



# Agenda

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**SUSTAINABLE SANTA FE COMMISSION**  
**Wednesday, September 21, 2016, 4:00 p.m.**  
**Councilors' Conference Room, City Hall (200 Lincoln Avenue)**

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: August 17, 2016
- E. COMMUNICATIONS FROM THE FLOOR
- F. REPORT FROM, AND ASSIGNMENT OF, ACTIONEER
- G. DISCUSSION/ACTION ITEMS
  - 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 HE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE. (Mayor Gonzales and Councilor Ives) (John Alejandro)
    - a. A RESOLUTION CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR URBAN AGRICULTURE ACTIVITIES AND USES. (Mayor Gonzales and Councilor Ives) (John Alejandro)
  - 2. 25-Year Sustainability Plan Updates: Working Groups
- H. ITEMS FROM THE CHAIR & CO-CHAIR
  - 1. Mayor's Sustainability Awards
- I. ITEMS FROM THE COMMISSION
- J. ITEMS FROM STAFF
  - 1. Verde Fund Update
- K. ITEMS FROM THE PUBLIC
- L. ITEMS FOR NEXT AGENDA
- M. ADJOURNMENT

**Next Meeting: October 19, 2016**

**NOTE: Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.**

**SUSTAINABLE SANTA FE COMMISSION  
MEETING MINUTES-INDEX  
August 17, 2016**

Item	Description	Page
Cover Page		0
A. Call to Order	The Sustainable Santa Fe Commission meeting was called to order by Ms. Beth Beloff, Chair at 4:05 p.m.	1
B. Roll Call	A quorum was declared by roll call.	1
C. Approval of the Agenda	Mr. McGowan moved to approve the Agenda as presented with a second from Mr. Hirsch which passed by voice vote.	1
D. Approval of the Minutes of July 20, 2016	Mr. Hirsch moved to approve the minutes as presented with a second from Mr. Schiffbauer which passed by voice vote.	1
E. Communications from the Floor	Discussion Only	2
F. Report from and Assignment of Actioneer	Discussion Only	2,3
G. Discussion/Action Items:		
1. Presentation: Santa Fe County Agriculture & ranching Implementation Plan (Eric Ortigoza, SF County)	Discussion Only	3
2. An Ordinance Amending Section 7-4.2 SFCC 1987, Residential Green Building Code By Repealing Exhibit A to Chapter VII SFCC 1987; Adding a Requirements Section' ad Amending section 148.2 (D) Best Management Practices for Grading Before and During Construction. (Councilors Ives, Dominguez and Villareal) (Kathrine Mortimer)		3
a.) A Resolution Establishing Target Goals for the City's Green Building Code to Meet the Goals set forth in the US Mayors Climate Change Protection Agreement, the City's Goal of Becoming Carbon Neutral by 2040, and the Need to Conserve water resources due to the projected effects of Climate Change. (Councilors Ives, Dominguez and Villareal) ( Katherine Mortimer)	Chair Beloff moved to recommend the ordinance be approved by the Sustainable Santa Fe Commission, that will include applying the model to new commercial and take home remodel to the next stage with a second from Mr. McGowan which passed by voice vote.	3,4
3. 25-year Plan Update (Beth Beloff)	Discussion Only	4,5
H. Items from the Chair & Co-Chair	Discussion Only	5
I. Items from the Commission	Discussion Only	5
J. Items from the Staff	Discussion Only	5
K. Items from the Public	Discussion Only	5
L. Items or the Next Agenda	Discussion Only	5
M. Adjournment	There being no further business to come before the Sustainable Santa Fe Commission adjourned at 6:19 p.m.	6
Signatures		6

**SUSTAINABLE SANTA FE COMMISSION**  
Wednesday August 17, 2016 4:00 p.m. to 6:00 p.m.  
200 Lincoln Ave. Santa Fe, NM  
City Councilor's Conference Room

**A. CALL TO ORDER**

The Sustainable Santa Fe Commission meeting was called to order by Ms. Beth Beloff, Chair at 4:05 p.m. A quorum was declared by roll call.

**B. ROLL CALL**

**Present:**

Beth Beloff, Chair  
Christian Casillas  
Linda Smith  
Glenn Schiffbauer  
Jack McGowan  
Robb Young Hirsch  
Commissioner Kathleen S. Holian, Vice Chair

**Not Present/Excused:**

Amanda Hatherly  
Tejinder Ciano

**Others Present:**

John Alejandro, Staff Liaison City of Santa Fe  
Joel Eignor, 285 Recyclables  
Seth Roffman, Green Fire Times  
Katherine Mortimer, City Land Use Department  
Erin Ortigoza, Santa Fe County  
Jesse Guillen, City of Santa Fe Legislative Liaison  
Lisa Martinez, City of Santa Fe Land Use Director  
Linda Vigil for Fran Lucero, Stenographer

**C. APPROVAL OF THE AGENDA**

*\*Mr. Alejandro announced that Ms. Ortigoza may be late\**

**MOTION: Mr. McGowan moved to approve the Agenda as presented with a second from Mr. Hirsch which passed by voice vote.**

**D. APPROVAL OF MINUTES: JULY 20, 2016**

**MOTION: Mr. Hirsch moved to approve the minutes as presented with a second from Mr. Schiffbauer which passed by voice vote.**

## **E. COMMUNICATIONS FROM THE FLOOR**

Introductions were made by those present.

## **F. REPORT FROM AND ASSIGNMENT OF ACTIONEER**

Chair Beloff sent the Actioneer report via email (See Exhibit A). Ms. Smith volunteered to act as Actioneer.

Chair Beloff reviewed the report and updated the Commission under ongoing and new items.

### Ongoing

Item 1- Mr. Alejandro has just returned but will continue to complete.

Item 2-Mr. Alejandro spoke to Ms. Lisa Randall from SFPS and it was decided to hold a meeting with a school board member and Councilor Ives to discuss.

### New

Item 1- Chair Beloff reported the SFI panel very successful. There was good attendance a summary was emailed with a slideshow.

Item 2-The energy report card template is a draft and ready to review.

Item 3-Commissioner Holian will update the Commission at the next meeting on the Water Plan.

Item 4- Mr. Victor Lucero will make the September meeting.

Item 5- Chair Beloff emailed the City Facilities Department to inquire about the BOC Certification today. As soon as a response is given a copy will be sent via email.

Item 6-Chair Beloff will wait for the water report to incorporate the recommendations in it.

Item 7-Mr. Casillas will discuss the SFCC meeting in Items form the Commission.

Item 8- Mr. Casillas stated there are 2 people from the SF National Forest Service who are willing to give a presentation. Mr. Casillas would like to invite members of the Commission to attend the discussion on best practices of emission accounting. Chair Beloff stated she and the Mayor presented to the Verde Fund and informed the Women's League of Voters about the presentation. Mr. Alejandro will help secure a venue once they know how many attendees there will be.

Item 9-Ms. Ortigoza will present tonight.

Item 10- Mr. Hirsch will confirm dates tomorrow about the workshop that the social equity group would like to attend.

Item 11- Mr. Alejandro will work to create the sustainability plan outline for feedback once he collaborates with the Brendle foundation.

Item 12- Mr. Alejandro reported the meeting was a success and the summary was sent out via email.

Item 13- Chair Beloff explained all members would like to remain on the Commission. Mr. Alejandro will open it up to the public for nominations, the Mayor will appoint members.

## **G. DISCUSSION / ACTION ITEMS**

### **1. Presentation: Santa Fe County Agriculture & Ranching Implementation Plan (Erin Ortigoza, SF County)**

Ms. Ortigoza is a Senior Planner with Santa Fe County. She reviewed the Agriculture and Ranching Plan (See Exhibit B). They have met with community members and have gained a sense of the challenges. There is a lot of excitement to continue the discussions.

The plan is divided into 4 focus areas: Protecting Land and Natural Resources, Supporting Agricultural Operations, Promoting Innovative Approaches to Agriculture Use of County Properties, and Understanding the Capacity of Our Local Food System.

Ms. Ortigoza explained the matrix created it will help prioritize the plan based on internal review and community comments. The plan is to help growers produce and promote more local purchasing. They will be interviewing small and large stores to see if they are willing to buy from small growers. Mr. Hirsch briefly discussed the plan could help them supplement their income.

Ms. Ortigoza states the acequia mayordomos will be contacted to determine who uses the water for growing food to sell and for personal use. Mr. Hirsch states maybe there can be start up loans to help them.

Ms. Ortigoza states they will use new models for urban agriculture. A discussion was held about the geographic boundary and if the plan will include surrounding areas. Ms. Ortigoza stated that is a possibility.

Ms. Ortigoza gave her contact information for those who would need any more information.

### **2. AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, RESIDENTIAL GREEN BUILDING CODE BY REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987; ADDING A REQUIREMENTS SECTION; AND AMENDING SECTION 14-8.2 (D) BEST MANAGEMENT PRACTICES FOR GRADING BEFORE AND DURING CONSTRUCTION.**

#### **a.) A RESOLUTION ESTABLISHING TARGET GOALS FOR THE CITY'S GREEN BUILDING CODE TO MEET THE GOALS SET FORTH IN THE US MAYORS CLIMATE CHANGE PROTECTION AGREEMENT, THE CITY'S GOAL OF BECOMING CARBON NEUTRAL BY 2040, AND THE NEED TO CONSERVE WATER RESOURCES DUE TO THE PROJECTION EFFECTS OF CLIMATE CHANGE.**

Ms. Mortimer presented the history of the original ordinance and the proposed amendments (See Exhibit C). Ms. Mortimer explained the code and the new ratings that builders are to work on lowering. The water efficiency score is now on a computer model. The new model helped streamline the process. The checklist and point system is easier for those builders who often build however for those who remodel the system is difficult. Mr. McGowan briefly discussed his experience with the checklist.

Ms. Mortimer discussed the WERS and HERS national rating program. A discussion was held about new commercial projects and also older projects. There is an even mix of residential and commercial projects.

Mr. Hirsch asked if building managers are required to report the efficiencies. Ms. Mortimer stated not at this time, perhaps in the future.

A brief discussion was held about the building density in the City and the emissions. Ms. Mortimer explained there is talk with the Planning Commission about more urban shared amenities.

Chair Beloff asked about a feedback loop for the builders. Ms. Mortimer explained there is a Green Building Council made up of people from different Green association that hold a monthly lunch and give presentations and updates.

A discussion was held about other avenues some legislators may be taking on tax credits and so forth.

***MOTION: Chair Beloff moved to recommend the ordinance be approved by the Sustainable Santa Fe Commission, that will include applying the model to new commercial and take home remodel to the next stage with a second from Mr. McGowan which passed by voice vote.***

### 3. 25-Year Plan Update

Chair Beloff discussed the kickoff meeting and emailed the summary earlier. (See Exhibit D) The Mayor to Mayor trip to Fr. Collins will be determined. The Greenhouse draft inventory will be ready by September

The benchmark and SWAT analysis in September may be included as part of a visit. However it may be at the same time Mr. Casillas has the panel discussions.

Mr. Hirsch discussed the social equity group is excited to work with the Brendle Foundation and try to implement strategies. The working group has a number of recommendations. A workshop will be scheduled and an email will be sent to pick a date. Mr. Alejandro and Chair Beloff have a phone conference scheduled for Friday and will work on it.

A survey will not be conducted due to budget issues but they may be able to help with some focus groups in the community. It is important to include the community on the water issues.

Working Groups:

*Water:* Commissioner Holian explained there weren't enough people to form a working group on water and hold separate meetings. There is a current City and County projects and plans that have recommendations. Mr. Andrew Erdmann from the City and Andy Otto from the Watershed Association have each written up their take on it and have started to work on that collectively. At the next meeting Commissioner Holian will present the overall write ups and get feedback and see what should be prioritized.

Chair Beloff discussed growth issues and water scarcity, when those issues arise a working group may be formed. Commissioner Holian suggests the issues be discussed in a public format as well. Mr. Hirsch discussed the potential for water reuse. Mr. Alejandro suggested setting up a meeting with the City Water Division and the City Manager.

Commissioner Holian will gather the information and present it at the next meeting.

*Transportation:* Mr. Schiffbauer reported he is working on pulling existing plans from MPO and has a meeting with NMRTD coming up. Chair Beloff suggested urban planning might prompt a discussion with Land Use for transit corridors.

*Energy:* Ms. Smith reported it has been difficult to meet but they will start to gather information. They have downsized the matrix significantly. A brief discussion was held about High Speed Internet.

*Environmental:* Will meet next week, and email will be sent out. A new member will be included to contribute to nuclear hazards. Commissioner Holian suggested reaching out to a contact she has that has knowledge about the proposed Plutonium Pit Factory.

Chair Beloff reported Mr. McGowan will be attending an Energy Summit next week.

## **H. ITEMS FROM THE CHAIR & CO CHAIR**

Chair Beloff suggested the Sustainable Santa Fe Commission become paperless. Either bring your electronic device or print your own packets for meeting to reduce paper. Paper copies will be provided to the public.

## **I. ITEMS FROM THE COMMISSION**

Mr. Casillas explained the Santa Fe Community College will have a series of panels at a seminar in September. Mr. Casillas is helping put together the panels. He reviewed the topics and asked for suggestions for the panel. Mr. Alejandro suggested reaching out the Energy directors at Ft. Collins or Longmont. Mr. Casillas will keep the Commission updated on speakers and ideas.

Mr. Schiffbauer announced the Mayor's Sustainability Awards needs nominations. The date will be October 13, 2016 tentatively starting at 5:30 p.m. followed by a speech at 7:10 p.m. by Nell Newman. Mr. Alejandro emailed the Chair about a venue that needs to be secured immediately.

Mr. Schiffbauer also announced there will be a water conference scheduled to be held in Santa Fe in June 2017. Santa Fe Green Chamber and the Green Building Coalition will be presenting.

## **J. ITEMS FROM STAFF**

There were no items from the staff.

## **K. ITEMS FROM THE PUBLIC**

Mr. Roffman stated the October edition of Green Fire Times will focus on building a regional system.

## **L. ITEMS FOR THE NEXT AGENDA**

Chair Beloff will add the awards to the agenda. Mr. Schiffbauer suggested that a subcommittee be formed. A brief discussion was held about the categories for the awards. They are in line with the working groups in place.

**M. ADJOURNMENT**

**MOTION:** There being no further business to come before the Sustainable Santa Fe Commission adjourned at 6:19 p.m.

**SIGNATURES**

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Beth Beloff, Chair



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Linda Vigil for Fran Lucero, Stenographer

City of Santa Fe, New Mexico

# memo

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

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**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. 2016-36**

**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.** The purpose of this Section is to establish zoning regulations

1 for the operation of commercial agricultural activities and to provide standards for the siting,  
2 design, maintenance and modification of agricultural activities that address public safety, and  
3 minimize impacts on residents and historic resources in the city of Santa Fe.

4 **\*Editor's Note: This subsection does not need to be codified in SFCC 1987.**

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(I). 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.

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

(4) Approval Procedures.

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

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

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

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

(5) Development Standards.

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

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

(6) Urban Farm, Ground Level.

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

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

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

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

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

(8) Aquaculture, Aquaponics and Hydroponics.

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

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

(9) Farm Stands.

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

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

(10) Screening and Buffering.

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

(b) Any material or equipment stored outdoors within a residential or commercial zoning district shall be surrounded by a wall or fence or vegetative screen not 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. Urban farms shall be used and maintained in such a  
3 manner in which at no time shall they constitute a nuisance or hazard to the surrounding  
4 neighborhood.

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

8           (13) Composting.

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

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

14                   (c) Maximum Height:

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

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

21                   (d) Setbacks:

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

25                           (ii) Compost bins, structures and windrows located in a required

1                    yard or street frontage in all residential and commercial zoned districts must be  
2                    screened from street view.

3                    (14) Water.

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

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

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

9                    (iii) Gray water or treated effluent from permitted on-site sources  
10                    adhering to the requirements of Section 20-7-3 NMAC and Subsection 14-  
11                    8.4(E)(2).

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

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

15                    (vi) Treated municipal effluent.

16                    (vii) Municipal water system.

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

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

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

24                    (e) Watering times shall comply with the outdoor conservation regulations  
25                    pursuant to Subsection 25-2.7 SFCC 1987.

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

3 (15) Abandonment.

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

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

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

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

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

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

Section 3. Table 14-6.1.1 of the Land Development Code is amended to amend Agricultural Uses:

Table 14-6.1.1-1

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - R-9	RC-5, RC-8	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
<b>AGRICULTURAL USES</b>																						
Animal production	[S]																					(H)
[Crop production]	[S]																					[H+]
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	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	P		(U)
Urban Farm Ground Level, greater than 1 acre	S	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	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	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	S		(U)

[TABLE CONTINUED ON FOLLOWING PAGE]



1           **Section 4.     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 *premises*,  
7 shall be regularly engaged in the *home occupation* for urban farms with up to 10,000  
8 square feet of production area. An additional person may be regularly engaged in the  
9 urban farm *home occupation* for every additional 10,000 of square feet of the production  
10 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 14-6.3(D)(2)(d)(i).

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

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

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

19                   (ii)    If applicable, three parking spaces on the lot shall be available to  
20 *farm stand* customers during farm stand open hours.

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

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

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

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

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

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

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

**AQUACULTURE**

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

**AQUAPONICS**

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

**COMPOSTING**

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

**FARM AREA**

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

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**FARM STAND**

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

**FARM STRUCTURES**

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

**GROUND LEVEL URBAN FARMS**

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

**HYDROPONICS**

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

**ROOF LEVEL URBAN FARM**

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

**ROOFTOP GREENHOUSE**

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

**URBAN AGRICULTURE**

The use of a *lot* for the cultivation of agriculture, *composting*, *aquaponics*, *aquaculture*, and/or *hydroponics* for commercial purposes.

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**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.*

APPROVED AS TO FORM:

  
KELLEY A. BRENNAN, CITY ATTORNEY

*M/Legislation/Bills 2016/Urban Agriculture Final*

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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



**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.



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

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**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.