

City of Santa Fe, New Mexico

memo

DATE: August 22, 2016
TO: City Council Committees
VIA: Nick Schiavo, Director, Public Utilities Department
FROM: John Alejandro, Renewable Energy Planner, Public Utilities Department 
SUBJECT: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES TO ADD AGRICULTURAL USES

ITEM

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

BACKGROUND

In 2014, the governing body adopted a policy report drafted by the Santa Fe Food Policy Council titled, "Planning for Santa Fe's Food Future." The report provided a set of recommendations that, when implemented, could help to ensure that a safe, healthy, affordable, and sustainable food supply was available to all residents of Santa Fe to help combat food insecurity. As noted in the report, at least 21,270 people living in Santa Fe County do not know where their next meal is coming from, and according to Santa Fe Public Schools data, approximately 13,000 kids in K-12 public schools (approximately 70%) receive free or reduced-cost lunch.

Although current Santa Fe City Code allows for agriculture activities and uses for noncommercial purposes (i.e., the growing of produce for personal consumption), it does not allow for agricultural activities and uses for commercial purposes, other than within Rural Residential zoned areas.

This new ordinance is designed to provide a set of provisions, guidelines, and requirements to allow agricultural activities and uses for commercial purposes within all zoned districts in the city of Santa Fe.

A committee comprised of citizen volunteers and City of Santa Fe staff with experience and expertise in food related and land use issues in Santa Fe collaborated on the early drafts of this ordinance, working over several months researching best practices of other agriculture ordinances from other cities around the country, and collaborating to create a draft ordinance for Santa Fe that suit the city's unique needs.

City of Santa Fe staff from the Public Utilities Department, Land Use Department, Water Division, and the City Attorney's Office continued to refine that draft, which included meeting with food-related stakeholders in the community to solicit their thoughts and feedback on the draft itself.

The resulting ordinance is one that has been designed to serve all people of Santa Fe who wish to undertake agriculture activities for commercial purposes within the city, whether they are residents who seek to use 100 square feet of their backyard to grow and sell produce to their neighbors, to business entities who seek to utilize advanced farming and agriculture techniques to grow and sell larger amounts of produce on commercial or industrial zoned land. The provisions, guidelines, and requirements within the ordinance have been scaled in ways that help to encourage agriculture in Santa Fe rather than restrict it with over burdensome regulations.

This ordinance, like any other ordinance within city code, will continue to be refined as the growth of agriculture within the city occurs, in order to continue to encourage safe and responsible agriculture activities designed to help alleviate food insecurity in our community.

SECTIONS

Section 1.

States the purpose of the ordinance (new section of city code) is to establish zoning regulations for the operation of commercial agricultural activities and to provide standards for the siting, design, maintenance and modification of agricultural activities that address public safety, and minimize impacts on residents and historic resources in the city of Santa Fe.

Section 2.

Amends Subsection 14-6.2(H) of the Land Development Code, SFCC 1987 (being Ord. #2011-37 (as amended)) to establish permitted uses provided in Table 14-6.1-1 (included at the end of the ordinance), and new use-specific standards, applicability, approval procedures, and development standards, as provided in new Subsection 14-6.2(I).

The section also defines the activities to be performed on ground level farms; roof level farms and rooftop greenhouses; and in aquaculture, aquaponics, and hydroponics facilities.

Item 9 establishes provisions for the permitted use of a farm stand in zoning districts, and the remaining items in the section provide provisions and regulations related to agricultural uses.

Section 3.

Establishes a new a new Subsection 14-6.3(D)(4) of the Land Development Code to make certain exceptions to agricultural home occupations related to number of people regularly engaged in the home occupation for urban farms; farm structures; signage; and parking.

Section 4.

Establishes a new Subsection 14-8.7(F) of the Land Development Code, SFCC 1987 enabling the land use director to waive the requirements of Architectural Design Review related to urban agriculture activities under certain circumstances.

Section 5.

Amends Subsection 14-12 of the Land Development Code, SFCC 1987 (being Ord. #2011-37 (as amended)) to add new definitions related to urban agriculture and farming activities and uses.

Table 14-6.1-1

Updated table noting agriculture use categories that are allowed (A), permitted (P), or allowed via a special use permit (S).

RESOLUTION

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

FISCAL IMPACT

A fiscal impact is not expected from the passage of this ordinance.

The ordinance and resolution are intended to have a positive impact on the community by providing the authority, policies and guidelines needed to conduct agriculture activities, which may help to provide greater access to sources of healthy, nutritious and affordable food; create more agriculture-based businesses; and, support advanced agriculture/ farming models that have the potential to grow food on a large scale using sustainable and environmentally conscious techniques.

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-__

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter N. Ives

AN ORDINANCE

AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

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

Section 1. Purpose:

1 The purpose of this Section is to establish zoning regulations for the operation of
2 commercial agricultural activities and to provide standards for the siting, design, maintenance and
3 modification of agricultural activities that address public safety, and minimize impacts on
4 residents and historic resources in the city of Santa Fe.

5 **Section 2. Subsection 14-6.2(H) of the Land Development Code, SFCC 1987**
6 **(being Ord. #2011-37 (as amended)) is amended to read:**

7 **14-6.2 USE-SPECIFIC STANDARDS**

8 (H) Agricultural Uses

9 (1) Agricultural uses for noncommercial purposes that are *accessory* uses to a
10 permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance
11 and shall meet all other applicable *city* codes.

12 (2) Agricultural uses for commercial purposes are ~~restricted~~ permitted as set forth
13 in Table 14-6.1-1; however, the following commercial agricultural uses are specifically
14 prohibited:

15 (a) ~~[mink and poultry]~~ animal production; [and]

16 (b) ~~[feedlots]~~ slaughterhouses and slaughtering of livestock; and

17 c. any other use prohibited by 5-7.1 SFCC 1987.

18 (3) Applicability. No agricultural activity shall be conducted, or *farm structure*
19 erected, except in compliance with the provisions of this Subsection 14-6.2(1). The provisions of
20 this subsection shall apply to all agricultural activities, whether such activity is a primary use or
21 an accessory use, except for:

22 (a) Gardens for the personal noncommercial use of residents as accessory
23 uses to *residential* uses.

24 (b) Community gardens located on city-owned property and regulated by
25 written policies and procedures of the city of Santa Fe.

1 (c) Community gardens for noncommercial purposes permitted as an
2 accessory use.

3 (4) Approval Procedures.

4 (a) Agricultural uses are allowed as an accessory use; with a special use
5 permit; or permitted by right, all as shown in Table 14-6.1-1.

6 (b) Except as otherwise provided in this Subsection 14-6.2(I), the procedural
7 and other requirements for *home occupations*, special use permits and development plans
8 apply to agricultural uses and *structures*.

9 (c) Agricultural uses and *structures* shall comply with all other applicable
10 provisions of SFCC 1987, including chapter VII relating to building and housing, and
11 chapter XII relating to fire prevention and protection.

12 (d) The governing body may adopt by resolution guidelines for the
13 development and operation of agricultural uses, which shall guide the *land use director* in
14 the administration of this Subsection 14-6.2(I).

15 (5) Development Standards.

16 (a) Except as otherwise provided in this Subsection 14-6.2(I), *structures*
17 associated with agricultural uses are subject to the development standards established for
18 the underlying and overlay zoning districts within which the property is located.

19 (b) Agricultural *home occupations* shall comply with Subsection 14-
20 6.3(D)(2).

21 (6) *Urban Farm, Ground Level.*

22 (a) The principal activity to be performed on a *ground level urban farm* shall
23 be the cultivation of agricultural crops.

24 (b) *Ground level urban farms* are permitted as provided in Table 14-6.1-1.

25 (7) *Urban Farm, Roof Level; Rooftop Greenhouse.*

1 (a) The principal activity to be performed on a roof level urban farm, or
2 within a rooftop greenhouse, shall be the cultivation of agricultural crops.

3 (b) Roof level urban farms and rooftop greenhouses are permitted as
4 provided in Table 14-6.1-1.

5 (8) Aquaculture, Aquaponics and Hydroponics.

6 (a) Aquaculture, aquaponics and hydroponics are permitted as provided in
7 Table 14-6.1-1.

8 (b) Operations must comply with applicable federal and State regulations for
9 water use and discharge, and for the possession, propagation, culture, sale and disposition
10 of living marine organisms.

11 (9) Farm Stands.

12 (a) An urban farm may include a farm stand. Farm stands located in zoning
13 districts which otherwise prohibit retail sales shall be limited to sales of agricultural
14 products that are grown on the premises, and shall not be larger than 48 square feet.

15 (b) Operation of a farm stand requires a home occupation permit or other
16 type of business license issued by the City of Santa Fe Business Licensing Division.

17 (10) Screening and Buffering.

18 (a) Any composting, loading or disposal areas within or adjacent to a
19 residential or commercial zoning district shall be screened from view by a wall, fence,
20 berm or vegetative screen, or combination thereof. Any fencing shall be constructed of
21 opaque materials and shall comply with the standards and requirements applicable to
22 fences in the zoning district where the property is located..

23 (b) Any material or equipment stored outdoors within a residential or
24 commercial zoning district shall be surrounded by a wall or fence or vegetative screen not
25 less than six (6) feet high, as may be necessary, to screen such material or equipment

1 from view from any public street or public open space.

2 (11) Maintenance and Operation.

3 (a) Urban farms shall be used and maintained in such a manner in which at
4 no time shall they constitute a nuisance or hazard to the surrounding neighborhood.

5 (12) Soil Safety.

6 (a) All urban farms using conditioned soil will be required to comply with
7 the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48
8 NMSA 1978.

9 (13) Composting.

10 (a) Composting is accessory to an urban farm and shall be used only onsite
11 where any ground level urban farm or roof level urban farm is permitted. Composting shall
12 occupy no more than ten (10) percent of the lot area.

13 (b) Composting as a principal use requires approval of a special use permit
14 in industrial zoning districts, and is prohibited in other zoning districts.

15 (c) Maximum Height:

16 (i) Maximum height of composting structures or bins shall not
17 exceed the maximum height permitted for fences and walls in the zoning district
18 where the property is located.

19 (ii) On a roof level urban farm, any composting must be contained
20 within a fully enclosed inflammable bin that does not have direct contact with
21 flammable materials.

22 (d) Setbacks:

23 (i) Subject to Subsection 14-6.3(B)(2) Accessory Uses, compost
24 bins, accessory structures and windrows shall comply with the applicable
25 setback requirements in all zoned districts.

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(ii) Compost bins, structures and windrows located in a required yard or street frontage in all residential and commercial zoned districts must be screened from street view.

(14) Water.

(a) Urban farms are allowed to use the following water resources:

(i) Captured rainwater on-site meeting the requirements of the New Mexico State Engineer's Office (OSE) and Subsection 14-8.4(E).

(ii) Passive water harvesting designed to infiltrate water, control runoff and erosion.

(iii) Gray water or treated effluent from permitted on-site sources adhering to the requirements of Section 20-7-3 NMAC and Subsection 14-8.4(E)(2).

(iv) Consistent with its adjudicated, licensed, or permitted use.

(v) Well water from existing on-site wells, provided that such wells are permitted by the OSE for agricultural use.

(vi) Treated municipal effluent.

(vii) Municipal water system.

(b) Any constructed water catchment systems shall meet all permitting requirements of the city of Santa Fe's land use department.

(c) Water supplied through the municipal water system shall be charged at the rate applicable to the meter size, and shall comply with all applicable requirements of Section 14-8.13 of the land use development code.

(d) Irrigation systems shall comply with Subsection 14-8.4(E)(4), including installation of an approved backflow prevention device.

(e) Watering times shall comply with the outdoor conservation regulations

1 pursuant to Subsection 25-2.7 SFCC 1987.

2 (f) Water efficient technologies and practices, such as drip irrigation
3 systems, use of ollas or other water-holding materials, are allowed.

4 (15) Abandonment.

5 (a) If an agricultural use ceases for any reason for three hundred sixty five
6 (365) consecutive days without the prior written approval of the *land use director*, the use
7 shall be deemed to be abandoned.

8 (b) Any property used for agricultural purposes pursuant to this section shall
9 be cleared and restored to the state in which it existed prior to commencement of the
10 agricultural use. The property owner shall remove from the property all *farm structures*
11 within one hundred and eighty (180) days after the date the agricultural use is
12 discontinued. Site clearing shall consist of:

13 (i) Physical removal of all *farm structures*, farm equipment and
14 machinery; and

15 (ii) Disposal of all *composting* and agricultural waste in accordance
16 with local and state waste disposal regulations; and

17 (iii) Stabilization of the site's vegetation as necessary to minimize
18 erosion and invasive species encroachment. The *land use director* may allow the
19 owner to leave landscaping in order to minimize erosion and disruption to
20 vegetation.

21 (c) If the applicant fails to remove *farm structures*, farm equipment, and
22 farm machinery in accordance with the requirements of this Subsection 14-6.2(I)(13)
23 within one-hundred and eighty (180) days of the date the agricultural use is discontinued,
24 the *land use director* shall proceed with enforcement actions as provided for in Section
25 14-11.

1 **Section 3. A new Subsection 14-6.3(D)(4) of the Land Development Code,**
2 **SFCC 1987 is ordained to read:**

3 [NEW MATERIAL] (4) Agricultural *home occupations* shall comply with
4 Subsection 14-6.3(D)(2), except that:

5 (a) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(c)(iv), not
6 more than five (5) persons, other than members of the *family* who reside on the
7 *premises*, shall be regularly engaged in the *home occupation* for urban farms with
8 up to 10,000 square feet of production area. An additional person may be
9 regularly engaged in the urban farm *home occupation* for every additional 10,000
10 of square feet of the production area up to a total of ten (10) people.

11 (b) A *farm stand* and other farm structures shall not be included in the
12 calculation of maximum floor area permitted pursuant to Subsection 14-
13 6.3(D)(2)(d)(i).

14 (c) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(d)(iii),
15 signage shall be permitted as provided in Subsection 14-8.10.

16 (d) Notwithstanding the provisions of Subsection 14-6.3(D)(2)(e), on-site
17 parking shall be required as follows:

18 (i) One parking space shall be provided for each worker who resides
19 off the premises working simultaneously; and

20 (ii) Three parking spaces on the lot shall be available to *farm stand*
21 customers during farm stand open hours.

22 **Section 4. A new Subsection 14-8.7(F) of the Land Development Code, SFCC**
23 **1987 is ordained to read:**

24 [NEW MATERIAL] (F) For urban agriculture activities, the *land use director*
25 may waive the requirements of this Subsection 14-8.7, Architectural Design Review,

1 under the following circumstances:

2 (a) The applicant submits a written request demonstrating that compliance
3 with Subsection 14-8.7 is not feasible due to the nature of a permitted type of
4 urban agriculture *structure*.

5 (b) The *land use director* determines that the waiver requested is the
6 minimum deviation that will permit construction of the permitted *structure*.

7 (c) The *land use director* determines that the waiver requested will not result
8 in any negative health or safety impacts on the community, or negatively impact
9 a neighboring *property*.

10 (d) Notwithstanding the foregoing, agricultural *structures* shall be
11 compatible with the zoning district where the property is located or shall be
12 screened from public view.

13 **Section 5. Subsection 14-12 of the Land Development Code, SFCC 1987 (being**
14 **Ord. #2011-37 (as amended)) is amended to add the following definitions:**

15 **AQUACULTURE**

16 The cultivation of aquatic animals in a recirculating environment to produce whole fish
17 that are distributed to retailers, restaurants and consumers.

18 **AQUAPONICS**

19 The cultivation of fish and plants together in a constructed, re-circulating system utilizing
20 natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to
21 retailers, restaurants and consumers.

22 **COMPOSTING**

23 A process of accelerated biodegradation and stabilization of organic material under
24 controlled conditions yielding a product which can safely be used as fertilizer.

25 **FARM AREA**

1 The area of a lot designated for activities and uses defined as urban agriculture.

2 **FARM STAND**

3 A table, stall, tent or other structure located on an urban farm and operated by a vendor
4 with a city-issued business license to sell to the public agricultural products grown on the
5 same property where the farm stand is located, not to exceed 48 square feet in size.

6 **FARM STRUCTURES**

7 Structures that may include, but are not limited to, sheds (tool and packing), compost
8 bins, shade pavilions, *farm stands*, trellises or other vertical supports for growing crops,
9 and structures used to extend the growing season such as *greenhouses*, hoopouses,
10 coldframes, and similar structures.

11 **GROUND LEVEL URBAN FARMS**

12 The use of a *lot* on the ground plan for urban agriculture for commercial purposes,
13 whether for profit or non-profit.

14 **HYDROPONICS**

15 The propagation of plants using a mechanical system designed to circulate a solution of
16 minerals in water, for distribution to retailers, restaurants and consumers.

17 **ROOF LEVEL URBAN FARM**

18 The use of a roof for urban agriculture for commercial purposes, whether for profit or
19 non-profit.

20 **ROOFTOP GREENHOUSE**

21 A *structure* located on a roof, whose roof and sides are made largely of glass or other
22 transparent or translucent material and in which the temperature and humidity can be
23 regulated for the cultivation of delicate or out-of-season plants.

24 **URBAN AGRICULTURE**

25 The use of a *lot* for the cultivation of agriculture, *composting*, *aquaponics*, *aquaculture*,

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and/or *hydroponics* for commercial purposes.

URBAN FARM, GROUND LEVEL, LARGE

A *ground level urban farm* with a *farm area* greater than one (1) acre, that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, GROUND LEVEL, MEDIUM

A *ground level urban farm* with a *farm area* greater than or equal to ten-thousand (10,000) square feet, but no greater than one (1) acre, that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, GROUND LEVEL, SMALL

A *ground level urban farm* with a *farm area* less than ten-thousand (10,000) square feet that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, ROOF LEVEL, LARGE

A *roof level urban farm* with a *farm area* greater than one (1) acre, that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, ROOF LEVEL, MEDIUM

A *roof level urban farm* with a *farm area* greater than or equal to five-thousand (5000) square feet, but no greater than one (1) acre, that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

URBAN FARM, ROOF LEVEL, SMALL

A *roof level urban farm* with a *farm area* less than five-thousand (5000) square feet that is used for urban agriculture for commercial purposes, whether for profit or non-profit.

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APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - R-9	R-7 - R-9	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
AGRICULTURAL USES																						
Animal production	[S]																					(H)
[Crep production]	[S]																					{##}
Commercial stable	S																					(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S				S	S	S			P	P		S	S	S		(U)
Urban Farm Roof Level, Open Air, less than 10,000 sq ft.	A	A	A	A	A	A				S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, greater than 1 acre	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Urban Farm, Rooftop Greenhouse, any size	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Aquaculture, less than 750 sq ft.	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)

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1	Aquaponics, less than 750 sq. ft.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)
2																			
3	Aquaponics, greater than 750 sq. ft.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)
4	Hydroponics, any size	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)
5	Composting																		
6																			

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City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):

1. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

2. A RESOLUTION ADOPTING THE CITY OF SANTA FE POLICIES, PROCEDURES AND GUIDELINES FOR URBAN FARMS.

Sponsor(s): Mayor Javier M. Gonzales; Councilor Peter N. Ives

Reviewing Department(s): Public Utilities

Persons Completing FIR: John Alejandro Date: 8/17/16 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Brennan Date: 8/18/16
(Signature)

Reviewed by Finance Director: [Signature] Date: 8-19-2016
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

Currently, city code only allows the growing of agricultural crops on premises to occur for personal consumption; it does not allow agricultural crops that are grown on premises to be sold commercially at the premises within the city limits. This ordinance establishes provisions and requirements that allow for agricultural crops to be grown on residential, commercial, and industrial zoned premises within the city of Santa Fe, and for the sale of such crops to occur at the same premises.

Finance Director: [Signature]

The ordinance also amends sections of city code that are applicable to agricultural uses and activities, in order to make them consistent with the provisions and requirements that enable agricultural activities to take place within the city limits.

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected	
Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	

Total: \$ _____ \$ _____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance and resolution are not enacted, the sale of produce grown on residential, commercial and industrial premises will still not be allowed; there will continue to be a lack of guidelines for both the community and city staff when it comes to urban agriculture uses in Santa Fe; and, individuals and entities wishing to create an urban farm business will not have the legal authority and official policies and guidelines to do so.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The ordinance and resolution are intended to have a positive impact on the community by providing the authority, policies and guidelines needed to conduct agriculture activities, which may help to provide greater access to sources of healthy, nutritious and affordable food; create more agriculture-based businesses; and, support advanced agriculture/ farming models that have the potential to grow food on a large scale using sustainable and environmentally conscious techniques.

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016 - __

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter N. Ives

A RESOLUTION

**CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR
URBAN AGRICULTURE ACTIVITIES AND USES.**

WHEREAS, the governing body wishes to promote a healthy lifestyle for all people in Santa Fe; and

WHEREAS, the governing body wishes to promote local economic development; and

WHEREAS, *Planning for Santa Fe's Food Future* was developed by the Santa Fe Food Policy Council as a guiding policy document designed to ensure that a safe, healthy, and affordable food supply will be available to all city residents, and subsequently adopted by the Governing Body of the City of Santa Fe via Resolution 2014-100; and

WHEREAS, *Planning for Santa Fe's Food Future* contains recommendations to develop a food system that nourishes all people in Santa Fe in a just and sustainable manner; and

WHEREAS, currently, the Santa Fe City Code does not allow for the sale of fresh fruits and vegetables from urban farms that offer for sale produce that is grown on premise; and

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WHEREAS, fruits and vegetables contribute to the overall health and wellbeing of an individual, and the ability to purchase such produce from an urban farm would be beneficial to city residents;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City of Santa Fe Procedures and Guidelines for Urban Activities and Uses, attached herein as Exhibit A, are hereby established.

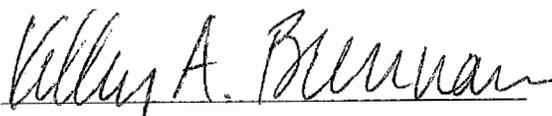
PASSED, APPROVED and ADOPTED this ____ day of _____ 2016.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A:
***City of Santa Fe Land Use Department Procedures and Guidelines for Urban Agriculture
Activities and Uses***

PART 1: APPLICATION FOR URBAN AGRICULTURE

- 1.1 All Urban Agricultural Activities and Uses shall be examined and permitted by the Land Use Department Director.
- 1.2 The information required for the processing and permitting of urban agriculture activities and uses that utilize 200 square feet or less of a ground level lot shall include:
 - A. At minimum, a drawing depicting a site plan showing legal lot, planted areas, locations and footprints of all Farm Structures, driveways, parking areas, and landscape buffers; and
 - B. Document listing types and materials of Farm Structures; and
 - B. Photographs of existing site and adjacent properties to provide site context; and
 - C. Proposed plans for irrigation, and controls for storm water runoff as required by Section 14-8.2; and
 - D. Proposed signage plan showing proposed signage and related architectural features on the sign frontage as required by Section 14-8.10.
- 1.3 The information required for the processing and permitting of all urban agriculture activities and uses other than those that utilize 200 square feet or less of a ground level lot, shall include:
 - A. Site plan, legal lot of record, areas of urban agriculture activities, footprints for all structures, means of ingress and egress, parking areas (including spaces), and landscape buffers; and
 - B. A scaled drawing for Farm and other Structures; and
 - C. Site plan of existing site and adjacent properties (including structures); and
 - D. Proposed plans for irrigation and control measures for storm water runoff as required by Section 14-8.2; and
 - E. Signage plan showing proposed signage as required by Section 14-8.10.
- 1.3(A) Such submission materials shall demonstrate the dimensions, location and architecture of:
 - A. All Urban Agriculture activities, materials, screening, fencing, and landscaping in a manner that is sensitive to the surrounding area; and

- B. Any existing buildings which will remain on the site, with the proposed Urban Agriculture activities, if applicable.

PART 2: DESIGN GUIDELINES

2.1 This subsection establishes the design guidelines for all Urban Farms deemed subject to Architectural Design Review by the Land Use Department Director.

A. Scaled Site Plan.

- 1. Including locations of Farm Structures, ingress/egress, and parking areas (including spaces). Urban Agriculture activities and uses should be designed in a manner that enhances the street frontage, surrounding buildings and under-utilized spaces on the site. In addition, Placement of Farm Structures should respect existing landscape features on the site, such as rock outcroppings, drainage areas, and significant trees.

B. Vehicular ingress and egress to and from an Urban Agriculture Activity should minimize traffic impacts on the adjacent roadways, and provide safe visual access for drivers and pedestrians.

C. Composting, farm equipment storage, and waste disposal areas cannot be located within the front yard setback.

2.2 Structures.

A. New Farm Structures will be compatible with the size and scale of the surrounding built and natural environment.

2.3 Landscape.

A. Landscaping elements will be compatible with surrounding architecture and environment provided pursuant to Section 14-8.4.

2.4 Walls and Fencing.

A. Wall and fences shall comply with Section 14-8.5.

2.5 Lighting.

A. Lighting for Urban Agriculture Activities is limited to that required for daily operation and safety purposes of all activities defined as Urban Agriculture, so as not to create a nuisance through excessive brightness to abutting uses and shall comply with Section 14-8.9.

PART 3. BUSINESS LICENSING

3.1 Urban Agriculture Activities are subject to business licensing requirements by the city of Santa Fe Business Licensing Division pursuant to Section 18-1.

PART 4. AMENDMENTS TO THESE GUIDELINES AND REGULATIONS

4.1 Amendments to these guidelines and policies may be approved by the Land Use Department Director.

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):

1. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

2. A RESOLUTION ADOPTING THE CITY OF SANTA FE POLICIES, PROCEDURES AND GUIDELINES FOR URBAN FARMS.

Sponsor(s): Mayor Javier M. Gonzales; Councilor Peter N. Ives

Reviewing Department(s): Public Utilities

Persons Completing FIR: John Alejandro Date: 8/17/16 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Brennan Date: 8/18/16
(Signature)

Reviewed by Finance Director: [Signature] Date: 8-19-2016
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

Currently, city code only allows the growing of agricultural crops on premises to occur for personal consumption; it does not allow agricultural crops that are grown on premises to be sold commercially at the premises within the city limits. This ordinance establishes provisions and requirements that allow for agricultural crops to be grown on residential, commercial, and industrial zoned premises within the city of Santa Fe, and for the sale of such crops to occur at the same premises.

Finance Director: [Signature]

The ordinance also amends sections of city code that are applicable to agricultural uses and activities, in order to make them consistent with the provisions and requirements that enable agricultural activities to take place within the city limits.

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

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