

**Sustainable Land Development Code, Public Review Draft,
Series II Meeting: Administration, Procedures, and Financing**
El Centro Meeting Summary
Nancy Rodriguez Center October 4, 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

Robert Griego, Planning Manager

Vicki Lucero, Building & Development Manager

Steven Brugger, Affordable Housing Administrator

Mark Hogan, Property and Facilities Director

Elisabeth Salinas, Community Planner

Community Members

18 participants

General overview

4:00- 4:30: One-on-one discussion among staff and community members.

4:30- 8:00: Facilitated Group discussion.

Questions and Answers/General Discussion

Public: What is the purpose of the Hearing Officer? Will the figure be a value-added to the development review process or another layer of bureaucracy? The role appears to add substantial cost, yet public hasn't stated demand for a Hearing Officer. What about potential duplication with current staff and new time and cost? Current process seems adequate.

County: Hearing Officer will develop record; will make recommendations on certain types of applications. Need for Hearing Officer was identified in SGMP.

Public: Is it necessary for HO to deal with conditional use permits? Can see the purpose of an HO for beneficial use determination with great quantity of technical data with variances you already have staff developing record. However, the SLDC is supposed to make all of the process more predictable so that figures like the HO are not necessary.

Public: Regarding, studies, reports, and assessment, we need to determine costs as they will be passed on to consumer. The entire process seems overblown for many different application types. Recommendation to simplify process for PDDs at the very least, maybe remove need for Hearing Office (HO). If getting a conditional use permit (under old process) and seeing H.O. was your only stop, that would be fine.

Public: Timelines are not realistic given sequencing of meetings, having to get minutes and record, etc.

Public: Communities would like H.O because it gives more opportunity to participate in review process. However, public needs access to record prior to hearing. Hearing officer could be called upon at discretion of administrator for applications with conflicts with neighbors and public.

Public: The community submitted lengthy comments on 2011 draft but they were not addressed. They should be included in current public review process. The original analysis revealed dead ends & other flaws in process.

Public: How will all these additional requirements and costs affect affordable housing needs and economic recovery? City has suspended their fees. It is hard to balance affordability with regulations. Perhaps cost sharing could be added for clustered development?

County: There are incentives for affordable housing. Affordable housing ordinance currently being looked at for new revision.

Public: Without zoning and official map, you can't evaluate zoning provisions. Public also needs to know to what extent property is not subject to subdivision rules.

County: Some exemptions are per state statute.

Public: If exemptions are per state statute that needs to be explained, what are options for public to review large subdivisions with exemptions? There needs to be more performance criteria for subdivision exemptions must comply with underlying zoning? Need to address the possibility of incremental subdividing & principle of growth pays for itself?

Public: How does the Code protect value of solar? HERS standards don't necessarily acknowledge value of solar.

County: County will look into this.

Public: Chapter 12 needs lots of work to be practicable. As written, it's almost impossible to implement.

Public: The transfer of development rights (TRD) language in the SLDC is not implementable. The SGMP contains more specific language. The SGMP links a TDR program to trail systems. TDR has been on books for 30 plus but hasn't lead to any on-the-ground changes because there haven't been provisions for administration.

County: SLDC official map will identify future trail corridors. However, it doesn't exist.

Public: Do TDRs need codification via SLDC or can SLDC set legal foundations and programmatic details come later? Program building would be complex and doesn't have to occur in context of code.

Public: That idea brings up a larger problem with the SLDC. The SLDC has more planning than Ordinance. The distinction matters. What has regulatory significance? What doesn't?

Public: County lacks a land use attorney. SLDC probably needs an independent legal review specialist.

Public: National Association of Realtors will be doing a legal review of the document. However, they lack background in local laws and local issues.

Public: Chapter 11 is reserved, when will regulations be developed?

County: Oil & Gas ordinance is a stand alone ordinance and will remain in effect until additional regulations pertaining to Developments of Countywide Impact (DCIs) are developed.

Public: SRA requirements are extremely extensive. What is their purpose? Why is so much detail necessary? What is the quality of information that the County will get? For example, for fiscal impact analyses, there is no methodology specified. There are a lot of different ways to go about these analyses. The County is going to get very different types of work products. The data required for these analyses aren't easy to obtain. It would make sense for the County to replicate the analysis it did for fire impact assessment and generate fiscal impact information for different types of development applications.

Public: Original idea was for County to do the SRAs. However, there were concerns regarding the County's ability to do them.

Public: Same issue with Water Report (WRAS), there is need to specify method for calculating yield.

Public: the County should consider scaling back SRA requirements for certain types of developments. Much of the SRA information is important for the County's administration and would logically be completed by the County. For instance, the City has impact fees that are based on careful analysis of fiscal impact, level of service, Capital Improvements Planning, and adequate public facilities. These are all linked.

Public: What is the method for appealing findings in SRA? How and when can public access SRAs?

Public: Level of Service (LOS) requirements are off. Square footage of fire facilities are overly burdensome.

Public: What will be revision/ final adoption process for the SLDC PRD.

County: BCC will determine the number of public hearings for adoption of "final adoption draft".

Public: S.6.2.3.8 is excessive for urban areas. Should it be tiered by SDA-1, 2, 3?

Public: Traffic Impact Analysis (TIA) might be limited to projects that will generate 25 plus peak hour trips? Follow NMDOT standards.

Public: TIA NMDOT standards already apply to projects with state highway access. The code should reference existing standards.

Public: Regarding minor subdivisions, why is no pre-application neighbor meeting required? These projects have neighborhood impacts potentially, especially if the number of units is increased per affordable housing or other incentives.

Public: Table 4-1 has a number of "as needed" references. How is need determined? This is of special concern for gravel mining operations. Certain types of conditional uses should always have more detailed application requirements. Same thing with certain temporary uses. Same thing with "reserved" sections. Can't say essential regulation is coming later. What about projects that occur now? The 20 acre gravel mining exemption is too big. The current exemption is for operations 5 acres and below.

Public: DCIs need a Section 11.2.6 to refer to riparian alteration. For example, the Pecos River alteration was a very significant project. Anything with downstream impact potential requires special process.

Public: We also need to better address acequia alteration protection.

County: Check terrain management. Water use more generally is mainly addressed through Adequate Public Facilities Requirements (APFR) and utility hook-up requirements. For example 1-4 unit projects in SDA-2 required to hook up within .25 miles.

Public: Does the SLDC have language pertaining to gray water.

County: No, promoting gray water is not in SLDC. County contracts & projects may promote reclaimed water use. Maybe H2O recycling should be added to SLDC requirements for larger developments such as subdivisions?

Public: Do landscaping standards promote water conservation? Instead of requiring reuse the code should at least allowing water outflow from household appliance. Should at least be listed in SLDC or incentivized if not required. Maybe an incentive could be in the form of an offset of impact fees?

County: There are aeration requirements for gray water. There are public health issues with storage.

Public: Regarding development fees, how will they be developed? They don't exist. They will be based on Capital improvement plan (also doesn't exist) Fire impact fee is only fee that currently applies.

Public: What are the adequate Public Facilities report requirements? Can development go forward if LOS or APF requirement isn't met?

County: Development agreements will provide options for meeting APF requirements.

Public: Is SLDC attempting to encourage Development Agreements for Service provision?

Public: Need provision for payback of impact fees from future developer.

County: This exists in the SLDC PRD.

Public: As I remember it, the SGMP intended SRA's to be done by County. These report requirements seem very onerous. The Environmental Impact Study (EIS) is major report and seems especially costly. Do we know the costs? Might the requirements and process be streamlined? Or applied to more narrow range of projects? Scale back requirements? Analyzing every mitigation may not be necessary. How have SRA requirements changed.

Staff: TIA requirements are expanded, New report requirements adequate public facilities and fiscal impact study. WRAS report requirements are comparable to current ones.

Public: What is significance of base density? Can you increase?

Public: What will happen with nonconforming lots? What are rezoning requirements? How are we zoned?

County: Zoning map forthcoming. There will be a zoning appeal process after assignments are made via map. You may increase density through rezoning process and planned development districts (PDDs).

Public: Zoning map should be released for BCC study session & Series III public meetings. What are the review processes.

County: The timeline for project approvals depends on type of application. State statute controls timeline for subdivision. Subdivision will have shorter timeframe for approval. Notification requirements only apply for certain types. PDD's map amendments, DCI's major Subdivision overlays etc. will require pre-application neighborhood meeting. Conditional uses are discretionary go to planning commission & pre-application meeting w/staff & neighborhood as needed.

Public: What is purpose of HO?

County: HO will be involved in only specific projects. HO will establish record & take recommendations to Planning Commission or BCC.

Public: It seems that the PDD requirements would mean that each step would take approximately 4 months for every step in review.

County: You could bring site plan PDD and preliminary plat concurrently but that timeframe probably isn't far off.

County: What is the appeal process for decisions? Same as they are now.

Public: How to get projects on official map?

County: Official map, both its methodology and contents have not yet been defined.

Public: Is the official map related to the SDA map?

County: SDA map describes locations for directing growth. SDAs affect utility hookup requirements. CIP prioritization of projects also by SDA. Zoning and PDD areas pertain to densities not SDA.