

Consensus Planning and Variance Definition

Consensus Planning:

Santa Fe County works with communities by engaging a Consensus Decision-Making Process. The County's definition can be found in the Sustainable Growth Management Plan (SGMP):

Community planning committees should use a consensus decision-making process. A consensual process can be described as general agreement between multiple viewpoints and opinions in order to generate effective alternatives to create the most viable decisions for the community planning committee. P 251

The Tesuque Planning Committee must develop a Draft Tesuque Community Plan Update that then will go through a community outreach review process. Upon the community's approval, the Tesuque Community Plan Update will go through the County's Plan Adoption Process. A document cannot proceed through the adoption process unless there is consensus (as defined by the SGMP) by the Tesuque Planning Committee on a Draft to present to the community.

Variance Process and Definition:

Members of the Tesuque Planning Committee have expressed interest in an exception process, or flexibility in the application of a fence and wall standard along Bishops Lodge Road. One person has suggested an administrative approval process based on "hardship." Santa Fe County Sustainable Land Development Code (SLDC) uses a variance for this purpose, which is outlined below. The process for getting a variance can be found in SLDC Table 4-1 Procedural Requirements by Application Type and include:

- 1) Pre-application Technical Advisory Committee meeting
- 2) Pre-application neighborhood meeting as necessary
- 3) Public meeting and approval by the Hearing Officer
- 4) Public meeting and approval by the Planning Commission

It should also be noted that staff almost never recommends approval for a variance.

SLDC 4.9.7. Variances.

4.9.7.1. Purpose. The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and **undue hardship on the owner**. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

4.9.7.2. Process. All applications for variances will be processed in accordance with this chapter of the Code. A letter addressing Section 4.9.7.4. review criteria must accompany the application explaining the need for a variance.

4.9.7.3. Applicability. When consistent with the review criteria listed below, the planning commission may grant a zoning variance from any provision of the SLDC except that the planning commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.

4.9.7.4. Review criteria. A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

1. where the request is not contrary to the public interest;
2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
3. so that the spirit of the SLDC is observed and substantial justice is done. SLDC Chapter 4 - Procedures and Permits 4 - 20

4.9.7.5. Conditions of approval.

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

4.9.7.6. Administrative minor deviations. The Administrator is authorized to administratively approve minor deviations upon a finding that the deviation is required, that the result is consistent with the intent and purpose of this SLDC, and that the deviation is not detrimental to adjacent or surrounding properties as follows:

1. minor deviations from the dimensional requirements of Chapters 7, 8 and 9 of the SLDC not to exceed ten percent (10%) of the required dimension; and
2. minor deviations from the density dimensional standards of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.