

Sustainable Land Development Code, Public Review Draft

Estancia Series II, Administration, Procedures and Financing

Meeting Summary

Edgewood Senior Center, October 2, 2012

Duration: 4:00 – 8:00 pm

Present:

County Staff

Penny Ellis Green, Interim Growth Management Director

Robert Griego, Planning Manager

Wayne Dalton, Development Review Specialist

Sarah Ijadi, Senior Planner

Eric Aune, Senior Planner

Melissa Holmes, Administrative Assistant

Teresa Martinez, Finance Division Director

Carole H. Jaramillo, Budget Administrator

Willie Brown, Assistant County Attorney

Buster Paddy, Fire Captain

PRP Consultants:

David Gold

Community Members:

12 participants primarily from the Estancia GMA

Meeting summary compiled from flip charts used during the discussion period. Staff notes from individual one-on-one conversations have not been compiled.

General Overview:

4:00- 6:00 one-on-one discussion among staff and community members.

6:00-8:00 a facilitated discussion with all participants, staff and consultant.

Meeting concluded at 8:00.

Key Issues

Decision Making Bodies, Chapter 3:

Questions pertaining to changes in authority as the county replaces County Development Review Committee with the Planning Committee established in the SLDC.

Discussion on the role of the Hearing Officer- a new position established in the SLDC that will establish public record and finding of facts. Concern individual (not a review body or board) could have too much authority.

Where did language for Decision Making Bodies come from? – primarily direction from the Sustainable Growth Management Plan 2010.

Procedures:

Concern with vague term of “as needed” used in Table 6.1 SRA’s for Family transfers. As needed? Who decides? There are inconsistencies with code and with exemption in State Subdivision laws. If required- spell it out- identify which reports will be required. Family transfers – (2 to 3 lots) in different areas

Studies, Assessments & Reports (SRA’s):

Did County analyze cost of SRA’s (Report)? And consider the cost in relation to the scale of development in southern portions of the County? Most developments are 5-9 lots at a time. Consider costs of producing various SRA’s for all types and scale of development.

County has not analyzed cost of reports or cost of reports relative to different types and scale of development-

What is appropriate level of “report” for level of development? Maybe location is important- for example depth of study could be dependent on area in county (north/south/central)

Spell out costs of report- look at previous applications and provide examples to the public.

Archeological Reporting:

Revisit Archeological reporting requirements; 75 years is silly- not historic- cost can be easily \$4,000 and above. Look at what can trigger the requirement for an archeological report- understand that people have been living here a long time and there are artifacts everywhere.

State has a definition for “cultural resources or property” but the SLDC establishes regulations and standards pertaining to “cultural resources”.

ARMS Data- state is keeper of the data. Should Archeological findings prevent or set criteria for development?

If an area has a district or community plan; could it determine what areas area to be preserved? There is concern with 7.16.5.3 in the SLDC; 50 years way too early to consider historic. Why pay an archeologist for an evaluation when family members who lived on the site 50 years ago can give a better report.

Look into Israeli model for Archeological reports. There, it’s the government job to inspect sites, catalog artifacts and id site as clear for development.

Storm Water/ FEMA Flood Control:

Regulations are associated with FEMA; this makes sense because it is connected to financing and mortgages which have certain requirements associated with FEMA. This code needs to make economic sense

Community Overlay Districts- (8.11.3.5):

What would be use of a district plan? Does this apply to urban areas and rural areas? Is there a possibility for an Estancia Area Plan?

Zoning and Zoning Map:

Since there is no zoning map at this point, people can’t tell what category their land is zoned. Don’t adopt map until people have an opportunity to say what they want their land to be zoned. Landowners should be able to come in establish their own zoning. All land will be up for grabs. Once landowners have determined best zoning for their property then have some hearings to establish initial zoning.

County shouldn’t develop zoning map in the dark!

Start clock ticking for input when zoning map is release- same with other incomplete sections – example incomplete text regarding open space.

Densities:

Densities are not right. Should be based on 145 acres agricultural exemption which reflect realities on the ground (1/4 sections minus acres to include everyone’s ¼ section) and not the minimum lot size of 160 acres. Use real world numbers and maintain ratios- 145/160 then apply to all lands. This would mean the 2.5 acre minimum lot size should really be a 2.2 acre minimum lot size.

General Provisions:

Make it clearer in section 1.6 that application is for unincorporated areas only and list that the SLDC does not apply to the City of Santa Fe, Espanola or Edgewood

Adequate Public Facilities (APF’s) requirements and Level of Services LOS:

Will private facilities/services/ utilities qualify if there are not adequate public facilities? (Roads, fee's, utilities, police, services)

How do you measure impact of development? How does a developer "implement" APFs chapter 1, 2, 3 & chapter 6 SRA's?

Adopted level of service LOS (12.3 & Table 12.1) are for impact fees or is developer required to provide Adequate Public Services (12.3.7) and development fee?

There is a need for cost benefit study of LOS's, APF's or impact fees, County CIP or ICIP.

LOS table- based on current level of service in the County and sets a baseline.

New development will pay for service-through a variety of funding mechanisms: impact fees, Public Improvement Districts (PID), County Improvement Districts (CID), ect.

APFR's & Development / Impact Fees:

Impact fees are abused. New growth does pay for itself via GRT and property taxes.

Impact fee unjustifiable down here, we're not growing. Impact fees are for runaway growth, not slow growth.

Legislation/ordinances are really imposing taxes

Provide background information regarding development or impact fees. What are we paying now what will development pay with new SLDC?

What will it cost the county to implement/ administer the code? What will it cost the public to meet conditions of code.

There has been no thought as to what this will cost.

One size fits all code doesn't work. Areas may have different levels of impact fees depending on service area. Will fees be sequestered for specific area as controlled by state statues?

GRT, bond, or state appropriations has funded some of the paving of roads down here.

Property taxes now do pay for services –CIP structures- County needs to look at deficiencies.

Does southern part of the county receive fair share of GRTS?

Edgewood gets GRT's /& capital improvement. A lot of money comes into Edgewood that doesn't stay.

There is a need to work through APF's section. Provide an example of a variety of development types and scales: family transfers, 15 lots, and 100 lots so we can get a sense impact fees for different scales (lot splits, minor subdivisions- major subdivisions PDD) major employer w/ affordable housing)

Impact Fees are a Major change from current code. With impact fees, the developer does not have to meet deficiencies.

It is crucial to understand when charges apply. Is it at development stage-time-of extraction-? Or when a unit is built? Sold?

Will this be in conjunction w/development agreements?

Does developer get credit for developer installing water line? Yes credits can be extended.

Impact fees are problematic and hard to keep track of.

Growth/population grows provides steady flow from GRT's. County should capture how much money from all taxes is collected.

Due to the mortgage/ housing Crisis, the SGMP 2010 is disconnected with now & the future.

Work out impact fees after growth takes place, at 1 year incremental.

Impact fees are not a good idea; will there be at discounted rate? How is it calculated?

Example: in some cases it is better to pay into as a fee that builds a community park instead of each development setting land set aside for park.

Public Review Process:

As a PRP advisor, we projected code would be out in June. The SLDC was released in Sept. 2012. The issue is missing pieces information & background. There has not been enough time for public review. Clock for public review should not start ticking until all pieces and material is available to the public.

Will staff recommend more time to BCC?

Complexity of ideas and how they are applied require more time, even if it is readable.

SGMP:

Growth management plans are culprit in slow growth, slow economic recessions. "Smart Growth Plans" are associated w/drops in housing prices. Examples include Florida, Portland
Increasing scarcity of land increases cost of housing-

Standards and Regulations:

Look at costs for regulations & standards. For example the landscaping requirements- how much does it cost to provide that number of trees? There is a lot of complexity and confusion in Chapter 7. Simply rules & regulations we can't afford. Another example is the green building requirements, what will they cost?