

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DEVELOPMENT REVIEW COMMITTEE**  
**SPECIAL MEETING**

**February 17, 2011**

This special orientation session of the Santa Fe County Development Review Committee (CDRC) was called to order by Acting Chair Maria DeAnda, on the above-cited date at 3:00 p.m. in the Legal Conference Room, the Santa Fe County Administration Building, Santa Fe, New Mexico.

Roll call indicated the presence of a quorum as follows:

**Members Present:**

Phil Anaya  
Maria DeAnda  
Juan José Gonzales  
Frank Katz  
Susan Martin  
Ivan Pato  
Sef Valdez

**Member(s) Excused:**

[None]

**Staff Present:**

Jack Kolkmeier, Growth Management Director  
Shelley Cobau, Building & Development Services Manager  
Steve Ross, County Attorney  
Linda Trujillo, Assistant County Attorney  
Jose Larrañaga, Development Review Specialist  
Wayne Dalton, Building & Development Services Supervisor  
Vicente Archuleta, Plat & Development Review Specialist  
Vicki Lucero, Development Review Team Leader

**III. APPROVAL OF AGENDA**

Upon motion by Member Gonzales and second by Member Martin the agenda was unanimously approved as published.

#### **IV. INTRODUCTIONS**

Growth Management Director Jack Kolkmeier welcomed those present and thanked them for their participation. Members of staff and CDRC appointees introduced themselves. Following the explanation of the procedures the committee members amplified their introductions.

#### **V. MEETING PROCEDURES AND PROCESS**

Ms. Cobau referred to the orientation packet, which she said outlines the laws creating the CDRC and the duties of members.

##### **Article I – Welcome Letter**

The job of the CDRC is to make recommendations to the Board of County Commissioners on land use case. In some instances the CDRC will make the final decision on applicants' requests: variances for length of cul-de-sac, large accessory structures, and structures such as radio antennas and wind turbines.

In the instances where the CDRC is the final arbiter "Final Orders" are issued and approved at the following meeting. Final orders can be read to ensure accuracy of the vote and decision. County Attorney Steve Ross indicated these can be voted on even if the members present were not at the meeting involved.

Ms. Cobau said staff prepares a memo for each case ascertaining whether an application meets the requirements of the code.

##### **Article II – Rules of Order**

This section discusses under what circumstances a meeting is convened and the definition of a quorum. Ms. Cobau stressed the importance of contacting either her or the committee chair whether or not they will be able to attend. Meetings are run more or less along the lines of a modified Robert's Rules of Order, with motions made, seconded and vote.

Ms. Cobau stated committee members should anticipate special meetings to work on the upcoming Land Development Code. Occasionally there are field trips – site visits to better understand complex cases.

A quorum is formed any time four or more members are present. On social occasions when this occurs no County business can be discussed.

Mr. Ross called the members attention to page 5 which gives a good summary of the overall procedures and how meetings transpire.

### **Article III – Open Meetings Act**

Meetings are conducted in accordance with a yearly resolution that sets out how noticing occurs.

### **Article IV – Code of Conduct**

Ms. Cobau stated the County has recently enacted a new Code of Conduct. Mr. Ross undertook to explain the rules on *ex parte* communications as outlined on page 14. The bulk of decisions made by the CDRC fall into the category of administrative/ adjudicatory, that is to say quasi-judicial, which requires complete impartiality. If a committee member feels this is impossible he or she can recuse themselves.

Member Anaya asked if committee members could speak with members of the Commission. Mr. Ross said that was not a good idea, nor was learning about a case in any way prior to the hearing beyond that presented in the packet. Mr. Ross said constituents who wish to communicate should be referred to him or to the Land Use Administrator. There is a standard email response that can be utilized.

### **Article V – County Development Review Committee**

This section contains the code's specifics about the CDRC.

### **Article VI – Information for Applicants Appearing in Front of the CDRC**

Ms. Cobau pointed out that this explains the hearing procedure to applicants and has an admonition not to contact the CDRC members. However, names of the members will be on the County's website, and, if so desired pertinent information. She noted information given to the County for background check purposes are confidential.

### **Article VII – Formation of the Extraterritorial Land Use Authority (ELUA) and Extraterritorial Land Use Commission (ELUC)**

Ms. Cobau indicated that the five CDRC members representing districts also serve on the ELUC. This convenes only in cases where questions of annexation are involved. A map in the back shows the extent of the area involved.

### **Article VIII – ELUA Subdivision, Platting, Planning and Zoning Ordinance**

This section contains the enabling ordinance.

Ms. Cobau distributed the checklist given to applicants that are bringing projects forward, along with a flow chart of the procedure. Staff memoranda contain information on water availability and code compliance as well as a recommendation to approve or deny. Some cases are contentious and meetings can be crowded. The meetings are

televised and taped. They generally start at 4:00 pm, third Thursday of the month. Case managers are available to answer questions.

Mr. Kolkmeier advised them to speak into the microphones.

Ms. Cobau stated if there are more than three unexcused absences in a year a member can be replaced. She advised them to exchange phone numbers and to alert the chair ahead of time if they are unable to attend a meeting.

Under Communications from the Committee they can speak about any code violations they are aware of. Occasionally meetings can be convened in other locations. It is the prerogative of the chair to limit the length of testimony and staff is available to keep time. There is a provision for telephonic attendance.

### **Committee Introductions and Comments**

Susan Martin said she is an attorney currently working in Los Alamos. As a returning member she appreciates the committee's collegial and professional attitude.

Filandro Anaya (Phil) stated he has served on the Moriarty School District Board for 12 years. He asked how closely Robert's Rules were adhered to. Ms. Cobau said speakers are first recognized by the chair. Friendly amendments are used.

Ivan Pato said he worked for the past 20 years in a state with a sunshine law, therefore he thinks it best to rely on the attorney and be cautious in order to stay out of trouble. He asked why the BCC minutes were verbatim given there was a recording of the meetings. Mr. Ross said it was in order to be able to provide written copies in case there is subsequent litigation.

Sef Valdez indicated he is a general contractor in the Pojoaque Valley and this is the first board he has served on.

J.J. Gonzales mentioned that in granting variances the CDRC can give applicants relief from strict interpretations of the code.


Frank Katz said he has been a lawyer for 45 years serving in various capacities with the state, and was the City Attorney for the last four years.

Maria DeAnda stated she is an attorney and business owner and served on the City Planning Commission. She added the CDRC members show mutual respect and serving has been a great learning experience.

**VI. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, this meeting was adjourned at approximately 4:00 p.m.

Approved by:

 3/17/11

Maria DeAnda, Acting Chair  
CDRC

ATTEST TO:

  
COUNTY CLERK

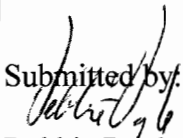


Before me, this \_\_\_\_ day of \_\_\_\_\_, 2011.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Submitted by:

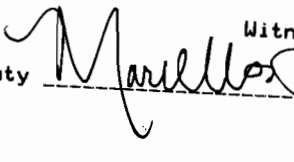
  
Debbie Doyle, Wordswork



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

CDRC MINUTES  
PAGES: 5

I Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of March, 2011 at 03:28:23 PM  
And Was Duly Recorded as Instrument # 1630073  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Deputy  Valerie Espinoza  
County Clerk, Santa Fe, NM

SEC CLERK RECORDED 03/21/2011