

REC'D RECORDS DIVISION 8/25/14

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING

June 25, 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: 52

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of August, 2014 at 01:55:18 PM
And Was Duly Recorded as Instrument # **1743772**
Of The Records Of Santa Fe County

Deputy Marcella [Signature] Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

June 25, 2014

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:00 p.m. by Chair Danny Mayfield, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. Roll Call

Members Present:

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

Members Excused:

[None]

III. Pledge of Allegiance

The Pledge of Allegiance was led by Tim Cannon of the Planning Division.

IV. State Pledge

The State Pledge was led by Vicki Lucero.

V. Approval of Agenda (Action Item)

Following motion by Commissioner Holian and second by Commissioner Chavez, the agenda was approved by unanimous voice vote.

VI. Timeline for Adoption of the Sustainable Land Development Code Amendments and the Zoning Map

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. The June 25th, so tonight's meeting, will be the second public meeting to take comments on the SLDC changes and the zoning map. At the last special meeting on May 28th the Board instructed staff to schedule additional BCC meetings as public meetings in the growth management areas. At last night's BCC meetings the Board requested just two area meetings. They will be held on the following dates and locations. On August 13th we will be in

REC'D RECORDS DIVISION JUN 25 2014

the Edgewood Town Council Chambers, and on September 16th at the Pojoaque Middle School, the multi-purpose room.

So we will go ahead now, we will advertise those, we will put them in the paper, send them to our mailing list, get them on our website and we will also put flyers in all of our community centers, satellite offices and senior centers.

After we've done those two growth management areas staff will then come forward to request to publish title and general summary of a version of the zoning map that the BCC directs us to release. So there was a little discussion about this last night. We will be going through the public comment database. We will be making sure that we keep every single property that has been commented on in there, and we will be reviewing those and making staff recommendations on each of those comments in the database. I understand that comments that were received at the last special meeting have been entered in there and letters that we've received have been entered in there.

At that point we'll do the required legal noticing for the required public hearing or hearings for the adoption of the zoning map. And I'll stand for questions.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: So on that last point, Penny, I think we're hoping to have two additional public hearings after the growth management area meetings, and then one meeting to actually take action on the plan itself.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, what we had previously discussed was that we would have these two public meetings, two more meetings – the one in Edgewood and the one in Pojoaque, and then after that we would be requesting to publish title and general summary at a BCC meeting, and then the BCC would direct us, do you want one hearing or two for the adoption.

COMMISSIONER CHAVEZ: Okay. Thank you for that clarification. And then in the interim as you have in the past, you're still willing to take any and all public comment via email or individual meetings or however you've been doing it.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, yes. What staff will do is we'll work after this meeting to take the database as it is so far and make comments on that, but if anyone else has additional comments then we will be accepting them.

COMMISSIONER CHAVEZ: Okay. And then I know that for practical purposes we have to have some sort of a deadline, right? And it's not going to be necessarily perfect but certainly we can adopt it and then make amendments as we move forward that are necessary or appropriate. So will you – do you anticipate cutting off the public comment period at some point so that you can – so that we can enter everything in, enter all the comments and then have the adoption and then maybe amendments down the road.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Chavez, I think we've got to take public comments all through the hearings up to adoption but what staff would do after this meeting is do a cutoff for staff to take a look at the database and make comments on the database and recommendations, but any additional comments we would put in another spreadsheet, another database so we can keep receiving those. And again, we could cut off after the September 16th meeting to allow staff to make comments to that, but again, the public is able to comment up to the adoption process.

COMMISSIONER CHAVEZ: Okay. I just wanted to spend a few minutes on

REC'D - SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

that process and just so that we all understand where it is that we're going and the dates that we're shooting for. And I think that really would just give you a better idea. I know many of you have been part of the process for many years now but now we're getting to a point where a decision is going to have to be made. I appreciate staff's clarification on that because the public then can still comment, and even after the adoption, I don't think we should adopt it and walk away from it because it's something that we're going to have to sort of maintain, if you will, as we move forward. So that's all I had right now. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Penny, please.
Anything else?

MS. ELLIS-GREEN: Mr. Chair, no. Staff doesn't have anything else.

CHAIR MAYFIELD: Thank you. Penny, have you – and I know we discussed it last night a bit, but what – Commissioners do we know if we have right now for the August 13th and September 16th meeting?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, when I sent out those meeting dates I actually got acceptance from all Commissioners. I think Commissioner Stefanics had done tentative on all of the four dates, but now that we've reduced it down to two dates I'm hoping to get an acceptance. But I think yourself, Commissioner Holian, Commissioner Chavez and Commissioner Anaya all sent acceptance for those two dates.

CHAIR MAYFIELD: Penny, just on the September 16th date, how was that chosen over the 30th? Because that's a five Tuesday month, correct?

MS. ELLIS-GREEN: Yes, that's correct. At yesterday's BCC –

CHAIR MAYFIELD: Fair enough. That's fine. I just may have to look at my calendar and I may, before we put out that final notice of the date I may have to switch the 16th with the 23rd.

MS. ELLIS-GREEN: Okay. The sooner we get that –

CHAIR MAYFIELD: You'll get that today.

MS. ELLIS-GREEN: That would be great because we are trying to book those.

CHAIR MAYFIELD: I'll get that by this evening. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Penny, I'm not going to be able to make the August 13th date.

MS. ELLIS-GREEN: Okay.

COMMISSIONER HOLIAN: I think I had mentioned that before.

MS. ELLIS-GREEN: Okay, I didn't have you down as that date.

COMMISSIONER HOLIAN: Well, I think that's probably why you chose August 20th.

MS. ELLIS-GREEN: You know what? I believe it was August 20th. We talked yesterday. Let me just check my calendar.

COMMISSIONER HOLIAN: If it's August 20th I can make it.

COMMISSIONER CHAVEZ: And if it's the 13th I may not be able to, Mr. Chair.

CHAIR MAYFIELD: Then let's shoot for August 20th.

COMMISSIONER CHAVEZ: Well, I have a question though.

CHAIR MAYFIELD: Sure. Commissioner Chavez.

COMMISSIONER CHAVEZ: Is it imperative that we have a quorum for these

growth area management meetings? I don't want the lack of a quorum to hold up those public meetings. If one or two of us can't attend I think that those meetings should move forward. We're not going to be taking any action anyway, so there's really no need to have a quorum.

CHAIR MAYFIELD: Well, Commissioner Chavez, I was just hoping that Commissioners could hear what's important throughout the districts. We've chosen to eliminate a few of these meetings. There have been – Penny, how many responses have we received? Communications?

COMMISSIONER STEFANICS: Mr. Chair, I thought at some point our attorney told us that a public hearing meant we had to have three – a quorum. Could he clarify that? And I'm sorry I'm late.

COMMISSIONER CHAVEZ: I'll stand corrected on that point.

GREG SHAFFER(County Attorney): Mr. Chair, Commissioner Stefanics, as I recall the discussion that was the direction that the Board had given, that they wanted to create a process through which you would have actual public meetings of the Board of County Commissioners in the various growth management areas and that a quorum would be attained to allow that to happen, so that the entire Board could in fact hear the comments that were being made directly at a properly noticed public meeting. That was the understanding of the direction I had understood the Board to have given in the past.

CHAIR MAYFIELD: Thank you.

MS. ELLIS-GREEN: Mr. Chair, just to clarify, the day was August 20th. Sorry. So the two days were August 20th and September 16th.

CHAIR MAYFIELD: Okay. So then I believe we will have a quorum at the August 20th meeting and then also the September 16th or 23rd and I'll let you know by this evening as I go through my calendar. Thank you. Commissioners, anything else on public meeting dates? Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, I apologize for being late. Did you mention the Edgewood meeting?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes. The Edgewood meeting at the moment is schedule for August 20th at the Edgewood Town Council Chambers.

COMMISSIONER ANAYA: Thank you.

CHAIR MAYFIELD: Penny, if you don't mind, just once again. So the Commission last night gave suggestion to just move to two public meetings. One will be in the southern part in Edgewood and one will be in the northern part of Santa Fe County, Pojoaque. So those are the two that we still maintain, Commissioner.

MS. ELLIS-GREEN: So Commissioner, the dates would be August 20th at the Edgewood Town Council Chambers, and September 16th or the 23rd, which we'll finalize hopefully tonight at the Pojoaque Middle School multi-purpose room.

CHAIR MAYFIELD: Just real quick. What are the times that they will start?

MS. ELLIS-GREEN: Mr. Chair, we have not advertised them yet, so we would take direction from the Commission. If you want to start at 4:00 in the afternoon, 5:00 – we'll take direction.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair and Ms. Ellis-Green, we're going to need to get a school in Edgewood, I think and so Mr. Sullivan is the superintendent. If you ask

him that you've requested it, that I've requested to use one of the schools I'm sure he will help accommodate the meeting but you're going to have a lot more people than the Town Council Chambers would accommodate.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, we'd chosen that – it does accommodate about 80 people. It does have a PA. The schools will be in a gym with bleachers, but we can certainly try to schedule one of the schools instead.

COMMISSIONER ANAYA: Yes, let's talk about it because I think we're going to have a lot of people and I want to make sure there's enough room for everyone to sit down and participate in the meeting. Maybe even – you might even suggest to the superintendent that the performing arts center might be a good place, at the high school.

CHAIR MAYFIELD: Commissioner, are you looking at a time right now for the Edgewood area?

COMMISSIONER ANAYA: I want to say we want to give people a chance to get home. A lot of people commute from Albuquerque or Santa Fe, so probably 6:30 or 7:00.

CHAIR MAYFIELD: And Ms. Ellis-Green, I'd look for around a 6:00 pm start time in the Pojoaque area please. Because I think our schools up there have us out by a certain hour. If it's 8:30 or 9:00 we have to leave the school building by that time. Commissioners, anything else on the public meetings? Thank you, Ms. Ellis-Green.

VII. Public Meeting on an Ordinance Amending Ordinance 2013-6, the Sustainable Land Development Code (SLDC) [Exhibit 1: SLDC Draft Amendments]

CHAIR MAYFIELD: Commissioners, do you have any initial questions? I'm going to open this up for public comment at this time. If anybody wishing, by a show of hands, would like to comment at this time. Thank you. So if you all want to stand and be sworn in at once, I think that would be helpful and then if you choose to speak on it later and haven't been sworn in, just announce that at the podium and you'll be sworn in.

[Those wishing to speak were administered the oath.]

CHAIR MAYFIELD: Thank you. Mr. and Ms. Trujillo, not to put you on the spot but we're getting people sworn in right now if you care to comment on this testimony – excuse me, comment on this public process. So if you care to make any comments you need to be sworn in at this time or you could just decide that a little later. Thank you. So with that, if you call just start making your way up to the mike. But if you could let us know if you've provided any written comments because we have a big package or written comments, if you comments will be similar to something you've already provided in writing to us and/or if they're totally different just let us know that too, please. Right now I'll ask that you try to keep – what was the number we had? About 15? So I'll ask that you keep your comments to at least five minutes and if you need to go longer than that we'll ask that you just kind of rotate yourself in the back of the line, please. And your name and your address, Mr. Wait.

[Duly sworn, Walter Wait testified as follows:]

WALTER WAIT: Mr. Chair, members of the Commission, my name is Walter Wait, 48 Bonanza Creek Road, Santa Fe. I'm here this evening representing the San Marcos Association. You'll find our letter to you as number 222 in your packet, and I'd like to bring to your attention the June 18th letter from staff, which is item 8. [Exhibit 3] The letter brings to

2014 JUN 25 PM 4:58 PM

your attention those concerns that might be considered for global changes to the proposed zoning map, yet it would appear that very little effort went into distilling the information contained on the roughly 320 public comments into trends that might indicate that global changes might be necessary.

Three items stood out for us. First, concern over the relationship between zoning and property tax valuation. Second, the concern over the status of rangeland. Third, the concern over increases or decreases in property values brought about by changes in zoning that the County issues.

CHAIR MAYFIELD: Mr. Wait, I don't want to interrupt you and I'll give you your time but right now we're taking comments on the actual ordinance amending the 2013-6, the Sustainable Land Development Code. We're not into the zoning map. That discussion will happen right after that.

MR. WAIT: You want to do it with the zoning map or the ordinance?

CHAIR MAYFIELD: No, we're taking discussion right now on the ordinance.

MR. WAIT: Very well.

CHAIR MAYFIELD: But we still will afford you all that time. So maybe I'm sorry I wasn't clear on that but that's how we have our agenda noticed. I don't know if anybody wants to speak on the ordinance.

MR. WAIT: I'll speak on the ordinance then.

CHAIR MAYFIELD: Thank you. But by a show of hands, really quick, so we know, so we can clarify that for everybody. We are first speaking on the amended ordinance for the Sustainable Land Development Code, so whoever would like to speak on that – Penny, do we have copies in the back? So there are copies on that back table back there, so if anybody needs to pull one really quick, and then after we have comments on this then we will go to comments on our zoning map. So we'll have another round. Mr. Wait, please.

MR. WAIT: Very well. I'll switch gears.

CHAIR MAYFIELD: And we'll start your clock at five minutes again.

MR. WAIT: Thank you. I am very concerned over some of the items in the proposed code that are absent, specifically, those that are referring to the DCIs. We have spent years and years on developing this code, and yet we have a one-page part in the code that refers to DCIs, and that's a very, very critical portion of the code. Now, I've looked at the mining portions of the current code; there's 95 pages in the current code. There's 120 pages on the oil and gas. If we were to combine all of the DCIs that are listed in the prospective code we would probably have to add 200 to 300 pages worth of information and instruction as to how to deal with it.

Now I'm not sure whether or not we want to do that. The oil and gas, for example, is a separate ordinance. Mining, unfortunately, is part of the current code which means that if you look at any particular section it refers to sections in the current code. That means it needs to be rewritten in order for it to be valid. Now, if we don't rewrite that mining code where are we going to be when the code becomes accepted, when we have nothing there, because clearly, even if we say refer to the old code it won't work because it refers within the sections that deal with the mining code to all of the other sections within the current code. It has to be rewritten. We've had years to do it but it hasn't occurred.

Now, I'm very, very concerned that all of the DCIs, therefore, are going to be subject to

a real morass once this goes into effect unless we do something about it. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Wait. And again, have you provided any written comments to this Commission? So we have that? Thank you. The next person that would like to make a comment, please, just come on up.

[Previously sworn, Francois Marie Patorni testified as follows:]

FRANCOIS-MARIE PATORNI: Thank you, Mr. Chair and Commissioners. My name is Francois-Marie Patorni. I am a landowner on Glorieta Mesa, at 804 Ojo de la Vaca Road. My comment is on the amendments on these tables. In the previous version the lines for cell towers were conditional. Now, some cell towers, the ones to 49 feet are permitted. I think that any use which could be a nuisance to neighbors or do the landscape or to the county should be conditional, not just automatically permitted. So I would recommend that as in the previous draft, all cell towers are conditional rather than some of them permitted. Thank you.

CHAIR MAYFIELD: Thank you, sir. Anybody else please?

[Previously sworn, Yvonne Chicoine testified as follows:]

YVONE CHICOINE: Good evening, Commissioners. Yvonne Chicoine. I am a resident of 2 Laurel Circle in Santa Fe. As I recall reading through the proposed ordinance, one thing I wanted to comment upon very favorably was a suggestion that there might be amendments to the zoning map, which I don't believe was in the original code, for mistakes. And I think that's very warranted, because despite a lot of interest in what's going on in this public hearing there still may be some mistakes in the zoning map and for the staff to be able to take that into account I think is a very good idea. I think that's what happened with some of the area, what we call the Santa Fe 330, that it was a mistake in some of the processing and some of the ability of staff to take that into account and amend where things were I think is very positive change in the code.

The other thing, and I can't remember exactly where I saw it was is this part of the change that is being considered now, under the code changes?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, yes. The red-line portion of that is the recommended code change.

CHAIR MAYFIELD: Could we all as Commissioners have a copy of that table, please, Penny? Thank you.

MS. CHICOINE: Thank you. I believe I saw a reference, and I can't find it right now in the code, that part of the changes, and I'm thinking particularly in the residential estates area, was prompted by a desire to reflect what had happened in certain areas, particularly like Las Campanas, that there would be provision for larger actions and to the extent there were changes in this chart to reflect perhaps developments that should be grandfathered in rather than prospective, I just hope that the Commission looks at prospective rather than sort of a grandfathering dynamic to take account of what did happen as opposed to – to take into account what might happen as opposed to what has happened in the past. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Chicoine. Anybody else? Please come on up. Okay. Nobody else wanting to comment on this portion of the amendment of the ordinance. Penny, though, really quick, for me, if Santa Fe County has identified anything in the zoning map that was maybe an oversight, we still can have that corrected later. I'll use an example. Let us say that an individual or a lot, a piece of land, received a variance from this Commission or a prior Commission and for whatever reason it hasn't been picked up in this zoning map today as

it's presented. That is something that the Commission and staff will change once it's brought to your attention?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, there is a process in the SLDC for a zoning map amendment. And so if that information is brought to us after the zoning map is approved then we would follow the process to come in front of the Board to make a change.

CHAIR MAYFIELD: Okay. So they would receive sort of a grandfathering status on something that was priorly approved or a variance that was given.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if they have a previous approval or variance to allow a commercial use, what we have said in our criteria is that we will endeavor to honor that on the zoning map.

CHAIR MAYFIELD: Thank you, Ms. Ellis-Green. Yes, sir. Please come on up. You're going to have to come and speak at the mike. May we have your name again, sir?

HAROLD ZUSCHLAG: Okay. I'm a little bit hoarse. Sorry about that.

CHAIR MAYFIELD: That's okay

[Previously sworn, Harold Zuschlag testified as follows:].

HAROLD ZUSCHLAG: My name is Harold Zuschlag. I don't know the whole area. I've only been in the Santa Fe area for the last, I guess, 16 years and I spend a lot of time traveling. The points I would like to address really the area I'm familiar with, that is the area around the Cañoncito community, specifically land that is south of Exit 294 or known as the Cañoncito exit. My point is – our point is that the proposed zoning I don't think sufficiently addresses the existing land divisions, the existing parcel sizes and the existing uses. To be sure.

CHAIR MAYFIELD: Mr. Zuschlag, so let me do this. I'm going to suggest again, because I think we're going to start discussing more of the zoning map right now. So I'm going to ask one last time, sir, if anybody has any desire to speak on the proposed ordinance amendment in front of us. So just by a show of hands, if you care to. Otherwise we're going to move right on to the next. Yes.

MS. CHICOINE: Just a follow-up.

CHAIR MAYFIELD: Let me let Ms. Chicoine speak and then we'll get to you and then Mr. Wait next.

MS. CHICOINE: Thank you, Mr. Chair. I apologize for speaking twice.

CHAIR MAYFIELD: That's okay.

MS. CHICOINE: Based on the comments by Ms. Ellis-Green I'm now confused about how the process will be if a mistake is discovered. Whether – I was under the impression it would come before the Commission as an amendment to the code, once the map is actually adopted as part of the code, as opposed to simply a staff change to the map. That once the map is part of the code it is part of the code but there can be revisions based on mistake.

CHAIR MAYFIELD: Well, so it's not part of the Q and A with Ms. Ellis-Green but I kind of asked the same question. I may have heard something a little differently, but Penny, do you just want to speak on that for a second, please?

MS. ELLIS-GREEN: Mr. Chair, that section of the code would allow an applicant to come forward and ask for a rezoning but if we found that there was a mistake the Land Use Department could bring that forward, but absolutely, it has to be done by the Board of County Commissioners. That's clear. A zoning map amendment is heard by the hearing officer, the Planning Commission and the BCC.

CHAIR MAYFIELD: And on that, hopefully right now, with the zoning map that's being presented, if anybody identifies something that might be a little different zoning criteria that's either afforded or down-zoned or up-zoned, they can bring something saying, look, this Commission granted me a past variance on this area in the past and if we can identify it before we approve that zoning map that change would happen now. If it's post that then it's going to have to come either from staff or from the individual applicant to the Commission. And Penny, on that note though, let me ask this. Will there be a fee imposed on that applicant if they identify an oversight or would they just present that to staff and then staff would bring that to the Commission?

MS. ELLIS-GREEN: Mr. Chair, I would think that if there was a mistake, if we had previously approved a project and we had not caught it on this, then staff would bring that forward. But if an applicant actually requested to have a rezoning then there would be a fee involved.

CHAIR MAYFIELD: Thank you.

MS. CHICOINE: As a follow-up further if I might.

CHAIR MAYFIELD: Yes.

MS. CHICOINE: If there is an apparent mistake, sometimes mistakes can be perceived as non-mistakes by others, depending on who's affected, will there be notice to area landowners so that they have an opportunity for comment? Those who don't follow every BCC meeting and every ordinance that may be issued might miss a proposed change to a zoning map. The Board of County Commissioners could act and then there would be no knowledge without some notice to surrounding landowners.

CHAIR MAYFIELD: Again, ma'am, I can't speak for the full Commission. I don't want to get to a bunch of Q and A, but again, I would think that if it was something that was already approved by a prior Commission or even this Commission that there wouldn't have to be any noticing. It's just going to be a correction. I don't know if we would call it an errata correction. I don't know if it would just be a mistake, but if somebody's asking for an amendment change, yes, there would definitely be noticing requirements. Penny.

MS. ELLIS-GREEN: Mr. Chair, a rezoning does require noticing. That is in Chapter 4 of the SLDC.

CHAIR MAYFIELD: I'm going to make this suggestion. If we can get you with Ms. Ellis-Green or staff and you can clarify a lot of these questions at the end so we can get in the zoning part, and then if we have to come back at the end just for clarification we'll do that.

MS. CHICOINE: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, so much. Okay, folks. I don't believe anybody else cares to comment on the amendments to the zoning map at this time. So we will now move into item VIII.

VIII. Public Meeting on the Zoning Map of All Lands in the Unincorporated Area of Santa Fe County to which the Santa Fe County Sustainable Land Development Code Applies [Exhibit 2: Draft Zoning Map]

CHAIR MAYFIELD: Mr. Zuschlag, Harold, if you want to come up, because you were already speaking on that, and then we'll go to Walter Wait and whoever else cares to

comment.

MR. ZUSCHLAG: Thank you, sir. You know, with advancing age there's a problem with hearing. I just haven't admitted that I need hearing aids yet. Maybe that's my fault. Anyway, the area I can speak of is the area around Cañoncito. That area has the community of Cañoncito to the north and mostly to the west. That particular area, as we all pretty much know just driving down I-25 is land parcels that are really quite small – an acre here, five acres there. They're not large parcels.

To the north is the preserve of the Eldorado wilderness and I think that is a very fine institutional arrangement. I drive through it every day on the way to our ranch. That, by the way, is an issue I think the zoning and the ordinances should reflect that decides instead of just having large parcels so many people can enjoy it. Also to the north of the intersection is the Pecos National Historical Park. Penny and I happen to own half that park unit and we bought it to preserve it. We also have adjacent land.

The issues that I have concern are the areas south of the interchange and to the east of the interchange. First let me talk about Section 6. In Section 6, and this is all the old homestead area and is now proposed to be 160-acre parcels for homesites. There is only one parcel on that section, Section 6, that happens to be 160 acres; all the rest are smaller. There are – let's see. There's one 80. We happen to own that also. And then there are a few 40s. There are 20s. there are ten-acre parcels. It's all smaller parcels. So the zoning that you are proposing by the map now to release is zoning where only one parcel would be consistent with the anticipated future uses of that land.

Let me go on. Section 6 has no 160-acre parcels. It has one 80, two 40's and six 13-acre parcels. The rest is national forest by the way. Also, I should say in Section 6, part of that is national park, that's the part that we own.

Section 18 to the south of Section 6 has one – all of one – 160-acre parcels and it's 160 acres because it's very wild terrain facing to the west. All the rest are smaller parcels. To the south of that is Section 19. Again, it has one 160-parcel; all the rest of the parcels are smaller. There are 50-some odd acres, there's some 57s in there and there are a couple – there are some 40s and adjunct 17. I can go and on. Section 17 is the same thing. Why is that the case? And that is because there is decent road access to that area, number one. Number 2, yes it boundaries national park and that's very desirable land for some persons' point of view, and it affords reasonable, good and safe access to the national forests. And by the way, I consider that personally quite a good fortune to be able to walk off our land and directly into national forest. I don't have the need to do that. We own quite a bit of land up there, but I also think about folks can't afford large chunks of land. I came from that kind of a background. I come from a very poor background out of [inaudible] Germany, so I understand that

If you look at real estate values, it's in the eyes of the beholder to be sure, but always the terms seems to be what is the highest and best use. And it turns out that that area, and I'm sure there are others, are areas that are quite desirable because access to national land, the forest service land, sometimes the national park land, has considerably greater value. Why? Because it allows in smaller parcels also folks that don't have substantial means to participate in the same recreation that wealthy folks manage to participate in, and that is owning a parcel that borders national forest, that borders national park.

That to me, sir is an issue of economic concern to be sure, but largely it is also an issue

of social concern. And from the private sector, let me tell you why we are here. We looked to locate anywhere in the world. My family was fortunate to have that choice and it got down to two places. Salzburg in Austria and Santa Fe, New Mexico. And by the way we also have a family house in Germany. Why did we choose Santa Fe? It's very simple; it's the people. Here we don't seem to have the great division between those with means and those with means not. Here is a place where folks don't want to argue about whether or not the sun is shining. If you can't be decent in Santa Fe people just won't come to you. It's a wonderful community and we enjoy the access and we would hope that you would look at it from that point of view as well, and that is the uses that are the highest and best and not just financially, but also from the social point of view to afford those that would like to be able to live in that kind of wonderful environment. They own a smaller parcel because it's all they can afford. Thank you for your time, sir.

CHAIR MAYFIELD: Thank you so much. Thank you. Mr. Wait. Folks, I'm going to keep a little clock up here. If we go over five minutes again you'll be able to speak, afforded more time it will just be at the speakers ahead of you please. Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, if we go through this public hearing process I'm going to ask some questions that I don't expect an answer from today, but just based on feedback that we heard, the last individual being one but others as well, there are questions that are raised that obviously we know and we want staff to go back and research and then bring back responses that have been adequately thought out and researched and that are thoughtful, and that I know you'll do that. But on the last item there's interesting dynamics of perspective that we're getting relative to landownership, land value and use. And I think it would be helpful to this Board if Legal is able to give us some examples of other land use cases and other land use zoning in New Mexico or elsewhere that correlates with what we're doing that can give us some maybe helpful guidance on how other entities provided zoning in certain jurisdictions.

And so if there's cases that were taken to court or other precedent that might be helpful to us as we deliberate on the zoning map I am respecting and asking that we research those and that we maybe bring back some thoughts on those issues. Is that reasonable guidance? Maybe it didn't articulate it that well, but Mr. Shaffer, is that something that I think you could help us do as we move through this process?

MR. SHAFFER: Mr. Chair, Commissioner Anaya, just to paraphrase back to you as I understand it, you are interested in the impact on land values that comprehensive rezonings might effectuate, and as part of that analysis you'd like us to look out or look for examples here in New Mexico where zoning jurisdictions have undertaken similar efforts to get a sense of their experiences as well as the impacts that such changes may have brought about. Did I understand your request accurately?

COMMISSIONER ANAYA: Very well paraphrased, Mr. Shaffer, and as we go through this process I'm going to continually ask those questions and rather than putting your or staff on the spot to try and answer those immediately, try and give you some time to deliberate and research those and then provide us some feedback. Thank you, Mr. Chair. Sorry, Mr. Wait.

CHAIR MAYFIELD: Mr. Wait, please.

MR. WAIT: Thank you, Commissioner Anaya. Actually, you've said some of

the things that I'm about to say. As I started out to say, there's three items that stood out and there's concern over the relationship between zoning and property tax evaluation. Concern over the status of ranchland, concern over increases or decreases in property values brought about my changes in zoning, and concern over the elimination of any public process which might address questions associated with an application for rezoning a specific property to a higher density. I'd like to address each of these in turn.

First, the relationship between proposed zoning and property taxes, and I believe it would be in everyone's best interest if you asked for an opinion from your Assessor if zoning change would influence property value assessment. For example, if a currently assessed ranchland is zoned commercial but is not developed would it's assessment change purely because it's now listed as commercial property.

Second, if a property is zoned by the County for more dwellings than it is currently allowed, would the property's value on real estate market trend higher? Does, for example, property zoned by the County as commercial suddenly become 50 times greater than surrounding property that the County has not zoned commercial. I've always been led to believe that commercial property is always more expensive to buy than residential property. If this is the case then the question becomes this: Should the County be in the business of manipulating real estate prices by selecting specific properties for zone changes that would benefit specific individuals or corporations?

If either of the above suppositions are true then the County must not create an initial zoning map that reflects anything but that for which a property is currently in use for. Ranchland should be zoned agricultural. Rural acreage should be zoned rural, and so on and so forth. Don't change what you got without the proper process. The draft code specifically outlines a rezoning process than can be followed to apply for subsequent changes to the zoning map through the development process.

This brings me to the third point, lack of public discussion. It is impossible for the public to focus on every proposed zoning changes that the proposed zoning map proposes. Up to now, any proposed change in zoning was brought to the CDRC on a case by case basis where the public, if having an interest could voice his or her concurrence or opposition. I bring your attention to the Rockology case where that was a rezoning case where 600 people showed up. By altering this pattern and changing in some cases large areas from rural or ranching to mixed use or industrial the opportunity for the public to defend the public of property's current value is compromised. And this is also true of the BCC, and that by default, the approved map denies the Commission an opportunity to retain a specific property's pre-existing land status. Again, staff should make every effort to mimic existing land status when preparing the final zoning map and rely on the process that the code offers to any party that wishes to change zoning through the rezoning process.

Finally, we are concerned that zoning existing ranchland to any other status damages the ability of the existing ranch to continue as a viable entity. Ranching relies on agricultural subsidies in the form of property tax exemptions. Once portions of a ranch are replatted to reflect higher density development property values would appear to increase and even with these tax incentives the ever increasing value of the properties makes ranching untenable and breaking up the holding inevitable. That's not what our plan asks for.

We urge you therefore to allow for the various zoning identified in the proposed code –

2014 JUN 25 PM 03:07

allow for it, but direct your staff to eliminate major staff-directed changes to existing land use. Let those who would develop come before the Commission with their proper documentation, plans and reports, make their intentions for zoning and development clear. Don't give away the County's prerogatives to refuse a developer's rezoning request. Thank you.

I have one other point. I wasn't at the meeting yesterday but I noticed that in your schedule for meetings you have left out the Galisteo area and the San Marcos area for any public meetings for that area and I know that if you read through the list of materials that you've been given there are several large 300+ petitions in that that are asking for changes in the code and yet if you've got that many people concerned in those areas about what's currently proposed –

CHAIR MAYFIELD: Mr. Wait. We've gone a little over five minutes.

MR. WAIT: Sorry.

CHAIR MAYFIELD: That's fine. We'll just bring you back up at the end of you care to comment on that.

MR. WAIT: Thank you very much.

CHAIR MAYFIELD: Thank you, Mr. Wait. Please, whoever's next, come on up.

MR. PATORNI: Francois-Marie Patorni, on the Glorieta Mesa, Ojo de la Vaca Road. My comment is about the area of Glorieta Mesa. In the Sustainable Growth Management Plan, which sets the guidelines which would result in the code finally, the whole mesa was zoned agriculture-ranching, that is 160 acres ranching. I would like to take the opportunity of this meeting to congratulate the County staff for having kept that zoning in the present proposal. There was some attempt or some draft which recommended some 40-acre zoning, some spot zoning, but the County staff has removed it and we want just to express our satisfaction with that decision.

I am very sensitive to land use as a board member of the Santa Fe Watershed Association. I'm talking on my own behalf, but I think that was a good move and I would urge the County to resist any attempts by private parties to reduce the zoning for development purposes. Thank you.

CHAIR MAYFIELD: Thank you, sir.

[Previously sworn, Robert Regli testified as follows:]

ROBERT REGLI: Mr. Chair, Commissioners, I'm Robert Regli. I live at 5 Corte del Monte. It's on the north side of South Mountain. I come and I wish to address the proposed industrial area that's just south of the prison. I'm a board member of the Turquoise Trail Preservation Trust and the idea of the Preservation Trust is preserve along the Turquoise Trail. And the Turquoise Trail as you know is a nationally recognized scenic trail. And so what I am requesting or proposing is a zone along Highway 14, along the Turquoise Trail five miles to either side industry free, so that the industrial areas will not interfere with the scenic byway. Thank you.

CHAIR MAYFIELD: Thank you, sir.

COMMISSIONER STEFANICS: I have a question, please. If five miles wasn't feasible, because we already have development, what would be another option.

MR. REGLEY: I acknowledge that five – if we ask for ten feet we'll get five. If I ask, if I said, let's just do the first hundred feet someone will say how about 50 feet. So five

2014 JUN 25 10:58 AM

miles is what we're asking but what you actually determine would be something that you the Commissioners would have to decide.

COMMISSIONER STEFANICS: Thank you.

[Previously sworn, Daimon Apodaca testified as follows:]

DAIMON APODOCA: Honorable Commissioners and chairman, my name is Daimon Apodaca and I'm a native Santa Fean. My family's been here for a long time. I want to talk about a piece of property that I'm a part owner in at the corner of 599 and State Road 14 that's been designated as a mixed-use zoning area, and I'd like to object to that and let people know that I think it should be zoned commercial. We currently have 32 acres right there on the corner across from the State Forest Building, across also from the Alsop's and cattycorner to Longford homes. I don't agree with the zoning that's there, that's proposed for that. I think its best use is for commercial. It's on the frontage road and I just wanted to make sure that everybody knew that that's how I felt about that. Thank you very much.

CHAIR MAYFIELD: Thank you, sir. I have a question of Ms. Ellis-Green. So Ms. Ellis-Green, if we have changed anything with our new proposed zoning areas, where is that identified? Say something was fully commercial, we're changing it to mixed or say it was mixed use and we're changing it to residential. Have we done any changes like that in the proposed zoning map?

MS. ELLIS-GREEN: I'm not sure I follow the –

CHAIR MAYFIELD: So areas that are right now – let's go – I'll go to my district, the northern part of Santa Fe County. If there was traditional areas that maybe was mixed use could this new zoning map reflect something that says it will now be exclusively commercial, or we did not make any changes or proposals like that at this time?

MS. ELLIS-GREEN: Mr. Chair, an example like this, unless there was an actual previous approval, the property throughout the county doesn't have a commercial zoning. There has been no comprehensive zoning in the county; before it would be parcel by parcel. In traditional areas in general what we tried to do is follow the existing traditional community boundaries that follow property lines. The traditional community boundaries were created in 1981 and were on a small map, and maybe just a square drawn on them. So we did try to follow property boundaries. But in general what we've tried to do is – on a property like this there is no commercial zoning on it. But we've looked at, in our SDA-1 areas and in an area that our Growth Management Plan showed as future mixed use or commercial areas is to identify those on the zoning map to allow for economic development in those areas.

So those are really the areas we've identified as being mixed use or commercial if they didn't already have a zoning on them.

CHAIR MAYFIELD: Thank you, Penny.

MR. APODOCA: Excuse me, sir. May I just say one more thing? My father developed the Valle Vista Subdivision which is there and he tried a couple of times through the Extraterritorial Zoning Commission to have this land zoning changed. At one point they pre-approved him if he was to put in a sewage treatment facility that he spent \$300,000 on, and then, once that was in and in compliance with the EPA and all that, they turned down his zoning. So I just want to say you know, we've been through this process a couple of times. I respect what the lady over there said in terms of what existing zoning was but there has been an effort to rezone this land in the past and it hasn't gone through. And that's one of the reasons

why I'm here tonight is because I'm trying to move forward with this family property that is best for its use, and I believe that's commercial now. Thank you, sir.

CHAIR MAYFIELD: Thank you, sir. Ma'am.

[Previously sworn, Sharon Eliashar testified as follows:]

SHARON ELIASHAR: Chair Commissioners and Commissioners. My name is Sharon Eliashar. Thank you for hearing me. I would like to speak to you today about the Ojo de la Vaca community which I am a member of. Tim will show us on the map. Currently, your zoning map has it at 160, ag-ranch, and currently that's what we have right now with 40-acre minimum with restrictive water covenants of a quarter acre-foot. I would like to thank the Planning Department for giving us a proposed zoning map of 160 acres for several reasons. The first reason is water. When we, in the 70s there was studies done it was shown that there is not enough water up on the mesa around the Ojo de la Vaca area to actually subdivide further down into 40s or 20s. that's why we have restrictive water covenants there right now.

We know we're entering a big drought. I know of several springs that have dried up and wells that have dried up, and we know that there may be many, many years of this trend towards drought. So this zoning that you have proposed actually is in sync with our current water situation.

The second point I'd like to make about keeping it ag-ranch is the mesa is a wildlife corridor and it's home to many migrating animals such as cougar and bobcat and bear and mountain lions and coyote and your land development code is about sustainability and about, I believe you mentioned wildlife corridors and protecting wildlife. So by having 160-acre parcels minimum as opposed to 40 you're preserving large spaces of land which will allow for the migration of this wildlife.

The third point is traditional culture. Our culture, our community is one of the last adjacent communities adjacent to Santa Fe which retains its rural traditional value. We have farming up there, we have ranching up there and as you subdivide the land, if you were to zone it into 40s, then you bring more and more people up there who put more of a demand onto the county and who bring out of state values with them, and basically we're seeing the urbanization of rural New Mexico as the lot sizes get smaller and smaller.

Twice a year we have our neighbors bring their cows from the national forest home and last fall they were in the middle of the road and on horseback and we get out and say, hello, how are you, and there was someone who just moved up to the mesa behind me, beeping, get out of the way, get out of the way. Screaming, what are the cows doing here? And that was exactly what we're seeing happening as there's more and more development up on the mesa.

This is the last real traditional rural enclave in Santa Fe County. And we're requesting that you retain that with the zoning of 160 acres ag-ranch. Thank you very much.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Paul Ortiz testified as follows:]

PAUL ORTIZ: Commissioners, I do have a handout. [Exhibit 4] My name is Paul Ortiz. I'm here to represent the Town of Jacona Grant. Guy Eden, the president of the Town of Jacona Grant could not attend and he asked me to come in and represent and talk about the grant. In regards to zoning, the Town of Jacona was patented many years ago, 1700s as the Town of Jacona, community land grant. It is also registered with the State of New Mexico. I'll try to get a little bit of history here. The United States government, in 1846 as you've got it over

REC'D - RECORDING DIVISION 6/25/14 11:51 AM

here had the Treaty of Guadalupe Hidalgo. Well, this said that all the Spanish land grants, Mexican grants, would be honored. The property would be honored. And it is. The Town of Jacona Grant is registered with the State of New Mexico. It is patented as the Town of Jacona Grant and therefore should not be included in the zoning. So we ask to just get removed from any zoning from Santa Fe County.

As you know, in the Treaty of Guadalupe Hidalgo it was the federal government that was involved. Okay? And then the state. The County was never involved; it was never included. So the County cannot zone a land grant. So basically, that's what we're asking this. It's very easy for the County. Just remove us from all zoning.

Also I want to make a comment here on Commissioner Anaya's good question here. He asked the County Attorney, Gregory Shaffer to do some investigating. And I would like to make this clear. If the meeting minutes will clarify this that Commissioner Anaya said – the meeting minutes should make this very clear. Commissioner Anaya asked the County Attorney to do some research as to any adverse property values due to the zoning, but not just in New Mexico but also other places. And I would just like to say that Oregon, they had a problem with the zoning and it took many years to fix, so I would like to include the Oregon information in this research.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Mr. Ortiz, are you finished?

MR. ORTIZ: Yes, I'm finished.

CHAIR MAYFIELD: Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Yes, Mr. Chair and staff, whatever information helps us better understand the decisions that we're going to make and what impacts they might have, including but not limited to New Mexico would be helpful. Thank you. Mr. Chair.

CHAIR MAYFIELD: Vice Chairman Anaya.

COMMISSIONER ANAYA: Mr. Chair, just on this particular issue and on the previous question, two questions that came up that I know there's some research on. At the Association of Counties meeting in Deming last week, in recent years there's been a lot of discussion by counties associated with issues tying to not only land grants but federal versus public property and the transfer of properties that are tied to the United States constitution and state constitution, and there was some very succinct, clear information that was presented at the Commissioners affiliate that might be helpful in helping myself, my fellow Commissioners and the public better understand the transfer of property that occurred when states went from territory to being – to statehood. And there are specific provisions in constitutional law that delineate that transfer of property and where ownership falls or does not fall, and they also spoke to some of the jurisdictional issues there, so there's a lot of research there that's already been done that might be helpful as we have our deliberations toward making decisions on the code and the map. Thank you. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chairman Anaya. Mr. Ortiz, I have a question of you please. So the grant, it extends, just so where I can understand, can you give me some boundaries on the grant please?

MR. ORTIZ: The southern part of the grant of the Town of Jacona starts just north of Las Campanas and goes beyond the highway that goes to Los Alamos. What is that? 5-2?

CHAIR MAYFIELD: Yes, sir.

MR. ORTIZ: 502, and is north of there, almost to the Rio Arriba County. And I'd like to add that I also checked with the historians in New Mexico about the Town of Jacona and they verified that it has always been Town of Jacona Grant, has never been changed. And I also checked with the Legal Departments in certain areas. So it has been verified and so stated. Also, I would like to add that I can provide some information on the ordinances in Oregon at what happened with the rezoning and so forth too.

CHAIR MAYFIELD: Thank you, Mr. Ortiz. I think Commissioner Holian has a question.

COMMISSIONER HOLIAN: Yes, Mr. Ortiz, I have a question for you. Are you suggesting that this be a separate political entity? That in other words, that this piece of land not be part of the county? And if so, who would regulate land use decisions on that piece of land? What political entity?

MR. ORTIZ: Well, it's under the Governor. And it's already done right now. It's called the New Mexico Land Grant Council. They handle all the New Mexico land grants.

COMMISSIONER HOLIAN: But let me ask you about land use decisions. Does that mean that people who own property on that area could make their own decisions as to how they wanted to divide it or what they wanted to do with it, no matter what the County ordinances said? Is that what you're saying?

MR. ORTIZ: That is exactly right. The land grants are not privy to the County, no. The land grants are their own entity.

COMMISSIONER HOLIAN: But there is no governing authority for them anymore.

MR. ORTIZ: Yes, they are. Each land grant in New Mexico, and there's many in the New Mexico Land Grant Council is keeping track of everything and it's under the state now. Also it's been recently put under the University of New Mexico and they govern themselves. They don't have the County or the state or anybody do anything.

COMMISSIONER HOLIAN: Mr. Ortiz, I used to live in Jacona and since I first moved there in 1984 there have been numerous, numerous subdivisions of land and none of those were done under the state. They were done through the County.

MR. ORTIZ: That is correct. The Town of Jacona has sold some property, but it's not to say that land grants can't sell, can't be sold. But the land grant itself, it's got its own president. It's got the board of directors and everything. They handle all the process and it's all written in the New Mexico Land Grant Council.

COMMISSIONER HOLIAN: But when my husband and I bought our property there we did not – the land grant was not involved in any way. We bought it from a private individuals. And there were other subdivisions of property that occurred and there were certain restrictions on those subdivisions as to how small the property could be, and it depended on – because of the fact that everybody out there pretty much has their own septic system and everybody has their own well and so there were certain restrictions that were based on how small a property you could have, so that you wouldn't contaminate a neighbor's well by putting another septic system that was too close to it.

MR. ORTIZ: That's right, Kathy, but these properties that you're talking about were probably private properties. They weren't the grant.

COMMISSIONER HOLIAN: Oh, so you're just talking about the private land grant.

MR. ORTIZ: I'm just talking about the Town of Jacona Grant.

COMMISSIONER HOLIAN: Not the private property that exists there now.

MR. ORTIZ: Not private properties that are owned by private individuals. No. That does come under the purview of the Santa Fe County.

COMMISSIONER HOLIAN: Okay. Thank you. Thank you, Mr. Ortiz for that clarification.

CHAIR MAYFIELD: Sir.

JOEL YELICH: My name is Joel Yelich and I wasn't sworn in earlier. I don't know if that matters in particular. I was not.

[Duly sworn, Joel Yelich testified as follows:]

MR. YELICH: Thank you for this opportunity to speak, Mr. Chair, Commissioners. I appreciate it. I'm a property owner in Rancho San Marcos, Lot 6 at 71 San Marcos Loop and when the map came out I was surprised to see the mixed use north of our property. In fact it's only a few hundred feet, so basically it's in my backyard. I think that this is radically out of character with that area. It's ranch right now. There's antelope on it, cattle on it. I really have a hard time envisioning what that might look like if that was all developed. So I appreciate your consideration in changing that. It's agricultural right now. I think that's a good use for it. I don't know what the particular zoning of it is right now but when we first bought our property the County told us that it was residential and I think that any residential would be better than mixed use, however, I think it should probably remain agricultural. I appreciate your time. Thank you again.

CHAIR MAYFIELD: Thank you, Mr. Yelich.

[Previously sworn, Hilary Wells testified as follows:]

HILARY WELLS: Good evening, Mr. Chair, Commissioners. I'm Hilary Wells with JenkinsGavin and we submitted four separate zoning change requests that are in the database. We have received staff recommendations for two of them, numbers 9 and 10. Number 9 is St. Francis South Business Park. In previous versions of the zoning map this property was zoned commercial general, which is consistent with the master plan approval approved by the BCC in 2010. Only in the March version of the zoning map it was changed to Planned Development District, so we have requested that that property be changed back to commercial general and we do appreciate staff's support of that request.

For number 10, it's the Academy for the Love of Learning, formerly Seaton Castle. That designation also changed in the latest version of the zoning map. It was previously designated public institutional and that is consistent with the use of that property, the Academy for the Love of Learning. It's a non-profit educational facility and it has been there since the 1930s, and so we do request that that remain the public-institutional designation.

We have two other properties that are further down on the list and have not received staff recommendations yet, number 52 and 204. Those are both in the Truchas y Zorro Subdivision and adjacent to that, which is up in the Bishop's Lodge Hills area. There's a split zoning issue. Most of that area is zoned residential community and some of the properties in Truchas y Zorro are actually split half and half, zoned residential community and rural residential and the subdivision itself is split with that zoning. So we are asking to rectify that to

a zoning or residential community for all the properties affected in our request. You can see on the map on the screen there, there's a yellow that's rural residential, and then the residential community is the rust color and some properties are just literally split down the middle so that would seem to be an error in the zoning. So we are requesting residential community for all those properties. And we do appreciate your consideration. Thank you very much.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Joe Miller testified as follows:]

JOE MILLER: Mr. Chair, Commissioners, my name is Joe Miller. I live at 286 River Bank Road in Lamy. My problem is that we – my property is all the land that I do own is in the Eldorado Area Water and Sanitation District. That district, we pay taxes in the district. We're buying the water companies and all and the district probably has somewhere around 4,000 parcels in it that they serve and we're one of them. We're in the district. Our house is served with Eldorado water.

Every one of those parcels in the district is permitted to go to 2.5 acres in size. Mine is the only one. We have to go to 40 acres under this proposal and I think it's not fair. It's downgrading. It's down-zoning and actually it's spot zoning worse than anything. We're the only parcel in the district that has to go at 40 acres and I think that it's – there's no question about it. It's spot zoning. When you pick one parcel out of 4,000 and say that he has to do 40 acres and everybody else in the same district can go with 2.5 acres.

I've also got another problem with it. For years, I don't know how many years, probably 30 or 40 before me and we've been in it for ourselves for about 30 years. We have a zoned area along the Galisteo Creek that's zoned for mining. We've been taking gravel out. All the gravel for the Eldorado Area Water and Sanitation District and Eldorado itself all came out of that for the roads and everything else and we have problems with maintaining that. But we have court orders on it that we are zoned for gravel. But yet it's not on the map at all. We can't get them to put – we have a survey. We have a legal description on it and it is zoned for gravel and we think it should be applied on the map also.

The two things. One, it's just not fair to make me the only one in the whole Eldorado Area Water and Sanitation District that is required to have 40 acres and that's no question, spot zoning and I think spot zoning is illegal. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Stefanics.

COMMISSIONER STEFANICS: Ms. Ellis-Green, could you – at the last meeting, or at several meetings I've asked for this clarification and I'd like for you to repeat it. If somebody already has a legal lot of record, are they going to be required to change anything with this zoning map?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, I think what's being asked is for example, if they're shown in a 10-acre area but they have a seven-acre tract, can they still build a house?

COMMISSIONER STEFANICS: That's correct.

MS. ELLIS-GREEN: Yes, they can still build a house. Chapter 14 of the code clearly says that if you're shown on the initial zoning map as being in an area that for minimum lot size requirements or density requirements requires a larger tract of land you can still do everything that is allowed in that zoning district. So if you have a seven-acre tract in a ten-acre minimum you can still do everything that is allowed in the ten-acre minimum zoning district.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR MAYFIELD: Ms. Ellis-Green, on that, has Santa Fe County staff identified how many parcels are really subject to that?

MS. ELLIS-GREEN: Mr. Chair, no, we have not done that analysis.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Ms. Ellis-Green, on Mr. Miller's last point, associated with the gravel mine that's existing, that's been in use, why wouldn't that have been on the map. I guess I don't understand.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, sand and gravel mining is allowed as a conditional use in the rural district which is the rural district that those lots are identified as being in.

COMMISSIONER ANAYA: That's an existing operation, not a new operation.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, that's correct. So he wouldn't need additional approvals to do that; he could continue to do that. But we didn't want to put him in a district that would prohibit that use.

COMMISSIONER ANAYA: So just for clarity for him, he has an existing use and that use will continue to be allowed based on this map or any other map coming forward because it's an existing use.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes. He has an existing, I believe even grandfathered use and it would continue as an existing use.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Vice Chairman Anaya. Ms. Winship.

[Previously sworn, Shelley Winship testified as follows:]

SHELLEY WINSHIP: Mr. Chair, Commissioners, thank you for this opportunity to speak with you. Mr. Griego has copies of a letter dated April 28th which was sent to County Manager Katherine Miller with copies to each of the Commissioners, Santa Fe County Attorney Gregory Shaffer and Santa Fe County Growth Management Department Director Penny Ellis-Green. My name is Shelley Winship. I live at 148 Camino de los Ranchos in Chimayo and I'm here at the behest of the Chimayo Citizens for Community Planning, of which I'm a core committee member. This is a letter from the entire core committee.

We the core committee of Chimayo Citizens for Community Planning wish to register our strong objections to the Sustainable Land Development Code map proposed by the County Growth Management Department for the community of Chimayo. The proposed zoning map fails to appreciate the rural nature of our community and its unique characteristics and completely disregards the results of the community planning process which Chimayo Citizens for Community Planning is very close to completing.

The fact that County staff proceeded to zone our area at all showed blatant disregard for the more than two years of work our community has invested in creating a comprehensive community plan, but it also disregarded the will of the County Commission. At the December 2013 meeting of the Santa Fe County Board of County Commissioners the Commissioners voted to adopt the new Sustainable Land Development Code. That adopted code includes clear and specific language under Section 9.3 which excluded the Chimayo planning area from the

RECEIVED BY COUNTY CLERK

new zoning map until such time as our community plan and accompanying zoning ordinance are completed, yet County staff has proceeded to rezone the Chimayo community planning area and in a manner that bears no relation to the results of our community planning process.

When representatives from Chimayo Citizens for Community Planning attended a meeting at the Commission chambers with County staff and were presented with these proposed zoning changes it was patently clear that there was no methodology whatsoever to the choices that had been made in preparing the zoning map for our community planning area. In fact we were told that certain zoning choices were made based solely on the fact that the existing lots looked like they were about the size of the new zoning designations. This random method of zoning is not appropriate nor is it acceptable to our community.

The creation of our community plan has been an intensive community process. Meetings were well noticed and residents were encouraged to attend to express their views. Attendance at these meetings has included over 200 unique community members. The core committee was comprised of residents and property owners representing a variety of community interests and perspectives, from farming and ranching, weaving, visual arts, tourism and other commercial interests. The core committee has also included representatives of the archdiocese of Santa Fe, and Holy Family Parish of Chimayo, and a representative of the Northern Rio Grande National Heritage area.

The group has been supported and advised by County Planning staff throughout our two-year process and by other experts as required. Chimayo Citizens for Community Planning urges County staff to abide by the December 2013 vote of the County Commissioners and refrain from imposing seemingly arbitrary and capricious new zoning on the Chimayo community planning area. We are looking forward to the adoption of our community plan with the associated zoning designations and to the County holding off any decisions on zoning for Chimayo until that adoption occurs. And the letter is signed by the Core Committee of Chimayo Citizens for Community Planning: Doug Clark, Elizabeth Kay, Raymond Bal, Thomas A. Romero, Shelley Winship, Susan Farrington, Vikki Tejada, Derrick Archuleta, Patricia Trujillo Oviedo and Louis Martinez. [Exhibit 5] Thank you for your time.

CHAIR MAYFIELD: Thank you. Ms. Winship, quick question. As I attended many of those community meetings myself, but do we know what attendance was, I guess between Rio Arriba County residents and Santa Fe County residents?

MS. WINSHIP: I couldn't tell you an exact number but I can tell you that we had core committee members from both sides of the county line and we did work with Rio Arriba County to ensure that mailings were sent to Rio Arriba County residents as well as Santa Fe County residents, as our planning area was the entire Chimayo community regardless of the county line. So we did have active participation from Rio Arriba County members.

CHAIR MAYFIELD: Thank you. But again, any decision this County does take, Santa Fe County, on the Santa Fe County community plan or Santa Fe County zoning will have no impact – may have impact, but will not be bearing on Rio Arriba County. I just want to make that very, very clear.

MS. WINSHIP: That is understood. It's the community planning group's intention to take the next step by entering into a dialogue with Rio Arriba County, utilizing their own community planning processes to look at the community plan which has been developed for the entire community and incorporate the wishes of the community into Rio Arriba's zoning

2014 JUN 25 10:10 AM

plans.

CHAIR MAYFIELD: Thank you. Vice Chairman Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, ma'am, I just have a general question. Is the use in the existing map as you see it now more intensive use than what the community is proposing? Or is the community less intensive? In the way of density or type of use?

MS. WINSHIP: It's just very different. Our proposed configuration involves hubs that – one would be a cultural hub, one would be a historical hub and one would be a community hub, and none of that is reflected in the new proposed zoning changes. Our primary concern is that making any changes from the prior code to the current code, right at the juncture of time when we're trying to adopt our own community plan after two years of work is just pointless and is just going to cause community dissent and confusion. We would like to just remain with the old code until our community plan is completed and our zoning ordinance is completed to go with that community plan, as was voted on at your December meeting.

COMMISSIONER ANAYA: Mr. Chair, ma'am, I just have a comment. I can only speak for my own communities that developed community plans, but I can say that my colleagues sitting on this bench, both now and previously under the previous Commission always have given deference to the communities as has the staff at Santa Fe County. So it's something I want to review and learn more about, what are the deviations and the differences but at the end of the day this Commission and prior Commissions has gravitated around communities and what those interests are. So I can tell you're frustrated and respect that, but can also say that the Commission and staff has always worked to work through some of those frustrations in the interests of that particular community, keeping in mind that each community is different and diverse and has different desires and needs. So I hear you and I think my colleagues do as well and I think it's a process that we continually go through. But history in other communities tells me that there is opportunity and review that will take place. So if that helps any. I hope it does.

MS. WINSHIP: Thank you.

CHAIR MAYFIELD: Commissioner Holian, please.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you, Ms. Winship, and I want to re-emphasize what Commissioner Anaya said. We've been very supportive of community plans in this particular county and we have many, many community plans as you probably know. And so I would just like to ask Penny what you see as the process for going forward with incorporating community plans into the zoning map.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, Chapter 9 actually states that there are numerous community districts established by ordinance. This is not one of those community districts established by ordinance simply because it hasn't got a plan approved and hasn't done an ordinance. So what we did in this area is we identified what the current districts were and we followed the existing traditional community that has been designated since 1981. We followed that boundary to extent that we could trying to follow property boundaries. And so that's the district that you see right now. If today, if somebody came in to the Land Use Department to do something that's the district that we would say that they're in today because it was established in 1981. So as we move forward, we said in the SGMP and in the SLDC that these districts will need to review plans to make sure they're consistent.

Now a community like Chimayo is doing their plan now so we would assume that by

the time it comes in front of the Board it would be consistent, because we've got the SLDC and the SGMP in place, and then the communities would write their own – with the Planning staff – would write community overlay districts. And so as part of that you follow a similar process for that as you do with a possible zoning map amendment. And so if that came hand-in-hand where a community recognized that – even a new community that has yet to establish a planning area or a community area came forward and said, we have changes in our zoning map, there is a process for them to do that, alongside the community plan that would establish the reasons to do that and a community overlay district.

COMMISSIONER HOLIAN: So what would happen is, first the community plan would be developed and then an overlay district would be created as an amendment to our Land Development Code, or would it be a separate ordinance?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, no. Chapter 9 is set up to be placeholders for all of the overlay districts. At the moment it references the existing ordinances but as each community goes through and writes their overlays, obviously we have different tools and different requirements in the SLDC than we did in the old code, so to make it consistent communities would come through and have their own overlay districts in Chapter 9. So until that we have the placeholder as to the extent possible to use the existing ordinances. But understanding a lot of the existing ordinances reference a land development code that is going away because we have the new SLDC. So one way or another we need to work out for each community district, what does apply in the meantime before those overlays come back. And that is something that staff will need to work on what the options are and bring that back to the Board prior to any action on the zoning map or the SLDC changes.

COMMISSIONER HOLIAN: And in this case Chimayo did not have an ordinance before. This is being created for the first time, correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Holian, that is correct.

MS. WINSHIP: We do have an ordinance under the original County code for our historic community. I'd just like to clarify a couple of points that Ms. Ellis-Green raised. It is indeed the correct boundary for our historic community but within that boundary zoning has changed from the old land use code to the new Sustainable Land Development Code. There have been changes made. We were asking that those changes not be made, that we remain under the old land use code and just give us the time to finish our plan. Under Section 9.3 it specifically exempts Chimayo even though we do not have our ordinance complete. We are listed along with the other communities who have community plans completed. We were specifically included. We are asking you to honor that.

COMMISSIONER HOLIAN: Thank you, Ms. Winship. I think I understand now what you're asking.

MS. WINSHIP: Thank you.

CHAIR MAYFIELD: So, Penny, I'm going to ask a few questions now. So as Ms. Winship said, I believe there were two placeholders for two community plans. One was for the Tesuque area and one was for the Chimayo area, even if an ordinance or an amended ordinance wasn't created at the time in our new SLDC.

MS. ELLIS-GREEN: Mr. Chair, the new SLDC in Chapter 9 has placeholders for ten communities that have community ordinances and it clearly says that numerous community districts were established by ordinance. These individual community district

ordinances shall remain in effect until such time as new community plans are adopted in accordance with Chapter 2 and a corresponding OCD, which is an overlay community district, is established in accordance with Chapter 8. Then lists the previously approved community district and it quotes the ordinance numbers. So there's ten of those, then there's San Marcos and Galisteo that "There are resolutions that adopted the plan." And Chimayo is quoted as a resolution pending.

CHAIR MAYFIELD: Thank you. And just with the map that Carlos has up there. Help me with the colors because all these colors are mixed together for me. Is that the traditional area or is that the residential fringe area?

MS. ELLIS-GREEN: Mr. Chair, the large kind of orange area on there is the traditional community.

CHAIR MAYFIELD: That is the traditional color. Okay. It looks a little more orange for me but okay. Fair enough. And then I'm just going to go back to a quick question, if Mr. Ortiz is still in the audience and we're talking about community plans. So if we look at the map in the Jacona Land Grant, how – and this is again – I appreciated what Commissioner Anaya stated earlier. This is I guess throwing out a question that hopefully gets staff to do some time and research on and get back the answer to me. But how then, respecting the treaty that was stated to us in all of our land grant areas can a community plan be dictating what they can do also within that area, or if this Commission approves a community plan?

Because the way I'm looking at this map that's in front of me, and I might be wrong, is that the Jacona Land Grant would be within a community planned area. You don't have to answer that now if you don't have the answer. That's just one of my questions for the future. If you do that's fine.

MS. ELLIS-GREEN: Mr. Chair, I was going to say that there was a discussion about some of the properties being in private ownership and so we would have to look at that, but you're correct. It shows kind of like the Pojoaque area. So we will look into that.

CHAIR MAYFIELD: And again, with Ms. Winship, what she just brought up too, so I guess if Chimayo or any other communities are establishing a community plan, I believe, I could be mistaken, I think there's two grant areas or that about Chimayo's greater area. So I just want to see how a community plan can put rules or provisions toward a land grant also. Thank you. So whoever – is it Ms. Trujillo who's up?

[Previously sworn, Martha Trujillo testified as follows:]

MARTHA TRUJILLO: Good evening, chair, Commissioners, Martha Trujillo from Pojoaque. My husband and I have lived in the community all of our lives. We're fourth generation, so we thank you for keeping the Pojoaque area as a traditional community, $\frac{3}{4}$ acre, but we did notice that there is also no central water and sewer, with that said, and I appreciate your comments, Commissioner Anaya, and you reaffirming, Commissioner Holian, about how you listen to your constituents and you take the planning very thoughtful.

Not too long ago we were here for the Aamodt settlement and the JPA discussions and I just wanted to say that or to bring back to the table that you continue to consider our area as traditional agricultural rural, and that with the decisions that you make with the regional water system that we keep in mind that it does have a potential to dry up ojitos, acequias and rivers. And something very dear and close to my husband's and my heart are the acequias and we'd just like for you to encourage to keep you encouraged on keeping those in mind. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Trujillo. Ms. Ellis-Green, also, based on some of Ms. Trujillo's comments, the traditional community areas, that I guess we could now afford three dwellings per acre if there is a centralized water system and a centralized sewer system? At least Santa Fe County is part owners of a centralized sewer system out in the Pojoaque area and now that if the Aamodt comes to fruition or not. So would that change the private claims area in there to development of a three per acre?

MS. ELLIS-GREEN: Mr. Chair, the three per acre with a community water and a community sewer system is in the current code and we have kept it in this code.

CHAIR MAYFIELD: The way I'm reading it on this map here is it's only applicable to traditional areas, or is that countywide?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, that is in the traditional community zoning district. It is in that district now, so if you're in a traditional community your minimum is one unit per $\frac{3}{4}$ of an acre, but if you have community water and a community sewer system it's one unit per $\frac{1}{3}$ of an acre. And we've kept that in the existing code for the traditional community areas.

CHAIR MAYFIELD: Thank you. Can you tell me right now, and if not, later, how many traditional areas maybe have access to community water and community sewer and that would be able to be developed to three dwellings per acre? It doesn't have to be today but if we have that I do believe that if the Aamodt does come through that that would put certain parts of the Pojoaque area within that allowable provision.

MS. ELLIS-GREEN: Mr. Chair, that may. I know the Agua Fria has some areas that are served by both water and sewer. I'm not sure that other areas do though. The old traditional area of the Town of Edgewood did have a water system and some sewer systems in some areas.

CHAIR MAYFIELD: Thank you. Whoever's next please.

[Previously sworn, Ann Murray testified as follows:]

ANN MURRAY: My name is Ann Murray. I'm from the Village of Cerrillos, P.O. Box 22. Although there is much about the Turquoise Trail that is magical this National Scenic Byway did not simply appear one day. Citizens worked to get this national recognition and have built our businesses on the sustainable tourism it brings. My concern here is the new industrial area around Highway 14 along the National Scenic Highway.

After years of planning and code hearings in the last months a large industrial zone has been revealed and it deserves public discussion and consideration. We would like to recommend that the 320-acre industrial zone now placed right on the Turquoise Trail be moved to areas that are not so tied to tourism and the arts and the need to protect the scenic qualities of our area. We don't need any more industrial traffic added to the cement trucks already using Highway 14. Perhaps putting an industrial zone in the southern part of the county closer to I-40 in Albuquerque would be more appropriate and more welcome.

How many national scenic byways does Santa Fe County have? One. Let's not whittle it away with flawed planning. Simply placing an industrial area at the edge of a growth area is not enough rationale for this zoning without having shown a true need or a definition of what industrial uses would be encouraged this is just arbitrary, boilerplate planning that in fact is running counter to the existing industry – tourism. We request a hearing in our area, preferably the Turquoise Trail Elementary School to resolve this crucial issue and thank you for your

attention. Thank you. *[Exhibit 6]*

COMMISSIONER ANAYA: Thank you, Ms. Murray. Next person, please.

[Previously sworn, Valerie Nye testified as follows:]

VALERIE NYE: Thank you, Commissioners. My name is Valerie Nye. I live in the Rancho San Marcos neighborhood. My address is 71 San Marcos Loop. I am speaking in opposition to the mixed use on Highway 14. There's a petition in your packet opposing the mixed-use zoning on Highway 14 and we're continuing to collect signatures for that petition. As of this evening there are 316 people who have signed this petition opposing the mixed-use zoning.

The land is currently being used as a ranch. We asked that the map be changed to reflect its current use. Please change the mixed-use zoning to ag-ranch zoning. If the property owner wants to change the zoning, please require these owners to follow the County's process and apply for the mixed zoning. Thank you.

COMMISSIONER ANAYA: Thank you very much, Ms. Nye. Mr. White.

[Previously sworn, Paul White testified as follows:]

PAUL WHITE: Commissioners, my name is Paul White. I live on 94 Camino Chupadero and I have some comments. I might kind of bounce back and forth here but my primary concern is about water and the availability of water for increased development and I think that there is a Water Advisory Committee the County has instituted, and I think that this issue of development, mixed use, commercial, whatever, really should be vetted by the Water Advisory Committee. My concern is that there isn't enough water, that currently, Heron Lake is basically down to a puddle. The Azotea Tunnel last year was 20 feet below the inlet pipe. And if we are going to continue developing then where is the water going to come from? Is it going to continue to come from wells? Is the City going to continue to have to provide in an emergency situation water for all of this development?

There should be a contingency provision in the code so that when we reach a certain level of water in the river, in the Rio Grande that certain points be put in that development maybe should be addressed as far as continued development. If there isn't enough water then there should be a contingency plan.

I'd also like to say that I'm on the La Bajada Ranch Steering Committee and one of the things that we reviewed was a poll by the County. That poll overwhelmingly indicated that most people were interested in keeping the ranch as open space. Now, looking at the map adjacent to the ranch there's mixed use and a planned development district, which kind of goes against the County's own poll to keep those areas open space.

I'd also like to mention that in the Sustainable Growth Management Plan there is provisions for community organizations and I think those community organizations are the proper place for vetting development for the people who live in those areas to be able to have a position on that. There's also a provision for COCO, Community Organization Congress, and that seems to be ignored in this.

I'd also like to mention, a gentleman I believe who's name is Ortiz who brought up the land grants. There are several land grants in Santa Fe County. I know a person who is very familiar with land grants and perhaps the County would like to consult with her. Her name is Carmen Quintana. So if there's going to be any discussion about land grants being taken out of the County planning process I think she – and she has come to many of the County meetings

and expressed her concerns about how land grants are being overlooked.

As I mentioned, I live in Chupadero. About two years ago there was an earthquake in our area and I believe this earthquake was caused by water withdrawals, either by the City wells having effects in our area as well as there are some wells in our area that are using a lot of water for the golf course and this is possibly related. The central area where this earthquake happened happens to be in an area that Gerald Peters owns and it's an area of about 2,000 acres and I think that any development in that area really needs to be critically looked at. I'm recommending 160 acres per parcel for that area. The current proposal is for 40 and 20 acres in that area. Also access to that area could come through Chupadero and Chupadero has insufficient road widths and that would need to be changed or addressed for access to that property from the eastern side of that property.

COMMISSIONER ANAYA: Mr. White, if you could please wrap up your –

MR. WHITE: I'm done. Thank you very much.

COMMISSIONER ANAYA: Thank you very much and you made some comments. You don't need to respond. I'm just going to comment that the committee that you sit on that this Commission asked you to sit on reflects asking you to help us with recommendations that didn't only encompass open space but encompassed all of the uses reflected on that map. We gave that direction through you by resolution. So I want to make that clear.

MR. WHITE: Yes. I'm aware of that.

COMMISSIONER ANAYA: You make it sound like we asked you to do something different but we did ask you to review all potential uses including but not limited to open space and mixed use. So I'm just saying that on the record so the public understands that. But thank you for your comments.

MR. WHITE: I'm aware of that. Thank you. And I'm just mentioning the poll as sort of a guideline that is already out there.

COMMISSIONER ANAYA: Thank you for letting the public know that. We're keenly aware of the poll and appreciate your work on the committee and your feedback here today as well. Yes, sir.

[Duly sworn, All Lilly testified as follows:]

AL LILLY: I'll be brief this evening. My name's Al Lily from Santa Fe Planning Group and I just have a couple of comments with regard to the code, and the main one has to do with density bonuses. It's something that's been talked about over the years while this process has been going on but we've never gotten into anything definitive. So I have a letter from Santa Fe Planning Group [*Exhibit 7*]. I also have a letter from James Siebert and it brings up the importance of at least recognizing the need to provide for density bonuses.

The real instance has to do with the fact that, let's say you have property that currently has no County facilities, utilities, whether that be water or sewer or both, or community facilities. So it seems like it out to be recognized that if you were to bring those utilities to the property that a density bonus would be something that should be considered. You also have the issue of clustering of housing, and it's an important thing for good land use planning, and again, that's not taken care of or addressed in the code at all. So both of these two letters bring that up. It has some suggested densities in there but they're open for discussion and I'd be glad to meet with staff to further discuss that. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Lilly.

[Previously sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: My name is Scott Hoeft and I'd like to approach and give you a quick hand out. This is a project that surfaced just in the last few weeks and it surfaced as a four-lot division, so at a glance it's relatively benign. If Tim can pull it up on the monitor that would be helpful. And I was contacted by a few folks in the area asking, first of all, was it a rezoning action? What is it? It's a summary review subdivision. Is there anything we should be concerned about? Well, I said it's a four-lot division. It's permitted in the code. It isn't that big of a deal. They said, well, can further divisions occur, and I said, well, let me look at it but it should be in the Basin Fringe, so therefore if the lots are greater than 12.5 acres that should be it unless they go through a formal subdivision process.

But when I looked at the map here, and that's now in front of you and on the screen in front of you, you can see that site, the subject site is not Basin Fringe, which would be yellow in this case. It's shown as brown. And so that kind of was curious. And so is it possible, Tim, to put the hydrological zones on that map as well? No? Well, as you can see on the map you have in front of you you can see where the Basin Fringe is at, where I circled, and where the Basin is at. And you can clearly see that the subject site is in the Basin Fringe. So at a glance, I don't know what the intentions of this individual are who are going through the summary subdivision, which is, again, a relatively simple process, but what it does is it invites further divisions, based upon the zoning classification up here.

So what this classification does is it takes it down to 2.5 acres. And so I met with Penny and talked with her for a little bit and at a glance, you would say, well, there's common promotional plan laws. There's serial subdivision laws. You would think that any further division would be tricky. However, with looking at the new code I also know that water availability is key to making the decision regarding further divisions and this subdivision would likely have – or this four-lot division, a community water service program. Therefore, I'm uncertain of how future divisions would be treated and if it would be required to hook up to the County water. Any minor subdivisions in the new code are required to hook up to County water, but given that this is getting its start as a community water system I'm uncertain of how that would be treated.

So my request is just simple, after that long explanation and how this came up in a relatively benign way, is that that site should be yellow. It should not be brown. And if it was yellow I think that any future divisions, it would be relatively clear.

Now I talked with Tim and he said, well, when the code was – when the map was being created it was often created in broad brush strokes rather than spot zoning. So therefore the area is shown as brown for that reason. But in this case I think that it should adhere to the Basin Fringe Hydrological Zone, which it's clearly in, and that subject site should be shown as yellow.

And as my final point, if you look at this map that I handed out to you you can see that at the very northern top there is yellow, and those reflect, again, Basin Fringe lots, 12.5-acre density. So it is precedent in the area for that to be yellow up above. The areas that are brown in the immediate subject area, the reason why those are brown is those went through the entire master plan process or a formal subdivision process. This one has the potential to not do either and to continue to do divisions as it proceeds. So that is our request and I appreciate your time. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Hoeft.

[Duly sworn, Carmen Payne testified as follows:]

CARMEN PAYNE: Mr. Chair, members of the Commission, my name is Carmen Payne and I reside at 281 State Road 76 in Cuarteles, New Mexico, and I'm here representing the representatives of Cuarteles. We learned from this zoning map that Cuarteles is zoned as residential estate and it is absolutely not residential estate, which is defined in your code as a contemporary residential community or development. Cuarteles is not contemporary. It is very old. One of the requirements in your zoning code is that it be older. A traditional community is older than 1925 and Cuarteles was established in 1695 when Don Diego de Vargas came and settled in Santa Cruz de la Canada and Cuarteles was the barracks for the soldiers at that time, and there are a number of older homes there that were part of those barracks at the time and have now become residential buildings.

We use the acequia system. It is – we do use it and we pay for taxes and it is being maintained by the parciantes. We have a historical structure which is also one of the requirements of traditional community. We have a Capilla de la Sangre de Cristo which was built in 1850 to 1856 and it was reroofed in 1918. We also, as I said, we're not a contemporary residential development. There are a couple of – there are a few new homes there that could be considered contemporary but most of the homes there are older. I personally live in the home that my father built in the 1940s and there are many that are even older.

And so what we're asking is that you please rezone it back to traditional. We are surrounded by traditional communities – La Puebla, Arroyo Seco, Chimayo, Sombrillo, El Llano, and why in 1980 I think is what they said, someone took it upon themselves to change Cuarteles to residential estate we don't understand and we were very shocked. So we respectfully request that the Commission consider rezoning it back to traditional. I do have – I am in the process, we are in the process of getting signatures on a petition and I will submit those to your staff, and that's all I have to say this evening but thank you so much for your time.

CHAIR MAYFIELD: Thank you. Ms. Ellis-Green, is the Cuarteles area within a community plan? I don't believe they are, are they? Maybe they are.

MS. ELLIS-GREEN: Mr. Chair, I believe that Cuarteles is not within a community planning area.

CHAIR MAYFIELD: That little purple block around it isn't a community plan?

MS. ELLIS-GREEN: No, Mr. Chair. They are not within a community planning area.

CHAIR MAYFIELD: Would there be anything to prohibit Cuarteles from coming in asking for community plan designation? What are the new rules under the new SLDC?

MS. ELLIS-GREEN: Mr. Chair, under the new code, yes, communities can come in and request to do a community planning area. The reason why Cuarteles was not shown as TC is there never has been a TC in the Cuarteles area. So they weren't established in 1981 and in general we did not add or delete traditional communities in this zoning map.

CHAIR MAYFIELD: Thank you. So do we know the average acreage or lot size per dwelling out in that area? Does the County have information like that or they don't have information like that?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, since this was brought up at

the last meeting I have talked to Planning staff about how we do an analysis like that. As you can see by the river area there are certainly some larger lots. There are a lot of smaller clustered lots along the State Road. So we would want to do an analysis like that to determine what the boundary is. And either through this process or a later community planning process.

CHAIR MAYFIELD: And in respect of what was just stated and what you stated, Ms. Ellis-Green, so anything prior to 1981, was that done through, say, a prior Commission as a variance request or what was – I know the area well, and there's homes that are closer to each other than $\frac{3}{4}$ of an acre. So would they have at one time had to come in front of this Commission for a variance to establish that? Or they just built?

MS. ELLIS-GREEN: Mr. Chair, in 1981 was when our land development code came into effect and that's when the $\frac{3}{4}$ acre or the hydrologic areas were identified. So the lots would have been created through numerous different ways. Some of them could be very old lots, grandfathered in. Some may have requested variances. We also had a small-lot family transfer provision that up to 1989 didn't have a minimum lot size so some lots were created throughout the county that were much smaller than the minimum lot size. So there could have been numerous ways that those lots were created that way.

CHAIR MAYFIELD: Thank you. Commissioner Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, just a brief comment that history tells us even in the Galisteo area, which was a pueblo, Galisteo Pueblo, and when pueblo lands were being designated and allocated that was an area that didn't have individuals that came forth that met the federal criteria or pushed the criteria associated therein to actually have pueblo lands designated. But just because a community was not designated prior at the County as a traditional community doesn't remove it from any possibility of becoming a traditional community and I think that's what I've heard several times from Ms. Payne and others.

So I would like staff – not tonight. Not right now, but provide us some framework as to when some of the traditional communities were created and some of the background associated as to how those considerations were provided to the Commission so that we might listen to them and then consider some tool to evaluate a traditional community coming in at this time. Thank you.

[Previously sworn, Sandy Anderson testified as follows:]

SANDY ANDERSON: Mr. Chair, Commissioners, thank you for the opportunity to speak with you. I'm Sandy Anderson from Ojo de la Vaca Road, way up on top of Glorieta-Rowe Mesa and on behalf of my neighborhood and all the wildlife I really want to extend my gratitude to you all for recommending the 160 acres, the ag-ranch designation. We're all wild up there. We have some serious water catchment going on. We have wells and of course the level has gone down. Some wells are good and some wells never worked out to begin with. So it seems like you did a very appropriate designation for us and I thank you so much for that.

And I'm wondering, is there any kind of overlay map showing the different water levels in the county to base all this talk and consideration on? Has there ever been a map done?

COMMISSIONER ANAYA: Mr. Chair, we do have maps associated with water use and defining ag areas as well so I think that's a good request and I'll request of staff that we bring those maps forward to those hearings and make sure that they're accessible to the public.

MS. ANDERSON: Oh, wonderful.

COMMISSIONER ANAYA: The County does have maps that delineate watershed areas as well as ag areas that utilize water. Thank you.

MS. ANDERSON: All right. Thank you.

CHAIR MAYFIELD: Have you already commented on the zoning map?

MS. CHICOINE: No, I have not. Just on the ordinance, Mr. Chair. Mr. Chair, members of the Commission, my comment is a request in terms of how to comment further. At the first public hearing there was an announcement that the staff was making certain recommended changes to the map and we're now in a certain situation as people wish to comment, they're not certain whether they're commenting on what was originally proposed in the zoning map or the staff recommendation. There was -- the Commission had asked that that information be put up on the internet so individuals in affected property areas where the change had been made would know what the recommendation from the staff was and it's not there. So for purposes of going forward and commenting it's very difficult at this time.

MS. ELLIS-GREEN: Mr. Chair, the BCC packet is up on line, so that is available, but as I said earlier, we have not gone through the entire database. That is what we will work on next. We have tried to eliminate the duplicates and consolidate them so we have one comment of what we're working for from every property that has been commented on and as we said we would take comments from this meeting to the database and then at that point close that portion of the database while we make comments on it. And as soon as we've done that and presented that to the Board we would have that available to the public.

COMMISSIONER ANAYA: Mr. Chair, if I could help as well, I made several comments as did other Commissioners, but I would say publicly that we're not going to have a map change for every single comment that comes forward before the Board of County Commissioners. That would not be reasonable or plausible for the staff to be able to do that. But we are going to have the collective comments and then as we progress toward the decision there's going to be options in given areas that staff provides us that reflect a review or summation of what those comments are. But every individual comment that every individual person makes is not going to have a specific map change. But I think staff is going to work hard to come up with summations in areas and have options that we're going to have to take into consideration for possible adoption and possible change. So I would just offer that clarification.

MS. CHICOINE: Mr. Chair, I am not speaking about comments. At the opening public hearing last month I believe it was, staff recommended and stated that they were going to change the area at Santa Fe 330 at Calle Nopal and Camino La Tierra and 599 from mixed use to residential estates and that was going to be a staff recommendation. And this Commission specifically directed the staff to put every recommendation that the staff was making on line so that people would know what the target was. That has not happened. And that is what my question for purposes of commenting is, is that the staff made a public statement they were making a recommended change, and there was a request from the Commission that that go up on line; that has not happened and that's -- it's not comments, it's where the staff has already made a note that they're going to make a recommended change.

CHAIR MAYFIELD: So Penny, do you care to provide one last comment and then we're going to move on to Mr. Keesing.

MS. ELLIS-GREEN: Mr. Chair, just to clarify, it's in your packet as Exhibit A.

It's about six pages long and it is on line, yes.

CHAIR MAYFIELD: Okay, so Exhibit A, everybody in our book, and it is online and if we miss something just bring it to our attention and we'll have it including. Thank you. Mr. Keesing.

[Duly sworn, Tom Keesing testified as follows:]

TOM KEESING: Tom Keesing, P.O. Box 4475 Santa Fe, New Mexico. A few brief comments on behalf of Mr. Miller. Thirty-five years I've appeared before this Commission. I may not look that old but for 35 years I've been involved in hundreds of cases before the Santa Fe County Commission and other governing bodies and I can tell you with all sincerity that without exception once a general plan is adopted there are no changes. So as easy as staff might say, well, you can come in and modify this or propose a master plan or a zoning change, in 35 years I can't recall an instance where that was possible. You're denied when you walk in the door.

So the importance of this zoning map is critical to the Commission and to the citizens of Santa Fe County because this is cast in stone once you adopt it. The procedures for changing it are financially and politically not available. Just a comment.

Second, it's a fabulous plan for the most part. It's a great job by this County Commission and previous Commissioners who have been on this Commission. It's got some fabulous land use codes. The biggest challenge you're going to have is you have a staff that is so overworked and you're dealing with applications now that are at ten percent, maybe less, of a typical real estate development market. And your staff, as hard as they try, they can't keep up with the applications on their desks now. We're involved in two of them. We've been involved in a process for over two years, maybe longer, but should have taken six to nine months. So you're going to have to really take some serious looks at budgetary issues to implement this plan. It's going to require a great deal more technical and professional staff in your land use department.

And I've got to admire your land use department. That's got to be one of the toughest jobs in Santa Fe. Specifically, on behalf of Mr. Miller, no one would propose a sand and gravel operation today understanding the politics and culture of Santa Fe today. It's probably not appropriate. It doesn't fit into what Santa Fe and Santa Fe County is all about. However, this particular sand and gravel operation has been in existence since after the war. Much of the sand and gravel of Santa Fe came from this sand and gravel operation before some of the big corporate sand and gravel operations either located here or started shipping sand and gravel here. In fact, most notably, this sand and gravel operation is a quarry location of where the cathedral stone originated. So its roots as a sand and gravel and stone operation and I can't tell you when the cathedral was built though. I'm embarrassed to say, but it's been there for a few years as a sand and gravel operation.

Covering that, from a legal standpoint, and we about made this point with the previous County Attorney and haven't had the opportunity to talk to the new County Attorney, the County has been ordered to recognize this as a sand and gravel operation by the courts. The County and the landowner, Mr. Miller, went to court. Everyone got their opportunity to present their case and the courts ruled that this is a sand and gravel operation. So to continue to recognize it as a kind of sand and gravel operation that has some sort of weak approval is inappropriate. This sand and gravel operation needs to be recognized on the zoning map and

regulated with whatever stringent regulations there are for sand and gravel operations today. And they're tough. They're not easy to comply with, but to not recognize that sand and gravel operation would be a huge economic detriment to Mr. Miller and his family.

So I would urge you to take another look, and we've been, for over a year, meeting with staff and they've been very polite. They've been patient. Arguing this point, but it's gone on deaf ears. They have not considered it. We're asking that you take that into a little more serious consideration.

Number two. Mr. Miller owns that 3,000 acres right there. The most significant part is that it's in the Eldorado Utility water district. I was shocked when I saw that. If I was Mr. Miller, I commend him for achieving that status, but that status allows 2.5-acre lots. It has water. How can you down-zone it to 40-acre lots? You got to know that 40-acre lots are basically not usable. There are thousands of 40-acre lots in Santa Fe County that have no value. They can't be marketed, they can't be sold. Because 40 acres – it becomes not feasible financially to build roads and run electric and telephone. You can drill wells but the wells are not the best source for water. So 40-acre tracts basically is an overlay of we're not going to let you develop because it's not feasible.

So I just want to –

CHAIR MAYFIELD: [Microphone not on]

MR. KEESING: I'm finished, Mr. Chair. I just wanted to say that the value of that 3,000 acres as 40-acre lots is about \$2,000 an acre. The value as 2.5-acre lots is about \$10,000 an acre. So you can see the dramatic economic damages that Mr. Miller would achieve if he didn't fight for this designation that he's legally entitled to today. Thank you very much.

CHAIR MAYFIELD: Okay. So we'll go for round 2 if anybody would ask to come back up and readdress the Commission, just please come on up.

MS. TRUJILLO: Thank you for the opportunity for me to come back up and clarify something. I just wanted to say that I didn't want the Commission to misinterpret what I was saying, suggesting that a regional water system would be the end-all to keep our rivers, acequias and ojitos alive. In reference to a regional water system and it having the potential to dry ojitos, my concern is should the water supply, which is the Rio Grande, decrease in water due to drought or what have you, and the dwelling increase on a 3.75 acre with it increasing, that is why I said I fear our ojitos, our rivers and our acequias would dry up because I'm not sure where that water would come from, other than what the locals value, which is our acequias, ojitos, the riverbed and that then becoming the source for the stakeholders.

CHAIR MAYFIELD: Thank you, Ms. Trujillo and would you just restate your name for the record?

MS. TRUJILLO: Martha Trujillo. Thank you.

MS. NYE: My name is Valerie Nye. Thanks for being able to speak again. I just would like to request as the Turquoise Trail group requested that a community meeting be held at the Turquoise Trail Elementary School to gather community comment from Rancho San Marcos, the San Marcos Association and the Turquoise Trail group. Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I've already proposed to staff that we have a combined District 4 with Commissioner Holian's interest in District 5 meeting combined at the

20140625150000

Santa Fe County Fairgrounds on Tuesday, September 23rd from 6:00 to 8:00 pm. That was one of our original dates that we hadn't scheduled – or is it Pojoaque that day?

CHAIR MAYFIELD: That's fine. We'll figure it out.

COMMISSIONER STEFANICS: Well, I could go back to the earlier Tuesday. Anyway, rather than having it down on Highway 14, we have Eldorado, we have Highway 14, we have some other areas in Commissioner Holian's district that might want to still come and that having the Santa Fe County Fairgrounds, it's on the south side, it has parking, so we'll pick an appropriate date and time and make sure we advertise it well. And I'm sorry it won't be exactly down Highway 14 but we'll get a separate one. Okay?

CHAIR MAYFIELD: [inaudible]

MR. WAIT: Walter Wait, San Marcos Association. Just a clarification. I'm going to assume, Penny, that we cannot expect an updated draft of the proposed zoning map until after September 16th, or any really written changes that would be reflected on a zoning map until after that last meeting. Is that correct?

CHAIR MAYFIELD: Mr. Wait, if we can address the chair and we're not going directly to staff for questions at this time.

MR. WAIT: All right. I will address you.

CHAIR MAYFIELD: That's fine.

MR. WAIT: My concern is that we will not know what changes have been made, or what proposed changes will be made to the zoning map or if any proposed suggested changes will be put on the map until way down the line. And we'd really like to be able to know whether or not the suggestions that have been put forward, whether they're small ones or large ones in our instances, are either valid or still under consideration or been thrown out of hand. Since we won't know that until the last meeting or the last two meetings of the BCC I can foresee that the last meetings of the BCC prior to you voting on the draft may be rather raucous if people have not had the opportunity to determine whether or not the final draft is to their liking or not.

CHAIR MAYFIELD: Thank you, Mr. Wait. So, Ms. Ellis-Green, then we'll go back to our – again, is there anybody else wishing to comment on the zoning map? So seeing none, this is a public hearing, correct? So this portion of the public hearing will be closed on the comments tonight on the zoning map and ordinance. So let me go to a question from staff, please. So Penny, we talked initially on the onset the timeline of the adoption of the Sustainable Land Development Code, so knowing that we will have a few more public meetings out there and that staff does need their time to – they've been doing a great job trying to incorporate great suggestions and rolling up the suggestions. Can you restate the timeline please?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it seems now as though we would have three public meetings. One on August 20th at 6:30 in Edgewood; September 16th at 6:00 at Pojoaque Middle School multi-purpose building, and September 23rd at 6:00 at the fairgrounds, to have three additional public meetings. As far as the comments are concerned and the updated zoning map, as a new map with changes taking place, staff is not going to be amending the zoning map until given direction by the Board, and what staff will present is the database of all of the comments with the staff recommendation. Again, that's only a staff recommendation. At that point we would look for direction from the Board as to whether or not you wanted to take those staff recommendations, put them into a zoning map, and that would be

REC'D RECORDING ROOM 10/1/14 10:00 AM


the next zoning map we would have the final public hearings on.

CHAIR MAYFIELD: Thank you. Commissioners, any questions, comments? Not right now. Ms. Ellis-Green, thank you. Everybody, I really want to thank you for your time and please note that we do have three additional public meetings coming up. Your attendance or participation would be very much appreciated. Thank you all for being here tonight. Do we have a motion to adjourn?

IX. Adjournment

Commissioner Anaya moved to adjourn and Commissioner Stefanics seconded. Chair Mayfield declared this meeting adjourned at 7:25 p.m.

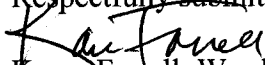
Approved by:

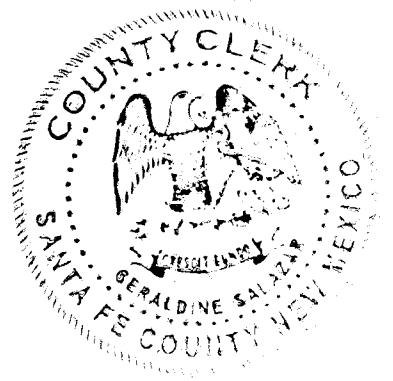

Board of County Commissioners
Daniel W. Mayfield, Chair

ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

8-12-2014

Respectfully submitted:

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



REC RECORDED 06/18/2014



Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Agri-Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Residential																		
Single family detached units		1110		P	P	P	P	P	P	P	P	P	P	P	X	A	P	
Single-family attached units		1120		P	P	P	P	P	P	P	P	P	P	P	X	A	P	
Duplex		1121		P	P	P	C	C	C	C	C	C	C	C	X	A	P	
Accessory dwelling units		1130		A	A	A	A	A	A	A	A	A	A	A	A	A	P	Chapter 10
Townhouses				P	P	P	P	P	P	P	P	P	P	P	X	A	P	
Multifamily dwellings		1202-99		C	C	C	C	C	C	C	C	C	C	C	X	A	P	
Retirement Housing		1210		P	P	P	P	P	P	P	P	P	P	P	X	P	P	
Assisted living facility		1230		P	P	P	C	C	C	C	C	C	C	C	X	P	P	
Life care or continuing care facilities		1240		P	P	P	C	C	C	C	C	C	C	C	X	P	P	
Skilled nursing facilities		1250		P	P	P	C	C	C	C	C	C	C	C	X	P	P	
Community Home, NAICS 623210				P	P	P	C	C	C	C	C	C	C	C	X	P	P	
Barracks		1310		A	A	A	X	X	X	X	X	X	A	A	A	P	P	
Dormitories		1320		A	A	A	X	X	X	X	X	X	A	A	X	P	P	
Single room occupancy units		1340		A	A	A	X	X	X	X	X	C	C	A	X	P	P	Chapter 10
Temporary structures, tents etc. for shelter		1350		P	P	P	A	A	A	A	A	C	A	P	P	P	P	
Hotels, motels, or other accomodation services																		
Bed and Breakfast inn		1310		P	P	P	C	C	C	C	C	P	C	C	X	X	P	Chapter 10
Rooming and boarding housing		1320		C	C	C	C	C	C	C	C	P	P	P	X	C	P	
Resorts				C	C	C	X	X	X	X	X	C	P	P	X	X	P	
Retreats				P	P	P	C	C	C	C	C	P	P	P	X	P	P	
Hotels, motels, and tourist courts		1330		C	C	C	X	X	X	X	X	X	P	P	X	X	P	
Commercial																		
Shop or restaurant with drive-through facility		2210		X	X	X	X	X	X	X	X	C	X	C	C	X	P	
Restaurant, with incidental consumption of alcoholic beverages		2220		X	X	X	X	X	X	X	X	P	C	P	X	X	P	
Restaurant, with no consumption of alcoholic beverages permitted		2220		X	X	X	X	X	X	X	X	P	P	P	C	X	P	
Stand-alone store or shop		2230		X	X	X	X	X	X	X	X	C	P	P	C	X	P	
Department store		2240		X	X	X	X	X	X	X	X	X	C	P	X	X	P	
Warehouse discount store/superstore		2124 2250		X	X	X	X	X	X	X	X	X	C	P	C	X	P	
Market shops, including open markets		2260		A	A	A	X	X	X	X	X	P	P	P	C	X	P	
Gasoline station		2270		C	C	C	X	X	X	X	X	C	C	P	P	X	P	
Automobile repair and service		2280		C	C	C	X	X	X	X	X	C	P	P	P	X	P	
Car dealer		2111		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
Bus, truck, mobile home, or large vehicle dealers		2112		C	C	C	X	X	X	X	X	X	X	P	P	X	P	
Bicycle, motorcycle, allterrain vehicle dealers		2113		C	C	C	X	X	X	X	X	X	C	P	P	X	P	
Boat or marine craft dealer		2114		C	C	C	X	X	X	X	X	X	X	P	P	X	P	

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Employment	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial - General	Industrial	Public Institutional	Planned Development	Special Conditions	
Automotive Parts, accessories, or tires	2115			C	C	C	X	X	X	X	C	P	P	P	P	X	P		
Gasoline service	2116			C	C	C	X	X	X	X	C	X	P	P	P	X	P		
Lumberyard and materials	2126			C	C	C	X	X	X	X	C	X	C	P	P	X	P		
Outdoor resale business	2145			C	C	X	X	X	X	X	C	X	C	C	P	X	P		
Pawnshops	NAICS 522298			X	X	X	X	X	X	X	C	P	P	P	C	X	P		
Beer, wine, and liquor store (off-premises consumption of alcohol)	2155			C	C	C	X	X	X	X	C	P	C	C	X	X	P		
Shopping center	2510-2580			X	X	X	X	X	X	X	C	X	P	C	P	X	P		
Convenience stores or centers	2591			X	X	X	X	X	X	X	C	P	P	P	P	X	P		
Car care center	2593			X	X	X	X	X	X	X	C	P	P	P	P	X	P		
Car washes	NAICS 811192			X	X	X	X	X	X	X	C	P	P	P	P	X	P		
Office or bank (without drive-through facility)	2100			A	A	A	X	X	X	X	C	P	P	P	X	X	P		
Office (with drive-through facility)	2110			X	X	X	X	X	X	X	C	P	C	P	X	X	P		
Office or store with residence on top	2300			X	X	X	X	X	X	X	C	P	P	C	X	X	P		
Office over storefront structure	2400			X	X	X	X	X	X	X	C	P	P	P	X	X	P		
Research and development services (scientific, medical, and technology)	2416			C	C	C	X	X	X	X	C	P	P	P	P	X	P		
Car rental and leasing	2331			C	C	C	X	X	X	X	C	P	P	P	P	X	P		
Leasing trucks, trailers, recreational vehicles, etc.	2332			C	C	C	X	X	X	X	C	P	P	P	P	X	P		
Services including pest control, janitorial, landscaping, carpet upholstery, cleaning and other services	2450			C	C	C	X	X	X	X	C	P	X	P	P	X	P		
Bars, taverns and nightclubs				X	X	X	X	X	X	X	C	P	P	P	C	X	P		
Bars, taverns, and related establishments	5400			P	P	P	X	X	X	X	C	P	P	P	X	C	P		
Sexually oriented business				X	X	X	X	X	X	X	C	X	X	C	C	X	X	Sec 10 20	
Tattoo parlors				X	X	X	X	X	X	X	C	P	P	P	C	X	P		
Industrial, manufacturing and wholesale trade																			
Light industrial structures and facilities (not enumerated in Codes 2611-2615, below)	2610			C	C	C	X	X	X	X	C	X	X	X	P	X	P		
Loft	2611			C	C	X	X	X	X	X	C	X	X	X	P	X	P		
Mill-type factory structures	2612			C	C	X	X	X	X	X	C	X	X	X	P	X	P		
Manufacturing plants	2613			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Industrial parks	2614			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Laboratory or specialized industrial facility	2615			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Assembly and construction-type plants	3000 2621			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Process plants (metals, chemicals asphalt, concrete, etc.)	3000 2622			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Construction-related businesses	7000			C	C	C	X	X	X	X	C	X	X	X	P	X	P		
Heavy construction	7400			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Machinery related	7200			X	X	X	X	X	X	X	C	X	X	X	P	X	P		
Specialty Trade contractor, plumbing, electrical, roofing, painting, landscaping	7300			C	C	C	X	X	X	X	C	P	P	P	P	C	P	Section 10	
Automotive paint and body				X	X	X	X	X	X	X	C	C	P	P	X	X	X	Section 10	
Automotive wrecking and graveyards, salvage yards, and junkyards				DCE	DCE	DCE	DCE	DCE	DCE	DCE	C	DCE	DCE	DCE	DCE	DCE	DCE		
Vehicle storage for towing or related business				X	X	X	X	X	X	X	C	X	X	C	P	C	C		

Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Traditional Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions	
Demolition, building and structure business				C	C	X	X	X	X	X	X	X	X	C	X	P	X	C	P
Receiving business				C	C	C	X	X	X	X	X	X	X	X	P	X	X	P	
Warehouse or storage facility Structure		2700		C	C	C	X	X	X	X	X	X	X	X	P	X	X	P	
Mini-warehouse, mini-storage units		2710		C	C	C	X	X	X	X	X	C	C	P	X	X	P		
High-rise mini-warehouse		2720		X	X	X	X	X	X	X	X	X	X	X	P	X	P		
Warehouse structure		2730		C	C	C	X	X	X	X	X	X	X	X	P	X	P		
Produce warehouse		2740		P	P	P	X	X	X	X	X	X	X	X	P	X	P		
Refrigerated warehouse or cold storage		2750		P	P	P	X	X	X	X	X	X	X	X	P	X	P		
Large area distribution or transit warehouse		2760		C	C	X	X	X	X	X	X	X	X	X	P	X	P		
Wholesale trade— durable goods		3510		X	X	X	X	X	X	X	X	X	X	X	P	X	P		
Wholesale trade nondurable goods		3520		X	X	X	X	X	X	X	X	X	X	X	P	X	P		
Food, textiles, and related products				C	C	C	X	X	X	X	X	X	X	X	P	X	P		
Wood, paper, and printing products				C	C	C	X	X	X	X	X	X	X	X	P	X	P		
Tank farms		2780		C	C	C	X	X	X	X	X	X	X	X	P	X	P		
Public assembly structures																			
Performance theater			3110	C	C	X	X	X	C	C	P	P	P	P	P	P	P		
Movie theater			3120	X	X	X	X	X	X	X	X	P	C	P	P	P	P		
Amphitheater			3130	C	C	C	X	X	X	X	X	X	C	P	P	P	P		
Drive-in theaters			3140	C	C	X	X	X	X	X	X	X	C	P	P	X	P		
Indoor games facility		3200		X	X	X	X	X	X	X	X	C	P	P	P	P	P		
Amusement, sports, or recreation establishment not specifically enumerated		5300		C	X	X	X	X	X	X	X	X	X	C	P	C	P		
Amusement or theme park		5310		C	X	X	X	X	X	X	X	X	X	C	P	X	P		
Arcade		5320		X	X	X	X	X	X	X	X	X	C	P	P	X	P		
Miniature golf establishment		5340		C	C	C	X	X	X	X	C	X	P	P	P	X	P		
Fitness, recreational sports, gym, or athletic club		5370		P	P	P	C	C	C	C	C	P	P	P	P	P	P		
Bowling, billiards, pool, etc.		5380		X	X	X	X	X	X	X	C	P	P	P	P	C	P		
Skating rinks		5390		P	P	P	X	X	X	X	C	X	P	P	P	P	P		
Sports stadium or arena		3300		C	X	X	X	X	X	X	X	X	X	C	C	C	P		
Racetrack or raceway		5130		C	X	X	X	X	X	X	X	X	X	C	C	X	P		
Exhibition, convention or conference structure		3400		A	A	A	X	X	X	X	X	X	X	P	C	P	P		
Churches, temples, synagogues, mosques, and other religious facilities		3500		P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Covered or partially covered atriums and public enclosure		3700		A	A	A	X	X	X	X	X	C	C	P	P	P	P		
Passenger terminal, mixed mode		3810		P	P	P	P	P	P	P	P	X	P	P	P	P	P		
Active open space/ athletic fields/golf courses		6340		P	P	P	C	C	C	C	C	X	C	X	P	P	P		
Passive open space		6340		P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Arts, entertainment, and recreation																			
Active leisure sports and related activities			7100	P	P	P	C	C	C	C	C	C	C	P	C	P	P		
Movie Ranch				P	P	P	P	P	C	C	C	P	P	P	P	P	P		

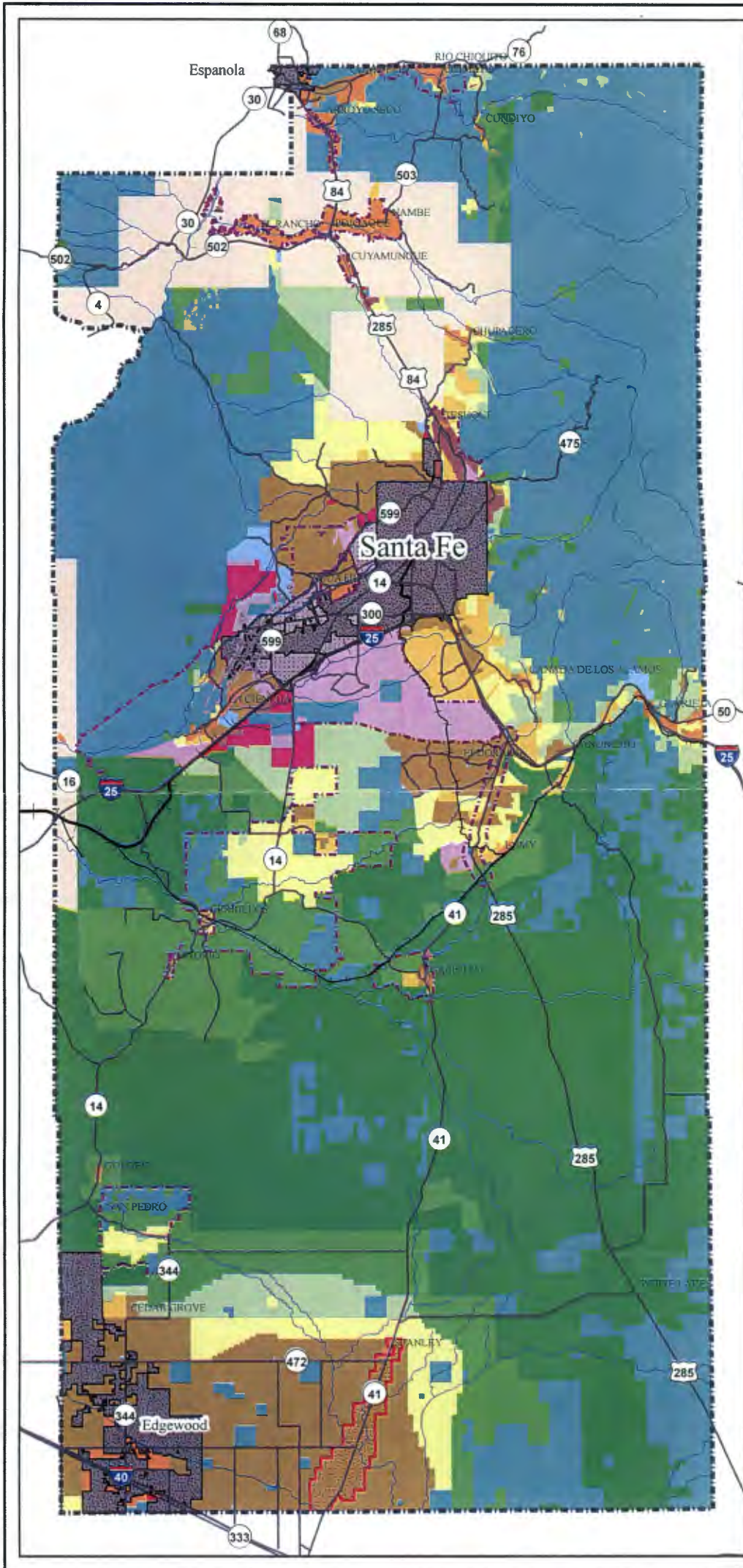
Use	Function	Structure	Activity	Agriculture/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Substantial Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Camps, camping, and related establishments	5400			P	P	P	C X	C X	C X	X	X	P X	P X	P X	C X	P	P	
Exhibitions and art galleries		4410		X	X	X	X	X	X	X	P	P	P	P	P	P	P	
Performing arts or supporting establishment	5100			C	C	C	X	X	X	X	P	P	P	P	P	P	P	
Theater, dance, or music establishment	5101			C	C	C	X	X	X	X	P	P	P	P	C	P	P	
Institutional or community facilities																		
Community center				P	P	P	C	C	C	X	X	P	P	P	X	P	P	
Hospitals		4110		X	X	X	X	X	X	X	X	X	X	P	X	P	P	
Medical clinics		4120		P	P	P	P	P	P	P	P	P	P	P	C	P	P	
Social assistance, welfare, and charitable services (not otherwise enumerated)	6560			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child and youth services	6561			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child care institution (basic)	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Child care institution (specialized)	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care center	6562			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community food services	6563			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency and relief services	6564			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Other family services	6565			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Services for elderly and disabled	6566			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Animal hospitals	6730			P	P	P	C	C	C	C	P	C	P	P	P	P	P	
School or university (privately owned)		4200		P	P	P	C	C	C	C	P	C	P	P	P	P	P	
Grade school (privately owned)		4210		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
College or university facility (privately owned)		4220		P	P	P	C	C	C	C	C	C	P	P	P	P	P	
Technical, trade, and other specialty schools	6140	4230		P	P	P	C	C	C	C	C	C	P	P	P	P	P	
Library		4300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Museum, exhibition, or similar facility	5200	4400		P	P	P	C	C	C	C	P	P	P	P	P	P	P	
Exhibitions and art galleries			4410	P	P	P	X	X	X	X	P	P	P	P	P	P	P	
Planetarium		4420		P	P	C	X	X	X	X	P	C	P	P	P	P	P	
Aquarium		4430		P	P	C	X	X	X	X	C	C	P	P	P	P	P	
Outdoor facility, no major structure			4440	P	P	P	C	C	C	C	P	C	P	P	P	P	P	
Zoological parks			4450	P	P	P	X	X	X	X	X	X	X	P	P	P	P	
Public safety related facility			4500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fire and rescue station			4510	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Police station			4520	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Emergency operation center			4530	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Correctional or rehabilitation facility			4600	C	C	C	X	X	X	X	X	X	X	X	C	P	P	
Cemetery, monument, tombstone, or mausoleum			4700	P	P	P	C	C	C	C	C	X	C	C	P	P	P	
Funeral homes			4800	P	P	P	X	X	X	X	P	P	P	P	P	P	P	
Cremation facilities			4800	P	P	P	X	X	X	X	X	X	X	X	P	P	P	
Public administration			6200	P	P	P	X	X	X	X	P	P	P	P	P	P	P	

Appendix B: Use Table

Use	Function	Structure	Activity	Agriculture/Retaining	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Traditional Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Post offices		6310		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Space research and technology		6330		P	P	P	X	X	X	X	C	P	C	P	P	P	P	
Clubs or lodges				C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Transportation-related facilities																		
Commercial automobile parking lots		5200		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Commercial automobile parking garages				X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Surface parking, open		5210		A	A	A	A	A	A	A	A	A	A	A	A	A	A	P
Surface parking, covered		5220		A	A	A	A	A	A	A	A	A	A	A	A	A	A	P
Multistoried parking structure with ramps		5230		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
Underground parking structure with ramps		5240		X	X	X	X	X	X	X	P	X	P	P	P	A	P	
Rooftop parking facility		5250		X	X	X	X	X	X	X	C	X	P	P	P	A	P	
Bus terminal		3830		X	X	X	X	X	X	X	C	X	P	P	P	P	P	
Bus stop shelter		5300		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Truck storage and maintenance facilities		5400		X	X	X	X	X	X	X	C	X	C	C	P	X	P	
Truck freight transportation facilities		4140		X	X	X	X	X	X	X	C	X	C	C	P	X	P	
Light rail transit lines and stops		4151		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Local rail transit storage and maintenance facilities		4153		X	X	X	X	X	X	X	C	X	C	C	P	X	P	
Taxi and limousine service maintenance and storage facilities		4155		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Taxi and limousine service dispatch facilities				X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Bus transportation storage and maintenance facilities		4156		X	X	X	X	X	X	X	C	X	P	P	P	C	P	
Towing and other road service facilities, excluding automobile salvage, wrecking, or permanent vehicle storage		4157		X	X	X	X	X	X	X	C	X	P	P	P	C	C	
Long-distance or bulk pipelines for petroleum products, natural gas, or mineral slurry		4170		P	C	C	C	C	C	C	C	X	C	C	C	X	P	
Courier and messenger service facilities		4190		X	X	X	X	X	X	X	C	X	P	P	P	X	P	
Commercial airports		5600		C	C	C	X	X	X	X	C	X	X	X	C	C	P	
Private airplane runways and landing strips		5610		C	C	C	C	C	C	X	C	X	C	C	C	X	P	
Airport maintenance and hangar facilities		5620		C	C	C	X	X	X	X	C	X	X	X	C	C	P	
Heliport facility		5640		C	C	C	X	X	X	X	C	X	C	C	C	C	P	
Helistops				C	C	C	X	X	X	X	C	X	C	C	C	C	P	
Glideport, stolport, ultralight airplane, or balloonport facility		5650		C	C	C	X	X	X	X	C	X	C	C	C	C	P	
Railroad tracks, spurs, and sidings				P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Railroad switching, maintenance, and storage facility		5700		C	C	X	X	X	X	X	C	X	X	X	P	C	P	
Railroad passenger station		5701		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Railroad freight facility		5702		C	C	X	X	X	X	X	C	X	C	C	P	X	P	
Utility																		
Local distribution facilities for water, natural gas, and electric power		6100		P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Telecommunications lines				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric power substations				C	C	C	C	C	C	C	C	C	C	C	C	C	C	
High-voltage electric power transmission lines				C	C	C	C	C	C	C	C	C	C	C	C	C	P	

Use	Function	Structure	Activity	Agricultural/Ranching	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Typology	Traditional Community	Commercial Neighborhood	Special Use	Commercial General	Industrial	Public Institutional	Planned Development	Special Conditions
Dam		6220	C	C	C	C	C	C	C	C	C	X	C	C	C	C	P	
Livestock watering tank or impoundment			P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Levee		6230	P	C	C	C	C	C	C	C	C	A	C	C	C	C	P	
Water tank (elevated, at grade, or underground)		6250	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water wells, wellfields, and bulk water transmission pipelines		6260	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Water treatment and purification facility		6270	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Water reservoir		6280	P	C	C	C	C	C	C	C	C	X	C	C	C	P	P	
Irrigation facilities, including impoundments for on-site irrigation or acequia system irrigation		6290	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Wastewater storage or pumping station facility, lift stations, and collection lines		6310	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Solid waste landfill facility	4345	6320	C	C	C	X	X	X	X	X	X	X	X	X	C	C	P	
Composting facility		6330	PE	PE	PE	CX	CX	CX	CX	CX	CX	PX	PX	PX	PE	X	X	
Recycling transfer center		6331	P	P	P	C	C	C	C	C	C	P	P	P	P	P	P	
Solid waste collection transfer station (Governmental)	4343	3210	P	P	P	C	C	C	C	C	P	P	P	P	P	P	P	
Solid waste collection transfer station (Private)	4343	3210	P	C	C	C	C	C	C	C	X	C	C	C	P	C	C	
Solid waste combustor or incinerator	4344		XE	XE	XE	X	X	X	X	X	X	X	X	C	PX	PX	XE	
Septic tank service, repair, and installation business	4346		X	X	X	X	X	X	X	X	C	C	C	P	X	P		
Household hazardous waste collection facility			C	C	C	X	X	X	X	X	C	C	C	P	X	P		
Hazardous waste storage facility		6340	C	C	X	X	X	X	X	X	X	X	X	C	X	P		
Hazardous waste treatment and disposal facility			C	C	X	X	X	X	X	X	X	X	X	C	X	P		
Sewage treatment plant and disposal facilities		6350	C	C	C	C	C	C	C	C	C	X	C	C	C	C	P	
Gas or electric power generation facility		6400	C	C	X	X	X	X	X	X	X	X	X	C	C-DEI	P		
Communication towers:		6500	P	P	C	C	C	C	C	C	C	A	C	C	C	C	P	
Wireless Communication Facilities, co-location, surface mounted, new tower up to 49 feet		6500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, new tower 50-74 feet		6500	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	
Wireless Communication Facilities, new tower 75-99 feet		6500	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Wireless Communication Facilities, new tower 100 plus feet		6500	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	
Radio, television, or wireless transmitter		6510	P	P	C	X	X	X	X	X	C	A	C	C	P	P	P	
Weather stations or transmitters		6520	P	P	P	C	X	X	X	X	C	A	P	P	P	P	P	
Environmental monitoring station (air, soil, etc.)		6600	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	
Commercial solar energy production facility			C	C	C	X	X	X	X	X	C	C	C	C	P	X	P	
Geothermal production facility		6450	C	C	C	X	X	X	X	X	X	X	C	C	P	C	P	
Large scale wind facility			C	C	C	C	X	X	X	X	X	X	C	C	P	X	C	See 10.16
Telecommunications and Broadcasting station		4230	P	P	P	X	X	X	X	X	X	X	P	P	P	C	P	
Highway rest stops and welcome centers		6930	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Fountain, sculpture, or other similar decorative structures		6950	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Permanent outdoor stage, bandstand, or similar structure		6960	X	X	X	X	X	X	X	X	C	P	C	C	X	P	P	

Use	Function	Structure	Activity	Agriculture/Forestry	Rural	Rural Fringe	Rural Residential	Residential Fringe	Residential Estate	Residential Community	Traditional Community	Commercial Neighborhood	Mixed Use	Commercial Center	Industrial	Public Institutional	Planned Development	Special Conditions
Agriculture, forestry, and conservation/open space																		
Grain silos and other storage structure for grains and agricultural products		8100		P	P	P	A	A	A	A	P	X	A	A	P	C	P	
Animal production that includes slaughter	9300			P	C	C	X	X	X	X	X	X	X	X	X	X	X	
Livestock pens or hog houses		8200		P	P	C	X	X	X	X	C	X	X	X	X	X	X	
Commercial greenhouses		8500		P	P	P	C	C	C	C	C	P	P	P	P	C	P	
Nurseries and other growing of ornamental plants				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stables and other equine-related facilities - All personal use and commercial up to 12 horses		8240		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stables and other equine-related facilities - Commercial over 12 horses				P	P	P	P	C	C	C	C	C	C	C	C	C	C	
Kennels and commercial dog breeding facilities		8700		C	C	C	C	C	X	X	C	C	C	P	P	P	P	
Apiary and other related structures		8700		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crop production outdoor		9100		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crop production greenhouse		8500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Display or sale of agricultural products raised on the same premises				P	P	P	A	A	A	A	A	P	P	P	P	P	P	
Forestry and logging operations		9300		P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Game preserves and retreats		9400		P	P	P	C	C	C	C	C	X	C	C	C	P	P	
Support business and operations for agriculture and forestry				P	P	P	A	A	A	A	P	P	P	P	P	P	P	
Parks, open space areas, conservation areas, and preservation areas				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public or community outdoor recreation facilities				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Concentrated animal feeding operation		8310		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
Cattle ranching, and the grazing or cattle or other livestock		8230		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dairy farms		8210		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
Other farm and farming-related structures		8900		P	P	P	A	A	A	A	A	P	A	A	A	A	A	
Poultry farms and poultry production facilities		8220		P	P	C	X	X	X	X	X	X	X	X	X	X	X	
Sheds, or other agricultural facilities		8000		P	P	P	A	A	A	A	A	A	A	A	A	A	A	
Animal waste lagoons		8420		DCI	DCI	DCI	X	X	X	X	X	X	X	X	X	X	X	
Mining and extraction establishments																		
Oil and natural gas exploration or extraction		8100		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Metallic minerals mining		8200		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Coal mining		8300		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Nonmetallic minerals mining		8400		DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	DCI	
Quarrying and stone cutting		8500		C	C	C	X	X	X	X	X	X	X	X	C	X	X	
Sand and gravel Mining				C	C	C	C	C	X	X	X	X	C	C	C	X	X	
Sand and gravel mining with blasting (as specified in Section 11.2.7)				DCI	DCI	DCI	DCI	DCI	X	X	X	X	X	DCI	DCI	X	X	



Santa Fe County
Sustainable Land Development Code
Official Zoning Map
Adoption Draft, March 21, 2014

Legend

Santa Fe County



Not Under Santa Fe County Zoning Jurisdiction

- Municipality
- Municipal Annexation Area
- Tribal Lands
- Federal and State Public Lands

Community Districts



Proposed Santa Fe County Official Zoning Map

- Ag / Ranch (1 dwelling per 160 acres)
- Rural (1 dwelling per 40 acres)
- Rural Fringe (1 dwelling per 20 acres)
- Residential Fringe (1 dwelling per 10 acres)
- Residential Fringe (1 dwelling per 5 acres)
- Residential Estate (1 dwelling per 2.5 acres)
- Residential Community (1 dwelling per acre)
- Traditional Community, TC (1 dwelling per 0.75 acres, to 3 dwellings per acre - on central water and sewer)
- Commercial Neighborhood
- Commercial General
- Industrial
- Public / Institutional
- Mixed Use
- Planned Development District

Rural Commercial Overlay Zone



Airport Noise Overlay Zone

- 55 DNL Subzone
- 60 DNL Subzone
- 65 DNL Subzone

Any land or which is subject to Santa Fe County's zoning jurisdiction, but is not depicted on this map within a County zoning district and is not depicted within a zoning district in a community district ordinance referenced on this map, shall be construed by default to be located in the Ag / Ranch zoning district, unless otherwise specifically provided for in the Santa Fe County Land Development Code.

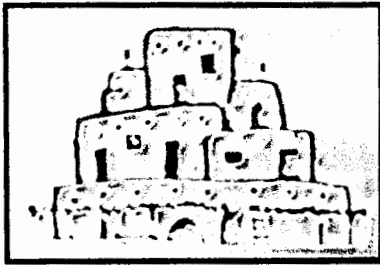


Santa Fe County
Growth Management
Department
Planning Division

March 21, 2014
sldc_zoning_map_adoption_draft_p_3_21_2014_
from_web_layers_tabloid_2.mxd

To find a parcel and view an interactive map of the proposed zoning districts, go to: http://www.santafecountynm.gov/slzc/zoning_map_application

To view or download text of the Sustainable Land Development Code, go to: <http://www.santafecountynm.gov/slzc>



THE SAN MARCOS ASSOCIATION

June 25, 2014

To: Santa Fe County BCC

From: Walter Wait
President
San Marcos Association
P.O. Box 722
Cerrillos, New Mexico 87010

RE: Proposed Zoning Map

Mr. Chairman, members of the Commission,

My name is Walter Wait and I am here this evening representing the San Marcos Association.

You will find our letter to you as #222 in your packet.

I would like to bring your attention to the June 18th letter from Staff (item VIII). The letter brings your attention to those concerns that might be considered for "global changes" to the proposed zoning map, yet it would appear that very little effort went into distilling the information contained in the roughly 320 public comments into trends that might indicate that "global" changes might be necessary.

Three items stand out:

- a. concern over the relationship between zoning and property tax evaluation
- b. concern over the status of ranch land
- c. concern over increases or decreases in property values brought about by changes in zoning
- d. concern over the elimination of any public process which might address questions associated with an application for re-zoning a specific property to a higher density.

I would like to address each of these in turn.

First, the relationship between proposed zoning and property taxes. I believe that it would be in everyones best interest if you asked for an opinion from your Assessor if zoning changes would influence property value assessment. For example, if a currently

BCC Meeting June 25th 2014

assessed ranch land is zoned commercial, but is not developed, would it's assessment change purely because it is now "commercial" property?

Second, if a property is zoned by the County for more dwellings than is currently allowed, would the property's value on the real estate market trend higher? Does for example, property zoned by the County as "Commercial" suddenly become 50 times greater than surrounding properties that the County has not zoned "commercial". I have always been led to believe that "commercial" property is always more expensive to buy than residential property.

If this is the case, then the question becomes thus: Should the County be in the business of manipulating real estate prices by selecting specific properties for zone changes that would benefit specific individuals or corporations.

If either of the above suppositions are true, then the County must not create an INITIAL zoning map that reflects anything but that for which a property is currently in use for. Ranch land should be zoned "Agricultural", Rural acreage should be zoned Rural, and so forth.

The draft code specifically outlines a re-zoning process that can be followed to apply for subsequent changes to the zoning map through the development process.

This brings me to the third point: Lack of public discussion. It is impossible for the public to focus on every proposed zoning change that the proposed zoning map proposes. Up to now, any proposed change in zoning was brought to the CDRC on a case by case basis where the public, if having an interest, could voice his or her concurrence or opposition. By altering this pattern, and changing, in some cases, large areas from rural or ranching to mixed use, commercial, or industrial, the opportunity for the public to defend a property's current status is compromised. This is also true of the BCC, in that by default, the approved map denies the Commission an opportunity to retain a specific property's pre-existing land status. Again, the staff should make every effort to mimic existing land status when preparing the final zoning map, and rely on the process that the code offers to any party that wishes to change zoning.

Finally, we are concerned that zoning existing ranch land to any other status, damages the ability of the existing ranch to continue as a viable entity. Ranching relies on agricultural subsidies in the form of property tax exemptions. Once portions of a ranch are re-platted to reflect higher density development, property values increase, and even with tax incentives, the ever increasing value of the properties makes ranching untenable, and breaking up of the holding inevitable.

We urge you, therefore, to **allow** for the various zoning identified in the proposed code, but direct your staff to eliminate major staff directed changes to existing land use. Let those who would develop come before the commission with their proper documentation, plans, and reports - and make their intentions for re-zoning and development clear. Do not give away the County's prerogatives to refuse a developer's re-zoning request.



County of Santa Fe
Board of County Commissioners

Penny Ellis-Green
Growth Management Department Director
102 Grant Avenue
June 25, 2014

Subject: Notice of Public Hearing regarding adoption of the Zoning Map

This letter is in opposition to the assigned base zoning classification for the Town of Jacona Grant as indicated on the adopted draft-zoning map, March 21, 2014. The Spanish Land Grant was patented as the Town Of Jacona and is registered as such with the State of New Mexico. Santa Fe County cannot zone a Spanish Land Grant.

We request that Santa Fe County remove the Town of Jacona Grant from any zoning classification and also remove the Town of Jacona Grant from the Santa Fe County Plan. Santa Fe County does not have any jurisdiction or authority over the Town of Jacona Grant.

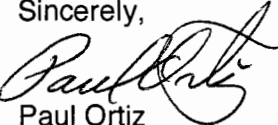
The Town of Jacona Grant was granted from Philip V, the King of Spain, to settle the area in Santa Fe. The Town of Jacona Grant is legally organized under the laws of the State of New Mexico and the United States of America.

The United States government began its occupation of New Mexico in 1846. The Treaty of Guadalupe-Hidalgo established New Mexico as part of the United States in 1848. The treaty stated that, "property of every kind now belonging to Mexicans not established there shall be inviolably respected." In order to validate these land claims the United States government established the office of the Surveyor General. The mission to this office was to determine "the origin, nature, character, and extent to all claims to lands under the laws, usages, and customs of Spain and Mexico." In 1891, the United States government established the Court of Private Land claims to adjudicate land claims in New Mexico and other states because of Office of the Surveyor General was not successful in confirming the validity of New Mexican land grants.

Guy Eden, President of the Town of Jacona Grant, could not attend this meeting due to a prior commitment. Guy Eden has asked me, Paul Ortiz, to represent the Town of Jacona Grant at this meeting.

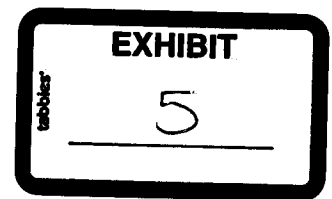
The Town of Jacona Grant can be contacted at the following address:

Town of Jacona Grant
11 W. Gutierrez, Ste 3769
Santa Fe, NM 87506

Sincerely,

Paul Ortiz

REC'D BY: JACONA GRANT

Chimayó Citizens for Community Planning
P.O. Box 706
Chimayó, NM 87522



April 28, 2014

Katherine Miller, County Manager
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Re: Sustainable Land Development Code Zoning Map

Dear Ms. Miller,

We, the Core Committee of Chimayó Citizens for Community Planning, wish to register our strong objections to the Sustainable Land Development Code Zoning Map proposed by the County Growth Management Department for the community of Chimayó.

The proposed zoning map fails to appreciate the rural nature of our community and its unique characteristics and completely disregards the results of the community planning process which Chimayó Citizens for Community Planning is very close to completing.

The fact that County staff proceeded to zone our planning area at all showed blatant disregard for the more than two years of work our community has invested in creating a comprehensive community plan—but also, disregarded the will of the County Commission.

At the December 2013 meeting of the Santa Fe County Board of Commissioners, the Commissioners voted to adopt the new Sustainable Land Use Code. That adopted Code includes clear and specific language under Section 9.3 which excluded the Chimayó planning area from the new zoning map until such time as our community plan and accompanying zoning ordinance are completed. Yet County staff has proceeded to rezone the Chimayó community planning area, and in a manner that bears no relation to the results of our community planning process.

When representatives from Chimayó Citizens for Community Planning attended a meeting at the Commission Chambers with County staff and were presented with these proposed zoning changes, it was patently clear that there was no methodology whatsoever to the choices that had been made in preparing the zoning map for our community planning area. In fact, we were told that certain zoning choices were based solely upon the fact that the existing lots looked like they were about the size of the new zoning designations. This random method of zoning is not appropriate, nor is it acceptable to our community.

The creation of our community plan has been an intensive community process; meetings were well noticed and residents were encouraged to attend to express their views. Attendance at these meetings has included over 200 unique community members. The Core Committee was comprised of residents

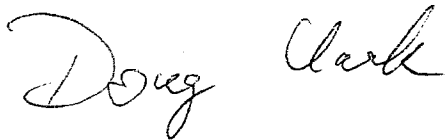
REC'D - CIVIL RIGHTS DIVISION

and property owners representing a variety of community interests and perspectives from farming and ranching to weaving, visual arts, tourism and other commercial interests. The Core Committee has also included representatives of the Archdiocese of Santa Fe and Holy Family Parish of Chimayo, and a representative of the Northern Río Grande National Heritage Area. The group has been supported and advised by County Planning staff throughout our two-year process, and by other experts as required.

Chimayó Citizens for Community Planning urges County staff to abide by the December 2013 vote of the County Commissioners and refrain from imposing seemingly arbitrary and capricious new zoning on the Chimayó community planning area. We are looking forward to the adoption of our Community Plan with its associated zoning designations and to the County holding off any decisions on zoning for Chimayó until that adoption occurs.

Sincerely,

Core Committee, Chimayó Citizens for Community Planning:



Doug Clark



Elizabeth Kay



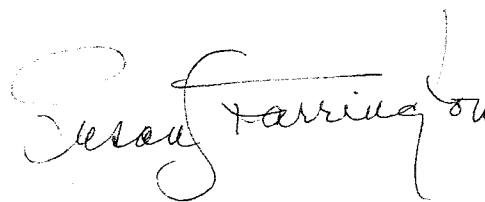
Raymond Bal



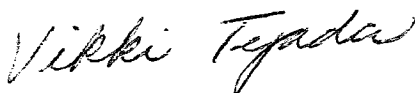
Thomas A. Romero



Shelley Winship



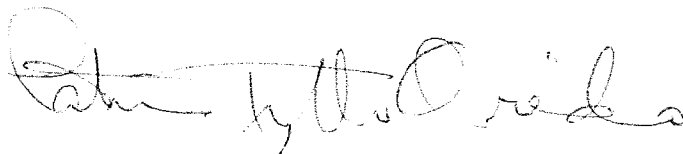
Susan Farrington



Vikki Tejada



Derrick Archuleta



Patricia Trujillo Oviedo



Louis Martinez

Cc: Santa Fe County Commissioners
Gregory Shaffer, Santa Fe County Attorney
Penny Ellis Green, Director, Santa Fe County Growth Management Department

6-1
EXHIBIT
6

Dear Commissioners,

My name is Ann Murray I'm from the Village of Cerrillos.

Although there is much about the Turquoise Trail that is magical, this National Scenic Byway did not simply appear one day. Citizens worked to get this national recognition and have built our businesses on the sustainable tourism it brings.

We would like to recommend that the 320 acre Industrial Zone now placed right on the Turquoise Trail, be moved ~~or~~ to areas that are not so tied to tourism and the arts and the need to protect the scenic qualities of our area. We don't need anymore industrial traffic added to the cement trucks already using HWY 14.

Perhaps putting an industrial zone in the southern part of the county, closer to I-40 and Albuquerque, would be more appropriate.

How many National Scenic Byways does Santa Fe county have? One. Let's not whittle it away with flawed planning. Simply placing an industrial area at the edge of a growth area is not enough rationale for this zoning. Without having shown a true need or a definition of what industrial uses would be encouraged, this is just arbitrary boiler plate planning that in fact is running counter to the existing industry, tourism.

We request a hearing in our area, preferably the Turquoise Trail Elementary School, to resolve this crucial issue.

Thank you for your Attention to this issue.
Ann Murray P.O. Box 22 Cerrillos NM 87010

SANTA FE PLANNING GROUP, INC.
LAND PLANNING AND LANDSCAPE ARCHITECTURE

EXHIBIT

7

MEMORANDUM

Date: June 25, 2014
To: Penny Ellis Green/Robert Griego
From: Al Lilly

Santa Fe County Commissioners
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

Re: Density Bonuses in the New Zoning Code

Dear Commissioners,

During our meetings with County planning staff over the past two years there was a considerable amount of conversation about the concept of density bonuses, based on the availability of public or community utilities, additional open space and increased setbacks from public roads.

For the following zones (Residential Community, Residential Estate, Residential Fringe, Rural Residential, Rural Fringe and Rural zones), it was our suggestion that an applicant would be eligible to increase density to twice the designated density for the proposed zoning district, providing the following conditions have been met:

1. Public or community facilities are available; or
2. The applicant has provided for a minimum of 50% open space and
The applicant has provided for substantial setbacks along a major arterial road (such as a minimum setback of 250 ft.).

We have also questioned whether there will be provisions in the Code for transfer of development rights? We are hopeful that Santa Fe County staff will recommend that there should be provisions in the new zoning and land use code to allow for higher densities, if certain design standards are met and community utilities are provided for.

Thank you for your consideration of these requests.
Respectfully submitted,

Al Lilly

Cc. Penny Ellis Green, Robert Griego

P.O. BOX 2482, SANTA FE, NEW MEXICO 87504
TEL. 505-690-1122, FAX 505-983-6785



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

Penny Ellis Green
Growth Management Director
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

RE: Density Bonuses

Dear Ms. Green:

It appears that the latest drafts of the SLDC do not provide incentives for providing such things as extraordinary open space, public or community facilities or building setbacks exceptionally greater than required by the Code. In the revisions that the BCC will be considering to the SLDC would consider amendments that provide for a density bonus for providing those things that create a community benefit that are provided by the developer in excess of the requirements of the SLDC.

The same consideration needs to be given to the ability to transfer density as is currently permitted under the existing Land Development Code. This provision has been used as the appropriate mechanism for preserving and protecting areas that are visually, topographically or ecologically sensitive.

Thank you for your consideration of this matter.

Sincerely,

James W. Siebert AICP

REC RECORDED 08/10/2011 10:22:08 AM