

Galisteo

SLDC Adoption Draft Public Review Meeting Summary October 30th, 2013

Staff began the meeting by providing a history of the code development and review process, followed by an explanation that specific review comments are being sought from the public. In response to a request from the facilitator that the public identify those topics which should be discussed at this session, the following topics were identified:

- 1) **Chapter 8.6 – Residential Zoning Districts, along with Appendix B – Use Matrix;**
- 2) **Chapter 7 – Sustainable Design Standards;**
- 3) **Chapter 9 – Community Districts, specifically list of community plans;**
- 4) **Chapter 2 - Planning Amendments & Chapter 2.2.2 & 2.2.3 COs & ROs**
- 5) **Chapter 10 & 11 - Sand & Gravel & Mining & DCI;**
- 6) **Chapter 5.5 – Subdivision Classification & Procedures;**
- 7) **Chapter 12 – Growth Management, specifically material related to the CIP & LOS**
- 8) **Chapter 10 Supplemental Zoning and 10.4 – Accessory Dwelling Units**

1) Residential Zoning Districts in Chapter 8

A public comment was made that there was no definition in the SLDC of nonresidential development. The Use Matrix was discussed. Public discussion focused on permitted, accessory and conditional uses within the Rural, Rural Fringe and Rural Residential zoning classifications, specifically, whether stables should be a conditional use or a permitted use. Public stated that stables, in particular, used to be a conditional use in a prior draft of the Code, and now it has been changed to a permitted use. Public viewed this as a negative change, as stable uses, particularly commercial operations without a residential component, have created noise, traffic and other problems that have created issues with the surrounding residential development. Public comment expressed fear that removing the conditional nature of the use would remove public's ability to comment about a proposed use in a public hearing, and would reduce the level of County staff review of a proposed stable use. Size of the operation should be a factor in review, as well as hours of operation.

Other public comment countered this viewpoint, stating that different developments that allow horses have covenants and restrictions that put a limit on how many horses one can have. Consequently, the Code does not need to be as prescriptive on this issue. Another fear expressed by the public was that the Code would be retroactive and could force horse owners and stables to change their operations to comply with the new Code.

Confusion was expressed by the public on how commercial stables can be an allowed use under the Rural, Rural Fringe and Rural Residential zoning classifications. Staff stated that Appendix B in the Code specifies what uses are permitted, accessory and conditional uses. Staff explained the differences between permitted, accessory and conditional uses. Staff also explained that stables can be allowed as home occupations, even if it is not an allowed use under the Code. Public commented that the greatest problems have arisen from commercial stable operations without an on-site residence.

Public commented that you might want to distinguish between a commercial stable operation, which could be a conditional use, and a stable which was an accessory use to an on-site residence, which could be a permitted use.

2) Sustainable Design Standards in Chapter 7

Public stated that Chapter 7.6 Landscaping does not include options on hardscaping with rock, gravel, structures and other no-water using alternatives to vegetation; all of the focus should not be on vegetation.

Public stated that Chapter 7.11.16 Sidewalks and 7.11.17 Bike Paths are incomplete and should have more material. Public stated that Chapter 7 road designs do not relate well to the SGMP and that there needs to be more material in the Code that provides traffic engineers with more context sensitive solutions; no specific examples were provided. Public stated that road sections should be different for more urbanized SDA-1 areas as opposed to lower density SDA-2 and SDA-3 areas; for example a requirement that all road sections should have 5' sidewalks, regardless of the area, is not the proper approach. Public suggested that the Code may want to separate road sections for SDA-1 from road sections for SDA-2 and SDA-3.

Public stated that Section 7.13, Water Supply, Wastewater and Water Conservation needed to be improved, particularly Section 7.13.2.3 Readiness. Public stated that this section was too vague, that the language that stated that the water utility is ready to provide service should be expanded; water utility should have to prove that it has the physical capacity to provide water to the proposed use. Public thought that this proof should be subject to public review, rather than administrative review in 7.13.2.3.

3) Community Districts in Chapter 9

Public stated that in Section 9.3, the Galisteo and San Marcos community plans should be recognized and added to this list. Public stated that it is the responsibility of the County to create enabling ordinances for the adoption of these community plans. Public fears that without these enabling ordinances, the community plans and districts will not take precedence over the SLDC.

Public had concerns and questions about what takes precedence, the SLDC or the community plan; language in Chapter 9.2 added to this confusion, as it states that community plans should be revised to become consistent with the SLDC. Public also specifically identified two approved community plans which were not identified in Chapter 9 Community Districts.

4) Chapter 2 Planning

Public stated that in Chapter 2.1.5 Plan Amendments, the requirements for amending a community plan are too stringent, that in order to amend such a plan, you need to start the whole process over, which is unfair, given that the whole process takes 3, 4 or 5 years.

Public suggested that Section 2.1.5.1 Plan Amendments should remove the last sentence regarding community plan amendments. Community Plan amendments should fall under the same requirements as amendments in other sections of the Code.

Public stated that Chapter 2.2.2 Community Organizations and Chapter 2.2.3 Registered Organizations have significant problems. Section 2.2.2.5 and Section 2.2.3.6 which states the requirements for list of rights of the organization is much too restrictive; COs and ROs should be able to interact with the County as they always have. Public stated that it is too intrusive for information on all of the members of the organization to be required; also, it is too limiting for the CO and RO to have to list its specific geographical area or topic of interest.

5) Sand and Gravel Extraction in Chapter 10 and DCIs in Chapter 11

Public stated that in the SGMP, sand and gravel extraction was included with mining; in this draft of the SLDC, sand and gravel extraction is separated from mining and they should not be separated, as sand and gravel extraction is a form of mining. Public stated that Section 10.19 should be deleted and that sand and gravel extraction should be included as a DCI, regardless of the size of operation; it is the intensity of operation that creates problems rather than the size of operation and imposing a 20 acre threshold for sand and gravel operation to be included as a DCI is not wise. Sand and gravel extraction should be included in the list of Chapter 11.2 and proposed projects should undergo a detailed review.

6) Chapter 5 Subdivisions and Land Divisions

Public stated that Chapter 5.4.3.8 Grazing or Farming exemptions is not well considered and that you should not be able to be exempt from subdivision requirements if the result of the land division is that minimum lot sizes standards in a zoning district are violated, even if the purpose of the land division is for grazing and farming, as enforcement can be difficult. Public stated that there should be a limit on the number of times that a property owner can use the exemption for large parcels set forth in Chapter 5.4.3.11. Public stated at exempting the sale of apartments from subdivision requirements may be dangerous.

Public stated that Type Five minor subdivision in Table 5-1 should have a lesser threshold, like 5 lots. Placing the development review of a Type Five subdivision with up to 24 lots in the hands of an Administrator, rather than having a more stringent public review process, is ill considered, given the number of lots and extent of review involved.

7) Chapter 12 Growth Management

Public provided comments on Chapter 12.3 Capital Improvements, including the following concerns: 1) no discussion on how CIP projects will be prioritized; 2) no assurance that money will be available to fund all projects listed in CIP; 3) no clarification on what happens to a development proposal if a CIP project which is listed is not done within the stated time frame; 4) no designated CIP administrator per Chapter 12.5.7.1 who is responsible for insuring that the process outlined in this chapter is followed.

Public recommended that specific time frames for CIP projects should be included so that developers can identify projected start and end dates for a project and can then plan their own investments, depending upon County's implementation of the CIP.

Public commented that Chapter 3 Decision Making Bodies should include the CIP Administrator position set forth in 12.5.7.1 and the Advisory Committee set forth in 12.5.7.2.

Public expressed concern that the CIP process would not perform as outlined in this Chapter, in other words, it would not work.

Public commented on Levels of Service, specifically that Table 12-1 Adopted Levels of Service, trails LOS conflicts with what is in the SGMP and what was in the first draft of the SLDC; similarly, what was in the SGMP and first SLDC draft for open space is 85 acres per 1,000 residents, now it is 8.5 acres per 1000; why was this changed? Public stated that the trail heads LOS was also changed from the first draft of the SLDC.

8) Chapter 10 Supplemental Zoning Standards and Accessory Dwelling Units

Public stated that Chapter 10.4 Accessory Dwelling Units is flawed and runs counter to the provisions that are in some of the adopted community plans. Public stated that Chapter 10.4.2.1 Occupancy should be eliminated, as this is too restrictive and discriminatory; if this is not taken out, then insert language which allows language in community plans to take precedence over this provision. At this point, there was discussion on whether community plans take precedence over the SLDC and zoning map. Staff stated that community plans do take precedence. Public questioned why a manufactured home could not be considered as an accessory dwelling, as stated in Chapter 10.4.2.4.