

Sustainable Land Development Code, Public Review Draft
Series III Meeting: Zoning and Standards
Estancia Meeting Summary
Edgewood Senior Center, October 18, 2012

Duration: 4:00 pm – 8:00 pm

Present:

County Representatives

David Gold, Consultant to the County

Penny Ellis-Green, Assistant County Manager & Interim Land Use Administrator

Tim Cannon, Senior Planner/GIS

Elisabeth Salinas, Community Planner

Wayne Dalton, Building & Development Supervisor

Steven Brugger, Affordable Housing Administrator

Craig O'Hare, Energy Specialist

Robert Martinez, Transportation Manager

Erick Aune, Senior Planner/Transportation

Community Members

19 participants

General overview

4:00- 6:00: One-on-one discussion among staff and community members

6:30- 7:00: Staff presentation of the zoning map including how it was developed and what it means for property owners

7:00-8:00: Facilitated group discussion

Questions and Answers/General Discussion

Public: Why does new zoning still considering the Wilson estimates of water supply when there are better estimation methods. Pete Balleau calculated water drawdown and water availability more recently. The Estancia Water Plan contains more recent information than that in the Wilson study.

Staff: Although there is better information out there, the Wilson study is unique in that it correlates water availability with development density.

Public: Even the Office of the State Engineer (OSE) methods for estimating water availability use somewhat outdated data. Need for sharper tools and more accurate data.

Public: What if lots are smaller than minimum lot size shown on zoning map?

Staff: County is considering a provision that would allow development on lots that have already been approved even if they are smaller than minimum lot size.

Public: There is real need to monitor water table to calibrate densities. Wells in this area are dropping 5 feet a year. The McIntosh is full of empty homes due to wells running dry. Even anecdotal information from plumbers on water trends could be informative. There are too many straws in the water. Conditions have changed radically in the last five years.

In terms of correlating density to water scarcity, Torrance County has a 40-acre minimum lot size that Santa Fe County might look at. The OSE designates diminished aquifer areas as "Critical Management Areas". Maybe these areas as well as areas experiencing rapid drawdown should have lower densities? The OSE has criteria for determining impaired wells, County has its own method for determining whether wells are impaired. Maybe impairment could be considered in zoning? Well yield in 1985 was 25 gallons/minute. Today yield is 5g/min. Water availability also depends on geology. Maybe zoning could consider substrate as a basis for zoning?

There are widespread estimates that drought will last for another 20 years. Need for land development regulations to consider climate data. We need sharper data. Water is the most important criterion for zoning. Estancia Water Basin group has produced an ordinance requiring that when water rights have been severed/sold from land, property owners can only develop property with surface water, by retaining an appropriate portion of water rights, or transferring water rights back to the property.

Staff: While it sounds like water scarcity is a major concern, we need to weigh these concerns against other concerns regarding County land development regulations. For instance, a number of people in the County and in the Edgewood area have criticized the County's requirements that new development hook up to surface water when its available within a pre-set distance due to the high cost of these requirements which might be \$60,000 or \$80,000.

Public: Surface water isn't a perfect solution. Water still needs to come from somewhere. Zoning standards can always get less conservative, but they can't easily become more conservative. Maybe it's best to start conservatively?

Public: The standards that have been presented today are probably as good as any. There are mortgages based on water harvesting via tanks and cisterns. Code should allow development if property owners can show that they'll capture enough water for domestic supply.

Staff: Landscaping can greatly change water budget.

Staff presentation on HERS standards-

Public: How would new development get the actual HERS rating? Are there raters? Are there enough of them?

Staff: There are many raters in the County. Training on how to become a rater is provided through SFCC. The cost of inspection is included in the County's 30-year cost benefit analysis showing that achieving a HERS 70 rating is a net cost benefit.

Public: I am familiar with high-efficiency homebuilders having a difficult time selling and not being able to recoup their costs. HERS standards should be suggested not mandatory.

Staff: Such an effect has not happened in the City of Santa Fe.

Public: Another concern is that inclusionary zoning and low-income requirements. Those requirements become more burdensome and harder to achieve when they layer with yet more requirements such as HERS. How do you balance these? Can you get HERS 70 with picture windows? Will standards apply to mobile homes?

Staff: Standards will apply for modular homes but won't apply to mobile homes. Definition of affordability might shift if we include up-front costs as well maintenance costs. There are tax credits available for building to a HERS 60 standard.

Public: Smaller R values mean tighter homes. What about the health risks due to Radon with tighter homes.

Staff: Radon is a concern for all homes. Radon protection is best achieved through making sure foundation is sound.

Public: What about mandatory requirements to build affordable housing? Our housing is affordable. Why do we need requirements?

Public: What do you have to do to achieve a HERS 70 rating? I built a home with low R-value walls, but picture windows and skylights undermined the efficiency gains. How do you obtain the required HERS 70 rating? Would you need to do solar?

Staff: You can obtain a HERS 70 fairly easily. You don't need solar. It is true that picture windows undermine efficiency but they can still be part of a HERS 70 home.

Staff: Our inclusionary zoning ordinance is currently under revision. It does not extend down to this part of the County. In this part of the County, the County promotes affordable housing through individual assistance programs such as the Happy Roofs Program, down payment assistance, etc.

Public : What about road standards such as base course requirements?

Staff: Road standards aren't greatly changed. The base course requirements in the old land development code were between 8" and 10". The requirements in the draft SLDC are within that range.

Public: What falls under the "Community Services Facility"? Would a project like the Boys and Girls Ranch be considered such a facility? The Boys and Girls Ranch was a particularly controversial project. It would seem to fall under the "Community Services Facility" category and these uses seem to be permitted nearly everywhere?

Staff: The use table contains land use classification standards. We would determine what land use a particular project fit by consulting these standards. Chapter 10 currently has a section on "Community Service Facilities" held in reserve. Once this language is developed, it will further address community service facilities.

Public: What about accessory uses? Why would a restaurant be considered an accessory use (see B-1)? What would it be accessory to?

Staff: This may be a mistake. We'll look into it.

Public: What are changes to Chapter 5?

Staff: There are major changes to the process to comply with state statute. Subdivisions will require approval within 30 days. Major subdivisions will be required to meet with neighbors in a pre-application meeting. The new draft code provides an opportunity for people to form "community organizations" and "registered organizations". These bodies will be notified about development applications and can participate in pre-application meeting when such meetings are required to be part of the process.

Public: This sounds like a good idea, but with Boys and Girls Ranch Project there were a large number of meeting and none of them brought resolution. Is there a limit to the number of meetings?

Staff: The BCC has suggested that the new draft code might require mediation for certain types of applications. Mediation is currently not part of the draft code but it could be. Albuquerque uses mediation and might be model for us. The idea is that it would bring together parties early in the application process so to lesson controversy and the number of meeting later on in the application process.

Public: I like mediation.

Public: I don't like mediation. It only works well with a very small number of issues, very well defined issues, and a small group.

Public: What is the next step in this process?

Staff: The document will be revised after public comment period ends. The document won't be adopted in its current form. If you sign-up to be on our email distribution list, you'll receive word directly about our next steps.

Public: Why is the land development code be re-written. The current one seems functional. This re-write seems to add a lot of layers of government and process. What is the point?

Staff: Historically, the County has not managed growth effectively. The County saw a proliferation of 2.5-acre development in areas with little resources to support it including in the Homestead zone. In 2010, the County passed the Sustainable Growth Management Plan which laid out a strategy for better managing growth. It was necessary for the land development code to be re-written to implement the plan. There were also specific defects with currently land development code including its language on home occupations, the lack of opportunities for community organizations and registered organizations, etc.