

**EI Centro**  
**SLDC Adoption Draft Public Meeting, October 22, 2013**

Santa Fe County Public Meeting Summary

Public Meeting: Presentation and Review of the Sustainable Land Development Code Adoption Draft, October 2013.

DATE: Oct 22, 2013

PLACE: Nancy Rodriguez Community Center

TIME: 6:00 p.m. - 8:00 p.m.

County Facilitator David Gold opened the meeting by providing background on the SLDC Adoption Draft, direction on how to submit comments outside of the meetings and schedule of public hearings.

- Submit written comments to the county that are as specific to sections of the code as possible
  - E-mail to SLDC@santafecounty.org or hand deliver to Growth Management Director
- BCC Public Hearings have been scheduled for– Tues., Nov. 19th and Dec. 3rd

The remaining portion of the meeting was a facilitated discussion between participants and staff covering the following items:

1. **Changes from the Sept 2012 Public Review Draft**
2. **On-going changes to the draft Zoning Map and Zoning District Boundaries**
3. **SDA's, SDA Map and Public Infrastructure**
4. **Mixed-Use and Industrial Zoning Districts off of NM 599**
5. **Regulating Water Use, Water Availability And Scarcity**
6. **Planned Development Districts, Mixed-Use Zoning Districts, Increased Density and Intensities**
7. **Steps & Procedures for Rezoning**
8. **Appeals**
9. **TAC Meeting Reports**
10. **Community Plans**
11. **EZ Ordinance**
12. **Public/Institutional Zoning District**
13. **Accessory Dwelling Unit**
14. **Neighborhood Pre-Application Meeting**
15. **Consistency between chapters of the SLDC**
16. **SLDC Approval Process**

Text written in *italics* represents comments and responses made by county staff at the meeting.

## 1. Changes from the Sept 2012 Public Review Draft

*Major revisions were made to the following sections:*

- *Archaeologic*
- *Open Space/trails*
- *Water conservation*

*The SLDC has been substantially reorganized*

*The SLDC is more complete and includes:*

- *Maps*
- *More and revised definitions*
- *Completed appendix*

*The SLDC includes new zoning districts:*

- *Public/Industrial Zone*
- *Commercial Neighborhood*

*The SLDC added a new section on Mediation*

*The SLDC has additional and stricter requirements and regulations for many uses including those related to Itinerant Vendor regulations and heights of Ham Radio (45' to 75' cranked up)*

## 2. On-going changes to the draft Zoning Map and Zoning District Boundaries

*Daily revision are made to the zone map based on changes to the SLDC such as new zoning districts and as individuals bring in more info/issues with county proposed zoning & specific properties.*

## 3. SDA's, SDA Map and Public Infrastructure:

*SDA maps represent statement of fact related to adequate public infrastructure:*

*SDA 1 has adequate public infrastructure to serve existing and new development.*

*SDA 2 will likely have adequate public infrastructure in the next 10 years.*

*SDA 3 will likely not have adequate public infrastructure in the next 10.*

*SDA are not the same as zoning districts.*

*Will developer be required to extend infrastructure if developing in SDA-2?*

*In SDA-1 a developer can expect infrastructure; similar to now a developer who chooses to extend infrastructure in SDA -2 can go ahead.*

*SDA's are not regulatory they represent the timing of infrastructure related to the county's Capital Improvement Plan which is usually has a 7-year horizon.*

*Is it a fuzzy line? There are places on the map where SDA-1 abuts SDA-3, this seems odd.*

Are SDA's regulatory? They appear to be regulatory. Road designs standards vary according to which SDA they are in- for example roads designed and built in SDA-2 are required by the SLDC to have 5' sidewalks. Staff should review parts of the code that refer to SDA's and determine if it is regulatory. Additionally most roads in SDA-2 are dirt and it would be out of character to have sidewalks.

#### **4. Mixed-Use and Industrial Zoning Districts off of NM 599**

What was the rationale for mapping mixed-use and industrial zoning districts off of NM 599?

*The area in question is located adjacent to the landfill, the city fields and golf course as well as being included in the approved Airport Development District Plan. The area currently accommodates and is envisioned to accommodate mixed-use and industrial uses.*

#### **5. Regulating Water Use, Water Availability and Scarcity**

*SLDC actually helps implement the "Conjunctive Management" policies which are intended to reduce reliance on ground water and wells by using the surface water from the Buckman Diversion project. Currently the county has excess capacity in their water system and can serve future development with that excess capacity.*

*New development and subdivisions in the SDA-1 area will be required to hook up to county system.*

*Houses on existing lot will be allowed to continue following regulations established at the time they were approved.*

#### **6. Planned Development Districts, Mixed-Use Zoning Districts and Increased Density and Intensities**

Does/Can density go up with infrastructure?

*In the case of Planned Development Districts an area can be **rezoned** from the base district to accommodate greater densities and intensities based on a developer's "planned development district" with adequate public infrastructure and facilities.*

#### **7. Steps & Procedures for Rezoning**

*Steps for rezoning and Planned Development Districts are outlined on Table 4.1*

- *Internal TAC meeting*
- *Pre application Neighborhood Meeting*
- *Determine appropriate Studies, Reports and Assessments SRA's –*
- *Hearing Office to Planning Commissions to BCC*

*Community Organizations and Registered Organizations will have several avenues for review/input:*

- *Notification*
- *Mediation*
- *Public Hearings*

*Applications will be “Deemed Complete” by Land Use Administrator (New)*

What is allowed in Mixed Use Zoning districts?

*Look at Zoning/Use Matrix (Appendix B):*

- *If application complies with Mixed Use Zoning District rules and if it is a permitted use within the Mixed-Use Zoning District, it can be approved administratively.*
- *If application is for a Conditional Use it must be reviewed by Hearing Officer and approved by the Planning Commission.*

Are Planned Development District's, (PDD's), a back door to a full approval process?  
And what scale of development will come in as a Planned Development District?

*PDD must be a minimum of 5 acres and must go through an intense 3 step process.*

- *Rezoning - (Rules protective of neighbors)*
- *Most Regulatory Rules apply and application must provide SRA's, (Studies, Reports & Assessments)*

Will the approval process for PDDs generally be cost prohibitive to small developers?

- *Yes*

Are there new steps for subdivision approval?

- *New steps for subdivision approval:*
  1. *Meet with technical staff*
  2. *Depending on complexity & number of lots applicant may be required to meet with neighborhood/ Community Organizations and Registered Organizations*
  3. *File application which may require reports such as:*
    - *Traffic Impact Analysis*
    - *Environmental Analysis*
    - *Impact on Public Infrastructure*
    - *well report*

4. *Deemed complete by Administrator – sent to appropriate agencies for review*
  - *If it is a preliminary plat- subdivisions- it is deemed complete by the Land Use Administrator*
  - *It is forwarded to the BCC who has 30 days to approve or deny the application.*

*If there is no subdivision of land and use is permitted in the zoning district the application can be administratively approved.*

*Basically the approval process depends on complexity of application:*

*Simple application = administratively approved*

*More complex = approval by the Planning Commission*

*Most Complex = approval by the BCC*

*Under Current Code larger subdivisions require a Master Plan in order to get a preliminary plat approved by the BCC.*

*In the future, the notification process will require the Yellow sign and notification of Community Organizations and Registered Organizations.*

Is the developer required to notify neighborhood and Community Organizations and Registered Organizations?

- *yes*

County should reconsider SLDC procedures and approval process for Minor Subdivisions

Example: a 240 acre area being subdivided into 24, 10 acre plats does not require much review or oversight; it does not require a water or fiscal impact report nor does it require a pre-neighborhood meeting. It only requires administrative approval. This is a weakness in the new SLDC that should be remedied.

## **8. Appeals**

The 5-day turnaround for appeal for land divisions is too short for Neighborhoods and Community Organizations

*The County can look at extending appeal time for Land Division*

The SLDC is inconsistent on requirements related to appeals. For example there are varying timelines for appeal process throughout the SLDC; this is confusing and should be remedied.

*5 days is similar to current code.*

From a developer point of view having a well-defined appeals process is necessary. Once an appeal is decided there should not be delays. Appeals can always go to court. What is the rationale for appeal times?

How can a developer, individual or groups appeal administrative decisions such as establishing a PID's, LOS or fee determined by an administrator such as the Public Works Director?

## 9. TAC Meeting Reports

As part of the review / approval neighborhoods and community organizations are not notified of reports required by TAC.

How does public appeal/recourse if reports aren't adequate?

Public won't be privy to reports until public hearing. When is it available?

*Through the Records Act the Public can see it anytime. Come to front desk and request the file.*

*Additionally, the public can:*

- *Appeal determination of completeness*
- *Attend Public Hearings and complain*
- *Appeal Administrative decisions*

## 10. Community Plans

SLDC should ratify pre-existing community plans and ordinances and state clearly that if there is a standard that conflicts w/SLDC the plan standard shall apply.

If a Community Plan is consistent with SGMP but is inconsistent w/SLDC, the standard in the Community Plan/ ordinance should stand.

PDD within Community Plans – If there is a difference in standards which controls?

*Don't know*

There are new setbacks in the SLDC adoption draft – For example the requirement for PDD to have a 100' setback from adjacent residential development. Why does the county want to prescribe? Why not have a performance base standard that provides discretion. The City code allows for the use of walls or landscaping to reduce setbacks. The county should consider similar approach.

- *The 100' standard was based on a public comment we received.*

## 11. EZ Ordinance

Referring to the SLDC section 9.3.9:

Portions of TAP Community Plan and associated ordinance that were outside the EZ are incorporated into SLDC section 9.3.9. However portions of the TAP Community Plan and ordinance 2007-10 that were in the former EZ have been omitted. Is this an oversight? Additionally, the text in this section is not consistent with the SLDC draft zoning map which delineates all of the area as under the TAP Community Plan and Ordinance.

The SLDC should be revised to include reference to both ordinances covering the TAP Community Plan Area.

*Staff will look into it.*

## 12. Public/Institutional Zoning District

There is a reference in the SLDC to “residential institutional” . What is the definition of “residential institutional”?

- *No definition – staff will check into this.*

## 13. Accessory Dwelling Unit

The SLDC will allow only immediate family members to inhabit an “Accessory Dwelling Unit”. This is a big problem! What about:

- Roommates, exchange student, etc.
- “Significant other” – non- family members

The SLDC will allow a property owner to rent a stall to horse but not a friend.

Guest houses (accessory dwelling units) that can be rented will help provide more affordable housing.

It is a current widespread practice

San Marcos Plan allows accessory units to be rented

*There is internal debate. Legal staff preference is to leave the whole section “accessory dwelling unit” section out of the SLDC. It is indefensible.*

*The rationale for allowing accessory dwelling units for immediate family members only was the staffs attempt to reduce variance to family members – will be debated by BCC – Staff will look into “Significant other” - Internal Staff debate*

*Accessory Structures 10.3.2.1 – (not accessory dwelling unit), require that a primary structure is developed first. Storage is different it is considered an accessory use.*

#### **14. Neighborhood Pre-Application Meeting**

Will county staff be present at the neighborhood pre application meetings, (SLDC section 4.4.4.8)? Staff presence will help further value of meetings and save time in the long term.

*Staff will not be at neighborhood pre-application meetings and can't recommend change to SLDC due to the lack of capacity to attend meetings- would require too much staff time.*

#### **15. Consistency between chapters of the SLDC**

There seems to be a general lack of consistency between chapters of the SLDC. Review of Chapter 4 and Chapter 10, 12 reveals major inconsistencies particularly related to PIDS, the CIP and approval of development agreements between the county and developers or applicants. Changes are needed to make sure there are no inconsistencies between chapters.

#### **16. SLDC Approval Process**

There is a perception that the BCC wants this code approved by Dec. 3<sup>rd</sup> – good, bad or indifferent and changes will be made after it is adopted. Can the public get assurances that changes will be made quickly. There is concern that sections related to Sand/Gravel will not get changed quickly and applications could be approved under the text of the adoption draft which isn't sufficient at this time.

Will staff have the opportunity to review comments on the SLDC Adoption Draft?

*Public comments –get to staff as soon as possible.*