

Sustainable Land Development Code, Public Review Draft

El Norte Series II Public Meeting

Meeting Summary
Nambe Community Center, September 27, 2012

Duration: 4:00 – 8:00 pm

Present:

County Staff:

Penny Ellis-Green, Assistant County Manager and Interim Growth Management Director

David Sperling, Fire Chief

Teresa Martinez, Finance Division Director

Carole Jaramillo, Budget Administrator

Adam Leigland, Public Works Director

Robert Griego, Planning Manager

Vicki Lucero, Building & Development Director

Melissa Holmes, Administrative Assistant

Elisabeth Salinas, Community Planner

Community Members

14 participants

Meeting summary compiled from staff notes pertaining to one-on-one conversations and flip charts used during the presentation/Q&A period.

General overview

4:00- 5:00 review of handout describing SLDC administration, procedures, and financing and group discussion

5:00-6:00 one on one discussion

6:00- 8:00 review of handout describing SLDC administration, procedures, and financing and group discussion

Meeting concluded at 8:00.

Key Issues

A. Community: What is this document and what does it mean for Nambe and the broader region?

Staff: The SLDC PRD is an entirely new code that established new procedures and regulations for new development. The code, once adopted, will apply county-wide. Major changes related to administration of the code, procedures, and financing are called out in the brochure. Some design standards and procedures are the same, much is different.

B. Community: What are other examples of changes? For instance, is there a new process for building a wall? How did wall/fence height thresholds in the SLDC PRD come about?

Staff: The process for building a wall is largely the same. The requirement that fences over 6 feet be permitted is consistent with the County's current land development code. The purpose of these standards is to protect neighbors. Some standards for new development come from state building code.

C. Community: Over time new technology and new population has increased the noise pollution in the region. As an example, one community member's neighbor has a welding shop in his home that makes a lot of noise. The neighbor to the welding shop would like to see that Nambe be predominately residential. He is concerned that noise-producing uses will start a precedent for more noisy uses to occur in the community over time. He wonders why can't Nambe have a residential-only designation?

Staff: Chapter 10 of the code states restriction on the hours of operation and noise levels of home occupations. Community members can recommend changes to these draft regulations. County currently regulates noise, fire risk, etc.

D. Community: Why is the county establishing new land development regulations before the Aamodt case has been completely resolved? "We can't grow without water". There are hookup requirements in the code but there is a lack of information water sources and availability? What is the reason for the code update?

Staff: The county is updating the code so that it is consistent with and implements the County's Sustainable Growth Management Plan (SGMP) which was adopted in 2010. Generally the County plans and the code that implements them are updated about every 10 years. The current County code has been in effect since 1996 so an update is overdue.

The purpose of the updates is also to make development patterns more efficient. The new code directs growth based on the County's ability to provide public services to new development and the capacity of the land itself to receive new growth. Water availability is one of the criteria for directing new growth.

E. Community: What form will future growth take if there aren't tight regulations regarding noise? Other community members ask, how the code might deal with casino impacts especially traffic and sirens?

Staff: Emphasis that the code pertains specifically to land development so that noise regulations are primarily dealt with in term of land use.

F. Community: Will variances to the code be available?

Staff: Yes, they will be. The criteria and process for seeking a variance is described in Section 4.9.7. Emphasis that the code pertains specifically to land development so that noise regulations are primarily dealt with in term of land use.

G. Community: Nambe property owners pay high taxes, but public safety and other services are lacking. Specifically, area is suffering because of water scarcity.

Staff: One of the purposes of the new code is to make sure that existing levels of service will be maintained by new development. The adequate public facilities requirements maintain level of service so that new development does degrade level of service.

H. Community: Were there many complaints regarding the 1996 code?

Staff: No, but an update was still necessary because of new countywide Sustainable Growth Management Plan to guide future growth and development.

Community recommendation: County must look at the cost of this code to property owners and provide this information to the public. County should pay special attention to the new costs added to small-scale single parcel development. County must also write up the major changes between the 1996 code and the SLDC, PRD.

I. Community: How would property owners be affected if they needed easement though tribal land [to meet hook up or other requirements] and it wasn't granted?

Staff: Variances may be granted but these are evaluated on a case by case basis and cannot be guaranteed. Easement requirements for roads are not easily negotiated. Property needs to be accessible by emergency and other vehicles.

J. Community: The document is not accessible. It is lacking an executive summary. Document appears to say that Santa Fe County will regulate everything according to criteria consisting of everything. It's not clear what it all adds up to. The old code is more straight-forward. How does scope of old code differ from scope of new code?

Community: Can the County even implement its current regulations? Does the County have the capacity to implement the new code? Does it have the staff and expertise to implement the new code? County does not meet current service demands! For example, a Nambe community member submitted an application for a pool and it sat on a desk for over a year before he heard back.

Staff: It is not clear why the delay in processing the application happened. Such a delay would be very atypical. County currently has a tracking system to ensure that complete applications are processed within about 15 days.

K. Community: How are community members/neighbors involved in the development regulation and the development review and approval process?

Community: If you're not circulating an accessible document, you're not holding a public review process.

Staff: Community planning provides an opportunity for communities to create their own regulations that make sense for their area. The Pojoaque Valley has a community plan and a community planning ordinance to implement the plan. Community planning ordinances will remain effect when the code is fully adopted. The new draft code also requires that certain types of development meet with community and registered organizations prior to application. The new draft code creates an opportunity for community members to register as community organization or registered organizations and receive notification of development applications in the pipeline.

L. Community: How does this code address tribal development? The code must deal with tribal development. It is essential that the code deal with problems that matter to us. We don't have DSL, some of us can't get natural gas; this area is lacking in infrastructure.

Staff: the Code does not regulate tribal lands.

M. There needs to be a more robust process for intergovernmental coordination between the County and Tribes on this code. County should advocate higher levels of government to create processes for intergovernmental coordination. Intergovernmental coordination must include citizens. The code is a double standard. We need guarantee that if we agree to the code the County will address tribal and infrastructure issues. At the very least, we need notification of tribal development. There also needs to be better notification of the SLDC PRD meetings.

Staff: Coordination with the tribes is a broader issue that pertains to more than land development regulations. Tribes have been given a copy of the code. There are a limited number of ways in which the code can address intergovernmental coordination between the County and Tribes. One might be the distance within which property owners must hook up to utilities since this requires easement which may run through tribal land. Staff will look at this issue, but it's important to note that issue is much broader than the County land development code.

N. Community: The laundry lists of all the information and criteria that will be considered in decision-making amount to mush. It gives unlimited authority to Board without accountability because there is not clarity. The document really needs an executive summary and to be more readable. It might be necessary to junk the whole thing.

O. There should be stricter noise regulations.

P. Where will infill be located? The SLDC PRD talks about directing growth and promoting infill but where are the maps that show the location? This area is not appropriate for infill. Infill only works as a strategy if your goal is to create densities that will support public transportation. The height limits in the county mean that you will never get that density. Is the County promoting infill in this area?

Staff: The zoning map will establish densities for new development. It will be brought forward later in the public review process. Directing new growth will also partly be based on the Sustainable Development Area map. This map is referenced in the document but it is not presented in the document. Directing new growth will also partly be based on the Official Map which is referenced in the document but it is not presented in the document.

Community: All the maps that are discussed in the SLDC must be in the document for the public to review.

Q. Will densities in community planning ordinances take precedence over the SLDC?

Staff: Yes, there is a community planning ordinance for this area. The densities in community planning ordinances will take precedence over the densities in the SLDC.

R. Does the SLDC take into account agricultural preservation and water?

Staff: Yes, higher densities are directed to areas with the Rio Grande Buckman Diversion.

S. What is the transition between City and County land? How does this code address the transition? What is to prevent the City to annex land once it becomes higher density like in Agua Fria?

Staff: The City has not annexed Agua Fria. The Future Land Use map shows the City boundaries and the presumptive City boundaries. The presumptive City boundaries show areas that are in the City's annexation area. Communities can ensure that they are never annexed by applying for Traditional Community designation from the state. Some communities including Agua Fria have done this.

T. What about the County establishing water commission for each Growth Management Area?

U. Is SDA-2 an infill area?