

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

**Santa Fe, New Mexico**

**April 22, 2010**

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 4:05 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
- Maria DeAnda
- Susan Martin, Vice Chair
- Juan José Gonzales
- Charlie Gonzales
- Jim Salazar

**Member(s) Excused:**

- Don Dayton

**Staff Present:**

- Jack Kolkmeier, Land Use Administrator
- Robert Griego, Planning Director
- Tim Cannon, GIS
- Renee Villareal, Community Planner
- Arnie Valdez, Planner
- Ted Apodaca, Assistant County Attorney

COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss  
 I Hereby Certify That This Instrument Was Filed for  
 Record On The 30TH Day Of August, 2010 at 03:40:56 PM  
 And Was Duly Recorded as Instrument # 1609276  
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Deputy *[Signature]* Witness My Hand And Seal Of Office  
 Valerie Espinoza  
 County Clerk, Santa Fe, N

CDRC MINUTES  
 PAGES: 8

*[Sign-in Sheet attached as Exhibit 1]*

**III. APPROVAL OF AGENDA**

Member C. Gonzales moved to approve the agenda and Member Martin seconded. The motion carried unanimously.

#### **IV. NEW BUSINESS**

##### **A. Sustainable Land Development Plan (Public Hearing)**

Chairman Romero said they would hear comments on Chapters 1 through 6 tonight, and at the special meeting on April 29<sup>th</sup> public input will be heard on the remaining chapters, 7 through 12. A third public hearing will be held with the comments integrated into the plan. The goal is to have a plan that is easily read and that facilitates the staff guiding applicants through the process. He thanked all the participants.

Jack Kolkmeier, Land Use Administrator, also welcomed the audience and wished everyone a Happy Earth Day. He said this has been an amazing and lengthy process and he praised the participants' commitment, intelligence, and vivacity in spite of differences of opinion. He particularly commended Robert Griego and his staff for their tenacity.

Mr. Kolkmeier said the Sustainable Land Development Plan will serve as a constitution for the County and will be a guide to a future that looks to the past for inspiration and recognizes the efforts in forging new relationships and ideas in the present. The workshops produced a large number of ideas which will help evolve partnerships for the future. The last plan, a second general plan, was done in 1999 and was known as the Growth Management Plan. It involved directing the location and pattern of future growth and resulted in the formation of the Community College District and was a comprehensive approach to community planning. It also created the open space program to preserve large tracks of open land and trails. Additionally, recommendations were made about infrastructure and capital improvements. Emphasis was placed on the role of water and fragile environments. There were suggestions that hydrologic zoning should be re-examined. However, a capital improvements plan was not adopted nor was hydrologic zoning changed appreciably. This new plan seeks to come to an understanding of how the community needs to be sustainable.

The new Sustainable Land Development Plan sets the stage to complete a capital improvements program and the establishment of a new Land Development Code. Mr. Kolkmeier said the Sustainable Land Development Plan is a philosophy about a balance between past, present and future, and the concept of "place making" – sacred places, places of protection, place of commerce, places for farming or ranching. A further emphasis is on strengthening communities and making them functional. Functionality leads to sustainability. Mr. Kolkmeier said they will be outlining changes made to previous iterations of the document.

#### **Chapters 1 through 6**

Planning Director Robert Griego reiterated that the presentation will focus on changes that have been made due to the significant input received. He reviewed the meetings held thus far. Over 500 pages of public input have been received and this body of material will be provided to the BCC and to the public on line. Key issues, with their

attendant problems are outlined with an eye to identifying directives for growth, development and conservation. The document was constituted for consistency and the major changes come in chapters 1 and 2. In Chapter 1 there is an attempt to define sustainability and what it will look like. Each chapter has a section on binding principles, consistent throughout the county. "It is about community, it is about environment, and it is about the economy."

A preamble has been provided by the community delineating the priorities and principles in the document. It speaks of the need to honor community plans and points out where to find important parts of the document. It all leads to a vision for the county and establishes a policy framework.

Mr. Griego said a mechanism to direct growth into the future was needed but the maps were insufficient. Growth areas need to be clearly delineated. There was a concern that growth was being directed to areas that could not accommodate it. A decision was made to significantly reduce the extent of SDA-1 (Sustainable Development Area-1), which originally had 65,000 acres. The new SDA-1 is 25,000 acres and this provides a more manageable area for providing services and infrastructure.

Mr. Griego referred to the maps showing where growth will be directed. He listed the categories of land use that had been employed. Those areas are now more clearly defined. Additionally, there are areas classified as having "countywide impact." These include mining, sand and gravel extraction or salvage yards. Mechanisms are necessary to address these issues.

In the previous version there was no mechanism for density transfers or the breakup of large ranches. He went over the definitions for SDA-1, SDA-2 and SDA-3.

Other changes include modifications to the map that delineate open space more clearly. There are four maps for the CIP plan. Changes were also made to the directives. Attention was paid to the agriculture and ranching areas and to areas of specific historical importance.

Chairman Romero asked if the changes that have been made were the result of input from the stakeholders, or was it staff-initiated. Mr. Griego said it was a combination. Some of the major changes came as a direct result of public comment. Chairman Romero suggested the maps be displayed on the website in a way that can be magnified so residents can discern in which zone their property falls.

### **Public Input**

Members of the audience wishing to speak were placed under oath.

Karen Yank, representing the Turquoise Trail Preservation Trust, thanked the County for allowing the community to be a part of the plan. The Trust believes the current mining ordinance, Article III, Section 5 of the current code, should be retained, and exemption of sand and gravel must be deleted. The DCI (Developments of Countywide Impact) section lists thresholds that are far too specific and those should be in the code rather than the plan. She spoke in favor of the studies and criteria in order to

protect the pristine character of the majority of the county. The process should be slowed down in order to address critical details. [Exhibit 2]

Agua Fria Village Association President William Mee, speaking for the United Communities of Santa Fe County explained this coalition is a congress of organizations such as traditional villages, homeowner and neighborhood associations, water rights, environmental and advocacy groups. United Communities supports the Sustainable Land Development Plan and believe it has the necessary vision to drive development decisions and planning for years to come. The coalition has worked closely with staff throughout the work sessions and has made a number of suggestions. They recommend that strategies be added to the goals and policy sections of each chapter. Consistency issues and wordsmithing remain to be done. Chapters 3, 4, and 5 are well written and they are recommending no changes. However, he proposed a number of changes to the first two chapters, as presented by United Community members as follows:

Sue Barnum noted one small change to Chapter 1 under binding principles. The third principle should read: ...retrofit and upgrade buildings and infrastructure for energy, water conservation and other sustainable elements. This should apply to businesses as well as residences.

Walter Wait, president of the San Marcos Association and member of United Communities indicated there are a number of important changes they would recommend for Chapter 2. Section 2.1.2.1.1 requires studies and reports. However, this could be onerous for owners of non-conforming lots, small property owners in particular.

On page 30, under SDA-2 definition, they would like to see "SDA -2 areas may not develop to urban densities if community plans dictate otherwise." This is in accord with the stated intent to honor community plans.

In Section 2.2.5.1 they would like to add the following: Existing community plan use areas – this should go after the definition of SDA-3. Over the past ten years Santa Fe County has created quite a number of traditional community and district plans and ordinances under Ordinance 2002-3. The plans and ordinances dictate zoning and other land use criteria specific to the planning unit boundaries identified and approved by the BCC. These boundaries, zoning and land use criteria will be integrated into the plan, plan use map, and into the SLDC zoning map, and will continue to form the basis for community land use planning within the designated boundaries of each approved plan and ordinance. Land use governance, however, will conform to the tenets outlined in the SLDP's governance section, Chapter 14. CIP requests made by communities with community plans will not necessarily be tied to sustainable development areas in terms of project scheduling but will be required to be consistent with requirements and objectives identified within the prospective plans.

Additionally, they'd like to add under Goal 2, Policy 2.6, Integrate zoning and land use criteria identified in traditional community and district plans and ordinances into the SLDC and ensure that the SLDC zoning map accommodates all current community plan and ordinance boundaries, zoning and land use criteria. This is in the map but there should be text to explain it. Without the suggested language there will be interior conflicts.

Mr. Wait stated CIP requests will fall within an underlying sustainable development area, often defeating the intent of the community planning effort.

Under Section 2.2.25.1, Sustainable Development Areas, should be changed to County and service provider capital investment projects associated with land development or linked to any development application should be utilized for these growth areas first before investment in SDA-2 areas. Some projects transcend SDA projects and priorities should be more flexible.

Strategy 2.1.2 does not make the binding principle of incorporation of community plans, although this is stated in Chapter 1. *[Exhibit 3]*

Ross Lockridge spoke about Section 2.2.6, countywide impacts, including mining impacts. Most of the writing is good but some standards are not appropriate in a planning document. Numerical standards should be confined to the code. An exemption to sand and gravel operations was included in Dr. Frielich's plan under the assumption these were "mom and pop" businesses causing little impact. There needs to be new language to the effect: Along with the oil and gas amendment, the mining ordinance, Article II, Section 5 of the current code will be retained in its sand and gravel exemptions, 5.1.2, pre-emption D will be deleted. He suggested this be stated in Section 4.4.

The DCIs and mining code need more public review, which can be done with specifics deleted. *[Exhibit 4]*

Johnny Micou followed up regarding the mining ordinance, expanding on a email interchange with Dr. Frielich. Dr. Frielich stated, "Yes, the mining ordinance will be in the SLDC. I hope this eases your concerns...I have deleted the exemptions. The mining ordinance and the grading are very much like the oil and gas and you should be pleased." In short, Mr. Micou said the mining ordinance should be left intact and if anything, strengthened, not weakened. *[Exhibit 5]*

Also from United Communities, Dave Gold commended staff for taking public input seriously. He said their suggested changes are not vast conceptual differences, and they appreciate the need for speed. Speaking of Chapter 6, Mr. Gold said it should be clear this does not include all the future trails and open space. Also, there is a strategy regarding trails that omits the word "trailheads."

Jeanette Yardman from PNM thanked Planning Staff for the opportunity of providing input to the Sustainable Land Development Plan. PNM has submitted comments that have been incorporated. PNM has provided service territory and renewable energy maps with updated wind and solar information. They have offered their support to research utility issues. Additionally, they have offered to be on the Technical Advisory Committee. She said they look forward to working with the County.

John Otter expressed his concern about the nature of the document, to wit, whether it is advisory or controlling. He gave examples where it appears to one or the other. Also, sustainability is not consistent with a finite resource, therefore it would be better to refer to "sustainable development."

Kim Sorvig, echoed the praise of the level of professionalism that has been involved in developing the plan. He was gratified to see the plan as a pattern book, which will make it easy to repeat. He was not pleased with the infelicitous term "FLU map" and surprised real estate was not mentioned as an industry under the economic development section. He was unclear as to how the oil and gas ordinance fits into the new plan; it is only mentioned a few times. The countywide impacts section should be expanded and DCI defined and made more general. Currently, only hard rock mining and land excavation are included. His list includes: feedlots and factory farms, solar and wind farms, utilities, transmission lines, telecom, and airstrips. He recommended that the one-step process not apply to DCIs due to the technical complexities. He also recommended a moratorium at the point where the BCC votes for the next revision and that it be in effect until the revision is written to keep people from sliding under the deadline. *[Exhibit 6]*

Jay Dillon praised staff for their tenacity. He stressed the importance of ethical behavior going hand in hand with economic sustainable development. The process needs to be democratic and transparent.

Frank Hersch, a participant in many of the workshops lauded the collaborative nature of the process. He referred to the packet and requesting the striking of Policy 4.1, since it is covered in Chapter 14. "Sustainability is a process," not an end in itself. He emphasized everything should be open to change.

The public hearing was closed.

Chairman Romero acknowledged the presence of Representative Rhonda King and Commissioner Virginia Vigil. He thanked all present for their attendance and hard work. He described the plan as a move forward for the future and the future of the children of Santa Fe County.

Member C. Gonzales commended staff and the community for their dedication. He said he expected there will be much more detail in the coming code. He asked if the immigrant community participated in the plan. Mr. Griego said there have been sign-in sheets, and there was representation from the land grant community. Member C. Gonzalez pointed out many violations of the code come from the immigrant communities and he wanted to ensure they are educated on the issues. He asked if any meetings were conducted in Spanish and Mr. Griego said none were, but Spanish documents were provided.

Under Section 2.1.1, page 10, number 6, Member C. Gonzalez would like to add "after existing hydrologic zoning and lax rules for individual development projects, family transfers, lot line adjustments and parcel division splits have created sprawling development patterns and insufficient ...."

On page 19, Section 2.2.3.4, Existing Public Institutional and Utilities, he would add "encouraging the public schools, state and federal agencies to obtain development permits which pertain to land use."

2.2.3.6, Existing Conservation Land Uses and Zoning, page 19, Member C. Gonzalez asked how much conservation is occurring by default, i.e., through terrain

management constraints. Mr. Griego said data has been compiled regarding types of agriculture, but a land suitability analysis would yield more information.

Tim Cannon, GIS Planner, said that could be tabulated in the case of established open space tracts created in the parcel layer. Otherwise it would be difficult. Provisions in the new regulations may make digitization more feasible.

Referring to Section 2.2.3.1, Sustainable land development suitability model, page 23, Member C. Gonzalez asked if this model could be used to identify types of soil suitable for use in repairing mining districts.

Mr. Cannon said the USGS publishes generalized maps that show the likelihood of finding metal minerals. However, he did not know where you could obtain information on the location of sand and gravel, for instance. The oil and gas suitability map could be modified to show suitability for mining.

Member C. Gonzalez mentioned the DCIs will not apply to federal and state lands, and this is where much of the activity occurs.

2.2.6.1, Land Excavation, page 40; 2.2.6.2, Substantial Land Alteration; and 2.2.6.3, Minor Land Alteration: Member C. Gonzalez asked if the extraction of construction materials ordinance will be combined with hard rock mining. Mr. Griego said this is in the plan so that it can be regulated in the code.

Member C. Gonzalez said there will need to be much more detail and numbers in the code. Additionally, blasting permits should be classified a DCI, along with trenching for blasting.

3.2.4.1, Green Industry; Energy and Water Conservation Technology, page 49, Member C. Gonzalez noted that the inclusion of green technologies may require variances, and he asked if there would be incentives to support them. He said this should be answered some time in the future.

3.2.4.5, Ecotourism and Outdoor Recreation, page 50, Member C. Gonzalez commented the number of visitors to the ski basin should be included, since that is in the county.

Page 71, Strategies, Member C. Gonzalez would add the sentence, "Continue to keep surface storm drainage from new development out of the acequia systems.

Page 72, Key Issues, he would add to the end of the sixth sentence, "...in addition to development allowed on federal and state lands."

Section 5.1.1, Key Issues, page 72, Member C. Gonzalez was concerned about issue #15 regarding FEMA floodplains. Telling FEMA they can't comply would jeopardize projects.

Member DeAnda spoke to the economic development section, particularly 3.2.4, Target Industries. She said it lacks a definition, and by listing some others appear to be excluded. She said target industries should specifically those that promote sustainability.

Member Salazar thanked staff and the community for their involvement. He said the document is readable and easy to use and understand. It also serves well for policy guidance. He reiterated that acequias should be avoided as stormwater conveyances. He said he would email his suggested language changes to staff.

In the economic development section, he said there is a place for large-scale developments that provide jobs. Under key issue #5 he would insert, "...need for appropriate and diverse business services."

Member J.J. Gonzales recalled the beginning of the process where Mr. Kolkmeier held up a blank sheet of paper. This was in time followed by an overwhelmingly large document. Eventually, the public was invited in to work toward consensus resulting in the current, more manageable document. He thanked everyone involved.

Chairman Romero again thanked all the participants for working toward something everyone can live with. More chapters remain to be fine-tuned, and in the end a document the community can be proud of will be produced.

**X. ADJOURNMENT**

Having completed the agenda and with no further business to come before this Committee, Chair Romero declared the meeting adjourned at approximately 7:55 p.m.



*Valerie Espinoza*  
COUNTY CLERK

Approved by:

*Jon Paul Romero*  
Jon Paul Romero, Chair  
CDRC

Before me, this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

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

Respectfully Submitted by:

*Debbie Doyle*  
Debbie Doyle, Wordswork