

**MINUTES OF THE
CITY OF SANTA FE / SANTA FE COUNTY
REGIONAL PLANNING AUTHORITY**

**Tuesday, April 15, 2008
2:00 PM
Santa Fe, New Mexico**

The meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Rebecca Wurzburger at approximately 2:00 PM on the above-cited date in the County Commission Chambers in the County Administration Building.

ROLL CALL

County Commissioners Present:

Paul Campos
Jack Sullivan
Virginia Vigil

County Commissioner Excused:

Harry Montoya

City Councilors Present:

Rosemary Romero
Rebecca Wurzburger, Chair

City Councilors Excused:

Patti Bushee
Matthew Ortiz

Santa Fe RPA Staff:

Mary Helen Follingstad, Executive Director

Santa Fe County Staff Members:

Renee Villarael, Planner

City of Santa Fe Staff Members:

Frank Katz, Attorney

APPROVAL OF AGENDA

Commissioner Vigil moved to approve the agenda, seconded by Commissioner Campos and approved unanimously.

APPROVAL OF MINUTES FROM MARCH 27, 2008, REGULAR MEETING

Councilor Romero moved to approve the minutes of March 27, 2008, seconded by Commissioner Sullivan and approved unanimously.

REGIONAL PLANNING AUTHORITY BUSINESS

- **Modifications to the Regional Planning Authority (RPA) Joint Powers Agreement (JPA)**

Ms. Follingstad referred to her memorandum in the members' packet that outlined recent changes to the JPA. At the February meeting the RPA approved changes to the JPA, but following discussion at the March meeting regarding the role of the RPA, this new version is being presented. She reviewed the revised recitals that give a history of the development of the RPA and work it has done from 2000 to 2008. It acknowledges the mission of developing the Regional Future Land Use and Growth Management Plan (the Plan) that has been duly adopted by the RPA, the city and the county. Since that time, the RPA has worked on strategies related to implementing the Plan. Conversations held in 2006 and 2007 on the topic of annexation and zoning were held off because of litigation, which has now been resolved. The RPA has now

determined that many of the tasks originally set forth in its original agreement have been completed.

Ms. Follingstad went on to say that Recital I reflects a continued study of topics of joint regional interest and to recommend policy on these topics to the city and county governing bodies without regard to a specific boundary. Recital J includes matters discussed at the March 2008 meeting. Ms. Follingstad said that pueblo relations was added because tribes should be included when working without boundaries.

She explained that Section I. B. Purposes has been revised to uphold regional policies in the Plan and continue to influence implementation of the Plan through recommendations to the city and county. Without the EZA, county and city staffs will draft revisions to codes. Following Ms. Follingstad's review of the revised JPA, Chair Wurzbarger requested observations from the Authority.

Commissioner Campos asked if the proposed changes were reviewed with county staff. Chair Wurzbarger replied that review from city and county staffs will be necessary, but that the JPA was being presented today to be sure that it reflects the previous conversation held at the RPA March meeting.

Commissioner Campos referred to Recital J and said he was not sure what implementation of land use plan and map means. He did not feel the RPA would deal with annexation, which would be worked on directly between the city and the county. He did not think that the RPA would be a land use zoning body.

Regarding Section I. B. Purposes, Commissioner Campos said he felt that, if there is an annexation as has been discussed, the county will do planning and zoning on its side of the boundary, and the city will do planning and zoning on its side of the boundary. He asked if zoning recommendations will be made from the RPA concerning land that is to be annexed.

Ms. Follingstad replied that there are some areas the Plan may designate as growth areas that have no in depth plan developed by the county. There are growth priority areas in the Plan that overlap with two water systems and infrastructure in place with regard to transportation. There are other goals having to do with things such as character and affordable housing. She said that the Plan is the tool that will be used for areas to be zoned that are outlined on the map in the plan that are different from what is in the existing city plan and county plan. One area in particular is the rural protection zone concept that has been discussed. If the RPA wants to carry that forward, it will affect the annexation area. She said that the RPA can move away from the Plan and assume it will be utilized by the city and the county to develop the zoning according to it, or the RPA could pass a specific resolution making a recommendation that it be used as the basis.

Commissioner Campos expressed his concern that the county is now doing extensive planning and rewriting codes. It has divided the county into four areas and is looking at where to put growth areas. He said that many things are changing and he was not sure what the implementation of the Plan will remain in that context. He said there have been discussions that say the city should abide by the Plan within the area it annexes and the county should abide by the Plan outside of the city boundaries. He said that no decision has been made on that point.

Ms. Follingstad replied that the purpose of including this in the JPA was to allow that discussion.

Councilor Romero said she could understand Commissioner Campos' concern. Based on what was discussed at the March meeting, she said that everything in the proposed JPA of what the RPA could recommend policy for makes sense except for the zoning. The other discussion about annexation, utility extensions and pueblo relations were additions from staff. She felt it would make sense to clean up the first sentence about the intentions of the RPA and take zoning out.

Commissioner Vigil said she liked the language and it will trigger other issues that may need to come to a joint body that does not exist except for the RPA, which is the one entity where critical land use issues for both governing bodies can be discussed. Regarding zoning, she said that the annexation agreement does include a rural protection ordinance, and expressed her concern whether or not it would be classified as a zoning ordinance. If so, it is something that the RPA has agreed to and wants to move forward with. The rural protection is something she can represent to her constituents to ease their concerns about what annexation means. She said that most people look at annexation as losing things such as their wells and chickens, which is not the message they want to give.

Mr. Katz explained that the annexation agreement anticipates the establishment of an extraterritorial land use authority to do the delegation of the zoning, as described by Commissioner Campos, with the county and the city working within their own boundaries, rather than jointly. It also is the forum that will deal with the annexation issues. Petitions for annexation would first go to this extraterritorial land use commission and authority that would be made up of members from the city and the county. The RPA would be preserved for long range planning and broader scope of the issues.

Commissioner Vigil asked if a new body would be created.

Mr. Katz replied that a new body will be created that will be very limited. It would delegate zoning and land use issues and planning and platting issues. Its only function would be as the entity to hear annexation issues.

Commissioner Vigil said it would make more sense for zoning to be eliminated at the RPA because that other body would be created specifically for those purposes. She said she does not want to lose the opportunity for the city and the county to work on that jointly.

Commissioner Sullivan pointed out that the EZA is statutory. Unless they want to change the statutes, it would be easier to work through an agreement on how to function in the EZA.

He pointed out the inconsistency regarding how often the RPA would meet within Section I. B. 4. (page 3) and Section IV. B. Meetings (page 6).

Commissioner Sullivan pointed out that affordable housing was not addressed in Recital J.

He felt that, most importantly, there is no definition section and he felt the need to define regional, since everything in the JPA refers to regional. At the March RPA meeting the members talked about it not meaning a five-mile limit and not to say jurisdictionally what that means in terms of one component or another.

Regarding Commissioner Campos' question if the city wants to be involved in planning in the county, Commissioner Sullivan said if that is so, then the county would like to be involved in planning in the city, and he felt there was merit to that discussion. He posited a possible definition of regional might be county planning issues that impact or originate from municipalities within the county, exclusive of any jurisdictional boundaries. That would mean if the city initiates a program that obviously needs county impact, it would be good to first talk about it at the RPA. Likewise, if the county planned on a project at the end of a big city road that might have impact on city traffic, it should first be discussed at the RPA. That could be true of Española and Edgewood as well, who would probably then need representation on the body. He said it will be necessary to decide on a definition and that it is clearly understood that zoning is going to be specifically dealt with by each entity. Then the RPA can make recommendations on how the rural package works and that it is part of the agreement. Thinking of what the definition of regional means and getting buy-in from City Council and from the BCC is important. It needs to be defined at a level of cooperation where below that level is micromanaging and horning into the other entity's business, and above that level work is being done on a board that has relevance to what is going on immediately for actions taking place within a year or two.

Councilor Romero said she was in agreement with the perspective of defining and including the definition of what regional is. However, she wanted to be clear she understood that the RPA will do what is defined in Recital J, leaving it general in the sense that the city and county are not telling each other what to do, but working collaboratively to address the issue of annexation extensions, transportation to include roads, and to include affordable housing. She said these are immediate concerns to work on now. She reiterated that Recital J should include affordable housing and be exclusive of the zoning.

Commissioner Sullivan stated the definition of regional should be broad and include the definition of what the RPA would want to take on as an issue and what it does not. The RPA would then bring its recommendation to the city and to the county. There are issues that are thrown into the same bucket, such as affordable housing. He pointed out that both the city and the county are dealing with a lawsuit on affordable housing and any fallout that comes from that will affect both programs. Once the definition is clear, both councilors and commissioners will see what the RPA's intent is.

Commissioner Campos noted that the definition of regional planning has always meant city planning outside of the city. He hoped that this discussion will change that, so the RPA will work on matters of mutual interests for an integrated community.

Ms. Wurzbarger agreed that the concept of looking at the interrelationship of issues in a way not done before, such as energy and water availability and how much it costs to produce it, is important and should be happening at the RPA.

Councilor Romero referred to Section I.B.3. (page 3) and suggested that the projects should also be included in both the city and the county ICIP plans, particularly for joint legislative dollars.

Chair Wurzbarger suggested that a discussion regarding how often the RPA would meet be held at the May 2008 meeting.

Commissioner Campos said that the RPA should meet regularly in order to have an organization that functions and keeps its direction.

Councilor Romero requested that Ms. Follingstad check on the terminology of ICIP.

- **RPA Recommendations on Zoning Districts per the RPA JPA**

Ms. Follingstad said she did not prepare a memorandum regarding zoning, because she knew the draft JPA included specific language on zoning. .

Commissioner Vigil suggested that the RPA have input to the ordinance and that it be allowed to review once it is drafted.

Chair Wurzburger said she had understood that any zoning discussion was being moved with the exception of how the rural protection issue might come forward.

Commissioner Sullivan pointed out the exception that one of the RPA's objectives is to implement the RPA Plan, which has a variety of zoning recommendations in it that are pertinent to what will become the city, because they were part of the county at the time they were made. He felt the RPA will become involved in zoning recommendations and interpretations because the zoning was proposed in the RPA Plan approved by the city. He suggested that the city and county will agree that the RPA will be the venue for that. All along, it has been said that the RPA is not going to be a jurisdictional obstacle to zoning or planning or any of the procedures. But he felt there will be some land use issues that will bring up conflicts with the RPA Plan. It is a broad plan and is bound to be massaged as time goes on. When that occurs, the RPA might want to be back in the mix to talk about its plan. Other than that, the RPA would still be involved in the rural protection zone.

Ms. Follingstad explained that the item is on the agenda because it was requested during the March meeting. She said it is not on the agenda to take action on in the sense of something like a resolution. The purpose is to generate thinking on whether or not the RPA wants to have a say in the zoning districts that get created in the area that is planned. She suggested that zoning might be included in the JPA as a low priority and as a topic the RPA could discuss from time to time, recognizing there will be other things more germane to the direction of the RPA.

Chair Wurzburger suggested that the topic be put aside. She added that the line is in the sand: the county will zone in county and the city will zone in the city. When there are annexation issues, they will come to the RPA.

Commissioner Sullivan suggested the inclusion could read "mutually agreed upon zoning issues." Mr. Katz concurred.

- **Continued Review of Rural Protection Zone Concept**

Chair Wurzburger explained this was not addressed at the March meeting because it was important to have Commissioner Vigil as part of the discussion.

Commissioner Vigil stated she is looking towards building a solid ordinance and her concern is to protect the constituents who are involved. She added that density is an issue and she would like to see how the agreement will be framed.

Ms. Follingstad said that she will consult with Ms. Jeannie Price on this material. The annexation agreement makes it clear there are two areas involved, area #12, which is off Rodeo Road, and area #1, which extends from the city's boundary on either end of West Alameda, north of Agua Fría village up to NM 599, where CR 62 comes in. This area is filled in with rural residential development. Area #2 appears to be undeveloped because it is owned by the State Land Office and includes archeological sites.

Councilor Romero asked if it would be premature to suggest that a subcommittee of those RPA members that are on the Public Works Committee, which includes land use, work with Ms. Follingstad and Ms. Price to develop a resolution that could be presented to the Council.

Mr. Katz suggested that an ordinance be developed for the city and put in place before the annexation, so that the areas come in at that zoning.

Commissioner Vigil agreed and said she would like to see an ordinance in place before the first phase occurs.

Commissioner Sullivan noted that the issue of family transfers is not mentioned. Many of the residents in the Airport / Jemez Roads area will be concerned because they think they will not get their family transfers and that is how they want to carve up and sell the land. He said that the county sees the sale and resale of family transfer land every day and cannot control it. As soon as it is split, it is immediately sold. He wondered how the city will deal with family transfers. Statutorily, there are certain mandates that permit family transfers and this is something needed to be addressed in the rural protection zone, and it is the single biggest loophole in land use planning in the county.

Commissioner Sullivan brought up the issue of buffers because a consequence of eliminating the EZA is that the Highway Corridor District (HCD) will be lost. The plan has never been adopted by the county or by the city and has only been adopted as an ordinance by the EZA. The county has been dealing with the HCD and developers have said they are complying with it, even though it is only a plan, not an ordinance. Most of the HCD is in the EZA, with only a small part at each end in the county, and much of it will be in the city through annexation. The city will need to decide whether to adopt the HCD, change it, or whether the RPA needs to be involved in modifications of it. The plan took years to generate and no one wants to redo it because it was a monumental effort.

Councilor Romero said she is publicly committed to looking at family transfers and agreed it is a huge problem that has to be dealt with and looked at carefully. The Airport Road / Agua Fría area is prime for continued family lot splits that add to environmental degradation, the roads are not up to code and people squeeze onto a road that makes no sense. She added that, particularly, the annexation will create more problems.

Chair Wurzbarger received consensus that the RPA will ask for a review process from the city on the ordinance and request to see a draft.

Commissioner Vigil stated a major concern of hers is for the Agua Fría Historical Village and what will be done with it. She has been in communication with many of the villagers with regard to those who want to still be a part of the traditional village because the county has the authority to expand the boundaries. This will be a difficult balancing feat, because there are

residents who want to be a part of the city who do not meet the annexation guidelines and are not contiguous. There are residents who want to go back to the traditional historic boundary and are upset with the county because at some point in time the county reduced those boundaries. She noted this is part of the reason why that particular area will be one of the last to be annexed. She said that the county's land use staff can try to give the village a sense of concrete expectations for what their future and boundaries will be. She added that, from her perspective, the rural protection ordinance was created to design at some level a buffer for Agua Fría and the other traditional villages, which are not affected immediately by annexation, but could be in the future.

Mr. Katz said that he just met with Galen Buhler, Jack Hiatt, Kathy McCormick and Reed Liming to discuss the annexation agreement. It has been made clear that area will be the last one to be annexed because the county wants to do all it can there before annexation.

Commissioner Vigil brought up another issue that needs discussion for which there has not been a resolution, water and water lines that the city has in the Village boundary. There is no way to deliver water for emergency purposes. Residents have been paying gas hookup fees that have increased, and they are not utilizing those hookups. She noted that the Village has a new president and they will be looking at an infrastructure CIP plan for the next five years. Another problem there has been roads. She said a lot of planning is going on and she wanted to make sure everyone keeps communicating to know what is being done so that the community will be aware of their future expectations.

Commissioner Campos asked if the annexation around it would eliminate the possibility of further expansion of the traditional community's boundaries.

Mr. Katz replied that he was not 100% certain what the authority of the city would be to de-annex. He felt it would have that authority and be legally possible, although it would be problematic would be best to have that happen before annexation.

Chair Wurzburger requested that Ms. Follingstad prepare a memorandum addressed to the city making it clear that the number one priority is for the planning and land use staff to work on the ordinance.

MATTERS FROM THE STAFF

Ms. Follingstad clarified the following items that should be included on the May agenda for further discussion:

- The revised JPA as an action item to include
 - A definition section of what regional means using language specifying integrated joint concerns.
 - Affordable housing will be added.
 - Zoning will be addressed as “mutually agreed upon zoning issues such as rural protection.”
- A draft ordinance.
- The meeting schedule will be revisited.

She said that she will develop a list of prioritized conversation topics. She said she would like to outline that list with where the Plan starts, which can be accepted or rejected as a place and point

of beginning. The list is very broad and in order to have meaningful conversations, speakers may be brought in and perhaps a white paper or two will be developed.

Chair Wurzburger agreed that Ms. Follingstad will give the Authority ideas and the members will be thinking about priorities.

Until the list of priorities is established, Ms. Follingstad said she would not bring back the work plan because it defines the timeframe.

Ms. Follingstad stated that Councilor Bushee had expressed her preference to have the RPA meetings start at 4 PM instead of 2 PM.

Following some discussion led by Chair Wurzburger about time preferences, it was decided that the next RPA regular meeting will be on May 20, 2008, at 2 PM.

ADJOURNMENT

Councilor Romero moved to adjourn the meeting, seconded by Commissioner Campos and approved unanimously.

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 3:15 PM.

The next regular meeting of the RPA will be at 2 PM, May 20, 2008.

Approved by:

Chair, Regional Planning Authority
Rebecca Wurzburger, Councilor, City of Santa Fe

Minutes transcribed and drafted by: Kay Carlson