trails, roads, fire safety, water distribution.

What the SGMP Says about nonconforming uses:

The SGMP talks about creating regulations to deal with non-conforming uses, but doesn't discuss specifics of what regulations or how.

2.2.5.3 The SLDC will provide zoning standards and regulations for ... supplemental use regulations for a wide variety of alternative uses, including but not limited to: adult uses, religious land uses, signs, solar and wind farms, construction of telecommunication facilities and electrical renewable energy transmission lines; principal and accessory uses and home occupations; bulk and area regulations; registration of non-conforming uses; variances, beneficial use determinations and home occupations.

Policy 5.6: Adopt new supplementary zoning use regulations for solar and wind farms, renewable energy transmission lines, telecommunications, adult uses, signs, junkyards, non-conforming uses, home occupations, airstrips, auto-oriented businesses, group homes, self storage, utilities, affordable, workforce and senior housing.

Questions

- Should non-conforming buildings be required to conform to the new code?
 - No?
 - 1 years
 - 3 years
 - more years
 - Accompanying building changes
- Should non-conforming commercial uses be required to conform to the new code?
 - no
 - 1 years
 - 3 years
 - more years
 - Accompanying building changes
- Should existing master plans be revised to conform to the new code? Master plans can be in several stages. Note that until Final Plat approval there is no legal obligation on the part of the County.
 - Master plan only
 - Preliminary plat approval
 - Final plat approval

² From: West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc:

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans Process

What are some of the problems with the existing code and process?

1. No formal notification or delineation of Community Organizations
2. Current studies do not clearly delineate impacts
3. Complaints from applicants about length of process
4. No alternative dispute resolution is incorporated into the process. Applicant and neighbors “battle it out” at public hearings

What does the SGMP state about Policies?

Chapter 14 of the SGMP describes studies that must be done for each development:

The following studies, reports and assessments (SRAs) to cover the evaluation of the effects and impacts, if any, of the proposed development project will be required:

- Environmental Impact Report (EIR);
- Adequate Public Facilities and Services Assessment;
- Water Availability Report (WAR);
- Traffic Impact Assessment (TIA);
- Fiscal Impact Study (FIS);
- Emergency Service Study (ESS); and
- Such other SRAs as the Administrator may require.

In Chapter 14 of the SGMP defines Community and Registered Organizations:

Community and Registered Organizations: A Community Organization (“CO”) is an organization that is recognized by resolution of the Board of County Commissioners (“Board”) for a specified geographical area. A Registered Organization (“RO”) is any organization with a Charter or rules of organization that is interested in development projects or other specific County activities. ROs may include acequia and land grant associations, non-profit associations, assessment and public improvement districts, public or private utilities, school districts, homeowner associations, or neighborhood associations. The purpose for establishing COs and ROs is for communities and community-oriented organizations to have an improved public participation process to meet community needs and to make recommendations with respect to development projects and community development issues. In order to preserve the autonomy and independence of COs and ROs, staff support will be limited to administrative functions, in support of CO and RO rights, including providing notice, scheduling meetings and receiving comments.

In Chapter 14 of the SGMP describes a county planning commission:

A County Planning Commission should be created, containing seven members appointed by the Board., In order to meet the requirements of the state planning and zoning enabling acts, The Planning Commission should replace the County Development Review Commission (CDRC) and all local development review commissions (LDRCs). The Planning Commission will have the following powers and duties:

Chapter 14 of the SGMP describes Hearing Officer and Administrator commission:

The position of **Hearing Officer** assists in the development of a complete record and making recommended disposition. The can be involved with:

- Major variances;
- Developments of County-wide Interest (DCI);
- Subdivisions;
- Major and minor rezoning;
- Planned development districts;
- Site specific amendments to the SGMP, specific or community plans;

The Hearing Officer will conduct public hearings, make recommended written findings of fact and conclusions of law, and file written reports with the Planning Commission.

The **Administrator** will be authorized to administer and enforce the provisions of the SLDC. The Administrator will be appointed by the County Manager.

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans
A **Technical Advisory Committee** will be appointed by the Administrator and to serve as a review process and recommending body to assist the Administrator with the review of development applications. The Technical Advisory Committee will be used to gather advice and recommendations on technical details ... The TAC may include representatives from County departments ...

Chapter 14 of the SGMP describes three levels of procedures:

Legislative development applications involve a change in land-use policy by the Board

- Adoption of any change in the SGMP or adoption of any change to an area, specific, or community plan;
- Adoption of or any amendment to the text or zoning map of the SLDC, the CIP or the Official Map;
- Creation of a planned development (PD) district;
- Overlay zoning district classification; and
- Approval of any development agreements that apply either Countywide or to a large number of properties under separate ownership.

A quasi-judicial development application: Such applications should require a public hearing providing procedural due process.

Examples include:

- Amendments to the Sustainable Growth Management Plan or an area, specific, or community plan;
- Amendment to the text or map of the SLDC;
- Site plans/Master plans;
- Subdivision applications;
- Conditional use permits (CUPs);
- Development agreements;
- Variances;
- Beneficial use determinations;
- Overlay zoning district classifications for Developments of Countywide Impact (DCI's); and
- Administrative appeals.

Ministerial development applications: A public hearing should not be required for any ministerial development application.

Examples include:

- Issuance of building permits, grading permits, minor land use disturbance permits, road construction and driveway permits, utility hook-up permits, floodplain development permits, NPDES permits, LEED construction permits, and neighborhood development permits;
- Administrative interpretations of the SLDC; and
- Issuance of certificates of completion and certificates of occupancy.

Pre-application neighborhood meetings: To ensure early and effective communication regarding proposed development, pre-application neighborhood meetings will be required. A pre-application neighborhood meeting gives the applicant and the community an opportunity to share ideas and input before the project reaches a stage where changes are more difficult to make. Such meetings also provide the public with information on the application process and what is going on in their neighborhoods, along with facilitating ongoing communication between applicants, citizens, associations and other stakeholders throughout the application process. The meeting should include information indicating ownership of the property along with addresses and contact information. If the owner is an organization, corporation, LLC, etc. a list of the board of directors, along with a contact person should be provided. Such a meeting will be held before filing an application for discretionary development review.

After the meeting the owner should prepare a written report on the results of the meeting, included with the filing of the development application. Details of the meeting, such as the following, should be included:

- Dates and locations of all meetings held;
- List of property owners, CO's and RO's who were sent notice including a copy of the letters, notices and other publications sent out;
- Content distributed at the meeting;
- List of persons and associations to include CO's and RO's present at the meeting;
- Total number of persons participating in the process;
- Summary of concerns, issues, and problems expressed during the process;
- Summary of how the owner has addressed or intends to address the concerns, issues and problems expressed, including those that the applicant is unable to address.

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans
County staff is not expected to attend the pre-application neighborhood meeting. The report by the applicant to the administrator should be submitted prior to an application submittal. CO's and RO's may review the SRA's prior to the public hearing. The applicant may hold a mediation to address concerns.

Questions

The goal of these questions is different than other CDP type questions. The goal is to collection considerations for the code writers, since most of these questions cannot be answered until a draft code is available.

Reports

- What reports are needed for what degree of development and how in-depth?
- More depth means more cost
- Less depth means impacts missed
- Do reports cover everything needed
- Does the impact include annoyance/inconvenience to neighbors as well as health and safety issues?
- What is the threshold level for a report contains an acceptable analysis?
- What depth of impact do reports cover? Impacts can include localized impacts or county wide
- What are the threshold levels acceptable levels of impact?
- What appeals mechanism if the developer or the community disagrees with a report or finds it incomplete?
 - Developers can prepare their own report, but suppose community disagrees
 - If community prepares their own report, when is that reviewed and suppose the developer disagrees?
- Will the people who write the report be in the county, or will the reports be subcontracted?
 - Do the same people write the reports that review them? Impartiality questions?
 - How are RFPs prepared? What do the cover?
- What happens if developer can't or refuses to pay for reports after completion?
 - In Albuquerque West Mesa development company went bankrupt leaving city with millions in report expenses
 - Should bonding be required
- How long does TAC have to evaluate reports?
- When do reports become available to the public? How is information disseminated?

Meetings

- What happens if there is disagreement after pre-application neighborhood meetings?
- What is the level of sufficient disagreement to trigger the event?
- When do people get to appeal what?
- Is it possible to have a "fast" track if there is no opposition?
- How judicial is the quasi-judicial process? Discovery?
- What role can alternate dispute resolution (mediation) play in the process? Should it be required if there is opposition?
- Who does administrator delegate quasi-judicial process to? What qualifications do they need to have (lawyer)?
- How many hearings and what notification is needed for a legislative process that effects the SGMP or a community plan?

Community Planning

Background

Santa Fe County is unique in its idea of promoting local and region differences through Community Planning. Community Planning allows for difference from the code, as well as defining other planning issues for an area. The list of adopted community, district and corridor plans is:

- El Valle de Arroyo Seco Highway Corridor Plan adopted by Resolution 2003-4
- La Cienega/La Cieneguilla Community Plan adopted by Resolution 2001-117
- Los Cerrillos Community Plan adopted by Resolution 1999-129

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

- Madrid Community Plan adopted by Resolution 2000-119
- Pojoaque Community Plan adopted by Resolution. 2007-120
- Rio Tesuque Community Plan adopted by Resolution 2000-165
- San Marcos District Community Plan adopted by Resolution 2003-83
- San Pedro Community Plan adopted by Resolution 2001-5
- Santa Fe Community College District Plan adopted by Resolution 2000-136
- Santa Fe Northwest Community Plan adopted by Resolution 1999-120
- Tres Arroyos del Poniente Plan adopted by Resolution 2006-41
- US 285 South Corridor Plan adopted by Resolution 2004-73
- Village of Agua Fria Community Plan adopted by Resolution 2006-116

The SGMP makes two important statements regarding community planning:

- 1.4.3 Honor existing community plans and ordinances and support community planning
- 14.4.5.1 Community Plans should be consistent with the SGMP.

Questions

There are three levels of community planning envisioned. Community and District Plans are envisioned as easier processes than a Planning District. A Planning District is envisioned as allowing the most flexibility.

- What will Community Plans be able to alter?
 - Code Requirements (which ones)
 - Density?
 - Zoning Uses?
 - Uses that impact (like mining?)
 - Procedures?
- What will District Plans be able to alter?
 - Code Requirements (which ones)
 - Density?
 - Zoning Uses?
 - Uses that impact (like mining?)
 - Procedures?
- What will Planning Districts be able to alter?
 - Code Requirements (which ones)
 - Density?
 - Zoning Uses?
 - Uses that impact (like mining?)
 - Procedures?

Discussion Points:

- Are there any limits or guidelines at all? Sustainability? If so, what?
- What happens if minority groups object to the new plan? How are districts made?
- What happens at boundaries or transition zones?

Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: November 29, 2011
To: Board of County Commissioners
From: Robert Griego, Planning Manager/Growth Management
Via: Jack Kolkmeier, Director/Growth Management
Re: Zoning & Density

SLDC Public Input 11/29 BCC Study Session

MEMO: Zoning & Density

This report provides staff responses and recommendations for incorporating public input gathered during Phase IV Zoning & Density Public Input Meetings into the SLDC drafting process. The responses and recommendations are organized under topics from the Phase IV Public Meeting Summary.

Staff Responses & Recommendations:

Density and Land Uses

Avoid down zoning, respect existing development patterns and densities and only allow higher density developments that meet sustainable performance standards.

- A. Base zoning districts should match existing built-out densities for all infill areas and should provide regulations that implement transition zones from existing development densities to potential development densities in adjacent areas with different base zoning districts.
- B. Zoning map should be drawn at the parcel level to ensure private property rights are respected and no "down zoning" occurs in the process. This could include a certificate of zoning for each parcel so property owners know what is codified for their property.
- C. Congruency principles should be incorporated into sustainable performance standards to ensure development in the SDA-1 areas or Planned Development Districts (PDD), will not result in incomplete and unsustainable patterns. For example residential developments should not be allowed to develop in locations without existing or planned (within 2 year horizon) transit options, community facilities, neighborhood commercial development and outdoor recreational opportunities.
- D. In order to implement sustainable development patterns identified in the SGMP such as clustered residential development and compact mixed-use development, zoning districts within SDA-1 areas or

PDDs should reflect urban densities and intensities based on performance standards related to transportation options, proximity to commercial development, community facilities and the provision of permanent open space.

- E. All zoning districts should have a complete list of permissive, conditional and prohibited uses to ensure compatibility and congruency with surrounding land uses.
- F. The SLDC should provide a commercial zoning district that is intended to support commercial development in the rural areas of the county. It should include standards that ensure appropriate scales, intensities and locations based on the needs of area residents. The application process should accommodate the needs and capacities of small businesses owners.

Zoning Changes

Develop strict procedures for zoning changes that include the highest level of public notification and input.

- A. The SLDC should provide clear procedures for zone changes that ensure notification of all property owners, community associations, and public agencies within a (TBD) radius of the development, well advertised public hearings and the opportunity for community members and organizations to review proposed change well in advance of any action.
- B. Zoning districts should require additional standards for new development that is adjacent to existing development or a different zoning district to ensure compatibility.

Approval of the SLDC and Zoning Map

The public must have a thorough understanding of the SLDC and Zoning Map before final approval.

- A. The Public should have adequate time to review the SLDC and Zoning Map, including all procedural requirements, standards and uses for the zoning districts, before it is brought forward for approval. Community open houses should be organized to provide information and answer questions about the SLDC to aid the public review process.

PDDs and Area Plans

Further planning should be done after the adoption of the SLDC to refine land use classifications, zoning districts and development standards to better accommodate differences in local conditions and regional opportunities.

- A. PDDs and the ability to change zoning provide flexibility for emerging areas of the county particularly in the under and undeveloped areas in the southern portion of the county that may have development potential related to the proximity to I-40, Albuquerque, and recent growth patterns.
- B. Performance standards particularly as they are related to location may need to be specific to the different geographic areas of the county.
- C. Once the SLDC is completed, the County should initiate Area Plans using a community based approach to establish specific land use and zoning. This should include performance standards and location criteria for PDDs based on the directives of the SGMP & SLDC Zoning Districts, existing conditions, community acceptance and future opportunities and development potential related to regional conditions.

Residential Densities for Base Zoning Districts

- A. Residential densities for the proposed base zoning districts, (zoning districts associated with areas that rely on ground water), should reflect existing densities as well as development patterns and uses associated with the Future Land Use Map and Classifications and the SGMP Official Maps. Zoning an area based on this approach will, in most cases, ensure that no property is down zoned. In many areas the existing densities are the result of water conservation adjustments and hydro studies proving a 100 year supply allowed increases in density from the 1980 hydro zones, (for example Eldorado is in the Basin Fringe hydro zone which has a minimum lot size of 50 acres with a conservation adjustment allowing a 12.5 acre minimum. This was lowered further to 2.5-5 acres by “proving” 100 year ground water availability).
- B. The potential for development associated with water conservation adjustments or 100 year available water supply on a particular property is not consistent with the directives of the SGMP. However, there should be other factors via performance standards in the SLDC that allow increases in density or in reduced minimum lot size in developments that are consistent with the SGMP and are brought forward as a PDD. This should include a range of uses and densities, based on more detailed local conditions, including:
 - 1. Existing uses, parcels sizes, and approved development projects;
 - 2. The source and availability of central potable water and central sanitary sewer service;
 - 3. Location with respect to transportation facilities;
 - 4. Major terrain and environmental features, as well as land use compatibility issues; and
 - 5. The general availability, efficiency, and timing of public facilities and services.

Water

- A. Understanding growth projections and water supply is essential to a sustainable future as outlined in the SGMP. Coordination and collaboration between the Growth Management Department, Public Utilities, OSE, MDCWA’s and individual well users should be ongoing and incorporated into the planning, zoning and the development approval process. Regulations pertaining to water supply and hook up should be determined as part of the SLDC and should provide options to better accommodate regional difference, future technologies and a variety of development types and densities.
- B. There is a lack of understanding and confusion by many residents on issues pertaining to water. The county should provide information, host educational workshops and seek community input on decisions regarding water.

Sustainable Land Development Code: Proposed Zoning/Density Framework

SUMMARY:

Santa Fe County's Sustainable Land Development Code (SLDC) draft will establish zoning that regulates residential density and commercial intensity. The zoning regulations will implement concepts from the Sustainable Growth Management Plan (SGMP) related to future land use categories and Sustainable Development Areas (SDA). The proposed zoning regulations related to residential densities to be adopted as part of the SLDC will be based on a number of considerations related to development suitability. These include directing higher density development into areas served by surface water and adequate public facilities and services..

EXISTING CODE ZONING AND DENSITY:

Outside of existing planned districts (Community Plan Districts, Traditional Community Districts, Community College District, Highway Corridor Districts), the base zoning for the County is residential with density determined by minimum lot sizes associated with the 1980 hydrologic zones groundwater supply determined by hydrologic studies and water conservation adjustments.

Agricultural uses are allowed anywhere in County. Commercial zoning is currently allowed through a rezoning process in accordance with proposed or existing commercial nodes associated with road classifications usually at major intersections or where commercial development exists.

PROPOSED ZONING AND DENSITY:

As part of the SLDC, the County is drafting new Base Zoning Districts related to future land use categories established in the SGMP which will regulate residential densities, general uses and development standards for allowed uses. The proposed districts include: Agriculture/Ranching, Rural, Rural Fringe, Rural Residential, Residential Fringe, Residential Estate, Traditional Community, Mixed Use Residential, Mixed Use Commercial, Commercial and Industrial.

The intent and purpose of each zoning district will be clearly described in the text of the zoning code, and should address zoning district location, purpose and intent, for example:

- SGMP and Future Land Use Map ;
- Current base hydrologic zone densities;
- Water source and availability;
- Existing land use pattern;
- Land use compatibility;
- Major natural resource and natural hazard issues – slope, flooding, habitat and scenic value, etc.;
- General availability and location with respect to public facilities and services;
- Location with respect to transportation facilities – major roads, intersections and interchanges, etc.

Zoning that will regulate residential densities and mixed use and commercial development intensities in the SDA 1 area or areas that are covered by planned districts will be determined by a variety of factors.

Proposed Base Zoning Districts for areas that are not currently covered by a Planned Community District, Traditional Community District, Corridor District or where surface water is not available will be parcel based and have residential densities that will closely match existing densities which are based on the 1980 hydrologic zones. Once the Base Zoning Districts are established, there will be mechanisms for changing densities based on sustainable development patterns including clustered housing and sustainable groundwater supply.

Mixed Use and Commercial Development

The Mixed Use Zoning Districts will be created as identified in the SDA 1 areas and can be established in SDA 2 or 3 areas through a Planned Development District, Area Plan, District Plan or rezoning.

In addition to the proposed Mixed Use Zoning Districts, the County may identify areas appropriate for industrial development. The SLDC will include an Industrial Zoning District that can be established according to location criteria such as proximity to major transit corridors, compatibility with adjacent uses, adequate public facilities and services and performance standards related to sustainability, safety, health and welfare.

Uses

Permitted, Conditional and Prohibited uses for each Base Zoning District will be established in the SLDC through a Use Table. Development Standards will also be established for each use which may vary by base zoning district. Planned Development Districts, Area Plans or Community Planning Districts may establish permitted, conditional and prohibited uses.

Mechanisms for Change

Once proposed Base Zones and Zoning Districts are established through the SLDC, how can changes be made?

- Through a Rezoning Process, (Generally applies to a single parcel of land in common ownership).
- As part of an adopted Area Plan or District Plan, (Generally covers large areas with numerous properties and is adopted as an amendment to the SGMP).
- As part of an adopted Community Plan, (Provides specific planning, design and implementation for any traditional, contemporary or other community).
- As part of an adopted Planned Development District, (Generally applies to a particular property or properties with a variety of land uses and accompanies a development approval. It refines the policies of the SGMP relating to a defined geographic area and has an emphasis on implementation).
- Densities may be adjusted through density transfers and density bonuses to incent sustainable development patterns and performance.

Table for Comparing Proposed Base Zones for Sustainable Land Development Code and Existing Code Hydrologic Density and Zones

SGMP Future Land Use Categories and Proposed SLDC Base Zones	Proposed Densities	Existing Hydro Zones (Compared to Proposed Base Zones)	Existing and Proposed Zoning Districts/ Development Standards	Mechanisms for change from base zone
Agriculture/Ranching	1 DU per 160 Acres	Homestead (1 DU per 160 Acres)	Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Rural	1 DU per 40 Acres	Mountain (1 DU per 80 Acres)	Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Rural Fringe	1 DU per 20 Acres	Basin Fringe 1 DU per 50 Acres	Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Rural Residential	1 DU per 10 Acres	Basin 1 DU per 10 Acres	Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Residential Fringe	1 DU per 5 Acres	Administrative Adjustment	Semi Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Residential Estate	1 DU per 2.5 Acres	Administrative Adjustment	Semi Rural Residential	Area Plan/District Plan/Specific Area Plan/Planned Development Districts/Community Plan/Rezoning/Sustainable Performance Standards
Traditional Community	1 DU per .33-2.5 Acre	n/a	Traditional Community District	Community Plan/Rezoning
Mixed Use Residential	* TBD	n/a	SDA 1/Semi-Urban Residential/Neighborhood Commercial Intensities	n/a
Mixed Use Commercial	* TBD	n/a	SDA 1/Urban Residential / Urban Commercial Intensities	n/a
Commercial	* TBD	n/a	Commercial	n/a
Industrial	* TBD	n/a	Industrial	n/a

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			Commercial	Industrial
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P Res	Non Pres	Mix Use		
Agriculture, forestry, fishing and hunting											
Agricultural uses, generally, including raising crops, livestock, orchards, forestry, fishing, hunting and related uses unless otherwise listed in this matrix	a	a	a	a	a	a	a	a	a		
Agricultural uses and services when incidental and secondary to primary agricultural use or agricultural industry, permanent	a	a	a	a	a	a	a	a	a		
Agricultural uses and services when incidental and secondary to primary agricultural use or agricultural industry, temporary	a	a	a	a	a	a	a	a	a		
Animal feed operations	p	p	x	x	x	x	x	x	x		
Animal production including slaughter	c	c	x	x	x	x	x	x	x		
Animal waste-handling facility	p	p	x	x	x	x	x	x	x		
Apiary and other related structures	p	p	p	p	x	x	x	x	x		
Cattle facility	p	p	p	x	x	x	x	x	x		
Composting facility	p	p	p	x	x	x	x	x	x		
Concentrated animal feedlot operation	c	c	x	x	x	x	x	x	x		
Crop production	p	p	p	p	x	x	x	x	x		
Dairy facility	p	p	x	x	x	x	x	x	x		
Equestrian Facilities or Services	p	p	p	p	p	p	x	x	x		
Fishing, hunting and trapping, game preserves	p	p	p	x	x	x	x	x	x		
Forestry and Logging	p	p	C	C	x	x	x	x	x		
Grain silos and other storage structure for grains and agricultural products	p	p	p	x	x	x	x	x	x		
Greenhouses	p	p	p	c	x	x	x	x	x		
Hatcheries and poultry houses	p	p	p	x	x	x	x	x	x		
Kennels and other canine-related facilities	p	p	p	p	x	x	x	p	p		
Livestock pens or hog houses	p	p	p	x	x	x	x	x	x		
Other farm and farming-related structures	p	p	p	x	x	x	a	a	a		
Poultry facility	p	p	p	x	x	x	x	x	x		
Sheds, farm buildings, or agricultural facilities	p	p	p	p	c	c	a	a	a		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			C o m m e r c i a l	I n d u s t r i a l
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P R e s	N o n P r e s	M i x e d U s e		
Stables and other equine-related facilities	p	p	p	p	p	p	p	x	p		
Support functions for agriculture	p	p	p	p	p	p	a	a	a		
Waste lagoons	c	c	x	x	x	x	x	x	x		
Arts, entertainment, and recreation											
Active leisure sports and related activities	x	c	c	c	c	x	x	p	p		
Amusement, sports, or recreation establishment	x	x	x	x	x	x	x	p	p		
Camps, camping, and related establishments	p	p	p	c	x	x	p	p	p		
Exhibition, convention, or conference structure	x	x	x	x	x	x	x	p	p		
Indoor games facility	x	x	x	x	x	x	x	p	p		
Museum, exhibition, or similar facility	x	x	x	x	x	x	x	p	p		
Exhibitions and art galleries	x	x	x	x	x	x	x	p	p		
Planetarium	x	x	x	x	x	x	x	p	p		
Aquarium	x	x	x	x	x	x	x	p	p		
Zoological parks	x	x	x	x	x	x	x	p	p		
Natural and other recreational parks	p	p	p	p	p	p	p	p	p		
Performing arts or supporting establishment	x	x	x	x	x	c	c	p	p		
Racetrack or raceway	x	x	x	x	x	x	x	p	c		
Sports stadiums or arenas	x	x	x	x	x	x	x	p	c		
Temporary structures tents, shelter	c	c	c	c	c	c	x	p	c		
Theater, dance, or music establishment	x	x	x	x	x	c	x	p	c		
Construction-related businesses											
Building, developing, and general contracting	x	x	x	x	x	x	x	p	c		
Heavy construction	x	x	x	x	x	x	x	p	c		
Machinery related	x	x	x	x	x	x	x	p	c		
Special trade contractor	x	x	x	x	x	x	x	p	c		
Technical, trade, and other specialty schools	x	x	x	x	x	x	x	p	c		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			Commercial	Industrial
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P Res	Non Pres	Mix Use		
Commercial											
Bar or drinking place	x	x	x	x	x	x	x	p	p		
Business, professional, scientific, and technical services	x	x	x	x	x	x	x	p	p		
Cafeteria or limited service restaurant	x	x	x	x	x	x	x	p	p		
Caterer	x	x	x	x	x	x	x	p	p		
Community center (general merchandise with two or more anchors)	x	x	x	x	x	x	x	p	p		
Malls, shopping centers, or collection of shops	x	x	x	x	x	x	x	p	p		
Office building over storefronts	x	x	x	x	x	x	x	p	p		
Office or store building with residence on top	x	x	x	x	x	x	x	p	p		
Personal services	x	x	x	x	x	x	x	p	p		
Pet and animal sales or service (except veterinary)	x	x	x	x	x	x	x	p	p		
Power center (category-dominated anchors with few small tenants)	x	x	x	x	x	x	x	p	p		
Real estate, sales, rental and leasing	x	x	x	x	x	x	x	p	p		
Regional center (enclosed mall with two or more anchors)	x	x	x	x	x	x	x	p	p		
Superregional center (similar to regional, but has three or more anchors)	x	x	x	x	x	x	x	p	p		
Commercial center	x	x	x	x	x	x	x	p	p		
Shop or store building with drive-through facility —	x	x	x	x	x	x	x	p	p		
Restaurant, with incidental consumption of alcoholic beverages —	x	x	x	x	x	x	x	p	p		
Restaurant, with no consumption of alcoholic beverages permitted	x	x	x	x	x	x	x	p	p		
Stand-alone store or shop building	x	x	x	x	x	x	x	p	p		
Department store building	x	x	x	x	x	x	x	p	p		
Warehouse discount store/superstore	x	x	x	x	x	x	x	p	c		
Market shops, including open markets	x	x	x	x	x	x	x	p	p		
Gasoline station	x	x	x	x	x	x	x	p	c		
Automobile repair and service structures	x	x	x	x	x	x	x	p	c		
Car dealer	x	x	x	x	x	x	x	p	c		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			C o m m e r c i a l	I n d u s t r i a l
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P R e s	N o n P r e s	M i x e d U s e		
Bus, truck, mobile home, or large vehicle dealers	x	x	x	x	x	x	x	p	c		
Bicycle, motorcycle, allterrain vehicle dealers	x	x	x	x	x	x	x	p	c		
Boat or marine craft dealer	x	x	x	x	x	x	x	p	c		
Parts, accessories, or tires	x	x	x	x	x	x	x	p	c		
Lumberyard and building materials	x	x	x	x	x	x	x	p	c		
Outdoor resale business	x	x	x	x	x	x	x	p	c		
Pawnshops	x	x	x	x	x	x	x	p	p		
Beer, wine, and liquor store (off-premises consumption of alcohol)	x	x	x	x	x	x	x	p	p		
Shopping center	x	x	x	x	x	x	x	p	c		
Convenience stores or centers	x	x	x	x	x	x	x	p	p		
Car care center	x	x	x	x	x	x	x	p	c		
Car washes	x	x	x	x	x	x	x	p	p		
Office or bank building, stand-alone (without drive-through facility)	x	x	x	x	x	x	x	p	p		
Office building (with drive-through facility)	x	x	x	x	x	x	x	p	p		
Office or store building with residence on top	x	x	x	x	x	x	x	p	p		
Office building over storefronts	x	x	x	x	x	x	x	p	p		
Research-and-development services (scientific, medical, and technology)	x	x	x	x	x	x	x	p	p		
Car rental and leasing	x	x	x	x	x	x	x	p	p		
Leasing trucks, trailers, recreational vehicles, etc.	x	x	x	x	x	x	x	p	c		
Institutional or community facilities											
Hospitals	x	x	x	x	x	x	x	p	p		
Medical clinics	x	x	x	x	x	c	p	p	p		
Social assistance, welfare, and charitable services (not otherwise enumerated)	x	x	x	x	x	x	c	p	p		
Child and youth services	x	x	x	x	x	x	x	p	p		
Child care/daycare institution	x	x	c	c	c	p	p	p	p		
Community food services	x	x	x	x	x	c	x	p	p		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			C o m m e r c i a l	I n d u s t r i a l
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P R e s	N o n P r e s	M i x e d U s e		
Emergency and relief services	x	x	x	x	x	x	x	p	p		
Other family services	x	x	x	x	x	x	x	p	p		
Services for elderly and disabled	x	x	x	x	x	c	c	p	p		
Veterinary Services	c	c	c	c	c	c	c	p	p		
School or university buildings (privately owned)	x	x	x	x	x	x	x	p	p		
Grade school (privately owned)	x	x	x	x	x	x	c	p	p		
College or university facility (privately owned)	x	x	x	x	x	x	x	p	p		
Trade or specialty school facility (privately owned)	x	x	x	x	x	x	x	p	p		
Library building	x	x	x	x	x	x	c	p	p		
Museum, exhibition, or similar facility	x	x	x	x	x	s	x	p	p		
Exhibitions and art galleries	x	x	x	x	x	x	x	p	p		
Planetarium	x	x	x	x	x	x	x	p	p		
Aquarium	x	x	x	x	x	x	x	p	p		
Outdoor facility, no major structure	x	x	x	x	x	x	c	p	p		
Fire and rescue station	p	p	p	p	p	p	p	p	p		
Police station	p	p	p	p	p	p	p	p	p		
Emergency operation center	p	p	p	p	p	p	p	p	p		
Correctional or rehabilitation facility	x	x	x	x	x	x	x	p	p		
Cemetery, monument, tombstone, or mausoleum	p	p	p	p	p	p	p	p	p		
Funeral homes	x	x	x	x	x	x	x	p	p		
Cremation facilities	x	x	x	x	x	x	x	p	p		
Public administration	x	x	x	x	x	x	x	p	p		
Post offices	x	x	x	x	x	x	x	p	p		
Space research and technology	x	x	x	x	x	x	x	p	p		
Outdoor stage, bandstand, or similar structure	x	x	x	x	x	c	p	p	p		
Clubs or lodges	x	x	x	x	x	x	x	p	p		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			C o m m e r c i a l	I n d u s t r i a l
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P R e s	N o n P r e s	M i x e d U s e		
Public assembly structures											
Performance theater	x	x	x	x	x	x	x	p	p		
Movie theater	x	x	x	x	x	x	x	p	p		
Amphitheater	x	x	x	x	x	x	x	p	p		
Drive-in theaters	x	x	x	x	x	x	x	p	p		
Amusement or theme park	x	x	x	x	x	x	x	p	p		
Arcade	x	x	x	x	x	x	x	p	p		
Miniature golf establishment	x	x	x	x	x	x	x	p	p		
Fitness, recreational sports, gym, or athletic club	x	x	x	x	x	x	x	p	p		
Bowling, billiards, pool, etc.	x	x	x	x	x	x	x	p	p		
Skating rinks	x	x	x	x	x	x	x	p	p		
Churches, temples, synagogues, mosques, and other religious facilities	c	c	c	c	c	c	c	c	p		
Covered or partially covered atriums and public enclosure	x	x	x	x	x	c	p	p	p		
Passenger terminal, mixed mode	x	x	x	x	x	x	x	p	p		
Park with playground equipment	p	p	p	p	p	p	p	p	p		
Active open space/ athletic fields/golf courses	c	c	c	c	c	c	p	p	p		
Passive open space	p	p	p	p	p	p	p	p	p		
Residence or accommodations											
Accessory units	p	p	p	p	p	c	p	p	p		
Single-family attached units	p	p	p	p	p	p	p	x	p		
Single family detached units	p	p	p	p	p	p	p	x	p		
Dormitories	x	x	x	x	x	x	p	x	p		
Duplex structures	p	p	p	p	p	p	p	x	p		
Housing services for the elderly	c	c	c	c	c	c	p	x	p		
Manufactured housing	p	p	p	p	p	p	p	x	p		
Mobile Homes	p	p	x	x	x	x	x	x	x		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			Commercial	Industrial
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P Res	Non Pres	Mix Use		
Multifamily structures	x	x	x	x	x	x	p	x	p		
Temporary structures, tents, etc. for shelter	p	p	p	p	p	p	x	x	x		
Townhouses	x	x	x	x	x	x	p	x	p		
Hotels, motels, or other accomodation services											
Bed or Breakfast pursuant to §9.6.9.4	c	c	c	c	c	c	p	p	p		
Hotels, motels, and tourist courts	x	x	x	x	x	x	x	p	p		
Industrial buildings and structures											
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)	x	x	x	x	x	x	x	p	c		
Loft building	x	x	x	x	x	x	x	p	p		
Mill-type factory structures	x	x	x	x	x	x	x	p	x		
Manufacturing plants	x	x	x	x	x	x	x	p	x		
Industrial parks	x	x	x	x	x	x	x	p	x		
Laboratory or specialized industrial facility	x	x	x	x	x	x	x	p	x		
Assembly and construction-type plants	x	x	x	x	x	x	x	p	x		
Process plants (metals, chemicals, etc.)	x	x	x	x	x	x	x	p	x		
Construction-related businesses	x	x	x	x	x	x	x	p	x		
Automotive wrecking and graveyards, salvage yards, and junkyards	x	x	x	x	x	x	x	p	x		
Demolition business	x	x	x	x	x	x	x	p	x		
Recycling business	x	x	x	x	x	x	x	p	x		
Warehouse or storage facility Structure	x	x	x	x	x	x	x	p	x		
Mini-warehouse	x	x	x	x	x	x	x	p	x		
High-rise mini-warehouse	x	x	x	x	x	x	x	p	x		
Warehouse structure	x	x	x	x	x	x	x	p	x		
Produce warehouse	x	x	x	x	x	x	x	p	x		
Refrigerated warehouse or cold storage	x	x	x	x	x	x	x	p	x		
Large area distribution or transit warehouse	x	x	x	x	x	x	x	p	x		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			Commercial	Industrial
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P Res	Non Pres	Mix Use		
Quarrying and stone cutting	x	x	x	x	x	x	x	x	x		
Transportation-related facilities											
Courier and messenger services	x	x	x	x	x	x	x	p	p		
Information services and data processing industries	x	x	x	x	x	x	x	p	p		
Natural gas, petroleum, fuels, etc.	x	x	x	x	x	x	x	c	x		
Storage of chemical or other non-degradable materials	x	x	x	x	x	x	x	c	x		
Storage of natural gas, fuels, etc.	x	x	x	x	x	x	x	c	x		
Automobile parking facilities	x	x	x	x	x	x	x	p	c		
Surface parking, open	x	x	x	x	x	x	x	p	c		
Surface parking, covered	x	x	x	x	x	x	x	p	c		
Multistoried parking structure with ramps	x	x	x	x	x	x	x	p	c		
Underground parking structure with ramps	x	x	x	x	x	x	x	p	c		
Rooftop parking facility	x	x	x	x	x	x	x	p	c		
Bus terminal	x	x	x	x	x	x	x	p	p		
Bus stop shelter	p	p	p	p	p	p	p	p	p		
Bus or truck maintenance facility	x	x	x	x	x	x	x	p	c		
Truck and freight transportation services	x	x	x	x	x	x	x	p	c		
Local transit systems— includes rail, bus, motor vehical, charter bus, mixed mode	x	x	x	x	x	c	c	p	p		
Taxi and limousine service	x	x	x	x	x	x	x	p	p		
School and employee bus transportation	x	x	x	x	x	x	x	p	p		
Towing and other road services	x	x	x	x	x	x	x	p	c		
Space transportation	x	x	x	x	x	x	x	p	c		
Postal transportation services	x	x	x	x	x	x	x	p	c		
Courier and messenger services	x	x	x	x	x	x	x	p	p		
Airport terminal including maintenance and hangar facility, and control tower.	x	x	x	x	x	x	x	c	x		
Runway	x	x	x	x	x	x	x	c	x		

General Use Table Example Draft Identifying Uses by Zoning District: P= Permitted, C=Conditional, A=Accessory Uses, X= Prohibited

Use	Base Zoning Districts						Planned Districts			Commercial	Industrial
	Ag/Ranch - 160	RUR- 40	RUR-F 20 ac	RES-F 5 ac	RES-E 2.5 AC	Traditional Com - .33-2.5	P Res	Non Pres	Mix Use		
Pipeline transportation	p	p	c	c	c	c	c	p	c		
Gas or electric power generation facility	x	x	x	x	x	x	x	c	x		
Telecommunications and broadcasting station	x	x	x	x	x	x	x	p	c		
Communication towers	p	p	p	p	p	p	p	p	p		
Radio, television, or wireless transmitter	p	p	p	p	p	p	p	p	p		
Weather stations or transmitters	p	p	p	p	p	p	p	p	p		
Environmental monitoring station (air, soil, etc.)	p	p	p	p	p	p	p	p	p		
Highway rest stops and welcome centers	x	x	x	x	x	x	x	p	x		