

**The 2010  
Sustainable  
Land  
Development  
Plan (SLDP) and  
Code (SLDC)  
Santa Fe County, N.M.**

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## 1.1 SUSTAINABLE LAND DEVELOPMENT PLAN (SLDP) SUMMARY OF BINDING PRINCIPLES AND CRITICAL FINDINGS

### 1.1.1 CRITICAL FINDINGS

The Sustainable Land Use Plan (SLDP) replaces the 1999 Santa Fe County General Plan. The primary features of the SLDP are geared to addressing the following critical findings.

- 1.1.1.1. The demographics of the county reflect a greater need for housing for single adults, new retirees and married couples without children, seniors, workforce housing to attract employees for public service and affordable housing for employees of the retail and cultural economy;
- 1.1.1.2. The pattern of growth has reflected unprecedented sprawl into areas of the county that lack adequate public facilities and services for residents leading to greater vehicle miles traveled and numbers of single occupant trips that results in increases in greenhouse gas emissions, poorer air quality, and degradation of natural and manmade environmentally sensitive lands (wetlands, hillsides, flood hazard areas, rivers, streams, acequias, habitats, habitat corridors, archaeological, cultural and historic resources);
- 1.1.1.3. The fiscal integrity of County government has worsened because the cost of servicing residential sprawl development greatly exceeds the tax revenues that such growth produces; and a strong base of economic development that would offset and address the negative fiscal impact is lacking;
- 1.1.1.4. Groundwater aquifer supplies have not been maintained and replenished due to the increasing draw down by individual water wells and polluted by the effluent of septic system overflows and deterioration, which must be replaced by the extension of public water and sewer systems, mandatory hookup policies, community wells with monitoring, and rainwater and gray water capture, treatment and use;
- 1.1.1.5. Global warming, increasing use and cost of oil, natural gas and coal and the national security need to reduce dependence on foreign nonrenewable energy supplies have led to major national and international efforts and policies to replace nonrenewable carbon based energy with conservation practices, green development design and infrastructure standards, solar, wind and geothermal energy sources, development of new urban and rural patterns of growth that reflect walkable, mixed use traditional and transit oriented neighborhood development accompanied by opportunity centers for economic and commercial growth;
- 1.1.1.6. The development approval process over the past 15 years has proven to be unpredictable, subject to long delays due to multiple applications and hearing processes, undue restriction of development flexibility, the lack of objective factual information from studies, reports and assessments of development projects and confusing and inaccessible development regulations that have led to widespread use of subdivision exemptions for family transfers, parcel and lot divisions and lot boundary adjustments that have aggravated the sprawl pattern with an absence of infrastructure provisions;

Citizen participation has been restricted to community plans and ordinances through Local Development Review Committees and the need for a greater citizen participation role in Countywide planning, development approvals and regulation has not been achieved.

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### **1.3.1. BINDING PRINCIPLES**

After an extraordinary two year period of planning, citizen and business participation and public hearings, the SLDP adopts the following Binding Principles for the County, which shall constitute the basis upon which all Development Approvals, Legislation, Administrative Regulations, Plan Elements, Goals, Objectives, Policies, Strategies, Action and Work Programs, shall be consistent with the SLDP. The binding principles shall assure that:

- 1.3.1.1. CPOs shall be established for communities to have an improved public participation and planning process to meet community needs, review development projects and address community development issues.
- 1.3.1.2. ROs shall be established for organizations with a Charter or rules of organization that shall be notified about discretionary development approval applications or other specific County activities in their area of influence.
- 1.3.1.3. All new public and private development shall: comply with sustainable green design and improvement standards for all buildings, structures, site layout and capital facilities and infrastructure both on and off-site; to increase renewable energy and to decrease the use of non-renewable carbon based energy responsible for degraded air quality and global warming through on-site energy conservation, the right to build solar and wind facilities on site or within development projects, the construction of solar and wind farms, enhanced use of bio-fuels for public transportation and vehicles, and the full utilization of federal and state grants, loans, tax credits and deductions;
- 1.3.1.4. The County shall maintain a positive fiscal and sustainable land use balance and integrity resulting from new growth through: requiring all new discretionary development approval applications to prepare fiscal impact, transportation impact, fire, sheriff and emergency response and adequate public facility studies, assessments and reports establishing that the development will produce a positive fiscal impact at buildout and meet the standards for available adequate public facilities and services at SLDP adopted levels of service at the time of development approval;
- 1.3.1.5. The County shall achieve greater economic development offsetting the negative fiscal impact of existing residential development; redeveloping areas with antiquated subdivision patterns through incentives for consolidation by forming Tax Increment Development Districts (TIDDs), equity corporations or trusts;
- 1.3.1.6. Reducing sprawl patterns of growth, vehicle miles traveled and number of daily and peak hour trips by prioritizing (i) compact or corridor development patterns of traditional neighborhood and transit oriented development within growth boundaries served or planned to be served by available infrastructure; (ii) communities or full service new towns with appropriate densities, mixed uses, affordable and work force jobs-housing balance;
- 1.3.1.7. The County shall achieve sustainable walkable transit oriented environments through regulation and by utilizing state ICIP grants and federal transportation-land use-energy grants;
- 1.3.1.8. Agricultural and ranch lands shall be protected through preferential assessment, use of conservation and development easements, incentives for cluster development, availability of transfers and purchases of development rights, authorization for location of solar and wind farms;
- 1.3.1.9. Reducing the accelerating cost of maintaining and servicing roads, storm water drainage, sewer and water, parks and recreation areas, fire, sheriff and emergency response by requiring that new development be conditioned on the availability of adequate public facilities and services at the time of development approval and be

required to pay impact fees for the full cost of off-site facilities identified in a new and prioritized 20 year County Capital Improvement Plan (CIP), the need for which, over the two 7 year and the last 6 year period of the CIP, is generated by new development approved within each CIP time frame; shift on-site capital and maintenance costs from developers to new purchasers by requiring, as a condition of development approval, the creation of Public Improvement Districts or Public Infrastructure Zones; and by assessing application and administrative fees to cover the full cost of the processing of development approvals, including the cost of hearing officers, county consultant fees for studies, reports and assessments, administrative space, expenses and staff salaries;

- 1.3.1.10. New discretionary development approvals pursuant to the County's 40 year Water Plan and Conjunctive Water Management Policy, ground water aquifers shall: no longer be depleted by groundwater well drilling; groundwater wells on individual lots shall only be allowed where development builds at the minimum lot sizes authorized by the base zoning districts, with water usage, as monitored, not to exceed .28 acre feet per year; all new development throughout the county shall be required to build and maintain rainwater and gray water capture, treatment and reuse; community wells and community sewer treatment plants shall be required for all cluster development or development authorized to exceed base zoning district minimum lot sizes with monitoring devices requiring water usage per dwelling unit to not exceed .25 acre feet per year and tertiary sewer treatment; public sewer and water availability shall be extended to the maximum use permitted by the County's recent surface water acquisitions through mandatory hookup requirements and water and sewer rates, fees and charges sufficient to finance the extension of interceptors, lateral lines and pump stations, reducing the number of existing groundwater wells; a reduction of pollution of groundwater aquifers from septic systems; by requiring that all economic development or residential cluster development or residential development authorized to exceed base zoning district minimum lot sizes shall have a community sewer treatment plant meeting EPA tertiary treatment standards;
- 1.3.1.11. All approved public and private development projects shall protect the natural and manmade environment by: preservation, maintenance and improvement of environmentally sensitive lands (wetlands, rivers, streams, riparian areas, hillsides and steep slopes, flood hazard areas, habitats and habitat corridors, historical, cultural and archaeological resources; using transfers and purchases of development rights through the creation of a funded County Land Bank; requiring comprehensive environmental impact reports during all discretionary development approval processes; requiring and incentivizing renewable solar and wind energy systems and farms, electrical renewable energy transmission corridors; and green development to prevent the degradation of air quality and further global warming; utilization, to the maximum extent possible, of public surface water resources; restrictions on groundwater wells; graywater and rainwater capture, treatment and reuse; restriction of the use of ground water resources through implementation of the 40 year Water Plan and the Conjunctive Water Management Policy; regulation of developments of countywide impact including oil, gas, mineral, quarries and rock excavation, landfills, major land alteration and grading, and other potentially noxious development activity; and reduction of greenhouse gas emissions by lessening vehicle miles traveled through smart growth and green development patterns, design and improvement standards to reduce global warming and air pollution;
- 1.3.1.12. Open space lands, scenic vistas, equestrian, bicycle, hiking and pedestrian trails, camping sites, parks, recreation areas (Open Space System); existing and future rights-of-way for transportation roads, highways, streets, service lanes, transit, bicycle lanes and sidewalks; public facility site preservation through identification within, and

enforcement of, the Official Map, attached to the SLDP, and adopted by separate ordinance or as an Appendix to the SLDC, preventing the building of any structure or the placement of any land use in the bed of any feature on the Official Map; provision of a beneficial use determination process, to be heard by a hearing officer and approved by the Board of County Commissioners (Board), affording relief to any actual constitutional deprivation of property, including but not limited to regulatory takings claims; financing of the Open Space System through open space impact fees, dedications, mitigation conditions and fees, transfers and purchase of development rights through a County Land Bank, incentivizing the donation of conservation and development easements or fee simple interests and the establishment of a countywide Public Improvement District (PID), by vote of county residents, for financing a portion of the cost of acquiring the Open Space System through PID bonds backed by assessments of all land in the County; and by intergovernmental agreement, the Board may include any city or town, or the school district in a participatory and financial role as is agreed to by the parties.

- 1.3.1.13. The County shall implement renewable energy initiatives, including requirements and incentives for energy efficiency; reduced greenhouse gas emissions and fossil fuel use; and renewable energy production and use, vital for the development of a sustainable community.

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## **1.4.1. SUSTAINABLE LAND DEVELOPMENT CODE (SLDC)**

- 1.4.1.1 The current Santa Fe County Land Development Code, as amended, with the exception of community planned area zoning ordinances, requires reexamination and amendment or replacement with a new Sustainable Land Use Development Code (SLDC) in order to implement the SLDP provisions. The SLDC shall have, at a minimum, the following provisions:
  - 1.4.1.1.1. Establishment of a Countywide Planning Commission to replace the County Development Review Committee (CDRC) and Local Development Review Committees (LDRCs), as required by statute; establishment of a Technical Advisory Committee (TAC); creation of a bill of rights for Community Planning Organizations (CPOs) and Registered Organizations (ROs); authorization for adoption of area, specific and community plans, an Official Map, and Capital Improvements Plan (CIP); adoption of a Sustainable Land Development Code; adoption of administrative regulations; scope and authority to act; severability; effective date; appendices for definitions and interpretation; development application and development order forms; administrative and application fees; the CIP and the Official Map;
  - 1.4.1.1.2. Establishment of expedited processing of applications for all discretionary development approvals, except for beneficial use determinations, through a single integrated application for all approvals, concurrent single hearing processing and/or use of a specific plan incorporating all plan amendments, zoning text and map amendments, major, minor and Type I through V subdivision approvals; major and minor site plans, special and conditional use permits and variances;
  - 1.4.1.1.3. Establishment of applications for discretionary development approval for oil and gas drilling, mining, quarrying, landfills and major land

alteration activities as developments of countywide impact (DCIs) requiring overlay district zone classifications and special use permits;

- 1.4.1.1.4. Requirement of studies, reports and assessments for all applications for discretionary development approval, including;
  - 1.4.1.1.4.1. *An environmental impact report;*
  - 1.4.1.1.4.2. *An adequate public facilities and services assessment;*
  - 1.4.1.1.4.3. *A water availability report;*
  - 1.4.1.1.4.4. *A traffic impact assessment;*
  - 1.4.1.1.4.5. *A fiscal impact study;*
  - 1.4.1.1.4.6. *An SLDP consistency report; and*
  - 1.4.1.1.4.7. *An emergency service response study for all Developments of Countywide Impact (oil and gas; mining; quarrying; landfills and major land alteration).*
- 1.4.1.1.5. Establishment and funding of the CIP and the open space provisions of the SLDP through state and federal grants and loans, the general fund, general and revenue bond obligations, utility rates, assessments, fees and charges, impact fees, exactions, dedications, mitigation fees, affordable and workforce housing set-asides and linkage fees, revenue from public improvement and assessment districts, public infrastructure zones, transfers of development rights, county land banking and development agreement provisions; and adequate public facility regulations to approve, deny or conditionally approve the timing and sequencing of development approvals based on the availability of public facilities at the time of preliminary subdivision or site plan approval;
- 1.4.1.1.6. Establishment of sustainable green development design and improvement standards for private and public projects, buildings and sites, rainwater capture, treatment and use, and renewable energy systems);
- 1.4.1.1.7. Establishment of base zoning for urban and rural residential, agricultural and ranch districts; requiring discretionary approval through overlay zoning district classifications and special use permits for all DCIs; zoning for planned development districts (commercial, office and industrial, mixed use; opportunity centers; traditional neighborhood and transit oriented development), resource protection overlay zoning districts for environmentally sensitive lands ( flood hazard areas, wetlands, streams, rivers, riparian corridors, hillsides and steep slopes, 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.

- 1.4.1.1.8. Establishment of applications for discretionary development approval for: legislative or quasi-judicial zoning text and map amendments; legislative and quasi-judicial amendments of area, specific and community plans; major, minor and statutory Type I-V subdivisions; area variances; registration of non-conforming uses; beneficial use determinations; special and conditional use permits; development agreements; discretionary major and minor site plan zoning approvals; requiring discretionary major or minor site plan zoning approval prior to granting a building permit for any lot, parcel or tract created by existing or future family transfers, lot and parcel divisions, judicial partitions or any other statutory exemption from subdivision approval; certificates of application;
- 1.4.1.1.9. Establishment of zoning certificates certifying the status of current zoning; certificates of application completeness; minor grading permits; building permits; and certificates of occupancy.
- 1.4.1.1.10. The land use binding principles, goals, objectives, policies and strategies constituting the policy framework of the SLDP have been developed to facilitate the sustainable growth of Santa Fe County. There are four concepts that shall be considered when interpreting and implementing the SLDP policy framework that apply to any applications for discretionary development approval of a project; or any proposed text or map amendment to the SLDP, an area, specific or community plan or zoning ordinance, the text or zoning map of the SLDC, the Official Map or the CIP, related to the project or application.
- 1.4.1.2. The proposed application, project or amendment shall be: consistent with the binding principles, goals, objectives and policies of SLDP, SLDC and any area, specific or community plan; suitable for the site on which it is located; compatible with existing and future SLDP planned and SLDC zoned development on adjacent properties; and sustainable.
- 1.4.1.3. The following statements of consistency, suitability, compatibility and sustainability shall be used to determine whether any amendment of the SLDP, SLDC, area, specific or community plan or zoning ordinance, or an application for development approval is consistent with the SLDP and approval, conditional approval or denial of the application carries out the policy framework of the SLDP:
  - 1.4.1.3.1. **Consistency:** the proposed project or amendment is consistent with the binding principles, goals, objectives and policies of the SLDP, and any area, specific or community plan; or the purposes and intent of the SLDC or community zoning ordinance.
  - 1.4.1.3.2. **Suitability:** The Administrator, Planning Commission or Board of County Commissioners shall ensure that the site is suitable for the proposed project or amendment. The following criteria shall apply to the review of each application for discretionary development approval:
    - 1.4.1.3.2.1. *The project will enhance economic development; create a mixed use center, or a traditional neighborhood or transit oriented development; or a cluster subdivision in an SDA2 or SDA3 area;*
    - 1.4.1.3.2.2. *Any physical encroachment creates an unacceptable hazard to life or property;*

1.4.1.3.2.3. *Environmental impacts and effects of the development have been adequately mitigated; and*

1.4.1.3.2.4. *Development is located within a primary or secondary Sustainable Development Area, meets the sustainable design and improvement standards of the SLDC and will not impose, at full build-out, a negative fiscal impact.*

1.4.1.3.3. **Compatibility:**

1.4.1.3.3.1. *Whether any requested application for discretionary development approval, or any SLDP, area, specific or community plan amendment, any requested amendment to the text or zoning map of the SLDC or Community Zoning Ordinance is compatible with the existing and future planned and zoned use or function of adjacent properties. In determining compatibility, the Planning Commission or Board shall take into account the future land use map and SDA classifications and the reasonable investment backed expectations of the applicant among the factors to be considered;*

1.4.1.3.3.2. *Whether the applicant has taken or committed to take sufficient measures to mitigate potential negative impacts and effects on the environment, environmentally sensitive lands, or adjacent lands, and further proposes to utilize a solar, wind or other renewable energy system; a hookup to the County or other public water and sewer system, or a community sewer treatment plant with tertiary treatment capacity; qualifies for a LEED or Green NM silver certification; and the development project meets all the sustainable green design and improvement standards of the SLDC; and*

1.4.1.3.3.3. *Where land encompassing a proposed development project is located on the SDA and future land use maps as an appropriate use for a planned development district or for a cluster or conservation subdivision, an application for a planned zoning district classification, or a cluster or conservation subdivision, including an application for any appropriate area variances due to practical difficulties, shall be deemed compatible with adjoining lands, unless the adjoining land owners demonstrate by substantial evidence that a private or public nuisance would actually be created which adversely affects their lands, buildings or dwellings.*

1.4.1.3.4. **Sustainability:** An application will be conclusively deemed sustainable where the project has adequate public surface water availability or in an SDA 2 or SDA 3 area, a community well with a maximum monitored average .28 annual acre feet use per dwelling unit, including within the .28 acre feet limitation, any authorized attached second dwelling units; a public sewer hookup or a community wastewater treatment plant with graywater reuse meeting EPA tertiary treatment standards; rainwater capture, treatment and use; and off-site parks, recreation, trails, open space, fire, police, emergency response, storm water drainage, schools and



transportation facilities are available concurrent with the development at SLDP adopted levels of service;

- 1.4.1.4. Applications for development approval shall be classified by the Administrator as a major discretionary development approval application where the application involves: an SLDP, area, specific or community plan text or map amendment; an SLDC zoning text or map amendment; a DCI; a project, any part of which lies within an environmental or resource overlay zoning district; an application for a planned zoning district classification; any major subdivision or site plan; a conditional or special use permit; a supplemental zoning use; or any application, which cumulatively constitutes a major subdivision or site plan by reason of determining the number of lots created by including the number of lots in the pending application with any prior lot, parcel or tract created by a lot or parcel division, a boundary or lot adjustment, judicial partition in kind or family transfer on the applicant's land, or land in common ownership with the applicant since the adoption of the 1999 General Plan.