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**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2008-2**

**AN ORDINANCE**

**AMENDING SECTION 14-8.14 SFCC 1987 REGARDING IMPACT FEES AND  
ADDING A NEW IMPACT FEE SCHEDULE.**

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

**Section 1. Section 14-8.14 SFCC 1987 (being Ord. #2003-32, §1 as  
amended) is amended to read:**

**14-8.14 IMPACT FEES**

**(A) Short Title and Applicability**

- (1) This section may be known and cited as the “Impact Fee Ordinance,” and is referred to herein as “this section.”
- (2) The provisions of this section shall apply to all of the territory within the corporate limits of the City of Santa Fe.

**(B) Intent**

In order to respond to the increasing demand for capital improvements that are related to the actual impact of new development, the Governing Body deems essential the imposition of impact fees on new development within the City. It is the intent of the Governing Body to:

- (1) Promote the health, safety and general welfare of the people of the City of Santa Fe and to enable the City to accommodate orderly growth and development;

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- (2) To provide for the imposition and collection of an impact fee upon new development within the City to serve the demand for capital facilities and public improvements; and
- (3) To insure that new development contributes its proportionate share of the cost of capital expenditures necessary to provide public facilities and infrastructure that has a rational nexus to the proposed development.

**(C) Fee Assessment and Collection**

- (1) The assessment for impact fees occurs on the date a plat or development plan receives final approval, from the City or State of New Mexico Construction Industries Division, or, in the absence of a plat or plan, the date the building permit is applied for. Impact fees collected within four years of the date of assessment shall be based on the impact fee schedule in effect at the time of assessment. After the expiration of the four year period the new development shall be subject to the fee schedule in effect at the time of application for a building permit. No action on the part of the City is required for assessment to occur.
- (2) Collection of impact fees shall occur at the time of issuance of a building permit, according to the fee schedule in effect for the development.

**(D) Exemptions, Waivers and Reimbursements**

- (1) Certain types of permits for new construction shall be exempt from the terms of this section. An exemption shall be claimed at the time of building permit application. The impact fee administrator shall

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determine the validity of any claim for exemption pursuant to the criteria set forth. The following shall be exempt from the terms of this section:

- (a) Alterations of, or additions to, existing residential uses where no additional dwelling units are created.
- (b) Replacement of a destroyed, partially destroyed or moved residential building or structure with a new building or structure of the same use, of the same size and with the same number of dwelling units.
- (c) Replacement of destroyed, partially destroyed or moved non-residential building or structure with a new building or structure of the same gross floor area and use.
- (d) Building permits for new residential units that are part of a master plan, development plan or subdivision plat where land is dedicated to the City for the purpose of providing park land, according to §14.8.15 shall be exempt from park impact fees.

(2) Application for waivers of impact fees shall be made at the time of application for a building permit. Applications shall be reviewed by the Office of Affordable Housing. Impact fees shall be waived for:

- (a) Santa Fe homes or Santa Fe rental units as defined in Article 26-1 SFCC 1987;
- (b) Housing opportunity program home or housing opportunity program rental unit subject to a valid housing opportunity program agreement; or

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(c) A low priced dwelling unit as defined in Article 26-2 SFCC 1987.

(3) When a dwelling unit for which impact fees have been paid is later deemed by the city to qualify for the waiver described in paragraph (2) above, it is entitled to a full reimbursement of the impact fees paid.

(4) In order to promote the economic development of the City or the public health, safety, and general welfare of its residents, the Governing Body may agree to pay some or all of the impact fees imposed on a proposed new development or redevelopment from funds of the City other than impact fees from other developments.

(5) Governmental entities shall pay all impact fees imposed under this section.

**(E) Fee Determination**

(1) Any person who applies for a building permit, except those exempted or preparing an independent fee calculation study, shall pay impact fees in accordance with one of the following fee schedules. If any credit is due pursuant to paragraph (I), the amount of such credit shall be deducted from the amount of the fee to be paid.

(a) "New" Fee Schedule. The fee schedule in this paragraph (E)(1)(a), also referred to as the "New" fee schedule, shall be used and its fees assessed on plats and development plans that receive final approval from the City or New Mexico Construction Industries Division after June 30, 2008. This

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“New” fee schedule shall also be applied to building permits issued after June 30, 2008, except where the permit is issued for a subdivision or for a development plan that is still subject to the “Old” fee schedule.

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## NEW FEE SCHEDULE

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
<b>S-F Detached Dwelling or Manufactured Home</b>						
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	<b>\$3,130</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	<b>\$3,498</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	<b>\$3,714</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	<b>\$3,837</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	<b>\$3,942</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	<b>\$4,024</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	<b>\$4,147</b>
Other (Apts., Condos, S.F. Attached, Guest H.)	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	<b>\$1,689</b>
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	<b>\$3,370</b>
Elementary/Sec. School	1000 sq. ft.	\$586	\$0	\$124	\$44	<b>\$754</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	<b>\$1,710</b>
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	<b>\$1,210</b>
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	<b>\$480</b>

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G.F.A. – Gross Floor Area; fees shown for non-residential uses are per 1,000 square feet of gross floor area.

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(b) “Old” Fee Schedule. The fee schedule in this paragraph (E)(1)(b), also referred to as the “Old” fee schedule, shall be used and its fees assessed on plats and development plans that receive final approval from the City or New Mexico Construction Industries Division on or before June 30, 2008, which assessment shall be valid for a period not to exceed four years from the date of the subdivision or development plan approval. The “Old” fee schedule shall also be applied to building permits issued on or before June 30, 2008. Notwithstanding the foregoing, if the combined arterial and signal, combined neighborhood and regional park, fire or police impact fee according to the “Old” fee schedule included in this paragraph (E)(1)(b) is higher than the road, park, fire or police impact fee in the impact fee schedule included in paragraph (E)(1)(a), the “New” fee schedule shall apply.

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# OLD FEE SCHEDULE

Land Use Type	Unit	Arterials		N'hood		Reg'l		Total
		Signals	Parks	Parks	Fire	Police		
<b>S-F Detached Dwelling or Guesthouse</b>								
Heated Living Area:								
(0 to 1,500 sq. ft.)	Dwelling	\$938	\$197	\$127	\$640	\$118	\$29	<b>\$2,049</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$1,263	\$264	\$186	\$942	\$165	\$40	<b>\$2,860</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$1,505	\$315	\$230	\$1,167	\$212	\$52	<b>\$3,481</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$1,698	\$355	\$266	\$1,348	\$259	\$63	<b>\$3,989</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$1,859	\$388	\$295	\$1,498	\$306	\$75	<b>\$4,421</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$1,997	\$417	\$320	\$1,626	\$353	\$86	<b>\$4,799</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,118	\$442	\$342	\$1,738	\$400	\$98	<b>\$5,138</b>
Other (Apts., Condos, S.F. Attached)	Dwelling	\$1,230	\$255	\$141	\$722	\$94	\$61	<b>\$2,503</b>
Hotel/Motel	Room	\$1,671	\$346	\$0	\$0	\$182	\$61	<b>\$2,260</b>
<b>Retail/Commercial</b>								
G.F.A.								
Shopping Center/General Retail	1000 sq. ft.	\$3,225	\$668	\$0	\$0	\$182	\$61	<b>\$4,136</b>
Auto Sales/Service	1000 sq. ft.	\$2,587	\$536	\$0	\$0	\$182	\$61	<b>\$3,366</b>
Bank	1000 sq. ft.	\$4,349	\$900	\$0	\$0	\$182	\$61	<b>\$5,492</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$6,078	\$1,258	\$0	\$0	\$182	\$61	<b>\$7,579</b>
Health Club, Recreational	1000 sq. ft.	\$2,331	\$483	\$0	\$0	\$182	\$61	<b>\$3,057</b>
Movie Theater	1000 sq. ft.	\$7,233	\$1,497	\$0	\$0	\$182	\$61	<b>\$8,973</b>
Restaurant, Sit-Down	1000 sq. ft.	\$3,519	\$729	\$0	\$0	\$182	\$61	<b>\$4,491</b>
Restaurant, Fast Food	1000 sq. ft.	\$7,661	\$1,586	\$0	\$0	\$182	\$61	<b>\$9,490</b>
<b>Office/Institutional</b>								
G.F.A.								
Office, General	1000 sq. ft.	\$1,815	\$376	\$0	\$0	\$182	\$61	<b>\$2,434</b>
Medical Building	1000 sq. ft.	\$2,902	\$601	\$0	\$0	\$182	\$61	<b>\$3,746</b>
Nursing Home	1000 sq. ft.	\$813	\$168	\$0	\$0	\$182	\$61	<b>\$1,224</b>
Church	1000 sq. ft.	\$1,352	\$280	\$0	\$0	\$182	\$61	<b>\$1,875</b>
Day Care Center	1000 sq. ft.	\$2,820	\$584	\$0	\$0	\$182	\$61	<b>\$3,647</b>
Elementary/Sec. School	1000 sq. ft.	\$442	\$92	\$0	\$0	\$182	\$61	<b>\$777</b>
<b>Industrial</b>								
G.F.A.								
Industrial, Manufacturing	1000 sq. ft.	\$1,290	\$267	\$0	\$0	\$182	\$61	<b>\$1,800</b>
Warehouse	1000 sq. ft.	\$919	\$190	\$0	\$0	\$182	\$61	<b>\$1,352</b>
Mini-Warehouse	1000 sq. ft.	\$320	\$66	\$0	\$0	\$182	\$61	<b>\$629</b>

1 G.F.A. – Gross Floor Area; fees shown for non-residential uses are per 1,000 square feet of gross floor area.

2 (2) If the type of new development for which a building permit is

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requested is not specified on the fee schedule, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

(3) Impact fees shall be assessed and collected based on the primary use of the building as determined by the impact fee administrator. Where a permit is to be issued for a building “shell” and the impact fee administrator is unable to determine the intended use of the building, the administrator shall assess and collect impact fees according to the zoning district in which the building is to be located as follows:

- (a) C-2 and all SC zones – “Shopping Center/General Retail” fee rate;
- (b) HZ zone – “Medical Building” fee rate;
- (c) C-1, C-4 and all other non-residential zones – “Office, General” fee rate.

(4) Live/Work developments containing dwelling unit(s) in combination with nonresidential floor area in a common building shall pay impact fees for each dwelling unit according to the residential fee rate for “Other” and for the gross floor area intended for non-residential use according to the “Office, General” fee rate. If the initial Live/Work building permit application is for a shell building permit the impact fee administrator shall collect impact fees at the “Office, General” fee rate. If dwelling units are added as a use within the building after the building has been charged impact

1 fees at a non-residential fee rate, and there is no increase in gross  
2 floor area, the impact fee administrator shall collect only the  
3 required park impact fees for the dwelling units at the residential fee  
4 rate for "Other" at the time of the dwelling unit permit application.

- 5 (5) If a building permit application changes the use of an existing  
6 building, increases the gross floor area of an existing building, or  
7 replaces an existing building with a new building and new use, the  
8 fee shall be based on the net increase in the fee for the new use  
9 and/or increase as compared to what the current fee would be for  
10 the previous use or floor area. In the event that the proposed  
11 change results in a net decrease in the fee, there shall be no refund  
12 of impact fees previously paid.

13 **(F) Independent Fee Calculation**

- 14 (1) The impact fee administrator may require an independent fee  
15 calculation for any proposed development interpreted by the impact  
16 fee administrator as not one of those types listed on the fee schedule  
17 or as one that is not comparable to any land use on the fee schedule.
- 18 (2) The preparation and cost of the independent fee calculation study  
19 shall be the sole responsibility of the applicant.
- 20 (3) The independent fee calculation study shall be based on the same  
21 service standards and facility costs used in the impact fee capital  
22 improvements plan, and shall document the methodologies and  
23 assumptions used.
- 24 (4) An independent fee calculation study submitted by an applicant for  
25 the purpose of calculating a road impact fee shall address all three

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factors relevant to the generation of service units, namely: trip generation rates, primary trip factors and average trip lengths.

(5) After review, the impact fee administrator shall approve or reject the conclusions of the independent fee calculation study.

**(G) Use of Fees**

(1) An impact fee fund that is distinct from the general fund of the City is hereby created, and the impact fees received will be deposited in the following interest-bearing accounts of the impact fee fund:

- (a) Arterials Impact Fee Account;
- (b) Traffic Signals Impact Fee Account;
- (c) Neighborhood Parks Impact Fee Account;
- (d) Regional Parks Impact Fee Account;
- (e) Fire Impact Fee Account;
- (f) Police Impact Fee Account;
- (g) Parks Impact Fee Account; and
- (h) Roads Impact Fee Account.

(2) Arterial and traffic signal impact fees collected according to the “Old” fee schedule in paragraph (E)(1)(b) of this section will be retained in the “Arterials” Impact Fee Account and the “Traffic Signals” Impact Fee Account respectively and spent for the purpose for which they were originally collected. Road impact fees collected according to the “New” fee schedule in paragraph (E)(1)(a) of this section will be deposited into the “Roads” Impact Fee Account. Neighborhood Park and Regional Park impact fees collected according to the “Old” fee schedule in (E)(1)(b) of this

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section will be retained in the “Neighborhood Parks” Impact Fee Account and the “Regional Parks” Impact Fee Account and spent for the purpose for which they were originally collected. Park impact fees collected according to the “New” fee schedule in paragraph (E)(1)(a) of this section shall be deposited into the “Parks” Impact Fee Account.

(3) The impact fee accounts shall contain only those impact fees collected pursuant to this section or pursuant to the previous impact fee ordinance for the type of facilities reflected in the title of the account, plus any interest that has accrued or may accrue from time to time on such amounts.

(4) The monies in each impact fee account shall be used only for the following:

(a) To acquire or construct capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;

(b) To pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;

(c) Planning, surveying and engineering fees paid to an independent qualified professional who is not an employee of the municipality or county for services provided for and directly related to the construction of capital improvements

1 or facility expansions;

- 2 (d) Fees actually paid or contracted to be paid to an independent  
3 qualified professional, who is not an employee of the City,  
4 for the preparation or updating of a capital improvements  
5 plan;
- 6 (e) Up to three percent (3%) of total impact fees collected for  
7 administrative costs for City personnel;
- 8 (f) As described in paragraph (H), Refunds; or
- 9 (g) As described in paragraph (I), Credits.

10 **(H) Refunds**

- 11 (1) Upon the request of an owner of the property for which an impact  
12 fee has been paid, any monies in the impact fee fund, paid for that  
13 property, that have not been spent within seven (7) years after the  
14 date on which such fee was paid shall be returned to the current  
15 owner of record as listed with the County Assessor with interest  
16 since the date of payment.
- 17 (a) Monies in each impact fee account shall be considered to be  
18 spent in the order collected, on a first in/first out basis.
- 19 (b) Interest shall be calculated from the date of collection to the  
20 date of refund at the statutory rate as set forth in section 56-  
21 8-3 NMSA 1978.
- 22 (c) Requests shall be filed with the city within thirty days of the  
23 eligibility for the refund.
- 24 (d) Response to a request for a refund, including the amount of  
25 the refund and the procedure for applying for and receiving

1 the refund, shall be sent or served in writing to the current  
2 owner of the property within thirty (30) days of the date the  
3 refund was requested.

4 (e) All refunds shall be made to the current owner of the  
5 property at the time the refund is paid.

6 (f) Notwithstanding the above, if the impact fees were paid by a  
7 government entity, notice shall be given to and the refund  
8 shall be made to the government entity.

9 (2) If an applicant has paid an impact fee required by this section and  
10 the building permit later expires without the possibility of further  
11 extension, and the development activity for which the impact fee  
12 was imposed did not occur and no impact has resulted, then the  
13 applicant who paid such fee shall be entitled to a refund of 97  
14 percent of the fee paid, without interest. In order to be eligible to  
15 receive such refund, the applicant who paid such fee shall submit an  
16 application for such refund within thirty (30) days after the  
17 expiration of the permit or extension for which the fee was paid.

18 **(I) Credits**

19 (1) Credit against the impact fees shall be provided for contributions  
20 made by developers toward the cost of capital improvements or  
21 facility expansions identified in the Impact Fees Capital  
22 Improvements Plan and eligible for funding with impact fees  
23 pursuant to the provisions of this section.

24 (a) Credits for eligible improvements shall become effective  
25 when the payment has been made, the land has been

1 dedicated in fee simple to the City or the improvements  
2 have been completed and have been accepted by the City.

3 (b) No credit will be applied to the road impact fee for  
4 improvements to the major roadway system that primarily  
5 serve traffic generated by the development project, such as  
6 acceleration/deceleration lanes into and out of the project.

7 (c) No credit will be applied to the road impact fee for  
8 installation of a traffic signal or intersection improvement at  
9 the intersection of a public street and a private road or  
10 driveway.

11 (2) In order to receive credit for eligible improvements, the developer  
12 shall submit complete engineering drawings, specifications, and  
13 construction cost estimates to the impact fee administrator. The  
14 impact fee administrator shall determine the amount of credit due  
15 based on the information submitted, or where such information is  
16 inaccurate or unreliable, then on alternative engineering or  
17 construction costs acceptable to the impact fee administrator.

18 (3) To qualify for an impact fee credit, the developer shall enter into an  
19 impact fee credit agreement with the City prior to plat or plan  
20 recordation. The impact fee credit agreement shall specify the  
21 following:

22 (a) The amount of the credit;

23 (b) How the credit will be allocated within the development  
24 project; and

25 (c) How the developer will be reimbursed for the cost of in-kind

1 contributions that exceed the amount of impact fees due  
2 from the development project.

3 (4) In the event that the new development for which credits have been  
4 issued is sold to different owners, the credits usable by each new  
5 owner shall be calculated in terms of each owner's a percentage  
6 share of the impact fees against which the credits were issued that  
7 would otherwise be due from the entire new development.

8 (5) The right to claim credits shall run with the land and may be  
9 claimed only by owners of property within the new development for  
10 which the land was dedicated or the improvement was made.  
11 Credits issued for a particular new development shall not be  
12 transferable to another development.

13 (6) Credits provided pursuant to this section shall be valid for (10) ten  
14 years from the effective date of the impact fee credit agreement.

15 (7) In the absence of an impact fee credit agreement specifically  
16 providing otherwise, no reimbursement shall be made to a  
17 developer for the amount of credit due in excess of impact fees  
18 otherwise due from the development.

19 **(J) Miscellaneous Provisions**

20 (1) Nothing in this section shall restrict the City from requiring the  
21 construction of reasonable project improvements required to serve  
22 the new development project, whether or not such improvements  
23 are of a type for which credits are available under paragraph (I),  
24 Credits.

25 (2) The impact fee administrator shall maintain accurate records of the

1 impact fees paid, including the name of the person paying such fees,  
2 the project for which the fees were paid, the date of payment of  
3 each fee, the amounts received in payment for each fee, the amount  
4 of any credits provided against the fees or refunds paid, and any  
5 other matters that the City deems appropriate or necessary for the  
6 accurate accounting of such fees. Records shall be available for  
7 review by the public during normal business hours and with  
8 reasonable advance notice.

9 (3) If an impact fee has been calculated and paid based on a mistake or  
10 misrepresentation, it shall be recalculated and paid as follows:

11 (a) Any amounts overpaid by an applicant shall be refunded by  
12 the impact fee administrator to the applicant within thirty  
13 (30) days after the approval of the recalculated amount.

14 (b) Any amounts underpaid by the applicant shall be paid to the  
15 impact fee administrator within thirty (30) days after the  
16 acceptance of the recalculated amount.

17 (c) In the case of an underpayment or nonpayment of impact  
18 fees, the City shall not issue any additional permits or  
19 approvals for the project for which the impact fee was  
20 previously underpaid until such underpayment is corrected,  
21 and if amounts owed to the City are not paid within such  
22 thirty (30) day period, the City may also issue a stop work  
23 order or rescind any permits issued in reliance on the  
24 previous payment of such impact fee.

25 (4) Any determination made by the impact fee administrator charged

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with the administration of any part of this section may be appealed to the Land Use Department Director within thirty (30) days from the date of the decision appealed. The department director's decision shall be final.

(5) Furnishing false information on any matter relating to the administration of this section, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed new development, shall be a violation of this section. The City may issue a stop work order or rescind any permits issues in reliance on the previous payment of such impact fee.

**(K) Annual Report / Periodic Updates**

The Capital Improvements Advisory Committee (CIAC) shall make an annual report to the governing body on impact fee revenues obtained during the previous year, current impact fee fund amounts, CIP projects under construction that are using impact fee revenues, the effects of impact fees on new housing prices and new affordable housing as well as any perceived inequities in implementing the plan or imposing the impact fee. The land use assumptions and capital improvements plan on which the impact fees imposed by this section are based shall be updated at least every five (5) years. The five-year period begins on the day the capital improvements plan is adopted. The City shall review its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with the Development Fees Act, sections 5-8-1 to 5-8-42 NMSA 1978.

1           **Section 2. The following definitions in Article 14-12 SFCC 1987 (being**  
2 **Ord. #2001-38, §2 as amended) are amended to read:**

3 **CAPITAL IMPROVEMENT**

4 As used in §14-8.14, any of the following facilities that have a life expectancy of ten or  
5 more years and are owned and operated by, or on behalf of, the City:

- 6           (A) Roadway facilities located within the service area, including arterial or  
7 collector roads, bridges, bike and pedestrian trails, bus bays, rights of way,  
8 landscaping, traffic signals, intersection improvements and any local  
9 components of state and federal highways;
- 10           (B) Parks and related areas and facilities located within the service area  
11 including neighborhood or pocket parks referred to herein as  
12 "neighborhood parks;" community and regional parks, open space and trails  
13 referred to herein as "regional parks;"
- 14           (C) Buildings for fire and rescue and essential equipment costing ten thousand  
15 dollars (\$10,000) or more and having a life expectancy of ten years or  
16 more; or
- 17           (D) Buildings for police and essential equipment costing ten thousand dollars  
18 (\$10,000) or more and having a life expectancy of ten years or more.

19 **CAPITAL IMPROVEMENTS PLAN**

20 As used in §14-8.14, a plan that identifies capital improvements or facility expansions for  
21 which impact fees may be imposed. Capital improvements or facility expansions needed  
22 to serve projected development in the service area based on the approved land use  
23 assumptions are identified in the Impact Fee Capital Improvement Plan for Roads, Parks,  
24 Fire and Police or similar subsequent report approved by the governing body.

25 **MAJOR ROADWAY SYSTEM**

1 As used in §14-8.14, all major and minor arterials and collector streets or roads identified  
2 on the Santa Fe Functional Road Classifications map within the Urban Area.

### 3 **ROADWAY FACILITIES**

4 As used in §14-8.14, arterial or collector streets or roads that have been designated on an  
5 officially adopted roadway plan of the municipality or county, including bridges, bike and  
6 pedestrian trail, rights-of-way, landscaping, traffic signals, intersection improvements and  
7 any local components of state or federal highways. For the purposes of Santa Fe's road  
8 impact fees, roadway facilities will be limited to the major roadway system as herein  
9 defined.

### 10 **SERVICE AREA**

11 As used in §14-8.14, an area within the corporate boundaries or extraterritorial jurisdiction  
12 of a municipality or the boundaries of a county to be served by the capital improvements  
13 or facility expansions specified in the capital improvements plan designated on the basis  
14 of sound planning and engineering standards. The service area for the City's road, park,  
15 fire and police impact fees is the area within the corporate boundaries of the City as well  
16 as unincorporated areas within the urban area as set forth in the General Plan.

### 17 **SERVICE UNIT**

18 As used in §14-8.14, standardized measure of consumption, use, generation or discharge  
19 attributable to an individual unit of development calculated in accordance with generally  
20 accepted engineering or planning standards for a particular category of capital  
21 improvements or facility expansions. The service unit for road impact fees is average  
22 daily vehicle-miles of travel. The service unit for park impact fees is equivalent dwelling  
23 units. The service unit for fire and police impact fees is functional population.

24 **Section 3. [NEW MATERIAL.] The following definitions are added**  
25 **to Article 14-12 SFCC 1987 (being Ord. #2001-38, §2 as amended):**

1 **FINAL APPROVAL**

2 As used in §14-8.14, the date that a plat or development plan is recorded with the county  
3 clerk. This date is to be used to determine the beginning of the assessment period for  
4 which a permit would be charged impact fees according to a given fee schedule.

5 **FUNCTIONAL POPULATION**

6 As used in §14-8.14, the number of “full-time equivalent” people present at the site of a  
7 land use.

8 PASSED, APPROVED and ADOPTED this 9<sup>th</sup> day of January, 2008.

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DAVID COSS, MAYOR

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ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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FRANK D. KATZ, CITY ATTORNEY

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jp/ndrive/2008 ord/impact fees