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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2012-82**

**INTRODUCED BY:**

Councilor Wurzbarger

**A RESOLUTION**

**RELATING TO THE NEW MEXICO *DEVELOPMENT FEES ACT*, §§5-8-1 TO 5-8-43 NMSA 1978; CONSIDERING A DETERMINATION THAT NO CHANGES OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEEDED; AND AUTHORIZING THE PUBLICATION OF SUCH PROPOSED DETERMINATION.**

**WHEREAS**, the State of New Mexico established the *Development Fees Act*, §§ 5-8-1 to 5-8-43, NMSA 1978 (the “Act”) to enable local governments to adopt local development impact fees; and

**WHEREAS**, the Act requires periodic updates of the impact fee land use assumptions and capital improvement plan at least every five years, §5-8-30 NMSA 1978; and

**WHEREAS**, at the end of a five-year period, the Act allows the Governing Body to make a determination “that no changes to the land use assumptions, capital improvements plan or impact fees are needed,” §5-8-36, NMSA 1978; and

**WHEREAS**, on January 9, 2008, the Governing Body adopted the “*Impact Fee Capital Improvements Plan And Land Use Assumptions, 2007-2012 for Roads, Parks, Fire and Police*”

1 through Resolution No. 2008-07; and amended the Impact Fees Ordinance, Ordinance No. 2008-02,  
2 all in accordance with the Act; and

3 **WHEREAS**, on January 11, 2012, the Impact Fees Ordinance was amended to reduce the  
4 assessment and collection of impact fees on new residential construction by 100% for a term of two  
5 years, Ordinance 2012-02; and

6 **WHEREAS**, the national economic recession has reduced new growth in Santa Fe to such a  
7 degree that an update of the impact fees would show little change in “levels of service” of  
8 the various city facilities, and as a result, little change in actual impact fees charged; and

9 **WHEREAS**, City staff has recommended that it would be of little value, at this point in time,  
10 to engage in costly new updates of land use assumptions, capital improvements plan or impact fees.

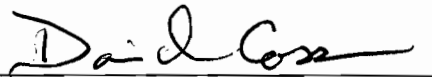
11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
12 **CITY OF SANTA FE that** in accordance with §5-8-36 of the Act:

13 1. The Governing Body is considering a determination “that no changes to the land use  
14 assumptions, capital improvements plan or impact fees are needed” (“Determination”).

15 2. A notice of the proposed Determination shall be published informing the public of  
16 such consideration by the Governing Body.

17 3. The final Determination by the Governing Body shall occur at least 60 days after  
18 publication of the notice.

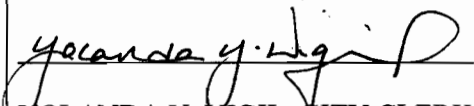
19 PASSED, APPROVED and ADOPTED this 10<sup>th</sup> day of October, 2012.

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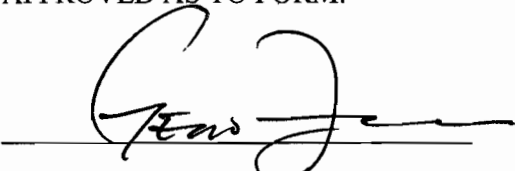
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23 DAVID COSS, MAYOR  
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ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
GENO ZAMORA, CITY ATTORNEY