

SPECIAL MEETING MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

November 12, 2009

This special meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by Chair Jon Paul Romero, on the above-cited date at approximately 6:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Jon Paul Romero, Chairman
Don Dayton
Juan José Gonzales
Charlie Gonzales
Jim Salazar

Member(s) Excused:

Maria DeAnda
Susan Martin, Vice Chair

Staff Present:

Ted Apodaca, Assistant County Attorney
Jack Kolkmeier, Land Use Administrator
Robert Griego, Planning Director
Steve Ross, County Attorney
Renee Villarreal, County Planner

APPROVAL OF AGENDA

Member Dayton moved to approve the agenda as published and Member C. Gonzales seconded. The motion carried unanimously.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
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I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/30/2010

PUBLIC HEARING

A. Sustainable Land Development Plan

Land Use Administrator and Director of the Planning and Development Division Jack Kolkmeier thanked the public for its attendance in this first public hearing on the Sustainable Land Development Plan (SLDP). Utilizing a power point presentation, Mr. Kolkmeier acknowledged the extensive community participation in the ongoing public outreach process. He identified the locations, dates, and attendance at a series of outreach meetings that occurred throughout Santa Fe County.

Mr. Kolkmeier said the SLDP is comprehensive, coordinated and has the primary objective is of balancing competing interests throughout the county.

He gave a brief overview of the plan's organization, noting it was "voluminous." The volumes are as follows:

- **Volume I:** Sustainable Vision
- **Volume II:** The Plan Elements
- **Volume III:** Suitability Land Analysis
- **Volume IV:** Capital Improvements Program and Financing
- **Volume V:** Community Planning
- **Map, Atlas & Appendices**

Mr. Kolkmeier said the Sustainable Land Development Plan (SLDP), plan elements were constructed based on community information which included sustainable growth; land use; adequate public facilities and financing; agriculture and ranching; archaeological, historic, cultural resources; economic development; energy; governance; housing; natural resources; oil and gas; open space; public health and safety; transportation, water, wastewater and stormwater.

Mr. Kolkmeier said the CDRC has received all the comments offered from the public.

At the Chair's request, Mr. Kolkmeier reviewed how public comments were obtained and how staff communicated with the public. When asked, staff directly responds to all correspondence.

Bruce Peshoff, consultant from Planning Works, said the number of plan elements, 16 discrete major subject matters within the plan, is amazing and he attributed that to the input and work of County staff.

Referring to the plan's themes, Mr. Peshoff offered the following points:

- **Governance** - dramatically increases opportunities for stakeholders and communities. It also coordinates and integrates the community plans into one document
- **Sustainable not Sprawlable** – primary and secondary growth areas are established
- **Protecting** - critical lands, open space, natural resources, water, agricultural and ranching land

- **Promoting** - energy efficiency, economics for ranches/farms, balanced economy providing economic opportunities through sustainable mixed-use centers throughout the county
- **Recognizing** – the importance of partnerships
- **Protecting Investments** – reviewing impacts on the environment, economy, facilities and establishing a basis for best management practices
- **Protecting County Fiscal Resource** – requiring the timing and phasing of necessary facilities and services with equitable funding sources in a pay-as-you-grow system as well as short- and long-term capital improvement planning

Consultant Bob Burchell went over the capital improvement plan. The capital improvement plan is a short- to medium-term guide for various components for capital improvement programming for the future.

Prof. Burchell said the plan 1) Identifies significant projects; 2) provides a schedule for planning and construction; 3) establishes a ranking or prioritization of projects; 4) indicates which projects can be funded during the initial and subsequent periods of the CIP; and 5) identifies funding sources and provides a financial plan for implementation.

Prof. Burchell identified capital improvement programs as roads, bridges, water and sewer systems, heavy equipment and vehicles, office equipment – all defined by the fact they are costly and have a useful life of multiple years. Large studies and land acquisitions can also be considered within a CIP.

A CIP is done to ensure optimum usage of tax dollars, focus on deliberate construction, replacement and repair of capital facilities, to bring various types of players and geographic locations into the process, to inform citizenry where investments are being made, and to avoid abrupt and unplanned for expenditures and make effective use of state and federal funds.

Prof. Burchell explained the balance needed between residential – which costs the County – and non-residential uses, which provide a profit. A final capital improvement plan will be developed that includes a financial plan for paying for upcoming capital improvements. “Every single capital improvement on the plan has been targeted to a source of money and it will be projected by us in to the future and a series of accountants will follow us to make sure that everything that we have done is correct and properly done.”

Prof. Burchell discussed the project scoring process and the three status categories: current, deferred and indefinite. Every dollar to pay for the CIP will be specified as well as the structure to get those dollars. A list of projects has been vetted and grouped into the status categories with the magnitude of the CIP narrowed greatly. The financial obligations of the County will be equitably distributed between the County’s residents, County government and other players in the development process.

Chair Romero thanked the contractors, County planners and the citizens that have participated in the process. He reminded those present that no action would be taken this

evening and the CDRC wanted to hear community comments. He referred to the public comment packet that planning staff provided the committee and said while not all concerns will be resolved to everyone's satisfaction, all concerns will be reviewed.

PUBLIC HEARING

William Lints, a resident of the Silverado Subdivision, said the SLDP was a massive document and he has not reviewed it in full. He said he understands that the tremendous efforts Silverado expended in the past several years to be separate from the San Marcos District Community Plan was all for naught according to the SLDP. He said the County following many meetings agreed to separate the entities.

Mr. Lints referred to a County resolution [*Exhibit 1*] passed on March 31, 2009 that "the request from Silverado be removed from the San Marcos Plan will be incorporated into the Growth Management Plan Update process" was not respected within the SLDP.

Walter Wait, representing the United Communities of Santa Fe, read a prepared statement [*Exhibit 2*] commencing with the fact "...the draft plan as written and distributed is too flawed to warrant future consideration by the CDRC." The document needs to be rewritten, "rethought to reflect both the true needs of the County and placed in a format that can easily utilized by the County and its citizens. It's simply too big and too biased."

The prepared statement mentioned the following: the SLDP is a compilation of facts, figures and histories; it contains unacceptable or questionable assumptions; community plans are altered beyond recognition. "The draft states that these plans are included in their entirety in this volume" which is not true; the organization of the document makes it almost impossible to use at 1,000 pages; and comments offered by the United Communities were not incorporated into the incoherent and complex draft.

Mr. Wait noted that the 532 implementation strategies were graded using five factors. He said the plan never identified how and who did that grading. He questioned whether the grading factors were relevant to the County. He said most of the low scoring criteria deal with the public information aspect.

Mr. Wait argued that the GIS maps used to generate scenarios for growth failed to use valid factors and was thus invalid. He noted that County Planning Division growth patterns were promoted. In fact, the assumptions used to produce the GIS maps that formed the basis of the plan may be flawed, stated Mr. Wait because of the biases inherent in the choices of factors.

Mr. Wait said the plan should be no more than 100 to 200 pages and the CDRC should direct staff to accomplish that.

Regarding the CIP, Mr. Wait said the plan fails to provide a plan for the County to follow through and critical areas are neglected in the list of projects. He said all of the estimates are "seat-of-the-pants," inaccurate and unrealistic.

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Speaking as the president of the San Marcos Association, Mr. Wait said they found it astounding that the plan writers would essentially rewrite the San Marcos Plan that the community spent five years developing.

Mr. Wait recommended that a series of working groups be set up to explore the various aspects of the plan and he described a process to rewrite it.

Jim Siebert prefaced his comments stating he supported outside consultants working on the plan – it helps to bring new life and new thought into planning practice.

Mr. Siebert said what the plan has lost is a lack of balance to local circumstances. The broad goals are worthy but there has been a disregard for the planning that has gone on in the County during the past several years. He mentioned staff's work to update the County plan that was related to hydrology and said it was not incorporated in the draft plan. There needs to be a local orientation.

Mr. Siebert mentioned the draft's reference to the distance from fire stations rather than focusing on the travel time along the roads. He encouraged accurate maps.

Mr. Siebert said the SLDP contains a great many planning platitudes that may be lacking substance and he cited the transportation section regarding the level of service of SR14.

"If you put in bad data you get out bad policy," stated Mr. Siebert.

Mr. Siebert noted the SLDP fails to reference the MPO, the EZ Arterial Road Plan or the ongoing studies of 599 and I-25 corridor.

Mr. Siebert asked the CPRC to look carefully at the CIP dollars to determine whether they are realistic. The SRAs need to be fleshed out.

There are two elements missing in the plan, stated Mr. Siebert: the health component: what is this community doing to improve the health aspects of the citizens of Santa Fe? The other component is education. The County needs a trained workforce which requires education.

Sharon Veronica Kraus, Bishops Lodge Road, said Santa Fe County is world renowned in terms of natural beauty, aesthetic considerations, and rich indigenous traditions. She expressed concern that the SLDP will be engineered in a fashion that ignores that this is the "Land of Enchantment." She mentioned global warming and urban sprawl and said she would like to see a committee that focuses on architectural and aesthetic standards.

Jan-Willem Jansen, Director of Earth Works Institute, founder of Galisteo Watershed Partnership and member of COLTPAC said he was speaking as a resident. He supported Walter Wait's comments. As a document, the plan needs to provide a format for constructive open dialogue with diverse participation. The plan should serve as a reference document and guide. Mr. Jansen said the document is too large and convoluted to accomplish the goals he mentioned.

Mr. Jansen said the CDRC should suggest to the BCC a synopsis or executive summary should be written that contains meaty information, and that the plan be reduced to 100 to 200 pages that address the problems the plan is solving, the scenarios of economic growth, climate change, population growth, etc. Those aspects as well as strategies are not clearly defined within the plan.

Mr. Jansen said the intent of the plan is good especially how it identifies different mechanisms to improve public participation.

He recommended adding suitability analysis for more than just development values and how CIP funds can be used to invest in stabilization of degraded environments. Ecotourism, ecosystem services, etc. should be considered at a higher level.

Mr. Jansen supported Mr. Siebert's call for addressing education and expanding green jobs and local economic development related to conservation and ecosystem services.

Eduardo Krasilovsky, Eldorado, said he did not expect anyone to write a truly sustainable plan because humans have been living unsustainably for at least 5,000 years. We all need to learn how to live by nature's laws, stated Mr. Krasilovsky. He recommended that the approval process of the plan be slowed down to allow the community representatives to work with the County to refine our vision and mission for a sustainable future aligned with social and personal changes. He recommended the establishment of citizen boards/study groups to develop baselines, goals and objectives for sustainable building and transportation systems, sustainable local energy production and distribution, sustainable local food production and distribution, sustainable local economy, and for a democratic process that includes direct partnerships between government and citizens. Mr. Krasilovsky said he asks for this for his grandchildren and their grandchildren. He discussed the toxicity in our environment.

William Mee, Agua Fria Village Association and United Communities of Santa Fe, stated that the plan contains a lot of good ideas but they need to be further fleshed out and the plan needs to be reorganized. The five volumes are overwhelming. He questioned how the CDRC would administer the plan and associated code

Mr. Mee said he was disappointed with the community plan section and suggested including the community plans as written and approved by the BCC as the best way.

Mr. Mee said working with the document on line was very difficult and the CD is very difficult to load and navigate.

Mr. Mee quoted Mr. Jansen that a "plan starts a conversation with a community." Returning to the complexity of the draft, Mr. Mee mentioned the "little guy" who wants to build a garage and the Code overwhelms him so he builds it illegally. That's what we're trying to stop, stated Mr. Mee.

Sam Hitt, Old Galisteo Way, focused on the agricultural section. He said much of the data – field crops, livestock grazing – is not relevant to the County any more. What is happening today is a microscale agriculture. He said he was in Class 1 agricultural soil in Arroyo Hondo and it should be preserved rather than developed. He said real data and fine-scale data must be used and he was unable to find that in the document.

Referring to the wildlife corridor, Mr. Hitt said he was pleased to see that was included in the plan but again hard data is not provided. Hard data is necessary for a good plan.

Mr. Hitt said he and his wife have been taking the weather for the US Weather Service for 20 years in Santa Fe County and rainfall data in the plan is old and not sufficient for large-scale planning.

Anne Murray, Village of Cerrillos, said the plan appears to offer a structure for orderly and funded development, but without a draft zoning map the public has no idea of what the plan will look like. Acknowledging that the County wants to present a transparent process, Ms. Murray said without a zoning map there is no transparency. She said the tiered development that is covered with a star which designates traditional communities is confusing in regard to the community plan zoning.

Ms. Murray said the plan fails to achieve the desires of the citizens with regards to preservation, community plans, and codes.

The CDRC has the authority to plan, and Ms. Murray recommended that it do so.

Ms. Murray said the Village provided eight pages of comments on the plan and a second legal opinion regarding the draft code. She said none of those comments have been addressed by staff. [*Exhibit 3 – A. Murray’s comments dated 11/12/09*]

Karen Yates, Golden, vice president of the Turquoise Trail Preservation Trust, supported the United Communities comments regarding the unwieldiness of the document. She said it has to be scaled down to a useful size so that the County Commissioners can read it.

Ms. Yates said she would have preferred the document focus on preservation rather than its overwhelming emphasis on growth. Santa Fe County is unique in that it houses the state’s treasures.

Elizabeth Prosapio, San Pedro resident said her community was one of the smallest in the county that created a plan. There are 370 landowners with 100 residents. The plan was created in the late 90s and approved by the BCC in 2000.

She said her community has been fighting to defend their ordinance and recently completed a three-year court battle insisting that the County defend the ordinance as created in the plan. Millions of dollars are being spent to write a new plan when the effectiveness of the old plan cannot be defended.

Even though the ordinances are enacted, Ms. Prosapio said her community’s experience was that it all depends on the personal agenda of the County Commissioner an ordinance could be overturned. “The system itself has faults...”

Ms. Prosapio said it felt as though the citizens were the consumers of the plan and the plan must be useful and protect people’s property rights.

Stating she supported the public speakers that preceded her, Ms. Prosapio urged the CDRC to slow the process.

James Alley, identifying himself as a resident since 1965 living in the same place out toward Cañada de los Alamos who has had a continuing interest for the rural residential character from Cañada into the City limits. He said he appears before this body with the same interest. He identified the boundaries of the area he most wanted protected and recommended density limits and stricter water policies. He mentioned the Homewise project that has ripped up the “whole roadway and torn down all the trees...”

Mr. Alley advocated 5-acre rural residential planning in the area from Cañada to the City limits. Old Santa Fe Trail retains some of its character as an old country road and beseeched the CDRC to protect it and the water table.

Returning to the podium, Ms. Prosapio said the plan was missing “transition implementation.” There needs to be a process developed for education on the plan.

John Otter, W. Alameda, said sometime in the not too distant future sustainability will have to be achieved without growth because resources are declining. He said social disruption will be another issue. Mr. Otter said the plan does nothing for sustainability and instead is “rearranging the deck chairs on the Titanic.” An economy based on growth is embedded in our culture and must be changed, stated Mr. Otter. He said the quality of life will be greatly degraded when resources are reduced and will risk passing a tipping point to social collapse.

Mr. Otter said to use the word “sustainable” in the plan requires preparation for sustainability without growth.

Ross Lockwood, Cerrillos, said the SLDP language often seems slanted and the word “sustainable” slips away from conservation and sustainability. Sustainability of growth is focused on rather than sustainability of resources. He said the plan appears to be written by purveyors of a largely corporate world where an application process is framed for an application approval process.

Mr. Lockwood said he was concerned with the “tortuous language that lands in the absurd.” As an example he read SLDP language that speaks of, “denial of a development approval application.” While he applauded the authors’ enthusiasm for economic prosperity he asked how the public welfare could be maintained and balanced with this biased language toward the development community.

Mr. Lockwood said community planning was conducted largely to preserve local qualities and to create stability within the boundaries of the community. He said it took three years to create the Cerrillos plan.

He expressed concern that developers would learn how to use the combination of applications effectively as leverage to amend the community plan code.

Louise Baum, SR 14, said she was appalled to see that one of the maps within the plan along the scenic highway was depicted in green, meaning it is highly suitable for development. “This is crazy,” stated Ms. Baum, this area runs along a scenic byway. She said the plan is not responsive to the community.

Ms. Baum said this area is an extraordinary place and “we want it to be sustainable in terms of water ... and its beauty.” She went on to say that this plan does not adequately address that.

Ms. Baum urged the CDRC to slow the process, have more community meetings and make the plan reasonable for the residents.

Elisa River Stacy Nelson, SR 44, San Pedro Neighborhood Association president, asked whether the individual ordinances for community plans are represented in the

SLDP. She said her community's goals, ideals, and history were not represented in the plan.

Returning to the podium, Eduardo Krasilovsky asked what criteria would be used to accept or reject a plan. He expressed concern that the SLDP draft already discriminates against people with poor reading skills because the plan is so complex.

Mr. Krasilovsky said the SLDP will be another law supporting an economic model that is responsible for global warming and social economic crises.

Rita Loy Simmons, Edgewood town councilor, said the code, written word, must be clear, concise and easily understood by today's high school students. The draft code lacks transitional terminology. Edgewood was seeking an infill annexation through the NM Boundary Commission and was denied because the Commission worked from the written word not the reality of experiences from police protection, animal control and road maintenance. She said she hoped the County would build a community center in Edgewood because City/County facilities would maximize the dollar and its usefulness.

Ms. Loy Simmons said she has listened to articulate citizens speak tonight and appreciated their comments along with staff's labor. She said the more defined the process becomes the greater the limits. The rights of private property owners need to be protected.

Ms. Loy Simmons urged the CDRC to consider reducing the size of the SLDP because the young high school graduates the County hires to administer this plan will struggle with that task.

Gavin Strathdee, Madrid community member, past fire chief, water board member, and Madrid Landowners Association member limited his comments to the community plan. Mr. Strathdee said his community worked three years to develop its community plan and the SLDP has revised it, cut it down into an executive version, thrown in a 1,000-page document and it has lost all its veracity

Mr. Strathdee requested that the CDRC recommend that all community plans as written be incorporated into the text and promote the concept that the community is in control of its fate.

Chair Romero closed the public hearing and reminded the audience no formal action was being taken this evening. He assured the audience that the comments received by staff will be reviewed and taken into consideration.

Member C. Gonzales asked how many more study sessions were scheduled and Mr. Kolkmeier said there is not a set number.

Prof. Burchell thanked the participants for their comments. He offered the consultants' commitment to honor the requests and comments offered regarding the plan.

In terms of the data, Prof. Burchell said they used the best data available at the time for road repair improvements, new construction, water and sewer. The data was provided by staff and studies. The Fire Capital Plan provided those numbers and the data

had been vetted and checked for accuracy. The Sheriff's office provided vehicle cost data. All of the numbers were reviewed by the staff that prepared the previous ICIPs.

The next phase of the CIP is further review of the costs and review of the County's share of those costs. These reviews will be further reviewed regarding bonds and debt service and capital funds. Revenue projections will occur to ascertain whether the items can be paid for using historical evidence.

Prof. Burchell said he had no doubt this component will be accurate and the County will be in a better position than in the past in terms of planning for its future.

Speaking from his 40-year experience as a planning professor, Prof. Burchell said the requirement of a comprehensive plan is that it be comprehensive, that it be encompassing in terms of all of the areas considered, that it be long-range, and that it provide a framework for the various types of ordinances that will emerge in support of the plan. The SLDP passes the test of what a comprehensive plan is.

Prof. Burchell assured the audience that their comments were heard and they will react to them.

Mr. Kolkmeier said the audience comments were divided into five categories:

- Concern regarding community plans and community issues – Desire that the community plans are respected
- Concern regarding document size – the BCC recently requested a summary
- Slow the process down – a great deal of time has been devoted to the process and the speed of the process depends on the CDRC and BCC
- Obtain more citizen input and give the citizen groups a greater role in the process
- Further define sustainability – what is it that the plan proposed that is truly sustainable.

Mr. Kolkmeier said Mr. Lints' comments on Silverado were well-taken. He acknowledged there was a commitment from the County to remove Silverado from the San Marco's plan.

Mr. Kolkmeier said the CDRC will determine the meeting dates for the remainder of the year and he thanked the public for its valuable input in this process.

Chair Romero said the CPRC was committed to hosting as many meetings as necessary to have a plan that the community will be proud to see adopted. He said planning groups may be created to facilitate that end. He repeated the CDRC's commitment to work with the community.

PETITIONS FROM THE FLOOR

None were presented.

COMMUNICATIONS FROM THE ATTORNEY

None were presented.

MATTERS FROM LAND USE STAFF

None were presented.

ADJOURNMENT

Chairman Romero declared this meeting adjourned at approximately 8:35 p.m.

Approved by:



Jon Paul Romero, Chair
CDRC



Valerie Espinoza VT
COUNTY CLERK

Before me, this ____ day of _____, 2009.
My Commission Expires: _____
Notary Public

Submitted by:
Karen Farrell, Wordswork