

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**SPECIAL MEETING**

**October 14, 2014**

Danny Mayfield, Chair - District 1  
Robert Anaya, Vice Chair - District 3  
Miguel Chavez - District 2  
Kathy Holian - District 4  
Liz Stefanics - District 5



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 32

I Hereby Certify That This Instrument Was Filed for  
Record On The 2ND Day Of December, 2014 at 11:31:13 AM  
And Was Duly Recorded as Instrument # 1752074  
Of The Records Of Santa Fe County

Deputy Geraldine Salazar )  
County Clerk, Santa Fe, NM )  
Witness My Hand And Seal Of Office

**SANTA FE COUNTY**

**SPECIAL MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**October 14, 2014**

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 11:05 a.m. by Chair Danny Mayfield in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**b. Roll Call**

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Danny Mayfield, Chair  
Commissioner Robert Anaya  
Commissioner, Kathy Holian  
Commissioner Miguel Chavez  
Commissioner Liz Stefanics

**Members Excused:**

None

**III. Approval of the Agenda**

Upon motion by Commissioner Stefanics and second by Commissioner Chavez the agenda was unanimously [4-0] approved. [Commissioner Anaya was not present for this action.]

**IV. Presentation by Staff and Possible Direction by the Board of County Commissioners Concerning Options for How to Proceed and Timelines with Respect to the Consideration and Possible Adoption of All of the Following: (i) Amendments to Ordinance No. 2013-6, the Sustainable Land Development Code; (ii) the Zoning Map of All Land in the Unincorporated Area of Santa Fe County to which the Santa Fe County Sustainable Land Development Code Applies; and (iii) an Ordinance Adopting Development Permit Fees**

CHAIR MAYFIELD: Just by a show of hands, who cares to talk on the code today? We also have in front of us the zoning map and we have in front of us the fee permit. So we've had numerous public outreach meetings throughout Santa Fe County but by a show of hands who cares to comment today, please? That's not too many. So,

staff, I'm going to go to Penny.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. On December 10, 2013, the Board approved the SLDC. That does not go into effect until the zoning map is approved. The SLDC included significant reserved sections. That included the bonus and incentive zoning, most planned development district sections, the Santa Fe Community College and Media District sections reference existing ordinances. Regulations governing most DCIs) were also reserved and in addition, the Community District Overlay Zone were not written. Again, the code referenced existing ordinances and plans.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. Penny, there's been some discussion and some concern about the section regarding the permitting placement, oversight, regulation, monitoring of cell towers. Is that a different section and will we have time to discuss that as well?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, that was adopted in the SLDC, so it was adopted in the SLDC in Chapter 10, I believe. There has been discussion about modifying that section as part of the SLDC changes.

COMMISSIONER CHAVEZ: So then could we include that discussion as part of the work that will be done in the interim? Or is that –

MS. ELLIS-GREEN: Mr. Chair, Commissioner, that's what we're asking for direction for today as far as how we move forward, but that is on our agenda to include in the SLDC changes as a re-review of that section.

COMMISSIONER CHAVEZ: Okay. Thank you.

CHAIR MAYFIELD: Commissioners? Penny.

MS. ELLIS-GREEN: At its May 28, 2014, meeting, the Board decided to have a series of public meetings concerning the draft zoning map with a target date of December, 2014 as the completion date for the zoning map and proposed SLDC amendments. As a result of the direction we've held five public meetings in total. Two of them here in the chambers and three out in the communities. At those meetings issues and concerns have been raised by the public. Concerns have been raised about the SLDC's impact on existing community district ordinances and plans. In light of those public meetings and the Board's stated desire to re-evaluate timelines in light of the public input process, staff has proposed three possible options to move forward.

So the first option would be to continue on current approval timeline; assign base zoning to the community districts on the zoning map; adopt the zoning map, the SLDC amendments, and fee ordinances by year end.

[Commissioner Anaya joined the meeting.]

In order for this to happen by year end, a special BCC meeting in October where direction would be given as to what the next version of the zoning map to authorize publication of title and general summary of the ordinances for the zoning map, SLDC amendments, and fee ordinances. If this option is chosen, it is suggested that a special meeting be held on October 21<sup>st</sup> and another scheduled for October 24<sup>th</sup>, should not all necessary direction result from the October 21<sup>st</sup> meeting. This schedule would then give staff time to then create the proposed adoption draft of the zoning map and then do the

required legal noticing in early November. Additional adoption public hearings would need to be scheduled in December and it is proposed that this could occur as special BCC meetings on December 2<sup>nd</sup> and 16<sup>th</sup>.

The SLDC would still have some reserved sections – the DCIs, the O-CDs, which are the over community districts, the density bonus section, and the Community College PDD. Staff will need to write transitional language for the community districts and the Community College District to include the SLDC changes along with an assessment of the cell tower provisions.

Under this option there would be no change to the zoning map with respect to community districts. In other words, community districts would be left in the zoning map. So the pros for that are that it is consistent with current timeline expectations, it allows some SLDC concepts to be implemented sooner, such as the three tiers of home occupations, accessory dwelling units and rural commercial overlays. It would allow for concerted effort and focus on individual portions of the SLDC. It would mean that some decisions will already have been made. The zoning map adoption draft has been reviewed through the public comment and review process and conforms to the SLDC.

The cons would be that policy choices may be constrained as there wouldn't be an SGMP update. Concerns about effect on the SLDC on community districts, zoning ordinances, opposition from some communities who want to see their overlays incorporated immediately, potential inconsistencies between community plans and SGMP. The community district overlays or OCDs may take longer depending on allocation of resources. We'll not have time to go back and work individually with communities prior to the zoning map being improved. Initial SLDC will still be incomplete as sections like the overlays, density bonus and DCIs will need to be drafted and adopted later. There are significant conflicts with procedures, cross references and regulations between the SLDC and the approved community districts and the Community College PDD.

The Board will need to decide on transitional provisions concerning the Community College PDD and the community districts and staff will need to develop transitional language to reflect the Board direction. The transitional provisions to the Santa Fe Community College PDD and community districts may be difficult to draft and will lack certainty of an overlay district. Drafting transitional provisions may divert resources from the overlay drafting.

So option 2 would be to continue on the current approval timeframe but do not proposed to assign base zoning to community districts in the zoning map. So adopt the zoning map, SLDC amendments, and fee ordinance by the end of the year. This option would still require the same special meetings we described in option 1. Under this option community districts would be removed from the zoning map until such time as the community develops an overlay district in accordance with the code. The zoning map would cross reference existing community ordinances on the zoning map. Communities would need to work with County staff in accordance with the SGMP and SLDC to revise the community plans and develop overlay districts within a three-year period.

The pros for this are the same as the pros for option 1, but I'll go ahead and read through the cons for this as there are some differences. Policy choices again could be constrained as there's no SGMP update. Opposition from some communities who want to

see their overlays incorporated immediately. Potential inconsistencies between community plans and the SGMP. Community district overlays may take longer depending upon allocation of resources. We won't have time to work individually with the communities before the zoning map is approved. The initial SLDC will be incomplete as in option 1. There are significant conflicts with procedures, cross references and regulations between the SLDC, the community districts and the Community College.

The Board will need to decide on transitional provisions again. The transitional provisions may be difficult to draft, and there may be no desire for a community to move forward with an overlay, since their community districts in the zoning map would be intact, and the zoning map and SLDC would be less comprehensive, possibly less consistent with the SGMP.

The third option is do not follow the current approval timeline. Prepare major reserve sections including the overlay districts for adoption at the same time as the zoning map. So adopt the zoning map, SLDC amendments, major reserve sections and fee ordinances by early fall of 2015. Staff will prepare major reserve sections such as the bonus and incentive zoning, the Community College PDD – and that is a substantial part of SDA-1 – and regulations governing most DCIs, and other SLDC amendments, and do comprehensive review of cell tower provisions.

With respect to community districts staff would work with communities to do consistency review between community plans and the SGMP and prepare the overlay districts. This would be done in the same timeframe as the development of DCI sections.

In addition, staff would prepare an update of the SGMP to reflect the new population, employment, and land use assumption figures and to update DCI elements.

The pros: We would have a much more complete document which would allow the Board and the public to see and weigh major policy decisions at the same time. The SLDC would have greater consistency with the SGMP. Because of SGMP update and depending upon the scope and content of the update more zoning options may be possible. Communities will have their overlay documents in the document eliminating the need for transitional provisions and alleviating community concerns about the SLDC's effect on their communities' ordinances. The community plans could be updated for consistency with the SGMP. It allows staff to work with communities individually. It allows time to review a comprehensive document. If the SGMP is updated it will be a current plan and will not need to be revisited as soon. Leverage resources needed for the DCI section to address all the outstanding sections at once.

And the cons for this would be the timing would be contrary to current expectations regarding the adoption of the zoning map and the effective date of the SLDC. Significant resources would be needed, both external and internal. Impacts on other priority projects. As this will be a public process there may be a call for more time to avoid further delay in the process the County may need to set deadlines on the community planning aspects. Opening up community planning process may expose a lack of uniform community vision. Consistency review will identify changes needed for community plans and ordinances.

And the recommendation is to ask the BCC to give staff direction on how to proceed with respect to the adoption of SLDC amendments, zoning map, and fee ordinance by making a motion to adopt one of the options described above. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Penny, could you, in option 3, could you talk a little bit more specifically about timeline?

MS. ELLIS-GREEN: Sure. Mr. Chair, Commissioner Stefanics, the timeline to get this approved by early fall would mean that we would want to get this drafting done by the end of the spring to allow a summer and fall to do the required – any public meetings we need to do, and then again, we also have required public hearings and public noticing to do. Anytime we are going to adopt the zoning map we need to do the letters that go out to the 35,000 people and in addition to that we need some timeframe built in for people's review of the zoning map and then the two public hearings that the Board has asked us to do for adoption of that. So really, we would be looking at late spring for getting all of this information out.

COMMISSIONER STEFANICS: So Mr. Chair and Penny, if we were to – I understand there's pros and cons for all of these options. And I believe, and I've mentioned it to you earlier, that some of the community support that we've had has started to erode about this entire process. And so this concerns me a great deal. So if we were to extend this, basically for another year, I'd like an assessment of how this affects the work of the land use staff. Like right now we have staff doing a lot of meetings, a lot of acceptance of comments, a lot of writing, a lot of rewriting. So I'd like for your personal assessment about what this does to staff time and responsibilities over the next year.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, it is an awful lot of work to do and in order to do this work we may be looking at hiring a consultant to do some of the initial drafting. However, it would be County staff, whether it's in the Planning Department or Building & Development that would be implementing, would be doing the public meetings for this. So it would be a lot of work. Some of the other planning that's going on may need to take a backseat while we do this, but having talked to the Planning Manager I think it's something that whichever the direction is from the Board we will endeavor to meet that.

COMMISSIONER STEFANICS: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Penny, on that note, would it be the same scenario on any option that we adopted?

MS. ELLIS-GREEN: Mr. Chair, if we adopted option 1 or 2 the immediate push would be to get direction from the Board very quickly so we could amend what the zoning map looks like and then do the legal noticing and the required hearings by the end of the year. However, we would still have those other sections that would need to be drafted. The SGMP talks about having the community districts written, their overlays written within a three-year period of adoption and implementation of the SLDC. So it may be spaced out a little bit more, but obviously, there's other sections we've already been given direction from the Board to have the DCI section done within the year timeframe. So the work still needs to be done, whether it's done – the upfront to push the zoning map adoption and then drafting the other sections afterwards, or whether we stop, we draft, we put all our focus into the drafting and getting that out to the

community, and then have the focus be the noticing and the legal requirements for the zoning map adoption.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. So Penny, could you give us a number, if you have it, on how many community plans we would have to work on and if I'm understanding it right, each of the community plans would have to be revised and updated in some form or fashion. Is that correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, what we would be doing through this process is just looking for inconsistencies with the SGMP with the community plans. And adopted community plans, we have 12 of those. We have one more that's pending, and of those 12, we have – ten of those have community ordinances as well. What we would be looking at there is looking at the community plans, making sure they're consistent with the SGMP, and then writing all 12 of the overlay districts.

COMMISSIONER CHAVEZ: So realistically – well, first, do you see some of that work being done by the consultant you mentioned or will that be done with staff interacting with members of the community to develop their plans? How will that piece work?

MS. ELLIS-GREEN: Mr. Chair and Commissioner Chavez, we would – certainly, the ten communities that have their ordinance already written, that would be our starting point, but we may require to have a consultant help us do the initial drafting.

COMMISSIONER CHAVEZ: So that being said, do you think that that piece of work could be done within the 12-month time frame that we're hoping to do the community wide impact and other things?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, we'd be looking at much sooner than 12 months to have the initial drafting done because then we would need to go back and work with the communities to look at the initial draft, work with them to get a final draft and work on their zoning map.

COMMISSIONER CHAVEZ: So we would have to back up that due date and have that done within six or eight months?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, I would expect we'd be looking at doing that by late spring.

COMMISSIONER CHAVEZ: So is that do-able? Is that realistic?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we will work as diligently as we can on that and I think with a consultant helping us with the drafting that we can produce the majority if not all of these.

COMMISSIONER CHAVEZ: Well, and here's the other piece I think I'll put out there. It's not us, I think it's we because the community plans and those that have time invested in those community plans will have to work with staff and the consultant to make sure that that work gets done in that timeframe. So I think it's going to have to be a really concerted, concentrated, focused joint effort to get that work done within that timeframe. It's just an observation so I'll just put it out there for the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. Commissioners, anything else? Seeing none, Penny, do you want to talk about anything as far as the fee schedule right now? Commissioner Anaya.

COMMISSIONER ANAYA: Just a couple comments. Realistically, I think the option that we need to focus in on is probably option 3 and relative to an exact time line, I don't think any of us are in a position to do that. I think what we found through the process that we've been in is that going back to the public and having continued dialogue is what brought many of the drafted changes and that was the intent of going to the public to get their feedback and input so I think to put a date-specific time is not realistic because it hasn't been realistic to this point. So I'll leave it at that.

CHAIR MAYFIELD: Thank you, Commissioner.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Please.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Penny, with option 3 what you see is not actually updating the community plans but where they're making them consistent with these zones that we have in our new code.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, yes. That's what we would want to do is to make sure they are consistent. So we'd do a consistency review.

COMMISSIONER HOLIAN: But you would be working with the community to develop the consistent community plan, correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, absolutely.

COMMISSIONER HOLIAN: Thank you.

CHAIR MAYFIELD: Penny, going back, working with the community districts, community plans, would each individual district plan still need to come to this Commission for approval before we did the adoption overall?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if it's done with an SGMP update we may be able to do that by one resolution, with all the community plans under it, otherwise, community plans are adopted by resolution. So if it was done individually – so if we did option 1 or 2 then each community plan and each community overlay district would have to come in front of the Board.

CHAIR MAYFIELD: And typically every community plan is a little different. None of them are the same, in my experience at least, with the community plans in my district.

MS. ELLIS-GREEN: Mr. Chair, they are all specific to their community, so yes, they will all be different. But they're adopted by resolution that the Board has to approve. A community overlay district would be an ordinance amendment, so it would be publishing title and general summary, and then one or two, as directed by the Board, public hearings for adoption.

CHAIR MAYFIELD: Thank you, Penny. Penny, do you want to just move on and talk about the development permit fees really quick?

MS. ELLIS-GREEN: Mr. Chair, whichever option we choose we need to do the fee ordinance alongside the SLDC changes and the zoning map. They all have to be adopted at or about the same time, so whichever option is chosen we would move forward with the fee ordinance as well.

CHAIR MAYFIELD: Thanks. And on the fee ordinance, I know we've had some public discussion on the fee ordinance. There have been some suggestions by Commissioners. What changes have made it into the initial proposed fee ordinance?



MS. ELLIS-GREEN: Mr. Chair, I don't have the final version here. It is up on our website and I believe that at the fairgrounds meeting Vicki did address a few additional comments that the Commission had brought up.

CHAIR MAYFIELD: Thank you, Penny. So let's go out to the public really quick. Everybody's asking me for a time limit. I'm pretty reasonable as allowing people to speak. If you run really long I will ask that you kind of be cut off and go to the end of the line please. But if you don't mind, this is a public meeting. I don't believe anybody has to be sworn in for this but if you care to state your name and address I'd much appreciate it. Correct me if I'm wrong about being sworn in. No? Thank you. So whoever cares to come on up first please.

CHRIS FURLANETTO: Good morning Mr. Chair and Commissioners. My name's Chris Furlanetto. I live at 6 Redondo Peak, 87508 in Santa Fe County. And I'm speaking today on behalf of the League of Women Voters of Santa Fe County. The League strongly urges you not to delay adoption of the SLDC amendments, the zoning map and the fee schedule beyond the end of this calendar year. Residents of Santa Fe County have waited patiently for years to benefit from the principles of the Sustainable Growth Management Plan. We believe it's time to move forward so that development in Santa Fe County will follow the sustainable principles in the new code.

Current uncertainties related to new development will not be resolved until the new zoning map is adopted the new code takes effect. The League has closely followed the drafting, revisions and adoption of both the SGMP and the SLDC over the last five-plus years. We've also followed discussions about the proposed zoning map this year. We recognize the sincere efforts of the Board and of County staff members to make this entire process highly inclusive by holding numerous public meetings throughout the county. You've listened carefully to what your constituents have said and we appreciate that. The size, scope and level of detail in both the code and the zoning map mean that not every resident in every part of the county can or will be satisfied with every aspect of these important documents. We believe, however, that it's now time to officially put them in place with the understanding that each will evolve over time.

In summary, the League urges you to work towards completing the adoption process this calendar year. We ask you to choose option 1 or option 2 today. Thank you.

CHAIR MAYFIELD: Ms. Furlanetto, just so I know. Did you all attend, did you have representation at any of the community meetings throughout the districts that we had?

MS. FURLANETTO: I attended part of the one at the community fairgrounds and I believe there were also some meetings in the early spring when the zoning map was first released and I attended one of those. But we did not attend all of those, no. We weren't able to.

CHAIR MAYFIELD: Thank you so much.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I would ask you to take a question back to the League from me. We've consistently heard the League say what you just said from a month after the plan was adopted, but what we've discovered as we've gone out into the communities, respective throughout Santa Fe County, some were not

engaged and are now engaged and have brought input in. Why would we want to approve – this isn't for you right now. I'd like you to take it back. Why would we want to approve a document that had inconsistencies or had representations that didn't reflect respective communities? Please take that back because you consistently come back and say this to us but the reality is we've garnered much information from these meetings and I think we'd rather have a better document than a document that won't work. So if you could take that back I'd appreciate it.

MS. FURLANETTO: I understand your question and we will get a response back to you.

COMMISSIONER ANAYA: Thank you.

YVONNE SHAQUIN: Good morning, Mr. Chair, members of the Commission. My name is Yvonne Shaquin I'm a resident of the county for almost 20 years in the Tierra del Oro Subdivision which is at the intersection of Wildflower Drive and Camino La Tierra. The question that arises in terms of each of the plans that are put forth is that the staff, through its very diligent efforts, and the Commission's efforts, has come up with recommendations, formal recommendations which are on the webpage. And those that are left in limbo, if the full year is laid out, and that affects the rights of property owners in the meantime because if there is a staff recommendation on the zoning map that would change the zoning, that would change perhaps how people would move forward with their personal planning. And so I would just ask the Commission to consider what the status of those formal, on the web, staff recommendations are as part of the planning process. Thank you.

CHAIR MAYFIELD: Thank you. Mr. Shaffer, really quick, if you could address that. As far as whatever action this Commission would decide to take individuals would still be obligated under the current code?

GREG SHAFFER (County Attorney): Mr. Chair, if I understand the question, is what is the status of development during the interim, and yes, development, with the exception of those enumerated DCIs for which applications will not be processed pending the adoption of DCI regulations, other land uses could go forwarding accordance with the current land development code which is the process that is currently underway and has been for some time know.

CHAIR MAYFIELD: Thank you, Mr. Shaffer. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair. Mr. Shaffer, and probably Penny would be the better one to answer this. I think we're still in a recession-type economy. We've seen some progression or some improvement it seems like, but relative to development permits and development applications, are we seeing a flood of applications coming in? Compare the last couple of years, if you could, just in a ballpark fashion. Give me an idea. It's my understanding we're still not seeing a whole lot of development occurring. In fact I know we're not, because every month that we have a meeting we're doing extensions and continuations of master plans because people just don't have the resources right now to build out any of the developments that even have been previously approved. So is there some rash of applications that we should be concerned about? Tell me what the climate is with applications for land use in Santa Fe County so that the public can have a representation of what's happening.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, you are correct.

We've had a lot of people asking for an extension, a lot of subdivisions were given either master plan or even final approval before the economy crashed. We are seeing a pickup but we're not seeing us back anywhere near to where we were before that happened. So we have had in front of you several phases of subdivisions have started coming through, but a lot of them are time extensions because of course to record a final plat you need to either have the finances to build out the subdivision or to bond for the subdivision.

So we have seen those extensions. The applicants are telling us that there are ways that they're going to move forward in the future but of course we're not back to where we were before the crash.

COMMISSIONER ANAYA: And Ms. Ellis-Green, if you could. These reviews still entail full-blown staff reviews and full-blown submittals that ultimately go to the CDRC and then come to the Board of County Commissioners. Many times in these meetings we get the air that the land use is falling apart in Santa Fe County and I just don't think – that couldn't be further from the truth. The reality is development reviews are still occurring. They're at a lower pace than they were and will continue to be for some time. Would you say?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes, they are reviewed under the existing land development code. So that includes a traffic analysis, water analysis, all of those things.

COMMISSIONER ANAYA: Thank you. Thank you, Mr. Chair.

CHAIR MAYFIELD: Yes, thank you. Sir.

UNIDENTIFIED SPEAKER: Mr. Chair, Commissioners and staff. Thank you very much for the time and effort you've put into this. I can't disagree more though, with the League of Women Voters in this particular area. Though I also embrace energy conservation, water conservation – the things that are generally associated with the green movement, I believe that the approach that's been taken is unfortunate because it affects individual property owners in a very negative way. When land is rezoned, either their own land or the land next to them, to higher densities it has a negative impact on the value of their property. For some people a negative impact on their quality of life as well.

People don't want that. In fact the people in the Pojoaque Valley want to retain their rural type of lifestyle. They do not want higher densities. You have put higher densities into that area. This is a wrong approach. I would say in general you're changing neighborhoods and you're changing people's property values by the rezoning that you've done, or proposed. And there would be more than the small number here or the 300 in Pojoaque or the 150 at the fairgrounds protesting if they knew about what was going on.

I really believe that this Sustainable Land Development Code has only one sustainable element, that is if the zoning map that is adopted as proposed the complaints and the objections and the lawsuits will be sustainable.

CHAIR MAYFIELD: Sir, just a quick question and you might want to hear this. So Penny, given the Pojoaque Valley; I live in the Pojoaque Valley; I have no trouble disclosing that. We're a traditional community right now going down to  $\frac{3}{4}$  of an acre. You can get much more – have more density than  $\frac{3}{4}$  of an acre. I know that there's been a lot of talk or discussion if we have a viable water system and a wastewater system that you can zone it three homes per acre. I don't see a water system coming into that valley in the near future. I think there might even be some question of a water system

going into the valley in the near future.

So what am I missing as far as the Pojoaque area specifically could be more densified?

UNIDENTIFIED SPEAKER: I understand the  $\frac{3}{4}$  acre can be changed to  $\frac{1}{3}$  of an acre by the proposed rezoning.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the land development code, the first land development code came in in 1981 and that designated the Pojoaque Valley as a traditional community and it allowed the density of one unit per  $\frac{3}{4}$  of an acre, or with a community water system and a community sewer system, three units per acre. When the Pojoaque Valley went through their community planning process they did not change that and the zoning map has not changed that. It is still designated traditional community; there's been no change since 1981.

CHAIR MAYFIELD: Thank you. I just want to throw that out there so there's no misunderstanding. Now, Penny, what impact, on that note, would this have on traditional communities throughout Santa Fe County? The same? Or is it individualized based on their own community plan?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, when we looked at the zoning map we in general looked at keeping the traditional community boundaries intact for those that did not have a community plan and a community ordinance. We did try to address property lines and to make the traditional community boundaries follow property lines. The communities that already have plans and ordinances, we tried to get a best match as to what they had already designated.

CHAIR MAYFIELD: Thank you so much. You can follow up if you care to.

UNIDENTIFIED SPEAKER: Okay. I want to follow that up with a comment that I live in Jaconita previously. I moved down here closer to Santa Fe five years ago so I'm familiar with the Pojoaque Valley. I lived there and I enjoyed very much living in a bosque and the beautiful area that's there. But I know from people who live there that they're still very concerned about the change in the zoning for their area and maybe I don't understand all the reasons why but I understand from what they've told me is that the density is the issue.

I now live closer to Santa Fe off 599 and the empty lot next to me, or parcel of land next to me is to be rezoned from 12.5 acres per house to 2.5 acres per house. And so next to me there could have been ten homes but now it looks like that could be 50. I object to that. I believe that that's a large change that is not rational. It's not rational for at least two reasons. One is that there's a major arroyo that goes through that property. It's a 185-acre tract with a major arroyo and some very steep slopes. Rezoning that to much higher density is not reasonable.

Furthermore, the County and staff seems to have chosen to actually rezone that parcel in part, so only about  $\frac{2}{3}$  of it is rezoned. Why they would just do part of a parcel I'm not sure but that doesn't seem to make sense of me, to rezone a portion of a parcel. Maybe they wanted to basically neaten up the boundaries or something and make them straight. But if so they failed because of the boundary line on one edge of that new rezoning, they put a dog-leg in it. It's not a straight line. So not only the property next to me but the property next to many of my neighbors is also partially rezoned. In an area

that has arroyos and steep slopes. It doesn't make sense. So I object on that basis. So it's the density that I dislike. It's the inappropriateness of the change because of the terrain, and it seems a little odd because it's only partially rezoned. So for those three reasons I think there's something amiss with this. Maybe it's an oversight but it's not reasonable in my opinion.

CHAIR MAYFIELD: Thank you, sir.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Sir, I have a question for you. I'm just want to try and get bearings with where you live. So if I'm going from, say, Pojoaque into Santa Fe and I get off on 599, and I get off on the ramp, immediately adjacent to 599 in the city limits is high density. There's apartments.

UNIDENTIFIED SPEAKER: Right inside the city limits.

COMMISSIONER ANAYA: Actually, it's right in the arroyo.

UNIDENTIFIED SPEAKER: That's right. That's inside the city limits.

COMMISSIONER ANAYA: I know it's in the city limits. I'm just trying to get my bearings where you're at.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER ANAYA: So I get off and I head west, immediately there's apartments directly adjacent to 599. Immediately adjacent to that is housing tract. Then I go up the road a little bit and then to my right is Tano Road and I think the old Thornburg building is on the right-hand side.

UNIDENTIFIED SPEAKER: Ridgetop exit.

COMMISSIONER ANAYA: Pretty high density right there. Then I go under the bridge. Where are you in proximity to that?

UNIDENTIFIED SPEAKER: Continuing down 599 to Camino La Tierra.

COMMISSIONER ANAYA: Okay.

UNIDENTIFIED SPEAKER: Exit that. Go –

COMMISSIONER ANAYA: You're pretty close to that whole general area, right?

UNIDENTIFIED SPEAKER: Yes. I'm only about a mile from the city limits. Actually the northwest corner of the large park or open space that's part of the city.

COMMISSIONER ANAYA: So is your assessment that the planning and zoning that the city did right there is inappropriate?

UNIDENTIFIED SPEAKER: Not at all. The County's proposed rezoning is unreasonable.

COMMISSIONER ANAYA: Why is it appropriate zoning within a mile of your residence but it's inappropriate in your area?

UNIDENTIFIED SPEAKER: Within a mile of mil residence there it's open space and it is a very rural area where I live. Semi-rural. Let me put it that way.

COMMISSIONER ANAYA: But you're right next to 599?

UNIDENTIFIED SPEAKER: No, no, no. I'm about 3 ½ miles away from 599.

COMMISSIONER ANAYA: Okay. Thank you. Appreciate it.

UNIDENTIFIED SPEAKER: And it is – the area that you're talking about with high density is already within the city limits. The city actually has a spike that protrudes north out of basically a box area and goes all the way out to the opera. And the city actually is in control of that space, not the County.

COMMISSIONER ANAYA: And that's what I'm getting at. So it's appropriate for the City to have higher density adjacent to 599, but not the County? Help me.

UNIDENTIFIED SPEAKER: I think the City and County can decide on whatever densities they like. But when you change a zoning for a particular area inconsistent with what's been there already you're changing the neighborhood. If you suddenly increase the density any place you're changing the neighborhood. The process for doing such a thing that a homeowner, a landowner would have to go through would be to have a series of submissions and a public hearing, a public hearing specifically on that lot that's being changed. Everybody within 100 feet or so would be informed of what's being changed and have the chance to object.

That's not being done in this case. There are hundreds, maybe thousands of lots that are being affected in the same way, but notification like that is not going out to people. People are not aware of what's really happening to their property, and that's what I think is amiss here. It wouldn't be just 300 people objecting or 150 people objecting at meetings. There would be a lot more if people understood what was really happening. It's fine to espouse green but you can't just change the zoning in such a way that it negatively impacts people's properties and property values.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Let me ask one quick question, Commissioner Stefanics, please. Just so I know. Staff has been very diligent as far as getting out public notice on this. We advertise in newspapers. We've identified every homeowner that we've sent an individual letter to?

MS. ELLIS-GREEN: Mr. Chair, we used the Treasurer's and Assessor's data and so every single parcel was sent a letter. We did get – but that was over 35,000 letters that were sent out. We've never done that kind of comprehensive mailing before. Approximately 2,000 were returned and our GIS Department spent weeks identifying where those possible addresses are for those people and resending those out certified mail, again, in accordance with the statute. So we did extensive noticing. We also did advertising and we advertised all of the special meetings that we had as well.

CHAIR MAYFIELD: Thank you and thank you staff for doing all that work. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Penny, could you talk about how the last gentleman brought up the issue of terrain. Could you identify how the staff looked at terrain when you did some of the zoning maps? You identified boundaries of communities and some existing property lines but how did terrain fit into any of your proposals?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, when we created the zoning map we looked at a number of criteria including what existing land uses were, what existing lot sizes were in the predominant area, what community districts

were out there, but we also, for larger tracts of land we looked at where the land was developable and not developable. Whether that meant a floodplain or steep slope. And so some of the tracts you will see have actually been cut in half as far as two different zoning districts because one area is less appropriate for development than another.

I don't know the specific area this gentleman was talking about but that would be a reason to have two different zoning districts on one tract. We still have an extensive terrain management review in our SLDC as we do in our existing land development code. We do not allow disturbance of 30 percent slope. We allow limited disturbance and I guess shorter structures on a 15 to 30 percent slope. We look at floodplain, arroyo crossings, all of those things. So as a development comes through you do have to do all of your terrain management work. And what we do right now would still be allowed in the SLDC which means that you wouldn't build on steep slope or across an arroyo. You would cluster on the other side.

COMMISSIONER STEFANICS: So, Mr. Chair, I want to follow up on the idea though that as a property owner, if I had, just for sake of discussion, 100 acres and the zoning map divided my property because of terrain, it would seem to me that there would be an issue of – I won't say it. I would seem to me that there would be a problem with my right to utilize my property as I wished, and that you're really changing not only my value but also my purposes.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, on a large tract of land it may be appropriate to develop one area at a higher density than another area because of whether it's access or terrain. We are looking at addressing the density incentives section, which could mean if you leave a certain amount as open space you can get higher density on the other tracts of land, and also the clustering. So what you would look at is your gross lot size and what the number of units that you could develop on that, based on what your base zoning is and then cluster them in the developable area.

COMMISSIONER STEFANICS: So Mr. Chair and Penny, nothing would compel me to do a higher density even if it was allowed. As a property owner, if I chose to have 12-acre lots and I was allowed to have much less.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, we would not make you go down to a 2.5-acre lot if that's what your zoning is.

COMMISSIONER STEFANICS: As a property owner.

MS. ELLIS-GREEN: As a property owner. However, if, for example, some of the lots are on 30 percent and inaccessible, you would not be able to create lots there through the terrain management section of the code.

COMMISSIONER STEFANICS: Thank you very much, Mr. Chair.

CHAIR MAYFIELD: Penny – and thank you for your patience. But two follow-ups to Commissioner Stefanics' questions. One though, I guess a potential disadvantage could be new taxes being assessed on your property if you were afforded the lower density – or the higher density.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, without going into address the whole tax issue we did have the Assessor-elect at our Pojoaque meeting who stated until you do the division yourself your taxes wouldn't change. So it would depend. If somebody chose to divide their land then they would be taxed on both properties or if they created ten lots on ten tracts.

CHAIR MAYFIELD: Thank you. And then just – it's come up in past public meetings. As far as density bonuses being afforded, is that on an individual tract or can somebody acquire a density bonus on the south side of the county and move it up to the north side of the county?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the density incentive is usually on your tract, which would be if you had a 100-acre tract and you left 60, 70, 80 percent open space and clustered it you could get a bonus. What you're talking about is more of a transfer of development rights. There is a small section for that in the code but it's probably not as developed as it should be, and that's where you could have an area where you preserve maybe an agricultural use or open space, and then sell the development rights to another tract of land in another area of the county.

CHAIR MAYFIELD: Thank you. Commissioner Chavez please.

COMMISSIONER CHAVEZ: Can I ask a question on that same topic? Does that transfer of development right also apply if a development would have to do an affordable component? Could they transfer that component somewhere else, or do a fee-in-lieu of?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, there is an alternative means of compliance in our affordable housing ordinance and I believe that does include that you could transfer to another subdivision that you're platting to do maybe an affordable subdivision.

COMMISSIONER CHAVEZ: Thank you. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Thank you for your patience, ma'am.

DIANE SEMATIC: My name's Diane Sematic and I live in Rancho San Marcos off of Highway 14. There is a proposed redevelopment or rezoning for the large acreage of land just north of our development. I agree with a lot of the what the gentleman before me indicated. We live out there. We've been there for 12 years. It's been an agricultural area which we very much enjoy. The proposed development that we saw on the zoning map was for individual home lots of half an acre, no larger. Our acreage runs from anywhere from 11 acres to 40 acres per lot.

This is a dramatic change between our development and what is proposed as a mixed-use area, which includes commercial, residential, multi-dwelling apartments, condos, small-acreage homes and we in Rancho San Marcos really oppose this. We believe it will seriously impact our property values, especially for those adjacent to this land. And also with the variety of housing and the density there, as we live in the area when there are higher densities of people there can be real crime. We have had occasional break-ins in our area. We do not want that to increase.

And also, having reviewed some various things on line and reading some books, the sustainable development is part and parcel of UN Agenda 21 which I totally disagree with. Long-term it can affect individual rights and property rights which we seriously value. And I just wanted to express my opinion on this. I would go with option 3 to postpone immediate implementation. I think more meetings would be needed, more input from people that will be directly impacted from this rezoning. Thank you.

CHAIR MAYFIELD: Thank you so much.

KARL SOMMER: Mr. Chair, members of the Commission, I'll be brief. My name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New



Mexico, 87504. I'm here to ask a question about the community overlay ordinances and this consistency review. One question I have is it's my understanding, and it may be mistaken, that the adopted community plans, and I'll just take Tesuque for instance, was done relatively recently. It was adopted by the Board.

My understanding is that those plans – forget about the ordinances – those plans are amendments to the SGMP and they should be noted as such. And so I don't see the need for a consistency review with the community plans with the SGMP, and if that's not what is anticipated then I'm mistaken. Because if it is what's anticipated, those plans are an amendment to that general plan, and really what's needed is to make sure that the ordinances that are adopted pursuant to those plans are consistent in many measures with your zoning categories so that you have a way to apply those in a way that works.

I don't see going back and amending these plans for consistency with the SGMP and if that's what's going on then I'd like to know a little bit about that.

The second thing I'd like to just simply say is on the options that you have in front of you I think that option 3 is the most viable and I tend to agree with Commissioner Anaya. Timeframes, are, one, they have been not very useful in trying to predict what's going to happen, and that's okay. This is much like having a baby, I think. I don't have any personal experience, but you all have a long gestation period for this and it should take whatever it takes. You should have offspring that has all ten toes and two legs, two arms and the like and don't give birth to something that's missing a leg. And what's going on right now, if you do this by the end of the year and exempt portions you will have a creature that doesn't have something to stand on and it's going to be very difficult to apply at a staff level and at a Commission level and certainly in the community.

So I urge you to take option number 3 as the most sensible route and I think it's the most sensitive route as well as related to the community. So with that, if there's some clarification about what this consistency review will be about it will be helpful for my clients that are dealing with community plans. Thank you very much.

CHAIR MAYFIELD: Thank you, Mr. Sommer. I kind of have the same question Mr. Sommer has as far as community plans. Ms. Ellis-Green, if you care to respond, knowing that Legal may want to voice their opinion through legal means.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the SGMP does say that community plans are amendments to the SGMP. However, it also states that we should be doing a consistency review and Chapter 9 of the SLDC also states that communities are encouraged to revise their community plans to become consistent with the SGMP. And it goes on to state that the ordinance shall remain in effect until such time as new community plans are adopted in accordance with Chapter 2 and the corresponding OCD, overlay district, is established.

So what we would want to do is to make sure that we do have consistency. It wouldn't be a whole new plan review; it would be a consistency review and the planning area that Karl talked about was Tesuque. They actually did a more recent community plan and so did Galisteo's was approved after the SGMP as well. So those two I wouldn't estimate that we would need to do that much of a consistency review. But for example, some of the early plans that were done in 2000, 14 years ago, we would want to go back and make sure that there is a consistency review.

CHAIR MAYFIELD: Thank you. Commissioners? Sir.

JAMES ALLEY: Mr. Chair, Commissioners, my name is James Alley. I've lived down on the Old Santa Fe Trail for 49 years in the same house and I consider it paradise. I think I've written a letter to Penny and to Commissioner Holian to the effect that we like your zoning map. You did a nice job on the zoning map. Our concerns are first of all, are you going to enforce it and are you going to let it be picked to death depending on what are in the code provisions, and that shows the interrelationship between the map and the code.

We would like to have the map be much more difficult to amend because I've started back in the late sixties trying to get five-acre zoning for our area to preserve that entrance to Santa Fe, at least on the east side of the Old Santa Fe Trail all the way out to Cañada, and your zoning has done that to the extent it can except for intervening subdivisions that have come along.

But the need is preserving what hasn't been subdivided to death as at least five-acre, or even in certain plats, ten-acre zoning per residence. And I have to support what was said by the prior speaker, Karl Sommer and I agree with Commissioner Anaya that this all has to come together and you've got to get everybody zoned. But the input has got to mesh the map and the code. That's just my message.

And we don't want the code to just make mincemeat out of the map, which you can do in two ways. One, make it very easy to get variances, and two, just by not enforcing it. We've had a hard time getting the County to enforce the current zoning against the Amma people towards Cañada de los Alamos. They're trying to do community development and they haven't complied at all with the code. And you have to enforce it two. That's the other thing I would add to it. Thank you very much for your time.

CHAIR MAYFIELD: Thank you, sir. Mr. Mee.

WILLIAM MEE: Mr. Chair, Commissioners, William Mee, Agua Fria Village. For years the United Communities of Santa Fe County has been working with Santa Fe County to create and improve the code. We represent over 26 communities and other organizations and we've worked really closely with you and staff with many positive results and we really do appreciate that. This has been a really good process and if we can continue it with this valuable public discussion I think it will turn out really well. But for the purposes of today's meeting, we support the third option, basically the delay of a zoning map, for the following reasons.

We wish to bring to your attention a fundamental issue that will substantially limit your ability to regulate land use planning in Santa Fe County if the zoning map is passed as it. The code assumes that a property-specific plan is in place prior to any zoning change. This is to balance the extensive flexibility allowed to developers by the new code. Once the zoning is changed it allows the developer to quickly proceed. The only time the Commission or the community has significant control or input is prior to the zoning change. Therefore we've got to get the zoning right.

The proposed zoning map upgrades a number of parcels, thousands of acres of agricultural lands are created from their current use to commercial or industrial uses. It is not clear why these changes were made. There was virtually no community involvement and a number of communities disagree with these proposed zoning changes, and I think

we're hearing some more of that today. If you pass the zoning map you effectively lose the decision-making authority in these areas. You will not be able to create the sustainable communities that you envision.

United Communities supports developer flexibility but only when community-reviewed plans precede the change in zoning. The code currently contains a contradiction where the community plans and district plans do not match the zoning map. This will theoretically be changed with overlay districts but until those are created and passed as ordinances it could create a great deal of problems and confusion. The code provides an extensive notification mechanism for communities using community and registered organizations. This balances the flexibility provided to developers. The mechanism for notification is not currently in place so it really precludes residents from being able to respond to proposed development that could severely impact them. United Communities asks that these mechanisms be in place before the code is passed.

Thank you for your time and it's been a heck of an effort. I know starting back in 1980, I think it was 86 and 96 and 99, and this particular effort, we're going on six years. Thank you. *[Exhibit 1]*

PHILLIP BACA: Mr. Chair, my name is Phillip Baca. I live at 6209 Acacia Street, Albuquerque, New Mexico. I have some land here west of Santa Fe. I've got some problems I want to bring to your attention and I would hope that the Commission and that staff would include some ideas in the area of historical things that occur within the county and that I don't think have been recognized sufficiently by your planning people. I'm talking basically the Cochiti Trail and the Jacona Trail which are just west of Santa Fe.

Last year the National Park Service along with your staff came in with a recommendation recognizing the Jacona Trail and they have asked me to support the designation of this historical trail. I met with staff from the National Park Service and your staff and lo and behold I had to tell them in no way I could back up their proposal to the Commission because the Jacona Trail was misplaced by approximately a mile and a half. And we did a lot of research. We know exactly where the Jacona Trail is at.

The final decision was to come to the Commission and delete that portion that went through our property and the Commission adopted the recognition of the Jacona Trail from just north of the city dump on towards the Eight Northern Pueblos. The Jacona Trail was brought out to the County staff in 1995 as existing where the dump is going to go. Our comments on it when the dump land was condemned from our family for the new dump went unheard of. We asked that it be recognized. On the dump property right now there is a pond where probably Oñate might have gotten water for his animals, etc. when they were going up to declare the first capital in New Mexico just up north of Española. That part of the Jacona Trail has been completely destroyed by the City and County by digging up buried trash.

The second problem we've had – those were the reasons why we declined to participate in the old trails system, they're misplacing it a mile to the east and then number two, by the City and County, having been advised about it in 1995 and the condemnation proceedings for the land for the dump, and then just forgetting about it. Last year when this came up I met with some of your staff. They were very graceful. Some of them have been terrific; others have not, with us. And I told the staff at that time

you ought to take immediate action before the Commission to protect that pond. It's a natural pond that is now on dump property, but it's not even fenced. Nobody cares about. Dozers went through there and destroyed a natural area where water gathers that has been used for hundreds and hundreds of years.

The Jacona Trail was used by Native Americans. It connects the Eight Northern Pueblos to the rest of the pueblos to the south. The Cochiti Trail is the next one I'm going to talk about. It comes from Cochiti Pueblo and went to Santa Fe and now the Pueblo Quemado which is by Agua Fria Village. It's an abandoned pueblo, and then on to the Pecos Monument. Again, about two years ago the County staff, unbeknownst to the Commission, decided they were going to create a new road. We call it the Jim Lujan Road. The Commission was never aware of it. They created the road, bought the right-of-way for it, platted it, and now they call it the Old Cochiti Trail.

We've come back to staff. The only staff that would listen to us was your former Utility Director, Mr. Patricio Guerrerortiz and they did put the waterline along the Cochiti Trail in that area when they brought the waterline to the Cultural Affairs property which is right on Caja del Rio. But the road that was created – in our family we call it the Jim Lujan Road was later brought to the Commission for rubberstamping approval. And not only has a sign on it but they call the Old Cochiti Trail. It's approximately 75 yards from the original Cochiti Trail.

The Cochiti Trail goes I guess hundreds of years before the Europeans came to this country. It was surveyed in 1915, 99 years ago. It borders our property. Properties that we have in that area, the deeds read, on two of our properties, bordered on the south by the Santa Fe River and on the north by the road from Santa Fe to Cochiti Pueblo. Now, the sign for Cochiti Pueblo is about 75 yards from there on a road that's created by Jim Lujan for some of his friends up in Española, and the County Commission later rubberstamped that road and it's in existence.

Nothing has changed. Our attorney wrote a letter to your staff in 2011 outlining the problem and nothing has happened. As you go out there today on Caja del Rio towards the dump or towards the golf course you see a sign that says Old Cochiti Trail. It's about 75 yards from the place Cochiti Trail was at. When the Cultural Affairs property was going to build a building a few years ago they were going to build it right over the trail. We brought it to their attention, of all the people we would have to bring to their attention people that are in historical things, the Cultural Affairs property. They moved their building and now it's just north of the Cochiti Trail.

Last summer the County Commission spent all kinds of money to resurface the Caja del Rio Road from 599 all the way to Las Campanas and on over to the dump. I brought it to their attention at the time, to your staff. I says – I first brought it to the attention back in the late 90s. The BLM wrote a letter to the governing bodies indicating that there was some historical roads in that area, both historical by nature, the trails, the Jacona Trail and the Cochiti Trail, and some other roads in that area called 932 roads, which were created by the Congress under the Homestead Act in the 1800s, and there are several roads in that area.

The City of Santa Fe, a letter was written by BLM at our urging in 1999, went ahead and surveyed the Cochiti Trail and a 60-foot right-of-way east of Caja del Rio. Last summer when they were redoing this I met with the staff out there and I says the Cochiti

Trail goes west of Caja del Rio. We have a gate there that originally was fenced over. We had to go in there and take the fence down so eventually the County put a gate there. But to the east side they paved up to our gate and recognized the Cochiti Trail. To the west side they went and paved where the new Jim Lujan Road was at, they put these asphalt and everything, basecourse, going towards the Cultural Affairs property. The Cochiti Trail, they didn't even touch it. We can hardly get in through it and that road has been serving the Baca Delgado family since 1917. My family's been ranching in that area. Originally the family was ranching in the La Cienega area. My father was born at Rancho de las Golondrinas and we have been ranching in this area by the Caja del Rio since 1917, the Baca Delgado family started and we've enlarged and our ranching operations were almost decimated when the County decided and the City decided to put the dump out there. And then they took some of the land away from us and traded it on a sweetheart deal to a former governor, now by the golf course.

CHAIR MAYFIELD: Mr. Baca, I'm going to ask that you stay directly as comments to the code.

MR. BACA: I'm getting to that.

CHAIR MAYFIELD: Well, you've been up for ten minutes, so I'm going to go to Mr. Siebert now in the back and then if you care to, sir, we'll let you continue with your comments.

MR. BACA: What I'd like to do is for you to take these historical things into consideration and consider it in your map.

CHAIR MAYFIELD: Yes, sir. Thank you. And you can still speak at the end, Mr. Baca. Thank you.

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe. And three points I guess today. One is I didn't see any handouts to the public. Are they available? Typically there's the table in the back and there's handouts. I didn't see that today. With regard to the timing of the adoption of the SLDC and the zoning map, I'd certainly recommend the third alternative and for somebody who's been in the field for 40 years my recommendation to you, the reason for that is if you adopt it and then you come back piecemeal what will happen will be, either two things will happen. The public will have to spend a great deal of time trying to track these ordinances and resolutions that will take place after the adoption of the SLDC and the map, or they will just simply be adopted with relatively little public input.

The other issue is actually on the fee schedule and I guess this is an issue that I have personally and it has to do with the business registration and perhaps your recent adoption of the economic development plan for the county. The business registration has been reduced to \$225 from \$250, but it's still my understanding that you would have a development permit you'd have to obtain, which is \$200. This is all based on current procedures. And if you're a low fire hazard you would have a fire permit fee and a fire inspection fee of \$50. The low hazard is the lowest so I'm picking the lowest of those.

So the total fee for a business registration license would be \$475. Now, that may not seem much to you but to the small business owner it is a big deal and it's something that can deter somebody from going into business, a business that can eventually grow over time and be a real advantage to Santa Fe County and Santa Fe County's economy.

So I would hope that you might reconsider that. If you take a look at what the City

does, the City charges a flat fee of \$25 for a business registration license. So kind of take that into consideration when you're reviewing that. Thank you very much.

ROSS LOCKRIDGE: My name is Ross Lockridge, P.O. Box 22, Cerrillos. I'm very much in favor of option 3. I live out the Turquoise Trail National Scenic Byway and I feel that more planning needs to be done concerning mixed-use areas that the byway passes through. Again, I think that some more careful review that includes, for example, significant buffer zones are needed. Option 3 would provide the time for review that is needed.

To sort of bring this home, I've take a photograph just the other day from the proposed industrial zone along the byway, and I'll give this to Penny to pass around to you all. [Exhibit 2] Thank you.

CHAIR MAYFIELD: Thank you, Mr. Lockridge. Ms. Trujillo.

MARTHA TRUJILLO: Good morning, Mr. Chair, Commissioners. My name is Martha Trujillo. I live in the Pojoaque-Nambe area. I've lived there all my life. And I want to say thank you very much for the public meetings that you've allowed us to have. It was a great way for us to be educated as a community. I'm in favor of option #3. I believe that if the communities are able to look at their community planning together and perhaps also educate the County – I say that respectfully – in what their needs are and what their way of life is, and how culturally, historically, traditionally, what their way of life is.

I think bringing that, working with the County would really make a win-win situation for both parties. I say this based on my upbringing. I was fortunate enough to live on five acres of property that my father and my mother invested their life in. And when they passed on we were always occupants of the property. And I feel a due diligence to kind of keep that legacy going for my parents. They taught me that the land is what connected us. Seeing the water is life. I've been able to see the mountains and to enjoy what is all around us. I'm sorry. I get very emotional about this because this is my life.

My husband and I have been afforded to – we've traveled a large part of this world and I tell you, there is no place like New Mexico. The air that we breathe. Because we are not living on top of each other. The fact that we can still call our neighbors neighbors and we know who they are. This is who we are. This is New Mexico. And I would just encourage you to keep New Mexico New Mexico and not try to make it anything that someone else might envision that it should be. This is where we live; this is why we live here and I'd just encourage that rural areas are able to remain rural areas and community input is encouraged. Thank you.

CHAIR MAYFIELD: Gracias, vecina.

HILARY WELLS: Hello, Mr. Chair, Commissioners. I'm Hilary Wells with JenkinsGavin. We have two clients who have concerns about their zoning with this map so to speak to the issue that came up earlier about split zoning on a single parcel and even within a subdivision, it seems that a subdivision should have cohesive zoning for everyone that's in that subdivision and also a single parcel that is split even if it's not a very large parcel – one of them is about 20 acres and one's about 16 acres. And so these parcels are in the Truchas y Zorro Subdivision. They're in the Tesuque Village zone, and they're being treated differently than other parcels around them, being changed from

residential. There are parcels right around them that re residential community, which is one dwelling – rural residential is one dwelling unit per ten acres rather than one dwelling unit per one acre. So these parcels are being split between two very different zonings and this is not necessarily fair for the homeowners. So I think there is more consideration that needs to be done on this map and so I just wanted to give that input. Thank you very much.

CHAIR MAYFIELD: Thank you very much. Is there anybody else out from the public who wishes to provide comment at this time? Seeing none, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I appreciate the input that's been provided. A couple general statements then I'm going to make a motion. My general statements are this. As I sit on this bench as a Commissioner and a resident of this community my whole life, having gone to school here at Santa Fe High School and the public education system here, I see two areas where middle class individuals can still buy a home. The west side of Santa Fe and the Tierra Contenta area where Commissioner Chavez and many others in the community work to provide those housing opportunities, and to a certain extent the Community College District. I think there's other potential opportunities there in that area.

But one of the things that the growth management plan grappled with time and time again was having areas that had appropriate utilities and infrastructure and services, areas like, frankly, Highway 14 and moving down that first part of the corridor of Highway 14. Also, the area in and around Tierra Contenta. There is some development occurring there that I'm thankful for because frankly all the people that used to live here in Santa Fe – not all of them, but I would say most of them that I grew up with don't live here anymore.

Santa Fe County and that periphery for new construction has become a place they can't afford so they leave. And I think as we progress through the decision making process and the culmination of this plan I'm hopeful that there's going to be opportunities for all income ranges, not just the higher end housing stock. And if you just take a look at Santa Fe and you look at what's happening around here – I hear it all the time. We don't want it in our backyard and it's sad. It's really sad, because there has to be an opportunity for all ranges of income to live somewhere. And I'm hopeful that we can create a plan that creates opportunities throughout the county.

So with that said I'd move for approval of option 3 without a date certain.

COMMISSIONER HOLIAN: I second that.

CHAIR MAYFIELD: A motion and a second.

COMMISSIONER HOLIAN: And Mr. Chair, I have a comment I would like to make when we have discussion.

CHAIR MAYFIELD: Sure. We're on that point right now. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I have to say that I, as much as anybody, wanted for the new Sustainable Land Development Code to be implemented as soon as possible but I think there are a couple of important points, a couple of things that happened recently to change my thinking. One was after the meetings at which we heard from the public about the zoning map we heard that it was

very important to the people of Santa Fe County, number one that the community plans be part of the zoning map. And the second thing is I really felt like the people were asking that the development of countywide impact part of the code also would be implemented.

I also want to say that I am very much in support of having this happen in a timely fashion and I'm supportive of putting resources towards hiring whatever kind of help that we need in order to make sure that this happens in a timely fashion. I think it's really vital for the code when it is fully implemented that it be consistent, that it be internally consistent and also that it be consistent with the zoning map as it exists. This is important for the credibility of the code going forward into the future and it's important for the credibility of the County government, just to be honest about that.

Also, I think that it's very important if it's consistent because then that really reduces confusion on the parts of people who are trying to deal with the code. And I think that it's less likely, if the code is consistent, that we up here on the Board will make a decision that is inconsistent with what we want the new code to achieve. So I think it's also really important to point out that with this code that this is just not your ordinary rewrite of a land development code that happens in local governments all over the place all the time. But this is a revolutionary step forward for our county and it's really important that we do this right.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair. I'm going to support option 3 even though I was in a similar timeframe of mind thought as Commissioner Holian maybe week or two ago, and I was feeling that way because I thought that there had been ample time in the public input provided and staff had done most of the work that needed to be done. But a couple of things changed my mind. One was the concept that we would allow more time for the community plans to be either revisited or refined and incorporated into the land use code and the map. That said to me that it would provide yet another opportunity or it would continue the public input process but from a bottom-up perspective, not so much from top down.

I did not attend the last three or four series of public hearings but based on what I heard and the minutes that I read it seemed to me that it was counterproductive. We really were not moving forward in a very positive way. And so the other reason was we also got lot of concern or questions about the permitting and our dependence and reliance on technology and cell phone towers so we'll have some time to discuss that as well.

I will say though that I'm not opposed to mixed use, I'm not opposed to density. As Commissioner Anaya pointed out, we have different scales of economy that we have to accommodate. And I don't say this in disrespect, I don't know too many people, and they've earned it, have the luxury of living on an acre or two acres or five acres or 20 acres or 50 acres or 100 acres. I just don't – I'm not in that circle of people. It's fine that those that are in that group, they've earned it. They deserve that. That's their quality of life. They've gotten used to that. But we have to be more accommodating and the only way we're going to do that is to set aside some growth areas that we can really plan for. Because if we don't plan for the growth, you know what? The density is going to increase anyway and it's going to be haphazard. It's happening already.

We have a lot of after-the-fact permits that we've discussed here on the dais.



These are variances for after-the-fact permits – projects, second homes. Homes, period, are built almost without permits. It can't be happening anymore. So there needs to be more oversight and regulation on that.

So those are just some of the reasons why I would be willing to support option 3. I do think though that there needs to be some timeframe put on it because this cannot go on for another five years and I think the community plans, the code and the land use plan are all working documents that are going to have to be reviewed every minimum of ten years. Right, Penny?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, starting after about five years, yes, you'd want to adopt it within ten years.

COMMISSIONER CHAVEZ: So let's keep that in mind. Not all of us might be engaged at that point but it's a working document. In a year or two years, if we adopt the code and the land use plan and we think it's perfect, it's not going to be perfect and it's going to have to be reviewed in another five or ten years. So I think it's just part of the maintenance that a local government is required to do. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner. I just want to thank staff. Staff, you've put a lot of work and effort into this and I believe you're going to put some continued work and effort into this and I really thank you for that. I also want to thank our communities. You were loud and clear and I appreciate that. I appreciate this Commission entertaining going out to our communities and listening to our communities. From day one communities have come up with concerns that their community plans were not being incorporated into this plan and how they were going to. So it's nothing that is new to any of us.

Also I believe that our communities are definitely different throughout – the east side, the west side, the north side, the central side and the south side. And would hope that other communities within other areas would take into account and respect other communities of what's important to them. I don't believe this code is a one size fits all by any means for Santa Fe County. And I think that Santa Fe County would regress if we hastily passed this zoning map today. I would respectfully challenge everybody to read this code page for page. It's important and again I might get into trouble for making this statement but I challenge all my colleagues up here. Not that they haven't already done that, to read this page for page. That's how we have insided a lot of public comment by bringing up certain issues. And I think it's very important for our community to listen. I just want to thank everybody again for their participation.

Before I do close and ask for a vote I just want to bring up one thing that was stated today and it's been stated time and time again. As we go forward, enforcement, how you want to look at enforcement. Santa Fe County is set up, basically, to be a complaint system, or a tattletale system on your neighbor, if that's good or bad, how you want to perceive that. Maybe something that we need to look at is going zone by zone and looking comprehensively about any type of violation of a code, because right now, I think with our staffing that we have – again, if it's good or bad, but if we're going to follow the rules we need to follow the rules.

But typically – Penny, I'm going to put you on the spot, because I think it was brought up today. How many citations do we have in district court? And I want people to understand that, that if there is a violation of our code, and correct me if I'm wrong,

Penny, typically they get filed into either magistrate court or then they could go to district court. Correct? They don't come back to this Commission.

MS. ELLIS-GREEN: Mr. Chair, that's correct, unless they make application, for example, if they're running a business without a license and they need rezoning then they'll come in front of the Commission. Every month I give some stats in my monthly update and you can see from that how well our code enforcement officers try to work with someone with a violation. Because the majority of the violations are actually cleared up before we have to file in court.

CHAIR MAYFIELD: Thank you. And my point on that is whatever zoning map the County adopts when it adopts it, I think you have to look at the enforcement side of it, Penny and Ms. Miller. I'll be long gone by then, but I really think that you either staff appropriately or you don't. Otherwise, is this code, this zoning map worth the paper it's written on? That's just what I'll close. And I just want to thank you all for your public participation. Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I appreciate all the comments of yourself and my colleagues on the bench. The other thing I would just go back to before we do the vote is that Santa Fe County in its land use and its land use administration, if you stack it up against the 33 counties in the state of New Mexico, we're still in the top tier in how we do our code, how we enforce it and how we roll it out. And so as we progress through this evaluation and this process I want the public and everybody to keep that in mind. We're not behind the times. We've been in front of the times. And so I say that confidently and I say that knowing that as we progress that we're going to advance a good, solid document when it's approved.

The other thing I would say is there's many other variables. We as Commissioners, and I know the Manager is probably sitting there saying, well, there's a lot more we're doing in Santa Fe County than just land use and land use administration. Roads and fire and many other variables. So in the interests of completing it – I want to complete it but I don't want to overstep expenditures where we're starting to contradict or hurt other areas of the county. So I know that we'll be able to achieve it but I'm not overly ambitious that we have to do it overnight. Let's do it right but let's not impact other areas of the county as we go through the process, getting back to the fact that we're not seeing a glut of applications in for land use development anyway. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, Mr. Chair, I really appreciated Mr. Baca's historical and cultural overview and I know he could have probably gone on for a little bit longer. I didn't have many favorite subjects in school but history was one of my favorite subjects. And so to staff, could we, in this new map, be sure that we incorporated that cultural and historic significance and maybe correct anything that needs to be corrected as we move forward because I think if we lose oversight of that we're going to lose a lot. So I just wanted to go back to that for a minute, Mr. Baca, and I did appreciate your comments, even though we make a few wrong steps and maybe could have done things different in siting the landfill and the dump, maybe we don't have to lose everything. So I hope that you can still work with staff to incorporate that information and have it accurate.

CHAIR MAYFIELD: Thank you. With that, Commissioners, we have a motion and a second in front of us to adopt option 3.

**The motion passed by unanimous [5-0] voice vote.**

CHAIR MAYFIELD: Thank you and thank you all for being here. We have a 2:00 meeting if anybody is interested in going to lunch and coming back. Thank you.

**VIII. CONCLUDING BUSINESS**

- A. Announcements**
- B. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Mayfield declared this meeting adjourned at 12:45 p.m.

Approved by:

  
Board of County Commissioners  
Daniel W. Mayfield, Chair


ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

11-25-2014

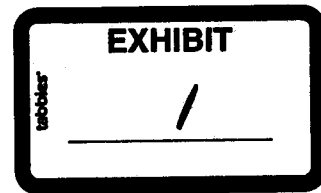


Respectfully submitted:

  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501



2014 OCT 14 PM 12:45



United Communities of Santa Fe County  
2073 Camino Samuel Montoya  
Santa Fe, N.M. 87507

Honorable County Commissioners:

October 14, 2014

SUMMARY OF CONCERNS

For years the United Communities of Santa Fe County (UCSFC) has been working with Santa Fe County to create and improve the SLDC. We represent over 26 communities, and have worked closely with you and staff, with many positive results, and we appreciate it. For the purposes of today's meeting, we support the third option, for the following reasons:

- We wish to bring to your attention a fundamental issue that will substantially limit your ability to regulate land use planning in Santa Fe County if the zoning map is passed as is.
  - The Code assumes that a property-specific plan is in place prior to any zoning change, but this is not the case.
  
- The following are critical areas of concern:
  - Unjustified Upzoning - the Commission loses control
  - Affirmation of Community / District Plans
  - Community Involvement - throughout the process

2014 OCT 14 PM 3:00 FAX 505 988 3000



United Communities of Santa Fe County  
2073 Camino Samuel Montoya  
Santa Fe, N.M. 87507

Honorable County Commissioners:

October 14, 2014

For years the United Communities of Santa Fe County (UCSFC) has been working with Santa Fe County to create and improve the Sustainable Land Development Code (SLDC). As you know, we represent over 26 communities and various other organizations. We have worked closely with you and staff, with many positive results over this time, and we appreciate it. For the purposes of today's meeting, we support the third option, for the following reasons:

We wish to bring to your attention a fundamental issue that will substantially limit your ability to regulate land use planning in Santa Fe County if the Zoning Map is passed as is. The Code assumes that a property-specific plan is in place prior to any zoning change. This is to balance the extensive flexibility allowed to developers by the Code. Once zoning changes, it allows the developer to quickly proceed. The only time the Commission or community has significant control or input, is prior to the zoning change; therefore, we've got to get the zoning right.

**Unjustified Upzoning - The Commission loses control**

The proposed zoning map upgrades a number of parcels. Thousands of acres of agricultural lands are changed from their current use, to commercial or industrial uses; it is not clear why these changes were made. There was virtually no community involvement and a number of communities disagree with these proposed zoning changes.

If you pass the zoning map, you lose the decision making authority in these areas. You will not be able to create the sustainable communities you envision.

UCSFC supports developer flexibility, but only when a community-reviewed plan precedes the change in zoning.

**Affirmation of Community / District Plans**

The Code currently contains a contradiction where the zoning in community plans and district plans does not match the zoning map. This will theoretically be changed with the overlay districts, but until those are created and passed as ordinances, it could create a great deal of problems and confusion. A number of communities feel that the proposed zoning map does not match their community / district plans.

We ask that the Code be clarified so that community / district plans clearly have precedence over the zoning map.

There are certain changes with the Code that can be modified with a simple vote. However, if you pass the zoning map, it is irreversible. Once a property is upzoned, an owner can legally claim that a downzone violates their property rights; the change is irreversible.

**Planned Community Involvement**

The Code provides an extensive notification mechanism for communities, using community and registered organizations - this balances the flexibility provided to developers. The mechanism for notification is not currently in place, so it precludes residents from being able to respond to proposed development that could severely impact them. UCSFC asks that these mechanisms be in place before the Code is passed.

We believe in the goals of providing developers flexibility, but only with proper planning. With planning we can create great sustainable communities. Without planning, we risk continued piecemeal, haphazard development that the County will ultimately have to provide services for. Therefore, we support the third option.

Please note that we have limited our concerns mostly to the zoning map, as that is the most immediately pressing issue. We have a number of structural and legal concerns with the Code itself, and this is another reason why we support Option 3. Great progress has been made, but, as was expressed so well by a member of the Commission at the Rodeo Grounds: "*we need to get it right.*" To which we would add: "that will take more time."

Thank you for taking the time to listen to our concerns.

Sincerely,



William H. Mee for the Steering Committee  
United Communities of Santa Fe County  
(505) 473-3160

2025 RELEASE UNDER E.O. 14176

UCSFC Steering Committee:

William H. Mee, Agua Fria Village, WilliamHenryMee@aol.com, 473-3160  
Frank Hirsch, Galisteo, EFHirsch@gmail.com, 466-0109  
Carl Dickens, La Cienega Valley, cedickens2@yahoo.com, 577-3708  
Paul White, Las Tres Villas/Chupadero, paulwhitesf@gmail.com, 988-1082  
Vicente Roybal, Pojoaque Valley, vicente.roybal@gmail.com, 455-7848, 501-4504  
Walt Wait, San Marcos District, WaltWait@q.com, 471-0645  
Ann Murray, Cerrillos, murlock@raintreecounty.com, 471-9182  
Toni Olson, (South) San Pedro, r.n.olson@att.net, 281-0751  
Karen Yank, Golden and Turquoise Trail, hamonyank@cybermesa.com, 281-0243

UCSFC Leadership Team:

Is the UCSFC Steering Committee

**Plus**

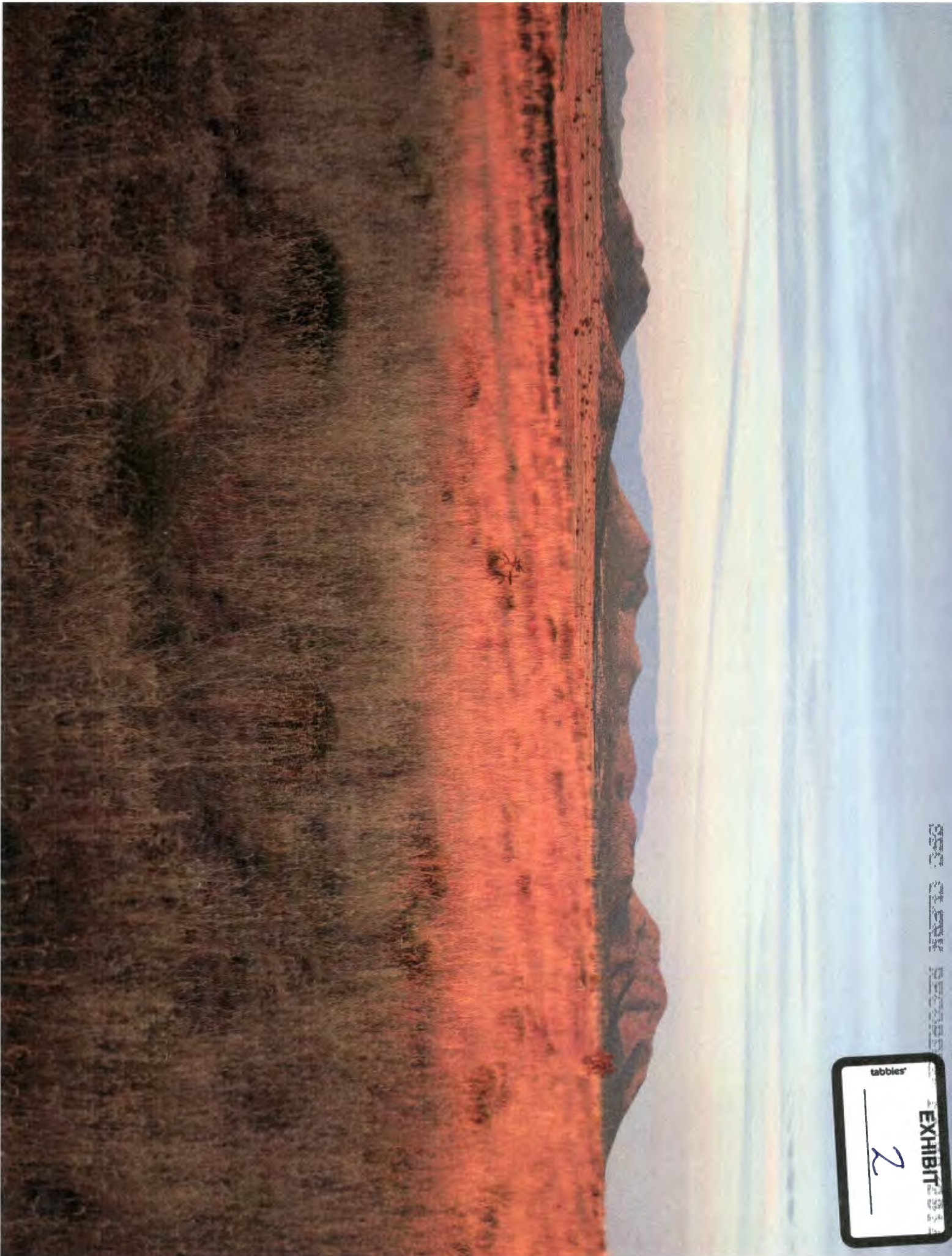
Roger Taylor, Water Committee Chairperson, Santa Fe Basin Water Association,  
clearskynm@gmail.com,  
Energy Committee Chairperson:  
David Bacon, San Marcos District, tocino8@cnsf.com,  
Sustainability Committee Chairperson:  
Eduardo Krasilovsky, El Dorado Energy Co-Op, tortuga@cnsf.com,  
County Review Committee Chairperson:  
Lynne Velasco, Nambe, lynnevelasconambe@gmail.com,  
Local Sustainable Food Committee Chairperson:  
Sue Barnum, Tesuque, spontasue@gmail.com

Leadership Team members-at-large:

Ellen Collins, Tano Road Association,  
Ross Lockridge, Cerrillos, murlock@raintreecounty.com,  
Bill Baker, San Pedro, bill.baker@prodigy.net,  
Cam Duncan, Tesuque, duncancam@comcast.net,  
Julie Glassmoyer, San Pedro, julieg2001@gmail.com,

*The UCSFC is comprised of representatives of many of the area's community groups, and is dedicated to the advancement of, and protection of the current residents of Santa Fe County.*

2008/07/21 10:00 AM



886 05294 886088 886088 886088

tabbles  
EXHIBIT 231  
2