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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2007-20

AN ORDINANCE

AMENDING SECTIONS 14-3.1 AND 14-3.4 SFCC 1987 REGARDING PETITION METHOD ANNEXATIONS AND SECTOR PLANS AND AMENDING THE DEFINITION OF SECTOR PLAN IN ARTICLE 14-12 SFCC 1987.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 14-3.1(F)(2) SFCC 1987 (being Ord. #2001-38, §2 as amended) is amended to read:

(2) Applicability

Early neighborhood notification is required for:

(a) Certain applications heard before the Planning Commission as follows:

(i) Petition-method annexations;

(ii) Master plans;

(iii) Rezoning;

(iv) Preliminary development plans;

(v) Final development plans where a preliminary plan has not previously been approved;

(vi) Preliminary subdivision plats;

(vii) Final subdivision plats where a preliminary plat has not previously been approved;

- 1 (viii) Vacation and dedication of rights-of-way;
- 2 (ix) Variances;
- 3 (x) Amendment to any of the preceding;
- 4 (xi) Amendments to final development plans;
- 5 (xii) Amendments to final subdivision plats;
- 6 (xiii) Amendments to the Future Land Use Map of the General
- 7 Plan; and
- 8 (xiv) Escarpment overlay district appeals.
- 9 (b) Special exceptions except those for mobile homes;
- 10 (c) Variances heard before the Board of Adjustment, except those
- 11 requesting construction or modification of an individual single
- 12 family dwelling and appurtenant accessory structures or those
- 13 requesting a reduction in the total parking requirements of five or
- 14 fewer spaces;
- 15 (d) City capital improvement projects requiring review by the
- 16 Governing Body as follows:
 - 17 (i) Facility plans for municipal facilities or services,
 - 18 including wastewater, solid waste, potable water, and
 - 19 airport facilities;
 - 20 (ii) New projects or projects to expand or extend service to
 - 21 new service areas included in the capital improvement
 - 22 program or General Plan;
 - 23 (iii) Any new road construction or reconstruction of an
 - 24 existing road that materially expands capacity; and
 - 25 (iv) Projects funded out of capital impact fee funds.

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(e) The following types of capital improvement projects shall not require early notification:

- (i) Replacement, repair or maintenance of underground facilities where such activity does not represent a material expansion of existing facilities.
- (ii) Road maintenance, repair, surfacing or resurfacing, striping, curb and gutter or sidewalk repair or maintenance, sign maintenance, signal repair, shoulder work, bridge or culvert maintenance work; and
- (iii) Special assessment districts covered by state statute or City ordinance.

Section 2. Section 14-3.1(H)(1)(b)(i) (being Ord. #2001-38, §2) is amended to read:

- (i) The City shall hold at least one public hearing before the Planning Commission regarding petition-method annexation, amendment to the General Plan and rezoning, or any combination of those actions.

Section 3. Section 14-3.1(H)(2) (being Ord. #2001-38, §2 as amended) is amended to read:

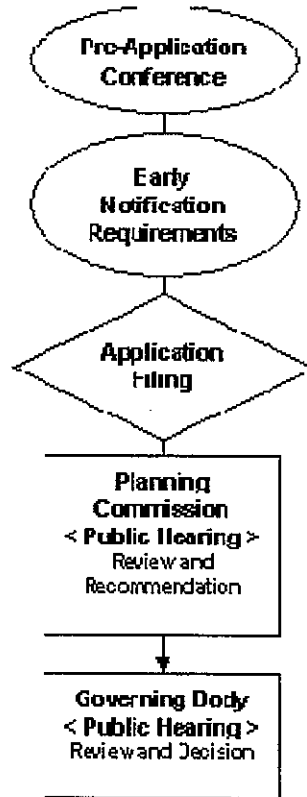
- (2) Notice of Public Hearing Before Governing Body
In scheduling a public hearing the applicant shall publish one notice in a local, daily newspaper at least 15 calendar days prior thereto, which notice shall state the time, date and place of the hearing. The notice shall be approved by the Planning and Land Use Department prior to publication. The posting and mailing requirements set forth in §§14-3.1

(H)(1)(a)(ii) and 14-3.1(H)(1)(a)(iii) shall be followed. However, where the public hearing is for the purpose of considering a City-initiated petition-method annexation, City-initiated rezoning or City-initiated amendment to the general plan, the mailing and publishing requirements as set forth in §14-3.1(H)(1)(b) shall be the notification required.

Section 4. Section 14-3.4(A)(2) SFCC 1987 (being Ord. #2001-38, §2) is amended to read:

(2) All petition method annexations that are outside the urban area boundary and not consistent with the General Plan shall be referred to the Planning Commission for review and a recommendation to the Governing Body.

Section 5. The diagram for Section 14-3.4(C) SFCC 1987 (being Ord. #2001-38, as amended) is amended as follows:



Petition Method Annexations

1 **Section 6. Section 14-3.4(C)(3)(b)(ii)B. SFCC 1987 (being Ord. #2001-38, §2) is**
2 **amended to read:**

3 B. When annexation is proposed by the City for
4 purposes other than consolidation of City
5 boundaries or services, a sector plan including
6 but not limited to land uses, land use intensities,
7 road improvements, schools and parks, and
8 drainage shall be provided.

9 **Section 7. Section 14-3.4(C)(5) (being Ord. #2001-38, §2) is amended to read:**

10 (5) Planning Commission Recommendation

11 The Planning Commission shall hold at least one public hearing on each
12 proposed petition method annexation and, at the close of the public
13 hearing, shall make a recommendation to the Governing Body based on
14 the approval criteria set forth below.

15 **Section 8. Section 14-3.4(C)(6)(a) (being Ord. #2001-38, §2) is amended to read:**

16 (a) Before taking action on any proposed petition method
17 annexation, the Governing Body shall hold a public hearing.
18 After reviewing the staff report and recommendation of the
19 Planning Commission, and any evidence obtained at the public
20 hearing, the Governing Body shall, based on the approval criteria
21 set forth in paragraph (D) below, take final action to approve,
22 approve with conditions, or deny the proposed annexation.

23 **Section 9. Section 14-3.4(C)(7)(a) (being Ord. #2001-38, §2) is amended to read:**

24 (a) The City shall notify the Board of County Commissioners and
25 the School Board about the public hearing date for all petition

1 method annexations over 25 acres, at least 15 days in advance of
2 the hearing.

3 **Section 10. Section 14-3.4(C)(9) SFCC 1987 (being Ord. #2001-38, §2) is**
4 **amended to read:**

5 (9) Protest Petitions

6 If the owners of 20 percent or more of the area of the land included in the
7 area proposed to be changed by an annexation, or within 100 feet,
8 excluding public rights-of-way, of the area proposed to be changed by an
9 annexation, protest in writing, the proposed petition method annexation
10 shall not become effective unless it is approved by a majority vote of all
11 the members of the Governing Body.

12 **Section 11. Section 14-3.4(D) SFCC 1987 (being Ord. #2001-38, §2) is amended**
13 **as follows:**

14 **(D) Approval Criteria**

15 Criteria for approval for a petition method annexation by the Planning
16 Commission or Governing Body shall be as follows:

- 17 (1) The annexation shall take place within the urban area boundary;
- 18 (2) Generally the annexed area shall provide a consolidation of City
19 boundaries and service areas, except that allowance shall be made for
20 those properties that are prohibited from annexation by charter or other
21 legal instrument. However, in all cases the proposed annexation shall be
22 contiguous with existing City boundaries.
- 23 (3) Generally, the development should not impose an economic burden on
24 citizens, or result in an indirect subsidy of services by the City.
25 Specifically, evidence shall be provided by the developer that the

1 existing infrastructure, including but not limited to the streets system,
2 sewer and water lines, and public facilities, including but not limited to
3 fire stations and parks, and operating services such as ongoing garbage
4 collection, police, and fire can accommodate the impacts of the proposed
5 development. This does not preclude the City from hiring an
6 independent consultant to review the developer's evidence. If the
7 accommodation of the impacts cannot be demonstrated to the City's
8 satisfaction as to the assumptions, methodology and data then:

9 (a) The developer and the City shall negotiate to offset the increased
10 infrastructure, public facilities or operating costs to the City due
11 to the proposed development. The development shall be subject
12 to any specific City impact fee policies in effect at the time of
13 the application; or

14 (b) The City shall deny the annexation;

15 (4) The amount of land annexed and the proposed use for the land shall be
16 generally consistent with the City's policies regarding the provision of
17 urban land sufficient to meet the amount, rate, and geographic location of
18 growth of the City. It is recognized that the City has no obligation to
19 annex land if it is determined as a matter of City policy that the inventory
20 of urban land, by land use category, is adequate to meet the projected
21 absorption rates of the City for housing and other purposes for a
22 specified number of years as set forth in that policy;

23 (5) When the annexed area creates a need for additional major public utility
24 expansion then the developer may be asked to contribute a proportional
25 fair share of the cost of expansions;


- 1 (6) The development shall be compatible with the extraterritorial plan;
2 (7) All annexation requests shall be for an area of no less than 25 acres
3 unless the area is included in and consistent with a City sector plan, or
4 unless the area produces a consolidation of City boundaries or services or
5 is in phase with the staging plan of the General Plan.

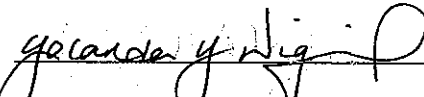
6 Section 12. Article 14-12 SFCC 1987 (being Ord. #2001-38, §2) is amended to
7 amend the following definition:

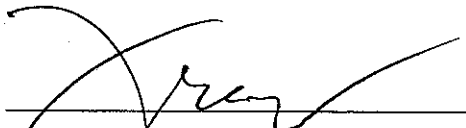
8 **SECTOR PLAN**

9 A plan for an area with multiple ownership, prepared with the participation of the
10 residents and property owners, neighborhood associations if any are included in the area,
11 the City and the county and including but not limited to a plan for road improvements,
12 land uses, land use intensities, schools and parks and drainage. When adopted by the
13 Governing Body a sector plan is incorporated into the General Plan.

14 PASSED, APPROVED AND ADOPTED this 30th day of May.

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16 
17 DAVID COSS, MAYOR

18 ATTEST:
19 
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:
22 
23
24 FRANK D. KATZ, CITY ATTORNEY