

SUBSTITUTE BILL

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

CREATING NEW SECTIONS 7-1.11 AND 14-13 SFCC 1987, ESTABLISHING A FEE SCHEDULE FOR SERVICES PROVIDED BY THE LAND USE DEPARTMENT; REPEALING SECTION 7-3.3, REGARDING THE PERMIT FEE TO MOVE A BUILDING; AMENDING SECTION 14-8 TO ALLOW THE LAND USE DIRECTOR TO ISSUE CERTAIN PRELIMINARY PERMITS AT THE OWNER'S OWN RISK; AMENDING SECTION 14-9.5 TO CLARIFY THE PROCESS FOR CONSTRUCTING PUBLIC AND QUASI-PUBLIC IMPROVEMENTS PRIOR TO COMMENCEMENT OF OTHER ASPECTS OF DEVELOPMENT; ADDING ~~[A DEFINITION]~~ DEFINITIONS TO SUBSECTION 14-12.1 FOR "PERMIT, EMERGENCY GRADING AT OWNER'S RISK", "PERMIT, LIMITED GRADING", "PERMIT, PRELIMINARY CLEARING AND GRUBBING", AND "SITE RESTORATION"; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. Section 7-1.3 of SFCC 1987 (being Ord. No. 2008-1 § 6) is amended

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1 **to read:**

2 **7-1.3 Schedule of fees, charges, and expenses.**

3 A. The governing body shall establish [~~by resolution~~] a schedule of fees for
4 permits and other matters pertaining to this chapter. The schedule of fees shall be posted in
5 the land use department and may be altered or amended only by the governing body after a
6 noticed public hearing. No permit or approval required under this chapter shall be issued or
7 granted unless and until such fees have been paid in full. The schedule of fees adopted by the
8 governing body replaces fees adopted by the state of New Mexico construction industries
9 division as set forth in the New Mexico Administrative Code.

10 B. The fees shall be reviewed as set forth in subsection 11-2.5 SFCC 1987.

11 **Section 2. [NEW MATERIAL] A new Section 7-1.11 of SFCC 1987 is hereby**

12 **adopted to read:**

13 **7-1.11 Permit Fees.**

14 Fees for permits and other matters associated with Chapter 7 SFCC 1987 are established in Table
15 7-1.11-1 below.

16 **Table 7-1.11-1**

FEE TYPE	FEE	UNIT
BUILDING PERMIT ACTIVITIES		
Mandatory Pre-Submittal Building Permit Meeting - Large Projects with Multiple Subject Matter Experts (1.5 hours)	\$500.00	Per Meeting
Optional Pre-Submittal Building Permit Meeting - Small Projects with 1 or 2 Subject Matter Experts (1 hour)	\$150.00	Per Meeting
Pre-Submittal Building Permit Plan Review Consultations and Residential Master Model Review	\$60.00	Per Hour
Green Building Code - Early Consultation	\$60.00	Per Consultation
Green Building Code - Building Permit Review (Residential)	\$100.00	Per Permit
PV Solar (Commercial or Residential)	\$100.00	Per Permit
Permit Revisions/Corrections Review (1st Revision review per station free, and not subject to fee)	\$60.00	Per Hour

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Building Permit Extension	\$100.00	Per Six Month Extension
Building Permit Revision (change information and reissue permit board)	\$120.00	Per Revision
PRIMARY BUILDING PERMIT ADMINISTRATIVE FEES		
Administrative Fee	\$40.00	Each Permit
Construction Valuation of (rounded to nearest full dollar):		
\$1 to \$500	\$25.00	
\$501 to \$2,000	\$25.35 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, up to and including \$2000	
\$2,001 to \$25,000	\$69.25 for the first \$2001 plus \$14 for each additional \$1000 or fraction thereof, up to and including \$25,000	
\$25,001 to \$50,000	\$391.75 for the first \$25,001 plus \$10.10 for each additional \$1000 or fraction thereof, up to and including \$50,000	
\$50,001 to \$100,000	\$643.75 for the first \$50,001 plus \$7 for each additional \$1000 or fraction thereof, up to and including \$100,000	
\$100,001 to \$275,000	\$993.75 for the first \$100,001 plus \$5.93 for each additional \$1000 or fraction thereof, up to and including \$275,000	
\$275,001 to \$500,000	\$1,830.00 for the first \$275,001 plus \$7.30 for each additional \$1000 or fraction thereof, up to and including \$500,000	

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\$275,001 to \$500,000	\$1,830.00 for the first \$275,001 plus \$7.30 for each additional \$1000 or fraction thereof, up to and including \$500,000	
\$500,001 to \$1,000,000	\$3518.37 for the first \$500,000 plus \$5.60 for each additional \$1000 or fraction thereof, up to and including \$1,000,000	
\$1,000,001 and up	\$5,893.37 for the first \$1,000,001 plus \$4.40 for each additional \$1,000 or fraction thereof	
Signage Permit	\$0.40/sq. ft. plus \$45.00 review fee	Square Feet
Residential Plan Review	50% of Permit Fee	
Commercial Plan Review	75% of Permit Fee	
Plan Amendment Review Fee	\$60/Hr (minimum 2 hours)	Hour
Demolition Permit Fee (Residential)	\$40.00	Permit
Demolition Permit Fee (Commercial)	\$60.00	Permit
Building Without a Permit	Double the original permit fee	Permit
Expedited Plan Review	Cost of preapproved third party plan review + 20% service charge for administration and other required review	Permit
ELECTRICAL PERMIT FEES		
Issuance of Electrical Permit (Commercial & Residential)	\$40.00	Permit
Meter Loop New thru 100 AMP (Residential)	\$45.00	Permit
150-200 AMP/panel thru 200 AMP (Residential)	\$72.00	Permit
Over 200 AMP/Panel thru 320 AMP (Residential)	\$99.00	Permit
Over 320 AMP/Panel thru 400 AMP (Residential)	\$225.00	Permit
Over 400 AMP/Panel (Residential)	\$360.00	Permit
Over 200 AMP/Panel thru 400 AMP (Commercial)	\$225.00	Permit
Over 400 AMP/Panel thru 600 AMP (Commercial)	\$270.00	Permit
Over 600 AMP/Panel thru 800 AMP (Commercial)	\$360.00	Permit
Over 800 AMP/Panel thru 1000 AMP (Commercial)	\$450.00	Permit

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Over 1000 AMP/Panel thru 2000 AMP (Commercial)	\$630.00	Permit
Over 2000 AMP/Panel (Commercial)	\$900.00	Permit
Temporary Power Pole (Commercial & Residential)	\$27.00	Permit
Mobile Home Service	\$27.00	Permit
Customer-Owned Power Distribution	\$45.00	Permit
Each Pole	\$6.00	Permit
Per 100 feet of Underground Wiring	\$6.00	Permit
Service Change Only/No outlets	\$27.00	Permit
Low Voltage	\$20.00	Unit
MECHANICAL PERMIT FEES		
Issuance of Mechanical Permit (Commercial & Residential)	\$40.00	Permit
Ventilation System	\$10.00	Permit
Central Furnace	\$10.00	Permit
Wall Heater	\$10.00	Permit
Refrigeration System	\$10.00	Permit
Duct Work System	\$10.00	Permit
Solar Space Heating System	\$20.00	Permit
Combination Unit HVAC	\$10.00	Permit
Chiller	\$10.00	Permit
Cooling Tower	\$10.00	Permit
Commercial Kitchen Hood	\$10.00	Permit
Commercial Duct System	\$10.00	Permit
Medical Gas System	\$10.00	Permit
Mini Split Installation	\$10.00	Permit
Gas Fireplace	\$5.00	Permit
Temporary Gas	\$10.00	Permit
Temporary Heat	\$10.00	Permit
Repairs or Additions, Heating Appliance, Refrigeration Unit, Cooling System	\$8.50	Permit
Boiler Replacement or Repair	\$8.50	Permit
PLUMBING PERMIT FEES		
Issuance of Plumbing/Gas Permit (Commercial & Residential)	\$50.00	Permit
Exhaust Fan	\$5.00	Permit
Water Distribution System	\$5.00	Permit
Building Sewer	\$5.00	Permit
Water Heater	\$5.00	Permit
Each Swimming Pool	\$50.00	Permit

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1	Industrial Waste Interceptor/Trap & Vent	\$10.00	Permit
2	Water Conditioner	\$8.50	Permit
3	Evaporative Cooler	\$10.00	Permit
4	Vacuum Breaker or Back Flow Device	\$5.00	Permit
5	Gas Piping System	\$5.00	Permit
6	Gas Appliance	\$5.00	Permit
7	Gas Pipe Outlet	\$4.00	Permit
8	Domestic Hot Water Solar Heating System	\$10.00	Permit
9	Solar Space Heating System	\$10.00	Permit
10	Sewage Ejector/Grinder	\$5.00	Permit
11	Grease Trap/Interceptor	\$5.00	Permit
12	Water Service Line	\$5.00	Permit
13	Gas Yard Line	\$5.00	Permit
14	Chilled Water Distribution System	\$10.00	Permit
15	Roof Drainage System	\$10.00	Permit
16	Hot Water Solar Potable System	\$10.00	Permit
17	Gray Water System	\$10.00	Permit
18	Sewer Yard Line	\$10.00	Permit
19	Sewer Lateral	\$10.00	Permit
20	Sewer Connection	\$40.00	Permit
21	Line	\$10.00	Permit
22	Lawn Sprinkler System	\$13.00	Permit
23	Temporary Gas	\$10.00	Permit
24	Temporary Heat	\$10.00	Permit

25 **Section 3.** **Section 7-3.3 of SFCC 1987 (being Ord. No. 1983-26 § 3, as**
26 **amended) is hereby repealed.**

27 **Section 4.** **Subsection 14-3.17(D) of SFCC 1987 (being Ord. No. 2011-37 § 3) is**
28 **amended to read:**

29 (D) **Process to File an Appeal**

30 (1) Filing Appeal; Form; Verification

31 The appellant shall file two copies of the written appeal with the *land use*
32 *director*. The appeal shall be filed on a form provided for that purpose and shall be
33 verified, signed by the appellant under oath and notarized.

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1 (2) Receipt; Service of Appeal

2 The *land use director* shall initial and enter the date and time of filing on both
3 copies of the appeal and return one copy to the appellant. Within three days of the
4 filing date, the appellant shall hand deliver a copy of the appeal to any appellee or
5 deliver it by first-class certified mail.

6 (3) Appeal Fee

7 (a) An appeal fee shall be paid at the time of filing an appeal.

8 (b) The *governing body* [~~shall establish by resolution a schedule~~
9 ~~of fees for appeals~~] has established a fee schedule for appeals as set forth in
10 Table 14-13.1-1 SFCC 1987. The *land use director* may waive or reduce the
11 appeal fee if the *land use director* determines that the appellant would qualify
12 for the *city's* utility fee poverty exemption set forth in Section 15-1.3 SFCC
13 1987 (Utility Billing - Poverty Exemption).

14 (4) Multiple Appeals and Multiple Jurisdictions

15 (a) An appellant may not appeal any single *final action* more than
16 once.

17 (b) Every appeal requires an independent basis. *Final actions* may
18 not be appealed solely on the basis of alleged mistakes in prior stages of the
19 same project, whether or not the prior *final actions* were appealed.

20 (c) More than one appellant may file an appeal of a *final action*,
21 and appellants may combine their appeals and share the appeal fee
22 proportionally. All appeals of any single *final action* shall be consolidated for
23 hearing purposes.

24 (d) Any review by the *governing body* of a planning commission
25 decision under Section 14-2.2(A)(3) shall be combined with the hearing on an

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1 appeal of that decision.

2 (e) In the case of an appeal that includes *final actions* that fall
3 under the jurisdiction of more than one *land use board*, the *land use*
4 *director* shall determine the appropriate *land use board* to hear any particular
5 issue on appeal, except as otherwise provided in this section.

6 (5) Withdrawal

7 An appellant may withdraw the appeal at any time. A withdrawal does not
8 affect any related appeal. At any time after an appeal has been filed, an appellant and
9 appellee may agree to settle any matters raised in the appeal and the appellant may
10 withdraw the appeal; provided that such settlement complies with applicable code
11 requirements, including any conditions of approval of the *final action* being appealed.

12 (6) Conformity of Appeal

13 The *land use director* shall promptly review all appeals for conformity with the
14 requirements of Section 14-3.17. Upon determining that an appeal does not conform to
15 the requirements, the *land use director* shall refer the matter to the *city attorney* for
16 review.

17 (a) If the *city attorney* concurs with the *land use director* 's determination,
18 the *city attorney*'s written recommendation shall be forwarded to the *governing*
19 *body* for discussion. The *governing body* may accept the *city attorney*'s written
20 recommendation and the decision is final and may be appealed to district court. If
21 the *governing body* does not accept the *city attorney*'s recommendation, the appeal
22 shall be heard as set forth in Chapter 14.

23 (b) If the *city attorney* does not concur with the *land use director* 's
24 determination, the appeal shall be heard as set forth Chapter 14.

25 (7) District Court Appeals

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1 An appeal of a *final action* of the *governing body* or a *land use board*, or of an action of
2 the *city manager*, the *city attorney* or the *land use director* that is only subject to appeal to
3 district court, shall be to the first judicial district court pursuant to Section 39-3.1.1 NMSA
4 1978, Rule 1-074, NMRA or Rule 1-075, NMRA, as amended, or other relevant statute or court
5 rule.

6 **Section 5. [NEW MATERIAL] A new Section 14-13 of SFCC 1987 is hereby**
7 **adopted to read:**

8 Fees for permits and other matters associated with Chapter 14 SFCC 1987 are established in
9 Table 14-13.1-1 below:

FEE TYPE	FEE	UNIT
CURRENT PLANNING ACTIVITIES		
Pre-application Meeting	\$100.00	Per Meeting
Code Interpretation, Formal Issuance (PZ Letter/Zoning Statement)	\$150.00	Per Request
Zoning Compliance Letter/Form	\$150.00	Per Letter/Form
Zoning Verification Letter	\$75.00	Per Letter
Certificate of Compliance – Lot of Record (Administrative)	\$150.00	Per Certificate
Certificate of Compliance - Lot of Record (Planning Commission)	\$300.00	Per Certificate
Certificate of Compliance - Residential Condominium	\$150.00	Per Statement
Administrative Development Plan Approval	\$300.00	Per Request
ENN - Staff Attendance and Documentation of Meeting	\$150.00	Per Meeting
Variance - Planning Commission - Without Development Plan or Plat	\$750.00	Per Variance
Variance - Board of Adjustment	\$300.00	Per Variance
Waiver - Planning Commission	\$500.00	Per Waiver
Waiver - City Council (Utility Undergrounding)	\$1,500.00	Per Waiver
Waiver - PW Director (Intersection Visibility)	\$100.00	Per Waiver
Special or Conditional Use Permit	\$1,000.00	Per Permit
Appeal (of LU Director Admin. Decision)	\$200.00	Per Appeal
Appeal (of Land Use Board Decision)	\$200.00	Per Appeal
Alternate Means of Compliance – (LU Director)	\$150.00	Per Request
Alternate Means of Compliance - (Land Use Board)	\$500.00	Per Request

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Administrative Waiver - (Land Use Board)	\$500.00	Per Request
Administrative Waiver – (Land Use Director)	\$150.00	Per Request
Setback Affidavit	\$150.00	Per Request
Innovative Road Standard	\$300.00	Per Request
Applicant-requested Postponement of Land Use Board Hearing	\$500.00	Per Postponement
Other Land Use Development Review (per hour)	\$75.00	Per Hour
Code Amendment	\$1,000.00	Each
Lot Splits	\$400.00	Per Split
Lot Line Adjustment	\$200.00	Each
Lot Consolidation	\$200.00	Each
Dedication, Easement & Vacation Plats	\$350.00	Each
Plan/Plat Amendment Administrative	\$300.00	Each
Plan/Plat Amendment Planning Commission	\$500.00	Each
Lease Agreement	\$400.00	Each
License/Lease Agreement Renewal Fee	\$75.00	Each
Large Public Notice Poster	\$30.00	Each
Medium Public Notice Poster (Administrative Decision)	\$25.00	Each
Small Public Notice Poster (Escarpment)	\$10.00	Each
Annexation Application under 1 acre	\$1,000.00	
Annexation Application 1-9.99 acres (first five acres)	\$2,000.00	First Five Acres
Annexation Application (each additional acre after five)	\$200.00	Each Additional Acre
Annexation Application 10-24.99 acres (first ten acres)	\$3,000.00	First Ten Acres
Annexation Application 25 acres or more	\$100.00	Each Additional Acre
General Plan Amendment Application 1-9.99 acres (first five acres)	\$1,000.00	First Five Acres
General Plan Amendment Application (each additional acre after five)	\$200.00	Each Additional Acre
General Plan Amendment Application 10 acres and above	\$2,000.00	First Ten Acres
General Plan Amendment Application (each additional acre after ten)	\$100.00	Each Additional Acre
Rezoning Application 1-9.99 acres (first five acres)	\$1,000.00	First Five Acres

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Rezoning Application (each additional acre after five)	\$200.00	Each Additional Acre
Rezoning Application 10 acres or more	\$2,000.00	First Ten Acres
Rezoning Application (each additional acre after ten)	\$100.00	Each Additional Acre
ELECTRICAL FACILITIES		
Administratively Approved Application	\$500.00	Application
Transmission Line	\$2,000.00	Application
Distribution Line	\$1,000.00	Application
Substation or Switching Station	\$2,000.00	Application
DEVELOPMENT PLAN APPLICATION AND TELECOMMUNICATIONS REVIEW FEES (BASED ON COST OF DEVELOPMENT)		
\$0-\$999	\$350.00	
\$1,000-\$4,999	\$600.00	
\$5,000-\$49,999	\$1,100.00	
\$50,000-\$149,999	\$1,500.00	
\$150,000-\$499,999	\$2,500.00	
\$500,000-\$999,999	\$5,000.00	
\$1,000,000-\$1,999,999	\$7,000.00	
\$2,000,000 and above	\$10,000.00	
Each Additional Million after \$2 Million	\$1,000.00	
SUBDIVISIONS		
Subdivision Application 3-5 lots Prelim Plat	\$400.00	Per plat
Subdivision Application 3-5 lots Final Plat	\$400.00	Per plat
Subdivision Application 6+ lots Prelim Plat	\$150.00	Per Lot After (5)
Subdivision Application 6+ lots Final Plat	\$150.00	Per Lot After (5)
Family Transfer (6 lot max)	\$150.00	Per Plat
TECHNICAL REVIEW ACTIVITIES		
Floodplain Determination Letter	\$50.00	Per Request
Escarpment Pre-Submittal Meeting - New Construction	\$75.00	Per Request
Escarpment Pre-Submittal Meeting - Addition/Remodel	\$50.00	Per Request
Escarpment Pre-Submittal Meeting - Other (small e.g., fence, shed, etc.)	\$25.00	Per Request
Escarpment - Site Visit	\$75.00	Per Site visit
Escarpment - Alternate Siting	\$500.00	Per Request
Prairie Dog Relocation Administration	\$150.00	Per Request

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Letter of Credit Initial Processing (includes closeout)	\$300.00	Per Financial Guarantee
Letter of Credit Draw-Down Approval	\$75.00	Per Drawdown
Cash Escrow Initial Processing (includes closeout)	\$300.00	Per Escrow
Cash Escrow Draw-Down Approval	\$75.00	Per Drawdown
Pre-Construction Meeting per the Infrastructure Completion Policy	\$500.00	Meeting
Pre-application Advisory Inspections for G&D, Landscaping or ADA	\$100.00	Per Inspection Request
Alternate Means of Compliance - Landscape Requirements	\$75.00	Per Requirement (varied)
Alternate Means of Compliance - Grading and Drainage Requirements	\$150.00	Per Requirement (varied)
GRADING PLAN REVIEW FEES		
50 cubic yards or less	\$14.00	
51 to 100 cubic yards	\$27.00	
101 to 1,000 cubic yards	\$45.00	
1,001 to 10,000 cubic yards	\$55.00	
10,001 to 100,000 cubic yards	\$55.00 for the first 10,000 cubic yards, plus \$27.00 for each additional 10,000 cubic yards or fraction thereof	
100,001 to 200,000 cubic yards	\$295.00 for the first 100,000 cubic yards, plus \$14.50 for each additional 10,000 cubic yards or fraction thereof	
200,001 cubic yards or more	\$442.00 for the first 200,000 cubic yards, plus \$8.50 for each additional 10,000 cubic yards or a fraction thereof	
GRADING PERMIT FEES		
50 cubic yards or less	\$14.00	
51 to 100 cubic yards	\$27.00	
101 to 1,000 cubic yards	\$45 for the first 100 cubic yards, plus \$19.25 for each additional 100 cubic yards or fraction thereof	

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1,001 to 10,000 cubic yards	\$214 for the first 1,000 cubic yards, plus \$15.95 for each additional 1,000 cubic yards or fraction thereof	
10,001-100,000 cubic yards	\$357 for the first 10,000 cubic yards, plus \$72.00 for each additional	
100,001 cubic yards or more	\$1,010 for the first 100,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or a fraction thereof	
Clearing & Grubbing or Limited Grading at Owner's Risk Permit (Must Also Submit Financial Guarantee Based on Engineer's Estimate)	150% of Grading Permit Fee	
Emergency Grading at Owner's Risk Permit (Must Also Submit Financial Guarantee of \$2000.00 Per Acre or as stipulated by the City Engineer after review of the terrain conditions and the extent of required grading)	150% of Grading Permit Fee	
Construction of Public and Quasi-Public Infrastructure without an Agreement to Construct (Must Also Submit Financial Guarantee Based on Engineer's Estimate for Site Restoration and for 10% of the construction valuation, which shall be held until the end of the warranty period)	150% of Grading Permit Fee	
WATER BUDGET ACTIVITIES		
Review Alternate Development Water Budget Proposal	\$150.00	Per Request
HISTORIC AND ARCHAEOLOGICAL ACTIVITIES		
Historic Districts Pre-Application Meeting/Site Visit	\$75.00	Per Request
Historic Districts Application Fee for Administrative Approval	\$100.00	Per Request
Archaeological Review Application Fee for Public Hearing	\$100.00	Per Request
<u>HDRB Application Fee for Public Hearing (0.5% of Proposed Construction Cost)</u>	<u>\$250 (min) - \$2000 (max.)</u>	<u>Per Request</u>
Appeal to Archaeological Review Committee	\$100.00	Per Appeal
Exception (if required)	\$250.00	Each
Archaeological Clearance Permits (Existing)	\$10.00	Per Construction Permit
Medium Notice Poster	\$25.00	Each

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1	BUILDING CODE INSPECTION & ENFORCEMENT ACTIVITIES		
2	Home Occupation	\$175.00	Application
3	Special Event Permit, Temporary Structures	\$100.00	Per Permit
4	Temporary Use Permit (including filming of motion pictures)	\$125.00	Per Permit
5	Noise Permit	\$25.00	Per Permit
6	Itinerant Vendors	\$150.00	Per Permit
7	Certificates of Occupancy Reissue (not for building permit)	\$75.00	Per Certificate
8	Re-Inspection Fee (minimum 2 hours)	\$60.00	Per Hour
9	Additional Inspection Fee (minimum 2 hours)	\$60.00	Per Hour
10	After Hours Inspections Fee	\$85.00	Per Hour
11	[CODE ENFORCEMENT ACTIVITIES		
12	Temporary Use Permit (including filming of motion pictures)	\$125.00	Per Permit
13	Short Term Rental Application Fee	\$100.00	Per Application
14	Short Term Rental Renewal Late Fee	\$50.00	Per Permit or Registration
15	Short Term Rental Residential Permit Fee	\$290.00	Per Permit Per Year
16	Short Term Rental Business License Fee	\$35.00	Annually
17	Short Term Rental Resort Unit/Non-Residential/Commercial Registration Fee	\$65.00	Per Registration Per Year
18	Short Term Rental Renewal Late Fee	\$50.00	Per Permit or Registration
19	HDRB Application Fee for Public Hearing (0.5% of Proposed Construction Cost)	\$250 (min) — \$2000 (max.)	Per Request
20	Medium Notice Poster	\$25.00	Each]

Section 6. Subsection 14-8.2(D)(2) of the Land Development Code (being Ord.

No. 2011-37 § 10) is amended to read:

14-8.2 TERRAIN AND STORMWATER MANAGEMENT

(D) Standards for All Grading

(2) Grading

(a) Grading for buildings is limited to fifteen (15) feet beyond the

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1 outer edge of the *building* foundation, patio, *wall*, driveway, road, parking
2 area or other constructed facility except as necessary:

3 (i) for the construction of stormwater runoff management
4 measures in compliance with this Section 14-8.2; or

5 (ii) to accommodate required horizontal to vertical
6 measurements for *cut* and *fill slopes*.

7 (b) Natural *slopes* thirty percent or greater shall remain
8 undisturbed, except for arroyo crossings and for no more than three isolated
9 occurrences of *sloped* areas where each individual disturbance shall not
10 exceed one thousand (1,000) square feet, as approved by the *city engineer*.
11 The *city engineer* may waive this provision, in writing, stating the reasons and
12 basis for such approval, if evidence is provided by the *applicant* showing that
13 strict enforcement of this provision would prohibit access to the *lot* or
14 placement of utilities. This provision applies solely to the construction of
15 roads, driveways and utility placement and is not intended to
16 allow *development* on natural *slopes* exceeding thirty percent. The other
17 provisions of the escarpment overlay district ordinance and the terrain and
18 stormwater management regulations shall remain in effect.

19 (c) Phasing for *grading* and clearing may be required by the *city*
20 *engineer* on all sites where construction will not begin immediately after
21 clearing and *grading*;

22 (d) A construction *permit* for *grading* for driveway construction
23 shall not be issued unless the *city engineer* has first determined that the
24 driveway provides access to a buildable area as defined in Subsection 14-
25 8.2(D)(3) and that the *permit* complies with the requirements of Section 14-

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1 5.6 (Escarpment Overlay District); and

2 (e) All *grading* completed on the site shall conform to the
3 approved *grading* plan.

4 (f) The *land use director* may grant an *application* submitted to the
5 building division of the land use department for a *preliminary clearing and*
6 *grubbing permit* or a *limited grading permit*, allowing for work authorized under
7 such *permit* solely at the risk of the *owner* while an *application* for an associated
8 *permit* for comprehensive *grading and drainage* or *landscape and utilities* is
9 *pending*.

10 (g) Under emergency circumstances, the *land use director* may issue
11 [a] an *emergency grading at owner's risk permit* prior to the submission of an
12 *application*. A *permit* issued under this subparagraph shall expire twelve (12)
13 months after issuance with no allowance for extensions.

14 **Section 7. Subsection 14-9.5(B) of the Land Development Code (being Ord. No.**
15 **2013-16 § 60, as amended) is amended as follows:**

16 **14-9.5 INFRASTRUCTURE DEDICATION, COMPLETION, AND GUARANTEES**

17 **(B) Infrastructure Completion or Agreement to Construct Improvements**
18 **Required**

19 The developer must complete *public improvements* [or] *and quasi-public* [~~*infrastructure*~~]
20 *improvements* required for any *development* [~~shall be completed by the developer~~] in accordance
21 with plans approved by the *city* and must pass *inspection* prior to commencing other aspects of
22 the *development*, or the developer must enter into an agreement with the *city* to construct
23 improvements as described in Subsection 14-9.5(C). If the developer seeks to construct *public*
24 *improvements and quasi-public improvements* without entering into an agreement to construct,
25 the developer must first submit a financial *guarantee* based on an engineer's estimate for the cost

SUBSTITUTE BILL

1 of site restoration plus ten percent (10%) of the construction valuation, which shall be held until
2 the end of the twelve-month warranty period. The *infrastructure* must be completed or the
3 agreement to construct improvements must be executed prior to the earliest of the following:

4 (1) recording the *plat* for *development* that requires a subdivision *plat* other than a
5 *plat* for a *family* transfer subdivision, a summary procedure *lot* split or a *resubdivision*;

6 (2) recording or filing in *city* archives an approved *development* plan;

7 (3) issuance of a construction *permit* for any construction other than the
8 *infrastructure*, for *development* for which a *plat* for an inheritance or *family* transfer subdivision,
9 a summary procedure *lot* split or a *resubdivision* is required; and

10 (4) issuance of a construction *permit* for any construction other than the
11 *infrastructure*, for *development* for which no subdivision *plat* or *development* plan is required.

12 **Section 8. Section 14-12.1 of the Land Development Code (being Ord. No.**
13 **2011-37, § 15, as amended) is amended to add the following definition:**

14 **PERMIT, EMERGENCY GRADING AT OWNER’S RISK**

15 A permit with applicable conditions that allows grading done solely at the risk of the owner,
16 issued at the discretion of the land use director for the purpose of addressing an unforeseen
17 emergency circumstance that poses an active or imminent danger to life, safety, or property and
18 that requires immediate grading work to limit presently occurring damage or to prevent damage
19 from occurring.

20 **PERMIT, LIMITED GRADING**

21 A permit with applicable conditions that allows partial grading of a site done solely at the risk of
22 the owner, issued at the discretion of the land use director for the purpose of mitigating financial
23 or other hardship while an application for an associated comprehensive grading and drainage
24 permit is pending.

25 **PERMIT, PRELIMINARY CLEARING AND GRUBBING**

SUBSTITUTE BILL

1 A permit with applicable conditions that allows clearing and grubbing of site vegetation, without
2 any grading, excavating, or filling, done solely at the risk of the owner and issued at the discretion
3 of the land use director for the purpose of mitigating financial or other hardship while an
4 application for an associated comprehensive grading and drainage permit is pending.

5 **SITE RESTORATION**

6 The process of renewing, reclamation, and salvage of site features and ecosystems that have been
7 altered, degraded, damaged, or destroyed by unauthorized or illegal activity to pre-development
8 conditions or to other modified conditions as approved by the *city engineer*.

9 **Section 9. Effective Date.** This ordinance shall take effect on January 1, 2021.

10 APPROVED AS TO FORM:

11 
12 _____
13 ERIN K. McSHERRY, CITY ATTORNEY

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Land Use Fees (Substitute)

Final Audit Report

2020-09-10

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