

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE
SPECIAL MEETING

Santa Fe, New Mexico

April 29, 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 6:13 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
Maria DeAnda
Juan José Gonzales
Charlie Gonzales

Member(s) Excused:

Susan Martin, Vice Chair
Jim Salazar

Staff Present:

Jack Kolkmeier, Land Use Administrator
Robert Griego, Planning Manager
Tim Cannon, GIS
Renee Villareal, Community Planner
Arnie Valdez, Senior Planner
Melissa Holmes, Planning Department
Andrew Jandacek, Transportation Planner
Steve Ross, County Attorney
Ted Apodaca, Assistant County Attorney

[Sign-in Sheet attached as Exhibit 1]



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of September, 2010 at 12:09:34 PM
And Was Duly Recorded as Instrument # 1609501
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Deputy Marcella Valerie Espinoza
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 09/01/2010

III. APPROVAL OF AGENDA

There were no changes to the agenda, which was accepted without opposition.

IV. NEW BUSINESS

A. Sustainable Land Development Plan (Public Hearing)

Exhibit 1: Staff Power Point

Exhibit 2: Input on Energy Policy

Exhibit 3: Changes Suggested by United Communities of Santa Fe

Exhibit 4: Input on Transportation Element

Exhibit 5: Input on Governance Issues

Exhibit 6: Input Water Issues

Exhibit 7: Input on Governance Issues

Exhibit 8: Changes Suggested by Member C. Gonzales

Exhibit 9: Changes Suggested by Rebecca Frenkel

Chairman Romero said there had been good public comment at the last meeting and he thanked those who have taken the time and effort to be involved. Tonight comments will be heard on Chapters 7 through 14. He said he was confident that all comments will be reviewed by staff. "Not everyone's going to get what they want," but he felt in the end there will be a Sustainable Land Development Plan and Code they can build upon for the future.

Mr. Kolkmeier introduced his staff said they will not be going over the comments from the previous meeting tonight but rather in the interests of time will tackle Chapters 7 through 14. On May 13th all of the comments will be analyzed. Final recommendations will be made on May 27th. At that point the CDRC will determine whether the plan is ready to go forward to the Board of County Commissioners.

By way of introduction, Mr. Kolkmeier covered some key points. First, what is the point of the Sustainable Land Development Plan? It is primarily a philosophy for crafting future rules, regulations and ordinances. It is a guide. It also provides directives for County organization for programs and options. Thirdly, it's a pathway for solving County problems.

There are four ways the plan will be implemented: the code, which will have specific design standards; the CIP or funding mechanism; the strategic plan; and the Growth Management Department.

In response to those who claim suggestions aren't being included, Mr. Kolkmeier said everything has to go through an internal review process. The document continues to be tweaked and the dialogue continues.

Arnie Valdez, Senior Planner listed the changes suggested for Chapters 7 through 15 as outlined in the memorandum. This covers the topics of Renewable Energy, Green Design and Development, Public Safety, Transportation, Water and Wastewater, Public Facilities and Financing, Housing, and Governance.

Planning Manager Robert Griego highlighted the outstanding issues and concerns as the plan stands now. [*Exhibit 1*] He stressed that the existing community plans will be

honored but the process itself is evolving to make use of community organizations (COs) and registered organizations (ROs). Roles will be clarified. The new process requires a public participation plan, community accounting and specific planning elements. COs can develop a work plan and are recognized by the Commission. This is outlined in Chapter 14 that speaks of rights and responsibilities. These organizations can participate and make recommendations on development applications and plans, and provide input on the CIP.

ROs are recognized by the Administrator rather than the BCC, and they can receive notices about plans and participate but lack the same rights of COs. Work remains to be done to make the process clear to the participants.

Next steps include analyzing comments received and formulating recommendations based on input.

The chair acknowledged the presence of County Commissioner Kathy Holian.

Chairman Romero asked when work on the code would begin, and what would the process be. Mr. Kolkmeier explained work won't begin on the code until after the BCC adopts the plan, perhaps in June.

Chairman Romero said he was hopeful a consensus could be reached, and he opened the hearing to public comment.

Those wishing to speak were placed under oath.

William Mee from the United Communities of Santa Fe County said his group understands the need for moving the plan forward rapidly, but some items have been left out and they feel Chapter 14 needs more work. They have modified the proposed flow chart. The suggested changes fall into three categories: changes that need to be added and translated into the code, changes that can create actionable planning, and other changes that will make a better document and process.

David Bacon spoke to the question of energy. *[Exhibit 2]* He referred to two recent incidents involving fossil fuels and its negative aspects. He recommended the book *Who Owns the Sun?* He spoke in favor of locally owned and controlled energy, not least of which is economic benefit and creating jobs. A key issue is efficiency. Water continues to be a major concern.

Toni Olson from San Pedro offered changes to Chapter 8: In the essay on the top of page 135, end of the second paragraph, delete iv. ...whose equipment in those portions of the building or structure that use energy to provide for industrial manufacturing or commercial purposes. She felt this is too sweeping an exemption to energy efficiency.

Secondly, also page 135, Minimum energy efficiency requirements, Roof coverings that meet one of the following standards will be installed on new roofs and on existing roofs that are being reroofed: 1. Reflective non-glare roof coverings that are Energy Star qualified.

On Section 8.2.2.1, page 137, omit the last sentence. Increased density premiums will be available for multiple residential dwellings, unit developments in all rural zoning districts. Townhouse density should not be encouraged in rural areas due to excessive water use. Or it could be added: "Unless this conflicts with the community plan affected and unless restrictions are established in such developments for using water easily.

Mr. Mee suggested adding a new strategy to Chapter 9, Public Safety. [Exhibit 3] "A developer should contribute to public safety infrastructure." This could consist of land or funds for substations for the Fire or Sheriffs Department. Another new strategy, 28.3.1, "Developers should provide adequate fiberoptics and other telecommunications infrastructure to enhance public safety." There are other minor changes included in Exhibit 3.

Changes to Chapter 10 were provided by Ross Lockridge [Exhibit 4] which center around an overemphasis on arterials.

Mr. Mee stated there were no substantial changes to chapters 12 and 13.

Walter Wait distributed his comments on Chapter 14 [Exhibit 5] which he described as the "biggest headache" due to obscure, unclear language, and lack of continuity. He reviewed in detail the application process and ideas for making it more fair and efficient. Additionally, the flow chart has been revised.

David Gold undertook to outline the changes to Chapter 11 which covers domestic wells. [Exhibit 6]

Ann Murray also addressed proposed changes to Chapter 14. [Exhibit 7]

Mr. Gold returned to the podium and asked that staff specify which of the suggested changes have been accepted and which rejected and why.

Kim Sorvig noted there is no mention of the oil and gas ordinance; this should be integrated into the plan. In Section 7.1.1.2, the word "imported" should be deleted from the sentence about fossil fuels. Also, bio-fuels are presented as a preferred alternative but in point of fact there are many environmental consequences to the use of bio-fuels, such as loss of rainforest. He referred to Chapter 7 and bio mass can be taken too far. Both of these should be seen as being among many possible tools. He asked that small-scale utilities should be favored over utility scale.

Mr. Sorvig said the recycling contract (Chapter 8) should be reviewed on a regular basis. Also, commercial impacts to the infrastructure should be taken into account, not only residential. He called for more public transport. "We're not dreaming big enough." He echoed Mr. Lockridges's comments about overemphasis on arterials. He pointed to "a strange overlap" in the application procedure that could result in legal challenges.

Sam King thanked the CDRC and staff, commended their work and requested that they not adopt an anti-growth stance.

[The CDRC recessed from 8:00 to 8:07.]

Chairman Romero thanked the participants and said they were working well together and were moving toward a result that everyone could be comfortable with.

Member C. Gonzales went over his specific comments as outline in *Exhibit 8*.

Member DeAnda asked about inspection and enforcement, processes that are not clear in the plan. She felt the definition of sustainability is still vague.

Mr. Griego said a more complete discussion of sustainability will be coming with the next iteration.

Member DeAnda spoke about goal 20 and strategy 20.1.1 on page 129, which addresses a County loan fund to facilitate initial investments in sustainable power generation. She asked whether this was geared toward individuals or utilities. Policy 20.3 seems to cover the renewable finance district which is already in place. She asked whether subsequent changes will be highlighted in the next draft, and Mr. Griego said they will make clear what changes are contemplated.

Member Dayton said he was impressed with the clarity of United Communities' suggestions.

Chairman Romero reiterated that agreement may not be total but he looked forward to continuing to work together.

VIII PETITIONS FROM THE FLOOR

None were presented.

IX. COMMUNICATION FROM THE COMMITTEE

None were offered.

X. COMMUNICATIONS FROM THE ATTORNEY

None were presented.

XI. COMMUNICATIONS FROM STAFF

None were presented.

Chapter 8: Green Design and Development

- ▣ Revise Key Issues, Keys to Sustainability, and Directives
- ▣ Expanded Keys to Sustainability to include language about:
 - ▣ Enhanced recycling and recycled material utilization
 - ▣ Integrated site planning
 - ▣ Composting opportunities
 - ▣ Utilization of local resources for building materials and the use of "traditional markets" to sell and recycle these materials
 - ▣ Promotion of durability and longevity in residential and commercial design
 - ▣ Creating incentives for green design, resource conservation, reuse and retrofitting buildings

Chapter 9: Public Safety

- ▣ Made clarification edits
- ▣ Revised Key Issues and Keys to Sustainability
- ▣ Revised Map 9-1: Fire Facilities and Wildfire Hazards
- ▣ Revised Directives to ensure consistency between elements of plan and plan directives

Chapter 10: Transportation

- ▣ Revised Key Issues, Keys to Sustainability
- ▣ Revised Map 10-2: Future Road Network
- ▣ Revised Map 10-4: Road Surface and Proposed Road Maintenance Projects
- ▣ Revised Section 10.2.2.1: Functional Classification of Existing and Future Roadways
- ▣ Revised Section 10.2.3.2 Future Transit Routes for Consideration
- ▣ Recognized needs for future transit routes for NM 599 Rail Runner Station, including the NM 14 Corridor, Santa Fe Community College and IAIA.

SFC CLERK RECORDED 09/01/2018

Chapter 13: Housing

- ▣ Revisions made to Key Issues and Keys to Sustainability
- ▣ Added Section 13.2.1 for Affordable Housing
- ▣ Added Section 13.2.2 for Public Housing
- ▣ Revised Section 13.2.3. Nonprofit and Community Organizations: revised to provide updated and corrected information
- ▣ Revised 13.2.4. Housing for Special Populations
- ▣ Revised Directives:
 - ▣ Added Policy 43.8: Create and support affordable housing in the rural areas and traditional communities in the County.
 - ▣ Added Strategy 43.8.1: Support rehabilitation and repairs for existing low and moderate income homeowners to reduce energy costs and improve energy efficiency.

Chapter 14: Governance

- ▣ Revisions made to Key Issues and Keys to Sustainability
- ▣ Moved Community Planning and Public Participation forward to Section 14.2
- ▣ Changed Recognition of CO's and RO's to list members of the organization rather than officers of the organization
- ▣ Revised Map 14-1, Santa Fe County Political Boundaries to show the County Commission district boundaries and to show the Northern Pueblos Regional Planning Organization boundary.
- ▣ Revised Section 14. For TAC requirements
- ▣ Revised Section 14.4.3 Processes and Procedures

Chapter 14: Governance

- ▣ Added language to Section 14.4.5.3 to acknowledge that the process for creating or amending a community plan is outlined in the Community Planning Ordinance.
- ▣ Revised Directives to acknowledge:
 - ▣ Evolving role of public participation and community planning
 - ▣ Incorporating existing adopted community plans and zoning ordinances and the role of community planning committees as defined in the Community Planning Ordinance.
 - ▣ Establishing procedures for Community Organizations (COs) and Registered Organizations (ROs) to comment on planning, regulation and the development review process.
- ▣ Removed Strategic Plan directives and moved to Implementation Chapter 15.

SFC CLERK RECORDED 09/01/2010

SLDP PROCESS AND NEXT STEPS

- ▣ County Review of all Recommendations
 - ▣ Suggested Recommendations will be brought to the CDRC on May 13th after County Review
- ▣ Implementation
 - ▣ SLDP-Directives
 - ▣ Sustainable Land Development Code (SLDC)
 - ▣ Strategic Plan/Action Plan
 - ▣ Capital Improvements Plan

SLDP Future Public Hearings

- ▣ May 13, 2010 - Special CDRC Public Hearing
 - ▣ Suggested Recommendations
- ▣ May 27, 2010 - Special CDRC Public Hearing
 - ▣ Final Draft
 - ▣ Additional CDRC Meetings TBD
- ▣ BCC Meeting Schedule TBD

SLDP Public Hearing

SFC CLERK RECORDED 09/01/2010

Energy Development in Santa Fe County

Mark Sardella, PE March 3, 2010

EXHIBIT

2

SUGGESTED GOALS

Rather than setting goals that we use "renewables" or become "sustainable", the following may offer greater opportunities for benefits to accrue to the Santa Fe community:

Goal: Improve local self-reliance in energy. Decisions about technology, ownership, and financing should contemplate the degree to which local self-reliance will be improved. Will the project utilize locally available fuel resources, and can it be operated and maintained by our local workforce? Does it provide opportunities for local innovation and entrepreneurship? Can we develop the means to manufacture some or all of the equipment? Does the finance model ensure that decision-making stays local, and does the ownership model ensure that the assets will continue to serve our community throughout their useful life?

Goal: Maximize local recycling of energy dollars. Retaining the greatest number of energy dollars in our community requires that we utilize local fuels, labor, equipment, and financing for energy projects. And, of course, ownership of the system (the entity that collects the monthly checks) must be local.

Goal: Maximize End-to-End System Efficiency. The most important consideration in reducing toxic emissions is maximization of end-to-end system efficiency. Using this criteria, there are enormous gains to be realized even using carbon-based fuels, since the efficiency of our electricity supply is only about 30 percent. (In other words, the utilities waste 70 percent of the energy in their fuel).

BENEFITS CREATED

By focusing on the goals above, the following benefits can accrue to the community:

Social Benefits: *When energy infrastructure is owned and controlled locally, a community can make local decisions about its future. Being beholden to investor-owned corporations, which are in turn beholden to the investment banks that own them, carries risks that are now readily apparent.*

Economic Benefits: *A well-crafted approach to energy increases the rate at which energy dollars are recycled back into the local economy. It also stabilizes energy costs and makes us less vulnerable to the price spikes we are now seeing as non-renewable fuels head into decline. Creating locally owned infrastructure furthermore insulates our community from the financial burden of multi-billion dollar transmission projects and nuclear power plants that are threatening to take resources away from communities.*

SFC CLERK RECORDED BY: 01/2010

Environmental Benefits: *The oil, gas and coal industries have become markedly more environmentally destructive in recent years as extraction has become more difficult. Diverting the flow of energy dollars away from destructive companies is the first step toward ending their reign; re-pointing it toward local, conscious businesses is the first step toward healing the environment.*

SFC CLERK RECORDED 09/01/2018

United Communities of Santa Fe – Code Changes



The items here have a direct effect on code.

Chapter 8 Building

Change 8.2.1.5 under Energy Efficiency

OMIT “or(iv) whose equipment and those portions of the building or structure that use energy to provide for industrial, manufacturing or commercial processes.”

Reason: We question the wisdom of such a sweeping exemption from energy efficiency. Since we don't understand what the Planners are thinking about here, we suggest that this be omitted for code purposes.

Change 8.2.1.5 Minimum Energy Efficiency Requirements

Roof coverings that meet one of the following standards will be installed on new roofs and on existing roofs that are being re-roofed: (1) reflective roof coverings that are Energy Star qualified.....”

Would now read (adding “non-glare”):

Roof coverings that meet one of the following standards will be installed on new roofs and on existing roofs that are being re-roofed: (1) reflective *non-glare* roof coverings that are Energy Star qualified.....”

Reason: Glare from roofs are a safety hazard to drivers and hikers.

Change 8.2.2.1

OMIT last sentence of paragraph, which read “Increased density premiums will be available for multiple residential dwelling unit developments in all rural zoning districts.”

Reason: Such development would have to use ground water, since city facilities do not cover such areas and the density levels in this part of the plan would severely stress aquifer levels. In addition, we don't want to encourage apartment/townhouse cities in rural areas. Cluster development and compounds are not the same as the development mentioned above. IF this is left in, the following **MUST** be added: “unless this conflicts with a community plan affected and unless restrictions are established in such developments for using water wisely.”

Chapter 9 Public Safety

Add new Strategy 24.1.2:

Strategy 24.1.2: Developers should contribute to public safety infrastructure.

SFC CLERK RECORDED 09/01/2018

Reason: There is a need to upgrade public safety response capability when more residents move in to the rural areas of the county. This may mean providing land for or contributing funds towards the costs of building substations for the Fire Department and Sheriff's Department.

Add new Strategy 28.3.1:

Strategy 28.3.1: Developers should provide adequate fiber optics and other telecommunications infrastructure to enhance public safety.

Reason: There is a need to upgrade public safety response capability when more residents move in to the rural areas of the county. This may mean providing land for or contributing funds towards the costs of building infrastructure for improved emergency communications.

Chapter 10 Transportation

Add Strategy 31.1.1 Under noise, light and visual impact section.

Use berming, trenching and siting to minimize noise, light and other impacts for Arterials in populated areas.

Reason: These methods are part of the adopted Arterial Roads Task Force Plan. They have been used for Arterial Roads, especially in areas with existing residents.

Chapter 11

Change policy 37.1

Permit domestic wells only in areas where senior water rights are not impaired, spring flows and stream flows are not impacted, environment and water quality are suitable, recharge in the sub-basin is occurring and there is no public or community water service within one mile of the property boundary.

To read:

Permit *any* wells only in areas where senior water rights are not impaired, spring flows and stream flows are not impacted, environment and water quality are suitable, *equal* recharge in the sub-basin is occurring and there is no public or community water service within one mile of the property boundary.

Reason: "Any" because all wells should be subject to this criteria. "Equal" to clearly identify the amount of recharge.

SFC CLERK RECORDED 09/01/2010

The items relate to plans which are actionable and could negatively impact residents.

Chapter 10 Transportation

Add after first Paragraph of 10.2.2.2

The MPO has recently completed extensive studies of NM599, I25 and St. Francis. They are being incorporated into the current MPO plan.

Reason: These studies had significant public input and will be part of CIP planning.

Fix and or relabel 10-2

There are two items we've identified although there may be others:

- Road to Jacona is a study item and is shown as an arterial
- Highway 14 is shown as an arterial (although there is considerable public outcry and this contradicts the stated "two-lane" policy.

Therefore:

- 1) Map should be altered or relabeled as "Possible"
- 2) A legend note should be added that says "this includes roads that are being studied and require public review".

Reason: The map could be used to generate CIP requests. All controversial projects should be reviewed first.

Alter section 10.2.2.5

There is a suggestion to "widen highway 14" which is controversial. Many prefer the addition of more two-lane north/south roads, which is consistent with the plan. We are not familiar with the status of the other requests.

Therefore add the following prior to the bullets:

There has not been a public process for all of these items on this list. Some are study items.

Add Policy 28.13

Establish a robust public process to review all new roads, or significant changes to plans.

Reason: Good planning requires significant public input.

Add Policy 28.14

Revise Future Roadway Study to reflect this plan with significant public input.

Reason: The Future Roadway Study in this plan was completed without significant public input. It contains at least one controversial item: widening NM14.

Chapter 11

11.3.3 Add after paragraph 3:

As a result of significant public backlash to the initial application the BCC created a Focus Group to:

- evaluate the best locations for wells
- develop a monitoring plan
- clarify conditions for operation

The group is holding several public hearings and will have two hearings before the BCC as well. The group is also working to mediate between effected parties and the County to minimize cost and delay during the permitting process at the Office of the State Engineer.

Reason: The work of the Focus Group is very likely to form a template for future infrastructure project review by the public. Also there was considerable public opposition to this plan. The BCC to excellent measure to deal with it and that should be honored.

Add new Policy 38.4:

Any infrastructure changes or additions will have a complete public review prior to BCC hearings. Where residents can be impacted, there shall be at least two BCC hearings.

Reason: In the past infrastructure changes were made with minimal or no public review. Often they have significant impact on residents, and should be treated like a Community Plan.

These items are important, but not immediately actionable.

Chapter 8 Sustainable Design and Development

There is insufficient mention of solid waste in the plan. This seemed the most appropriate place to put it.

=====

ADD: 8.2.4 RECYCLING AND THE MANAGEMENT OF THE SOLID WASTE STREAM

The City/County Landfill at Caja del Rio

In 1976, the U.S. Congress passed the Resource Conservation and Recovery Act (RCRA). RCRA (as amended) and in particular Subtitle D, established today's modern waste management guidelines including the lining of landfills and other environmental protections. RCRA set a deadline for all non-complying landfills to close or come into compliance. Faced with this deadline, and the tremendous costs associated with compliance, the City and the County elected to jointly establish a single compliant landfill and to close their two non-compliant sites (Paseo de Vista and Agua fria). They formalized this approach in a 1995 Joint Powers Agreement which created the Santa Fe Solid Waste Management Agency (SFSWMA, the Agency) and charged SFSWMA with developing a new landfill in accordance with Subtitle D construction and operating standards.

The Caja del Ruio landfill consists of two parcels of private land and approximately 200 acres donated by the Federal Bureau of Land Management. The final site covers approximately 430 acres immediately west of the Marty Sanchez Golf Course. It is estimated that the current landfill will meet the needs of the City and County for the next thirty five years. The landfill operation is completely self-sufficient and relies on "tipping fees" and the sale of recyclables to offset its development, operations and closing costs. The facility (including BuRRT) employs 41 people.

The County Transfer Stations

Santa Fe County's Solid Waste Division provides seven (7) solid waste and recycling transfer stations for use of residents and businesses within the County's political boundaries. These Stations are: Stanley, San Marcos, La Cienega, Eldorado, Tesuque, Jacona, and Nambe. Access to these stations is restricted to solid waste permit holders. Permits are available to residents of the County and include per-trip punch passes and individual bag tags. Commercial haulers may use the stations with a charge account and are limited by volume. The Solid waste Division employs 24 people and trucks all waste and recyclables delivered to its sites to the Caja del Rio Landfill or to the Buckman Road Recycling and Transfer (BuRRT) Station.

Recycling Background, the Buckman Road Recycling and Transfer Station

SFC CLERK RECORDED 09/01/2018

Under the leadership of SFSWMA, a study was completed in 2004 reaffirming the need for a local Material Recovery Facility (MRF). In 2007, a twenty year lease with the City of Santa Fe gave SFSWMA control of the City’s Paseo de Vista transfer station, and in 2008 the station became the Buckman Road Recycling and Transfer Station with MRF capability. BuRRT houses state-of-the-art recycling equipment including sorting and baling systems for cardboard, paper, plastic, and cans, and a glass crushing system that allows the production of various grades of finds. BuRRT’s material recovery facility currently recovers mixed paper, cardboard, aluminum cans, #1 and #2 plastic bottles, steel cans and other paper grades (SOP). In addition it processes tires, green waste, scrap metal, electronic waste, Fluorescent light bulbs, carpet padding, soft-cover books, telephone books, and glass bottles and jars.

Current Practices:

Currently, Construction, demolition and Commercial waste make up over two thirds of the waste deposited at the Caja Del Rio Landfill, yet represent only a very small fraction of the material deposited at BuRRT for recycling . County residents recycling rate is less than 8% when judged against what is delivered by the Solid Waste Division, and drops to less than two percent, if judged against the total waste stream delivered by both commercial and solid waste division vehicles. Meanwhile BuRRT is operating far under its capability or capacity.

REASON: This is the only place in the Plan that solid waste management is dealt with and it needs to be dealt with clearly.

=====

ADD Strategy 22.1.2 to read:

Create tax incentives for smaller, more efficiently built green buildings/residences.

Reason: Smaller, better designed buildings are primary in the list of principles of smart, green development. The smaller the footprint of a building, the less environmental impact it generally has.

ADD Strategy 22.1.3

Encourage the design of greenhouses and vegetable gardens into residential development.

Reason: This encourages residential food production, a goal of other parts of the Plan

CHANGE Policy 22.6, adding “block” as a locally available building material.

SFC CLERK RECORDED 89/81/2818

Encourage the use of traditional New Mexico architecture, regional design, building types and native building materials, including natural and locally available building materials with low-embodied energy, such as adobe, earth, pumice, *block*, stone and wood.

ADD Policy 22.7:

Create an annual “green architectural design competition” that would encourage the creation of affordable housing plans, preplanned for expansion. Add these plans to the County’s “book of sustainable architectural styles and methods of construction.”

CHANGE Policy 23.1, adding “residential, commercial, and construction/demolition debris”

Residential, commercial and construction/demolition debris recycling should be required to divert materials from the landfill.

CHANGE Strategy 23.1.3, adding “construction/demolition debris”

Would now read: Educate the public about the need for and the “how to” of residential, commercial, and *construction/demolition debris* recycling through educational and informational materials.

Reason: construction/demolition debris are the largest contributors to our landfills, so recycling these materials is necessary.

ADD Strategy after 23.1.3 to read:

Offer incentives to contractors, hauling businesses, etc. to recycle everything.

ADD GOAL AFTER GOAL 23:

GOAL: Develop incentives for the retrofitting and use of green design principles in existing housing throughout the county

Add new Policy:

Develop a program of incentives to provide water catchment systems and other energy-saving systems to existing houses within the County

Add new Policy:

Encourage the design and placement of clustered “compound” style building improvements on existing lots over five acres and in traditional communities where such compounds have historically occurred.

ADD a second GOAL after GOAL 23, to read:

Encourage the use of local building materials and locally recycled materials, maintaining a balance between use and overuse of local resources (e.g. trees, stone).

ADD Policy #1 after this goal to read:

Locally recycled materials (e.g. recycled shredded newspapers as excellent insulation) should be used when possible.

SFC CLERK RECORDED 09/01/2017

ADD Strategy under this policy to read:

When possible, utilize locally recycled materials in road and trail building and maintenance.

These are related to solid waste handling

Add Strategy 24.3.3:

Develop a community program for periodic trash pick-up days for large items and waste not accepted at transfer stations. (AS IS)

ADD the following policies and goals

Strategy: Inaugurate a fee by weight system to replace the current punch card system at all transfer stations.

Goal: Increase Commercial and C and D (Construction and Demolition) recycling efforts

Policy: Develop a program of incentives and ordinance to encourage C and D waste haulers to separate materials that can be recycled.

Policy: Develop a program of incentives and ordinance to encourage Commercial businesses to recycle

Policy: Develop a program of incentives and ordinance to encourage commercial haulers to provide services for diverting commercial and C and D recyclables to BuRRT

Strategy: Ban the disposal of designated recyclable materials either at the point of generation and/or the point of disposal (BuRRT and Caja del Rio Landfill)

Strategy: Develop business recycling guidelines for distribution through Chamber of Commerce, Santa Fe Alliance, other sources.

Strategy: Investigate what other materials could be recovered for recycling or reuse /exchange

Strategy: hire a county wide waste reduction/recycling program manager

Goal: Adopt a "County sustainability plan and a 33% recycling goal to be achieved by 2012 (as proposed by the New Mexico Recycling Coalition)

Policy: Explore additional local, regional, and national recycling markets

Strategy: Create annual competition for designing local commercial uses for the County's recyclables

Strategy: provide incentives for local business to utilize locally produced recyclable materials, including thinning forests for fire prevention and putting the timber on the market for local green building.

2012-03-26 10:00:00 AM

Strategy: Require the use of locally Recycled materials in all County RFP's that deal with construction, road building, or maintenance.

Strategy: Set up an area at BuRRT for materials reuse/exchange that would be directly operated by one or more non-profit organizations or commercial enterprises. Set up collection centers at the transfer stations.

Chapter 9 Public Safety

Change Key Issue 9.1.1.3:

3. Some rural development can not be adequately served by County emergency services due to several factors, including distance from service points, inadequate emergency access, lack of fire protection water, and failure of property to meet life safety codes.

To read:

3. Some rural development can not be adequately served by County emergency services due to several factors, including distance from service points, inadequate emergency access, lack of fire protection water, *inadequate telecommunications capacity*, and failure of property to meet life safety codes.

Reason: There are dead zones for cell phone service across the county which make citizen reporting of emergencies impossible. For example, on highways 14 and 41 about 1/3 of the routes do not have cell phone service. On N.M. 502 (Chupadero) and 503 (Cundiyo) there are also dead zones. There are also mountainous areas of the county where radio communications are sporadic.

9.1.2 KEYS TO SUSTAINABILITY

Change Key to Sustainability 9.1.2.2:

2. Volunteer recruitment and retention are critical to the continuing success of the Fire Department. Sufficient attention and resources must be dedicated to meet this need.

To read:

2. Volunteer recruitment and retention are critical to the continuing success of the Fire Department. Sufficient attention and resources must be dedicated to meet this need. *Cultivating community cooperation and goodwill are essential to this end.*

Reason: Some communities have felt that the initial camaraderie developed by volunteer fire departments has been squashed by creating a unified county-wide Fire Department.

Change; Add new Key to Sustainability 9.1.2.7:

7. Involve communities in public safety planning to include: neighborhood watch, ride-along programs with the Sheriff's Office, volunteer fire department fundraising, planning for public safety capitol improvements, planning for fiber-optics and telecommunications improvements to enhance cell phone and computer service in remote areas of the county.

Reason:

There is a disconnect between citizens and policymakers that resulted in the failure of a General Obligation Bond for Fire Department capitol improvements in 2009. This results from independent community supported Volunteer Fire Departments being taken into the County-wide system and the perceived lack of service from the Sheriff's Department for communities in the remote areas of the county (lack of substations).

Add new Strategy 24.6.2:

Strategy 24.6.2. Involve communities in neighborhood watch and ride-along programs with the Sheriff's Office.

Reason: These existing and past programs should be advertised to increase citizen participation and hence their effectiveness.

Add new Strategy 24.8.1:

Strategy 24.8.1. Utilize the existing Graffiti Program Coordinator to work with community organizations to remove and prevent graffiti.

Reason: This existing program should be advertised to increase citizen participation and hence its effectiveness.

Add new Policy 28.3:

Policy 28.3: Support communities in their attempts to get fiber optics and other telecommunications infrastructure in place.

Reason: There are dead zones for cell phone service across the county which make citizen reporting of emergencies impossible. For example, on highways 14 and 41 about 1/3 of the routes do not have cell phone service. On N.M. 502 (Chupadero) and 503 (Cundiyo) there are also dead zones. There are also mountainous areas of the county where radio communications are sporadic.

Chapter 11 Water

Policy 38.34:

Encourage the use of septic tank effluent alternatives that utilize gravity feed systems to remove nitrates and other serious contaminants as potential aquifer pollutants.

Add to the end:

Encourage the use of septic tank effluent alternatives that utilize gravity feed systems to remove nitrates and other serious contaminants as potential aquifer pollutants, and to recycle water.

Add Policy 38.34.1:

Require wastewater systems as they become economically viable. Create a focus groups to study economic viability.

Reason: Technology for black-water is very close to being economically viable and available. It is critical for the future of water recycling.

Add New Policy section 38

Study viability of distributed water treatment, capture, and recycling versus centralized systems.

Reason: It is not clear that centralized water distribution or recycling is economically feasible or advantageous in all areas.

Executive Summary Chapter 14:

While both the planning staff and the United Communities have put hundreds of hours of time into this chapter, the topic of “Governance” remains controversial. This document lists only some of the aspects of the chapter that we feel need to be revisited.

Perhaps the largest area of concern is an apparent lack of continuity in the process. Precisely who is responsible for a specific action, when the action is required, and who pays for the activity is presented unevenly and in some instances incoherently. We have tried to create flow charts that would assist in this process, but have not got consensus from the Planning Division as to their accuracy. Some of these are attached. Almost all of the arguments made have been made in writing during the course of the substantial review of the second draft. Since they were not addressed in the third draft, we bring them forward once again – this time for your consideration. Suggested alterations have been printed in red.

.....

Chapter 14 has many new players in the process: the Planning Commission, the COs, the ROs, the COCO, etc.

And many new parts in the game: specific plans, area plans, SRAs, Technical Advisory Committee, etc.

It is as if, we need to apply gaming theory to this chapter, simulations of how the players and the parts relate to each other. Like role playing, say we have a Developer as Player A, and then a TAC as Player B and what are the potential interactions and then add a CO as Player C and a RO as Player D; what happens then? What about when there is a public hearing process applied? When and how does it get to the Planning Commission and then the BCC? What if the Hearing Officer is applied to the scenario?

We need to fit all the pieces of the puzzle together and make sure none are missing or still in the box.

SLDP CHAPTER 10 TRANSPORTATION ELEMENT
Comments/Suggested Edits by Ross Lockridge & Ann Murray
To the April 15, 2010 SLDP Draft
Submitted 4/28/10



Suggested additions, blue underlined. Comments, larger blue font.

10.1.1 KEY ISSUES

[clip]

5. Need for consistent roads standards for rural and urbanizing areas. Existing County roadway ~~standards~~ guidelines constrain the development of a better transportation system as there is currently a lack of consistent road guidelines ~~standards~~ for development throughout the County.

Comment: we had some consensus to use the word "guidelines" rather than "standards" but that hasn't changed throughout. "Guidelines" suggest flexibility that is more in line with current CSD than "standard" which carry baggage of rigidity.

7. Lack of context sensitive approach and public input process in road design. Residents have expressed the need for having a clear process to provide input on new road projects and improvements to existing County roads as well as on-going **maintenance** and operations of these roads.

Good! Thanks. There still needs to be policies for implementation of the context sensitive approach and for public input processes. **See end of this document for new suggested policies.**

10.2.2.3 COUNTY FUTURE ROAD SYSTEM CONSIDERATIONS

[clip]

• A clear public input and evaluation process shall be developed and followed to consider the specific conditions of the project and the full spectrum of user demands.

Comment: this is excellent. There needs to be policy follow-ups.

[clip]

• **Roads should be designed as two-lane roads**, with third lanes added only as necessary to provide turning lanes at congested intersections. A two-lane **arterial** road network will be less disruptive to existing communities and make pedestrian and cyclist travel safer and more practical.

• Traffic calming measures and the construction of additional small roads should be implemented before road-widening. [good]

• Recognition and preservation of historic trails and roadways. [good]

• A two-lane **arterial** road network is both desirable and feasible. Such a network will be less disruptive of existing communities and less destructive of Santa Fe's character. This type of road network will also make pedestrian and cyclist travel more possible.

Comment: There is still an over-emphasis of arterial roads and there has been no meaningful response to recognized concerns that arterials are often NOT friendly to pedestrian & cyclists. Instead, they are generally fast, have little or no traffic calming, and consequently *unfriendly* for pedestrians and cyclists. The above might be true for Collectors. Lane width too should be considered by avoiding any larger than 11 feet.

10.2.2.4 COUNTY FUTURE ROAD NETWORK

Santa Fe County, in collaboration with the Santa Fe Metropolitan Planning Organization (MPO), has developed a draft map of the County's future road network (**See Map 10-2**). The County's future roadway recommendations are based on previous road plans, studies and recommendations including the **Arterial Roads Task force**, a study for the Community College District, and recommendations from Santa Fe County Staff, consultants and the Santa Fe MPO. All roadways indicated on the Future Roadways map were evaluated as described above.

Comment: it's a bad idea and incorrect to draw NM14 (Map 10-2) as an Arterial from I-25 to Cerrillos. NM14 would remain a rural collector under the functional

Figure 10-2: Priority Paved Shoulder Improvements

Add:

--NM14 south of the Ortiz Mountains (narrow the driving lanes & stripe for shoulders)

--NM14 OGFC seam elimination between Madrid & Cerrillos [location is noted wrong in the CIP]

10.2.6.1 DUST MITIGATION

[clip]

Treatments, non-toxic additives, use of geo-textile layers, proper surface preparation and construction are among the techniques the County may use to reduce entrained dust.

10.3 GOALS, POLICIES AND STRATEGIES

Comment: Citizen input on Issues & Goals relating to Public Works Dept. communications with the public still seems largely lacking. Here's some suggestions:

Policy 28.4: Conduct quarterly meetings announced to and open to the public with public officials and staff to review road and traffic issues.

***New Goal:** Consensus on road design through the construction phase should be achieved between the public, the Public Works Dept., and their PEs.

***New Policy:** PW staff will engage the public for their input at the initiation of any new proposed road projects and improvements to existing County roads beginning at the conception phase and then throughout the construction phase.

***New Policy:** A context sensitive solutions approach for all road projects shall be implemented.

***New Policy:** Require the training of Public Works personnel in CSD. (What we are suggesting is that when there are classes at NMDOT on SSD & CSS, the County PW staff could join in the sessions. This then would include instruction on flexibility in design and interacting with the public.)

***New Policy:** County Public Works staff will use the principles of CSD and CSS.

***New Policy:** County Public Works will communicate with citizens whether or not they disagree on road design issues and try to find consensus. They will bring all parties to the table for discussion when trying to find the best design solutions for roads.

***New Policy:** A clear evaluation process including public input shall be developed and followed to consider the specific conditions and context of a road project and the full spectrum of user needs.



Chapter 14 Governance - Selected Issues
From: Sustainable Land Development Plan [Draft 4/15/2010, pp 278-95]
Prepared for the CDRC, April 29, 2010

14.1 CRITICAL FINDINGS

The following Critical findings were suggested during the planning process but were not added to draft three.

Inadequate enforcement of existing regulation and ordinance and the public's perception that future ordinance will be similarly poorly enforced serve to limit public respect for County Governance. (suggested addition to Key Issues in Draft 2, does not appear in Draft 3)

The County has not focused in obtaining or administrating outside funding and assistance for land use projects or administration. There is a common perception that the county is ill-prepared to follow through in the development submission or administration of grants proposals and cost sharing plans. Considerable funding has been lost due to poor administrative policy.

The County is not prepared to adequately support the preparation of Requests For Proposals and other contracting vehicles with regard to obtaining quality technical support studies and documentation.

The current organization, limitations, and weaknesses of current Governance is poorly documented

Financial Costs of Land Use Administration is unknown.

Estimates of the Financial Costs passed on to the developer and to the public as part of the review process has not been clearly defined.

The Structure of Land management Policy governance is poorly defined and hard to track.

There is little or no code of ethics spelled out for the County or its employees in terms of its role as a manager of land use

The needs of Traditional Communities are not adequately recognized or addressed under existing land-use policy and is not a focus of Governance.

The future planning goals, personnel requirements and changing needs of County Governance are not addressed insofar as ten or twenty year projections.

There is an expectation that existing Traditional, contemporary and district plans and ordinances will be forced to adjust their zoning plans and ordinances to reflect the County's desires for the broader "Tier" land densities outlined in Chapter two of the Plan.

14.1.2 "Keys to Sustainability"

6: ADD: "and other government agencies"

14.2 COMMUNITY PLANNING AND PUBLIC PARTICIPATION

[clip]

Recognition of RO's. ROs may be recognized by the Administrator upon the filing of an application for recognition as an RO to include the following:

14.2 Suggested Change

2. A list of the officers ~~members~~ of the organization....

Reason for Change:

: A list of the members of an org is not something that even the NM PRC requires and would be burdensome and questionable for organizations who may have policies about sharing their membership lists, or for large organizations like Sierra Club. What is the intention here? (Ross and Annie)

14.2.1.2 Suggested Change:

Add: The planning committee shall recommend the establishment of a Community organization, as part of its submission of its draft community plan. The BCC shall concurrently approve both the plan and the Community Organization so that a mechanism exists for the plan's ordinances to be reviewed and any recommendations for change can be put forward.

14.2.1.2.1 Suggested Change

A list of the officers of the organization, including the CO mailing and e-mail addresses and telephone numbers for the receipt of notices from the Administrator; if the proposed CO is incorporated by the State of New Mexico, OR a list of members of the organization, if the proposed CO is not incorporated in the State of New Mexico"

Reason for change:

New Language in Version three switches from list of officers to a list of members. This is like asking for a list of all share holders in a Corporation..

14.2.1.2.1 Suggested Change

The right to receive notice and provide written recommendations for any application for non-discretionary development approval pending within the geographic area designated in the resolution of the Board recognizing the CO or notice of any public hearing or public meeting concerning such application;

Reason for Change:

Requested in Version 2 and in version 3. This is similar to the current system of "posting notification" in current land use policy.

14.2.1.2.1 Suggested Change

All other rights and obligations described elsewhere in the Plan or that may, from time to time, be delegated by the BCC

14.2.1.3 Suggested Change

Areas that have been defined by a Traditional, Community or district Plan developed through County ordinance 2002-03 shall have a single Community Organization associated with the area defined within that plan. Boundaries defined in a traditional, community or district plan shall not overlap.

Reason for Addition:

The original reason for creating the Community organization, first established during the Charette process in 2008, was to provide an alternative to the Local Development Review Committees, identified in both traditional, community and Regional Plan and Ordinance. The LDRC's were set up to assist in governance at the local level.

Without the recommended change, the community organization will lose the focus necessary to defend its traditional planning effort - since multiple "community planning organizations" could conceivably be created to represent the planned area. It is far better to let a single CO hash out its community vision internally, than to have multiple CO's claiming to be the voice that represents an adopted plan and ordinance.

14.2.1.3 Suggested Change

The plan recognizes the need to re-establish planning committee's to effectively revise existing Traditional, Community and District Plans and Ordinances. The requirements for re-establishing a planning committee for the purpose of recommending revisions or changes to a plan for BCC approval are outlined in Public ordinance 2002-3. A Recognized Community Organization (4.2.1.3) who's geographical boundaries are identical to those previously established by an accepted plan, may apply to the BCC to act as a planning committee for the purpose of plan development or plan revision, providing that all requirements under ordinance 2002-3 are met. A CO requesting recognition by resolution from the BCC for a previously identified Traditional, Community, or District Plan, may seek concurrent approval as a Planning Committee.

Planning Committees enacted to provide recommendations to revise or alter existing plans do not require County Staff participation, but all suggested revisions must go through the appropriate county review process and be approved by the BCC.

Reason for Suggested Addition

The County Plan recommends that all existing Traditional, Community, and District Plans and ordinances be revised within three years. However, experience has shown that the County's Planning Division cannot provide assistance to those communities seeking to create community plans – often creating a two to three years delay before approval is sought to even begin the planning process. Re-creating sixteen or more planning Committee's and providing County Staff assistance to all of them at once is both unreasonable and unacceptable. Since Ordinance 2002-3 requires the establishment of a planning committee in order for recommendations to alter an approved plan to be made by the community, there must be a method adopted to permit speedy formulation of each planning committee, and a reasonable method established to review and approve the changes recommended.

Without such structure for revision, the plans and ordinances produced under ordinance 2002-3 will remain un-reconciled with the SDLP and the SDLC .

14.2.1.3 Registered Organizations Recommended Change

A list of the officers of the organization, including the RO mailing and e-mail addresses and telephone numbers for the receipt of notices from the Administrator; if the proposed RO is incorporated by the State of New Mexico, recognized by the State of New Mexico, (ie. A ditch Association) or has a national affiliation, OR a list of members of the organization, if the proposed CO is not incorporated in the State of New Mexico, or is more "informal" in nature.

Reason for Suggested Change

Change from version 2 to version 3 states that the decision to provide notice is made "as deemed appropriate by the Administrator" rather than as deemed appropriate by the BCC. Since the BCC recognizes the RO in the first place, it would appear that this change lessens the requirement for the administrator to provide notice. We recommend that this change be struck.

14.4 REGULATORY STRUCTURE

Suggested Change

14.4.1.1 BOARD OF COUNTY COMMISSIONERS (Ross and Annie)

The Board of County Commissioners (Board), in addition to other powers and responsibilities, will have the following powers and duties in relation to the SLDC:

Suggested revisions and comment should apply also to the duties of the PC and the Hearing Officer:

~~Initiate Annual amendments review to of the SLDP, area plans, specific plans or community plans;...~~

Reason for Change

: An ability to initiate amendment of the Plan/Code at any time, especially in relation to an application before them for review could be subject to political abuse.

Instead, we recommend annual review of amendments unrelated to applications as the present code does. It has a fair and acceptable procedure that maintains predictability not only for a developer, but for the public as well: (Santa Fe County Land Development Code, Section 12 - Annual Review).

COMMENTS Concerning Language: the word "approval" is used with much ambiguity throughout both the draft SLDP and the SLDC. "Approval" can be both a noun & verb, and should not be used to replace the noun "application". Otherwise it becomes a biased framing of a process that must remain impartial. The word Application remains neutral. The following is an example we have tried to mend:

14.4.2 FEES AND APPLICATIONS

14.4.21: (Fees)

Recommended Change:

Create a clear process for the establishment of fees, the collection of fees, and the appeal of fees.

Reason for Addition

Fees could be expensive and could be used as a way to prevent development. Who sets the fees? To what standard are fees set? Does the Administrator figure out and set fees. There is no identified method for an applicant to protest or appeal the fees. There is no clear requirement for the County to break down the costs to an applicant so that "reasonableness" could be determined.

14.4.2.2 APPLICATION FORMS

Application forms for proposed developments or land use changes should be easy to understand, concise and consistent with a streamlined development review process. The County should revise each of its current application forms and attach them as an Appendix to the SLDC. The Administrator will have the authority to return applications that are incomplete, subject to such review, remedies and enforcement as the SLDC will provide.

Recommended Addition

Add: At a minimum, the County shall provide application forms for the following types of development: Major Site Plan; Minor Site Plan; Major and Minor Type 1 Subdivision; Major and Minor Type 2 subdivision, Major and Minor Type 3 Subdivision, Major and Minor Type 4 Subdivision; Conditional use; Variance, Rezoning, boundary adjustment, Special use, Beneficial use, Building Permit, grading permit, minor land use disturbance, road construction, driveway, utility hook-up, floodplain development, NPDES, LEED Construction, neighborhood development.

14.4.3 PROCESSES AND PROCEDURES

14.4.3.1 Pre-Application Meeting

14.3.3.1 Recommended addition:

The pre-application neighborhood Meeting shall also provide the community with "full disclosure" information concerning the proposed development's ownership to include:

Name and Address of any corporation or entity associated with the proposed development;
List of corporate officers or owners;
Name and address of any linked, associated, or parent company;
List of properties owned by the applicant or parent company within two miles of the proposed development
Name of any individual or entity that is linked to the proposed project in any substantive way.

Reason for Change:

One of the biggest "holes" in the pre-application process is the fact that reports, studies, and assessments will not have been conducted prior to a land use application being submitted. Therefore, the public will not have these documents in hand to assist them in forming an opinion about the validity of the application. Because of this, a second "neighborhood" meeting should be conducted, this time by the County, to present their findings to the public.

Since the reason for a pre-application neighborhood meeting is to inform the public, the following information should be required of the pre-applicant to be presented:

- 1) *Statement of Corporate Ownership to include where the company is registered, a list of all owners, corporate owners holding over twenty percent of a corporations stock, list of all officers, list of all co-owned or associated businesses, list of any properties held within two miles of the proposed land development project.*
- 2) *A List of all reports, studies, and assessments that will be required for the project to proceed and who will be responsible for their preparation*
- 3) *A map showing the exact location of the project and the location of plats and roads immediately adjacent to the proposed project, all proposed roads utilities, and structures, and other improvements*

14.4.3.1 Recommended Addition

After the meeting the owner should prepare a written report on the results of the meeting, included with the filing of the development application. Details of the meeting, such as the following, should be included:

(Ross and Annie)

ADD THIS: A list of the owner or owners along with addresses and contact information. If the owner is an organization, corporation, LLC, etc. a list of the board of directors, along with a contact person.

Reason for Addition:

The public has the “right to know” who or what comprises the “owner”. Corporations, for example, sometimes have records of compliance that might be important to consider along with an application.

14.4.3.1 Rights of “RO” Number 1

Comment: Along with this right, other forms of public notice should be used, such as NMED sends monthly for water discharge plans. Then this right isn’t subject to the Administrator’s discretion. We suggest this policy:

New Policy Provide alternatives for public notice to include timely posting on the County website of applications as they are submitted, as for example, searchable by the 4 regional management areas.

14.4.3.2 GENERAL APPLICATION PROCESS

The general procedure for development applications should be similar to the following:
Submittal of a complete application containing the required fees, affidavits, data, information, reports, assessments and studies; Review of the application by the Administrator, County staff, Hearing Officer, the Planning Commission, the Board and other applicable regional, state or federal agencies; Issue of a development order approving, approving with conditions or denying the application, together with written findings describing and supporting the action adopted;
Any appeal of the development order; and Any application for a variance or beneficial use or value determination.

PROBLEM: There is a distinct need to refine this section

Reason for Revision:

*This statement does not include the pre-application meeting as a part of the procedure. There is a problem with the process flow when it comes to the production of reports, studies and assessments. If the County plans to produce these documents, then the application needs to be submitted prior to their production. That implies another step in the process. It suggests that an application needs to be evaluated prior to its formal declaration of completeness – to determine if there is sufficient data to proceed with the development of any required studies, reports, etc.
There is also a requirement that the completed application be reviewed by CO’s and RO’s prior to any development order being issued.*

PROBLEM: There is a PROCESS problem

: A “complete” application cannot be “submitted” since reports, assessments, and studies cannot be started until required fees are assessed and possibly paid. This is especially true if TAC is to either write an RFP for the reports, or if TAC is to prepare the reports.

Reason for Revision::

a "completed Application" containing all of the reports, assessments, and studies, must also be provided to the CO's and RO's by the Administrator and sufficient time must be provided for their review as well. It would be appropriate for the Administrator to state the type of approval process the application is being considered for so that the CO's and RO's can make the appropriate written response.

14.4.3.2. PROBLEM with Process

This is the place where a "mediation" meeting needs to be scheduled. Since the Pre-application Neighborhood meeting calls for the applicant to present a summary of all unresolved issues, and the "completed" application includes all reports, assessments, and studies and requests review, the Administrator should call for a mediation meeting prior to issuing any recommendations for development "action" orders.

The Administrator shall schedule the meeting and assign a mediator when circumstances require.

Reason for Change:

Since it would appear that only the BCC can issue a Development Order, all committee, or individual orders must be considered as "drafts". If this is the case, then all draft development orders should be forwarded for comment to the CO's and RO's as well. If this is NOT the case, then the Governance Element needs to be revised or clarified. CO's and RO's need to be informed of the Development Order in any case, so that they might have the opportunity to appeal the decision

14.4.3.2 Problem with Process

The first step is to submit a complete application including studies and reports. Clearly, there must be some process that permits the applicant to both find out what needs to be done to inaugurate an application (a pre-application meeting) and a meeting with the Administrator or TAC to determine what types of fees, studies and reports will be necessary in order for the County to accept an application. This process has not been defined.

Reason for Revision

The General Application Process has clearly not been defined in this section. Clear description and flowcharts that show the process have not been added, as was recommended by both staff and consultants. Flowcharts submitted by the public have not been included.

14.4.3.2 TYPES OF APPROVALS

Recommended Change:

14.4.3.3 TYPES OF APPROVALS APPLICATIONS

Three basic types of approvals applications should be created to handle all of the different types of developments applications. All applications fit within the following three types: Legislative Development Approvals, Quasi-Judicial Development Approvals, and Ministerial Development Approvals. (Ross and Annie)

OR the Following Recommended Change

14.4.3.3 Types of Approval Process

Three basic types of approval process should be created to handle all of the different types of applications. All applications fit within the following three types: Legislative Development process, Quasi-Judicial Development process, and Ministerial Development process.

14.4.4.3

Legislative Development Approval

Legislative development approvals involve a change in land-use policy by the Board, upon recommendation of the Planning Commission. For such approvals a public hearing is required, but the procedural requirements of a quasi-judicial hearing do not apply. Legislative development approval should be required for the following:

CHANGE:

Legislative Development Process

The text should be altered to clearly reflect intent. For example:

County Land Use Policy is found in the SDLP and the SDLC and other County Ordinances and directives issued by the BCC. The Legislative development approval process requires the BCC to change land-use policy based upon a development application recommended by the Planning Commission. For such approvals public hearings are required, but the procedural requirements of a quasi-judicial hearing do not apply. The process of Legislative development approval should be required for the following:

Under Legislative development Approval:

Add:

Appeal of any development order, development agreement or specific plan produced by any board or individual governed by the Board of County Commissioners.

14.4.3.3

Under Quasi-Judicial Approval

Quasi-Judicial Development Approval

A quasi-judicial development approval involves the use of a discretionary standard to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership lies in lands held in common ownership. Such approvals should require a public hearing providing procedural due process. Examples include:

Recommended Change:

Quasi-Judicial Development Process

A Quasi-Judicial Development Process is inaugurated when an applicant applies to the Administrator for proposed land development activities that are specific to parcels of land held in common ownership by the applicant(s) and does not seek to change land-use policy.

A quasi-judicial development process requires that an applicant attend at least one hearing before a hearing officer appointed by the County during which the applicant shall present evidence supporting the development application, present the complete application, all studies, reports and assessments, all written review, and the findings of a pre-application meeting. The hearing Officer, after reviewing the evidence in support of the application, shall review any written evidence submitted against the application. If there is no objection to the application, the hearing-officer shall present his findings and recommendations in the form of a development order to the Planning Commission. If there are minor objections filed against the application, the hearing Officer shall notify all stake-holders and schedule a quasi-judicial hearing date for informal testimony to be heard from both applicant and plaintiff(s). A result of this hearing will be the creation of a draft development order recommending approval, approval with conditions, or denial of the application. If the hearing Officer feels that significant objections have been made against the application, he will initiate a process of due process and discovery leading to a formal hearing of submitted evidence. Results of this process will lead to the formulation of a recommended development order issued to the Planning Commission by the hearing officer for their approval. All development Orders created by the Quasi-Judicial Process and approved by the Planning Commission may be appealed to the Board of County Commissioners.

Examples are:

Or:

The Quasi Judicial process will be detailed in the SDLC to insure that both the applicant and any protestant will have sufficient opportunity for discovery and have equal opportunity to present their case before a hearing Officer.

The Quasi-Judicial Process will:

1. Afford the applicant with sufficient opportunity to present evidence supporting the application;
2. Afford Potential protestants with timely notification of the Quasi-Judicial process;

3. Afford Both applicant and protestants sufficient time for discovery and other aspects of due-process;
4. Insure that the County shall provide a hearing Officer, hearing date or dates and sufficient time to hear arguments for and against the application
5. Insure that the hearing Officer shall prepare a written "recommended Development Order" for consideration by the Planning Commission.

Examples are:

Or:

Paraphrase Chapter 4 Page 127, 4.6 "Quasi-Judicial Public hearing" in the book "21st Century Land development Code" by Robert H. Freilich, S. Mark White, and Kate F. Murray, 2008.

REASON FOR SUGGESTED CHANGES:

Since the "Quasi-Judicial process" will form the basis for most future land development approvals in Santa Fe County, it is absolutely imperative that the SLDP clearly define the process and its implications. The two sentence paragraph in the draft does not do this, and provides no guidance for the Code writers as to intent, or potential stucture.

The first paragraph of 14.4.3.3 would indicate that the purpose of the section is to describe three distinct types of process. The body of the section merely describes when they might be applied.

It is important to fully describe the Quasi-Judicial Process since implementation by the County and compliance by both developers and Community Organizations could be both expensive and time costly. Insuring that the process provides for both relatively simple paths to the issuance of a development order, and a very complex and expensive path to the same development order will insure that all parties involved will seek agreement prior to inauguration of the Process itself.

If the Proposed SLDP does not do this, then it must insure that the SLDP does by directing Policy in Chapter 14 to that end.

Problem with Process

Amendments to the Sustainable Land Development Plan or an area, specific, or traditional community plan;

If an amendement or change to a communiy plan is voted on by the BCC then it requires a "legislative Development approval" and not a quasi-judicial approval.

Amendment to the text or map of the SLDC;

If an amendment or change to a text or map of the SLDC plan is voted on by the BCC then it requires a "legislative Development approval" and not a quasi-judicial approval.

Development agreements;

If an amendment or change to a development agreement is voted on by the BCC then it requires a "legislative Development approval" and not a quasi-judicial approval.

Overlay zoning district classifications for developments of Countywide impact; and

If an amendment or change to a zoning classification is voted on by the BCC then it requires a "legislative Development approval" and not a quasi-judicial approval.

Administrative appeals.

If the hearing officer does not make development orders, then the only entity that would make them would be the Planning Commission. An appeal of a development order created by the planning commission would be made by the BCC and would be considered a Legislative Development Qction.

Ministerial Approval

Ministerial development approvals involve nondiscretionary application of the standards of the SLDC to an application and typically occur late in the development review process. A public hearing should not be required for any ministerial development approval. Examples include:

This paragraph is just waiting to confuse someone.

Reommended Change:

Applications that completely conform to the requirements of the SLDC and require no further review other than that of the Code Administrator, can be approved by the Code Administrator by the issuance of a "nondiscretionary Development Order". Notification of these orders must be forwarded to CO' and RO's that may wish to appeal the order

Ministerial Approval

Ministerial development approvals involve nondiscretionary application of the standards of the SLDC to an application and typically occur late in the development review process. A public hearing should not be required for any ministerial development approval. Examples include:

Change to:

The Ministerial development Approval Process (MDAP) allows the administrator to review an application for completeness and determine if it complies in its entirety with all SLDC requirements. Having made a determination, the Administer may issue a Development Order to approve, approve with conditions or direct the application to the Quasi-Judicial Process for further handling. MDAP does not require a public hearing prior to the issuance of a draft development order, but does require the administrator to notify CO's and RO's of the draft

development Order prior to its submission to the Planning Committee for approval.

Reason for Suggested Changes

The wording in draft three is vague and misleading, confusing to the public, and does little to direct the Code writers. While MDAP does not require any public hearing of the proposed developmental activity, the process must provide an opportunity for the public to launch an objection to the Development Order should the public so desire. To do so, notification is essential.

14.4.3.3 Ministerial Approvals

construction and driveway permits, utility hook-up permits, floodplain development permits, NPDES permits, LEED construction permits, and neighborhood development permits;

- Administrative interpretations of the SLDC; and
- Issuance of certificates of completion and certificates of occupancy.

Recommended Change

Administrative interpretations of the SLDC must be made in writing and are subject to challenge within the framework of the quasi-judicial process.

14.4.4. STUDIES, REPORTS AND ASSESSMENTS

This is unchanged from previous drafts:

Comment: The problem identified in previous iterations of the plan has not gone away. Non-conforming uses pre-date the plan, so would never have been subject to a discretionary development review process. The wording here means that any property that has a non-conforming use and wishes to apply for a building permit, would be required to produce studies, reports and assessments. This is impractical. Far more work needs to be put into the treatment of existing and therefore-non-conforming properties.

14.4.4 STUDIES, REPORTS AND ASSESSMENTS

RECOMMENDED ADDITION

The SLDC should require a number of studies, reports and assessments to insure decision-makers are adequately informed of the impacts of development to make the best decision possible. The County should prepare all studies, reports and assessments **at the expense of the applicant** unless the applicant wants to prepare them at their own cost and expense. **An escrow account must be set up by the applicant to insure that all agreed upon reports and studies prepared for the applicant by the County, will be paid for regardless of the outcome of the application process.** Studies, reports and assessments should be

required for all applications for discretionary development approval on private property, public property leased a private person or entity, and capital facilities projects in the unincorporated portion of the County, including schools and assessment or improvement districts. Such reports should not be required for minor variances, the registration of a non-conforming use or an application for ministerial development approval which has been subject to a prior discretionary development review process, or has a vested right to development. EIS studies should b required for DCI expansions.

REASON FOR ADDITIONS

The County should not be required to pay for required Studies, Reports, and Assessments that are solely originated by the actions of an applicant for land development. This oversight would provide an unacceptable burden on the County. History has shown that many land development projects collapse due to market conditions, bankruptcies, etc. The County should not be left "holding the bag" in these situations.

There are many ministerial development situations for which an applicant may have a vested right to develop, but because the right was vested prior to the code being adopted, could not have been required to go through a discretionary development review process.

RECOMMENDED ADDITION

Studies, Reports, and Assessments prepared by County Staff, Private consultants, or the applicant must be prepared against a Scope-of-work prepared by the Administrator. Completed Draft Studies, report, and Assessments must be released to any agency or community group having standing prior to the preparation of any development order. Opportunity for comment should be provided to assist the Administrator in determining whether or not the Scoping criteria have been met. Scope-of-work orders shall, at a minimum, reflect the criteria described in the SLDC. Once the review process has been completed, the Administer shall accept, Accept with Revision, or reject the Reports, Studies, and Assessments. All reviews shall accompany the SRA's through the development review process.

REASON FOR ADDITION:

Many of the County's Land Use decisions that wind up in Court do so because of challenges to the accuracy or adequacy of the information utilized to promulgate the development order. It is therefore imperative to provide guidance to the code writers that a clear review process must be written into the code. Review can only determine "adequacy" if performed to a standard. The scope-of-work based on criteria identified in the SLDC is the standard to which SRA's must be judged.

The process identified in the SLDP for the creation of Development Orders requires a pre-application community meeting which would be performed prior to the creation of any Studies, Reports, and Assessments. Community Organizations and RO's would not, therefore, have the benefit of these Studies, Reports, and Assessments to judge the merits of the proposed development application. The application

process should therefore, include these organizations with standing, in the document review process. If this does not occur, any process that requires a quasi-judicial application will be required to produce these documents as part of the discovery process, and the probability of an adversarial contest is dramatically increased.

Recommended Change

14.4.4 STUDIES, REPORTS AND ASSESSMENTS (Ross and Annie)

14.4.5

~~The County should prepare all studies, reports and assessments unless the applicant wants to prepare them at their own cost and expense.~~

The applicant may opt to either prepare the SRAs, or to have the County prepare the SRAs and reimburse the County for the consultant fees, staff time and other expenses. The applicant shall also pay all application and administrative fees. --Source: a direct quote from 3.22.10.2. of the SLDC

Reason for Change

: a new writing of the Plan & Code was partly sold to the public with the promise long overdue that under a new SLDP & Code, developers would shoulder the expenses that their developments create rather than putting that on the County taxpayer. That is still what is boasted of in interviews with County personnel. Here in the draft SLDP we find that expectation already being undermined.

14.4.5.1 Specific Plans

Specific plans accompany the development of an individual property or properties, providing a bridge between the SLDP and other applicable plans. Specific plans should be required for all mixed use or planned developments, such as infill, new urbanism, transit-oriented development and traditional neighborhood development. Specific plans should be considered amendments to the SLDP and the LDC and should include information such as the following:

Comment: This is just another name for variance. You do not want to wind up in a situation where the proliferation of specific plans derails the value of the SDLP and SDLC. We do not want amendments to the plan created in what might be considered a haphazard way – amendments to the plan should be coldly calculated, and only amendments that benefit the county at large should be entertained..

Description of site and development attributes, such as the distribution, number and type of residential units, parking, open space, description of services provided and proposed;
Sustainable design and improvement standards and criteria, standards for the conservation of cultural, historical and environmentally sensitive lands and natural resources;

A program of implementation and action measures including development approvals and land use techniques required to complete the project, including all phases; and
A statement of the relationship and impact of the proposed plan to the SLDP and any applicable area or traditional community plans.

Specific plans will require only a single integrated public hearing for all of the discretionary development approvals included within the plan. Specific plans will enable a streamlined development approval process for development that carries out the priorities of the SLDP.

Santa Fe County, New Mexico Sustainable Land Development Plan

Specific plans need to be subject to the same types of approvals as any other proposed land use. If there is a combination of requirements, then it should go to the Quasi-Judicial format first. If you don't then ALL development applications will wind up as "specific plan" applications.

14.4.5.1 SPECIFIC PLANS

Specific plans accompany the development of an individual property or properties, providing a bridge between the SLDP and other applicable plans. Specific plans should be required for all mixed use or planned developments, such as infill, new urbanism, transit-oriented development and traditional neighborhood development. Specific plans should be considered amendments to the SLDP and the LDC and should include information such as the following:

Specific plans will require only a single integrated public hearing for all of the discretionary development approvals included within the plan. Specific plans will enable a streamlined development approval process for development that carries out the priorities of the SLDP.

RECOMMENDED DELETION

It is recommended that 14.4.5.1 SPECIFIC PLANS be deleted in its entirety.

Reason for deletion:

The draft plan does not provide a coherent definition of "Specific Plan". "Specific Plans... provide a bridge..." is not a definition. Since there is no definition, there is no direction for the Code, and the development of Specific Plans could provide a very large loophole where developers could propose amending the SDLP and SDLC rather than complying with existing County ordinance.

Recommended Change if Specific Plan left in:

Specific plans will require only a single integrated public PROCESS for all...

Reason for Change:

Based on the plan itself, none of the processes identified in 14.5.3 except "Ministerial", allow for a single step public hearing. The attached flowchart illustrates the reality of the proposed Plan's process for permitting "specific plan amendments". If this process is incorrect, then the plan writers must clearly define what IS correct.

14.5.5.3 COMMUNITY PLANS

Recommended Change:

.It is recommended that over a 3-year period following adoption of the SLDP, that Community Plans and Community Zoning Ordinances should undergo a community planning review ~~be reviewed and revised~~ and revision to incorporate the binding principles enunciated in the SLDP

14.5 GOALS, POLICIES AND STRATEGIES (Ross and Annie)

Comments: there's little or nothing about public notice of applications in this section, Nor is there a policy that the code (& plan) be written in layman's language.

Strategy 44.3.1: Update community plans and zoning ordinances to be consistent with the SLDP and SLDC within three (3) years from the date of adoption of the SLDP.

Comment: What is the Planning dept. or Legal Dept. thinking that is not consistent with the SLDP & SLDC in the existing community plans/codes that they might press to overturn in 3 years?

NEW Policy 44.3.2: Ensure that all language used in the SLDP and SLDC is clear, unambiguous and that technical or specialized words are defined in context sufficiently so that all citizens can read with comprehension.

NEW Policy 44.3.3: Ensure that the residents and communities of the County are allowed sufficient time to review and comment on any development applications.

New Policy Provide alternatives for public notice to include timely posting on the County website of applications as they are submitted, as for example, searchable by the 4 regional management areas.

Policy 46.5: Updates or amendments to the SLDP, area plans, specific plans, and community plans should be prepared in accordance with the SLDP.

NEW Policy: **Ensure that any proposed amendments to the SLDP and SLDC are raised for public review annually within a predictable and equitable time frame.**

XII. ADJOURNMENT

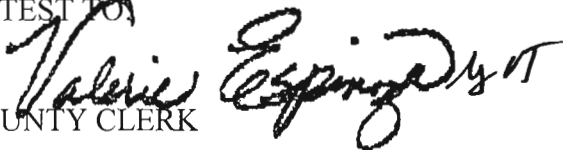
Having completed the agenda and with no further business to come before this Committee, Chair Romero declared the meeting adjourned at approximately 8:40 p.m.

Approved by:



Jon Paul Romero, Chair
CDRC

ATTEST TO



COUNTY CLERK

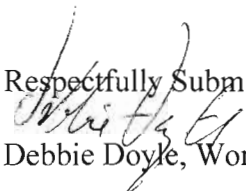


Before me, this ____ day of _____, 2010.

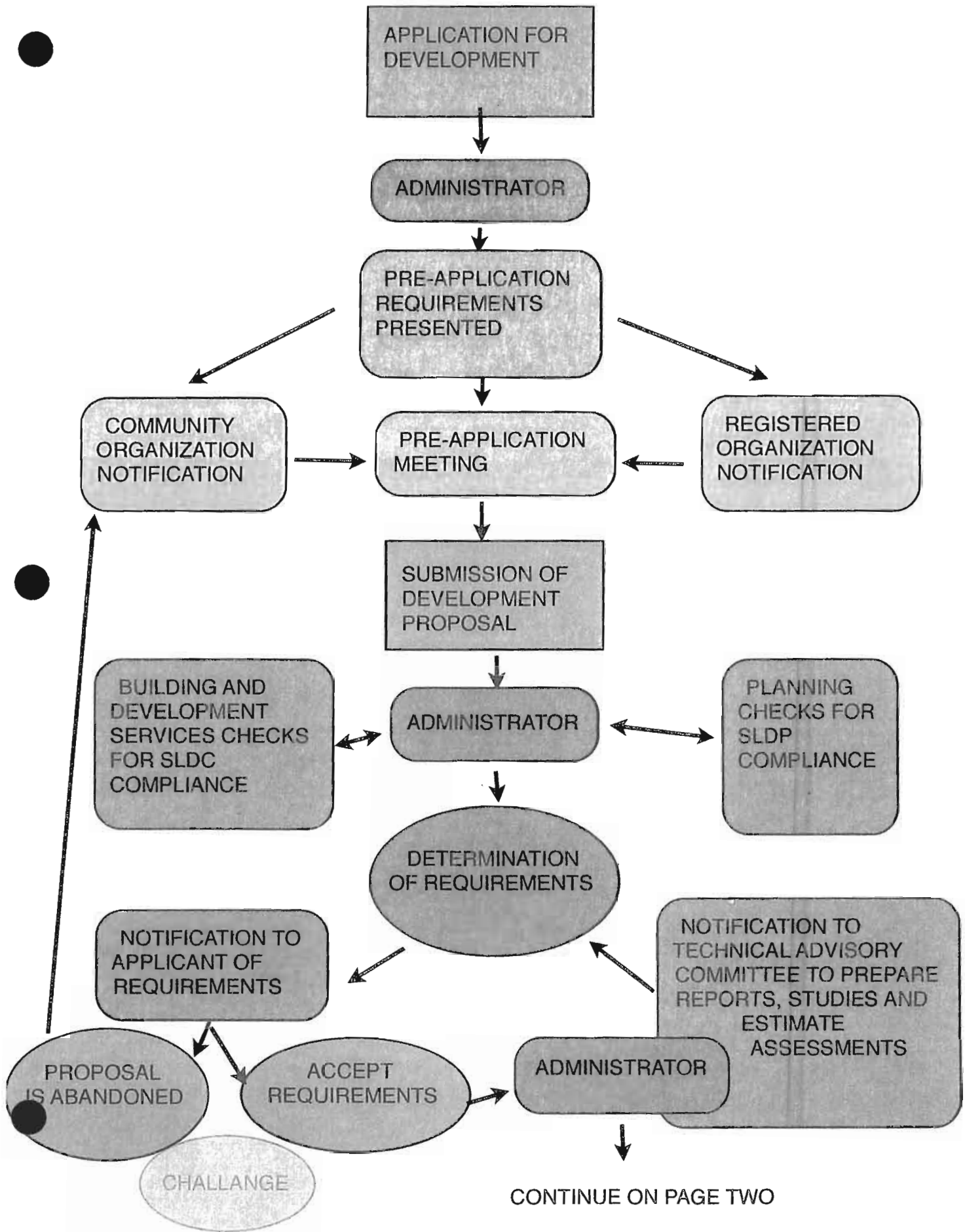
My Commission Expires: _____

Notary Public

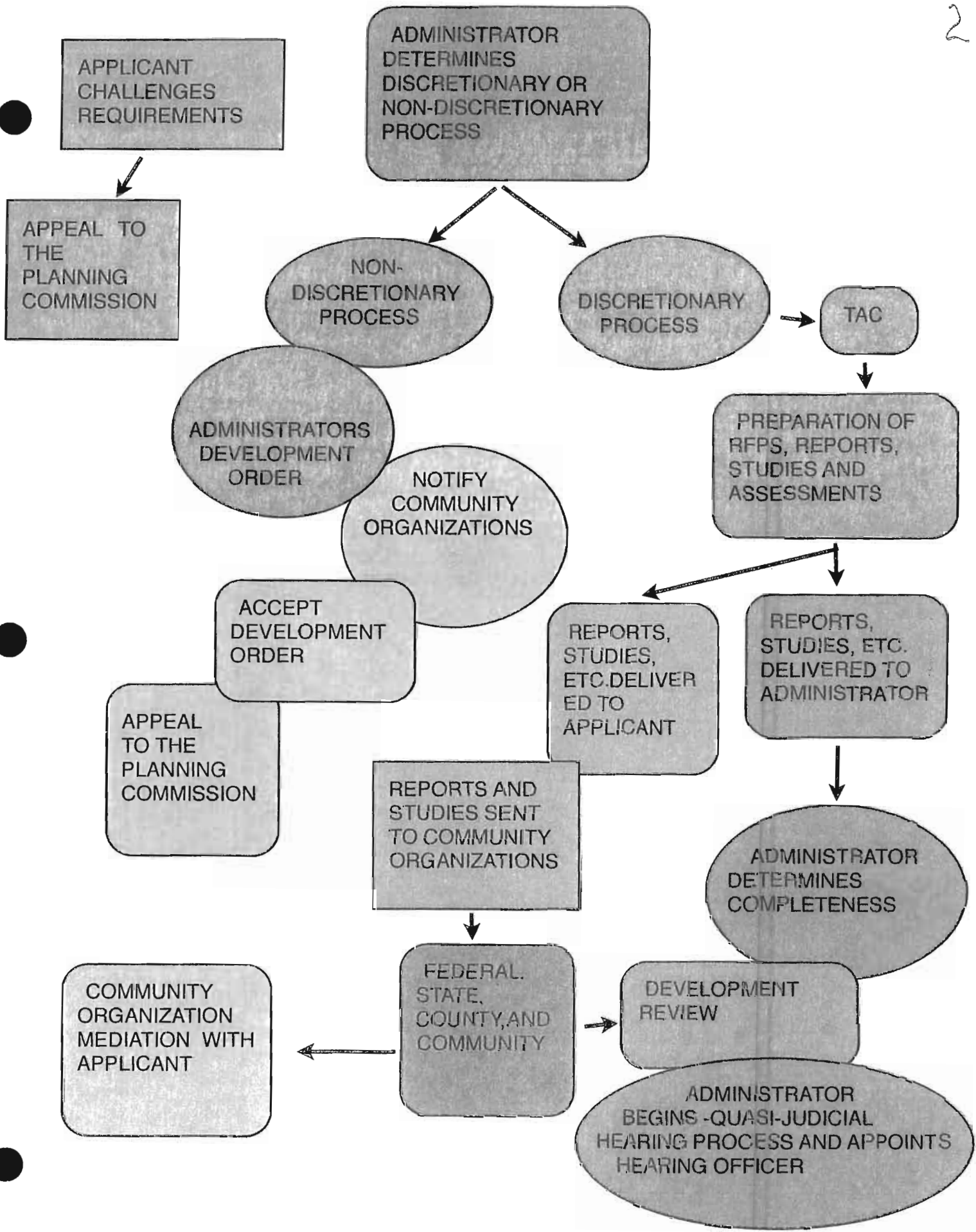
Respectfully Submitted by:

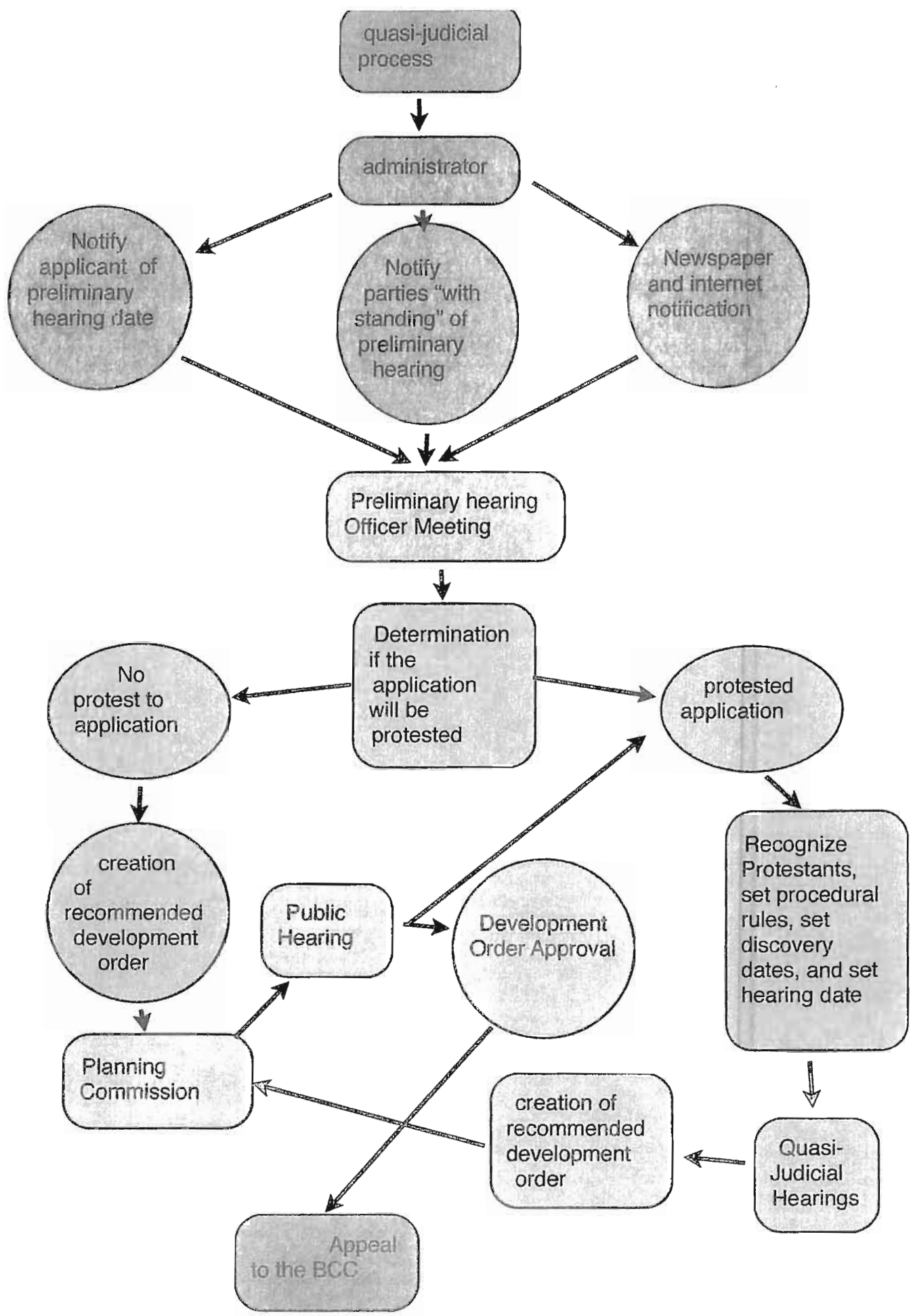


Debbie Doyle, Wordswork



CONTINUE ON PAGE TWO







United Communities of Santa Fe – Other Changes

These items are important, but not immediately actionable.

Chapter 8 Sustainable Design and Development

There is insufficient mention of solid waste in the plan. This seemed the most appropriate place to put it.

=====

ADD: 8.2.4 RECYCLING AND THE MANAGEMENT OF THE SOLID WASTE STREAM

The City/County Landfill at Caja del Rio

In 1976, the U.S. Congress passed the Resource Conservation and Recovery Act (RCRA). RCRA (as amended) and in particular Subtitle D, established today's modern waste management guidelines including the lining of landfills and other environmental protections. RCRA set a deadline for all non-complying landfills to close or come into compliance. Faced with this deadline, and the tremendous costs associated with compliance, the City and the County elected to jointly establish a single compliant landfill and to close their two non-compliant sites (Paseo de Vista and Agua fria). They formalized this approach in a 1995 Joint Powers Agreement which created the Santa Fe Solid Waste Management Agency (SFSWMA, the Agency) and charged SFSWMA with developing a new landfill in accordance with Subtitle D construction and operating standards.

The Caja del Ruio landfill consists of two parcels of private land and approximately 200 acres donated by the Federal Bureau of Land Management. The final site covers approximately 430 acres immediately west of the Marty Sanchez Golf Course. It is estimated that the current landfill will meet the needs of the City and County for the next thirty five years. The landfill operation is completely self-sufficient and relies on "tipping fees" and the sale of recyclables to offset its development, operations and closing costs. The facility (including BuRRT) employs 41 people.

The County Transfer Stations

Santa Fe County's Solid Waste Division provides seven (7) solid waste and recycling transfer stations for use of residents and businesses within the County's political boundaries. These Stations are: Stanley, San Marcos, La Cienega, Eldorado, Tesuque, Jacona, and Nambe. Access to these stations is restricted to solid waste permit holders. Permits are available to residents of the County and include per-trip punch passes and individual bag tags. Commercial haulers may use the stations with a charge account and are limited by volume. The Solid waste Division employs 24 people and trucks all waste and recyclables delivered to its sites to the Caja del Rio Landfill or to the Buckman Road Recycling and Transfer (BuRRT) Station.

Recycling Background, the Buckman Road Recycling and Transfer Station

Under the leadership of SFSWMA, a study was completed in 2004 reaffirming the need for a local Material Recovery Facility (MRF). In 2007, a twenty year lease with the City of Santa Fe gave SFSWMA control of the City’s Paseo de Vista transfer station, and in 2008 the station became the Buckman Road Recycling and Transfer Station with MRF capability. BuRRT houses state-of-the-art recycling equipment including sorting and baling systems for cardboard, paper, plastic, and cans, and a glass crushing system that allows the production of various grades of finds. BuRRT’s material recovery facility currently recovers mixed paper, cardboard, aluminum cans, #1 and #2 plastic bottles, steel cans and other paper grades (SOP). In addition it processes tires, green waste, scrap metal, electronic waste, Fluorescent light bulbs, carpet padding, soft-cover books, telephone books, and glass bottles and jars.

Current Practices:

Currently, Construction, demolition and Commercial waste make up over two thirds of the waste deposited at the Caja Del Rio Landfill, yet represent only a very small fraction of the material deposited at BuRRT for recycling . County residents recycling rate is less than 8% when judged against what is delivered by the Solid Waste Division, and drops to less than two percent, if judged against the total waste stream delivered by both commercial and solid waste division vehicles. Meanwhile BuRRT is operating far under its capability or capacity.

REASON: This is the only place in the Plan that solid waste management is dealt with and it needs to be dealt with clearly.

=====

ADD Strategy 22.1.2 to read:

Create tax incentives for smaller, more efficiently built green buildings/residences.

Reason: Smaller, better designed buildings are primary in the list of principles of smart, green development. The smaller the footprint of a building, the less environmental impact it generally has.

ADD Strategy 22.1.3

Encourage the design of greenhouses and vegetable gardens into residential development.

Reason: This encourages residential food production, a goal of other parts of the Plan

CHANGE Policy 22.6, adding “block” as a locally available building material.

Encourage the use of traditional New Mexico architecture, regional design, building types and native building materials, including natural and locally available building materials with low-embodied energy, such as adobe, earth, pumice, *block*, stone and wood.

ADD Policy 22.7:

Create an annual “green architectural design competition” that would encourage the creation of affordable housing plans, preplanned for expansion. Add these plans to the County’s “book of sustainable architectural styles and methods of construction.”

CHANGE Policy 23.1, adding “residential, commercial, and construction/demolition debris”

Residential, commercial and construction/demolition debris recycling should be required to divert materials from the landfill.

CHANGE Strategy 23.1.3, adding “construction/demolition debris”

Would now read: Educate the public about the need for and the “how to” of residential, commercial, and *construction/demolition debris* recycling through educational and informational materials.

Reason: construction/demolition debris are the largest contributors to our landfills, so recycling these materials is necessary.

ADD Strategy after 23.1.3 to read:

Offer incentives to contractors, hauling businesses, etc. to recycle everything.

ADD GOAL AFTER GOAL 23:

GOAL: Develop incentives for the retrofitting and use of green design principles in existing housing throughout the county

Add new Policy:

Develop a program of incentives to provide water catchment systems and other energy-saving systems to existing houses within the County

Add new Policy:

Encourage the design and placement of clustered “compound” style building improvements on existing lots over five acres and in traditional communities where such compounds have historically occurred.

ADD a second GOAL after GOAL 23, to read:

Encourage the use of local building materials and locally recycled materials, maintaining a balance between use and overuse of local resources (e.g. trees, stone).

ADD Policy #1 after this goal to read:

Locally recycled materials (e.g. recycled shredded newspapers as excellent insulation) should be used when possible.

ADD Strategy under this policy to read:

When possible, utilize locally recycled materials in road and trail building and maintenance.

These are related to solid waste handling

Add Strategy 24.3.3:

Develop a community program for periodic trash pick-up days for large items and waste not accepted at transfer stations. (AS IS)

ADD the following policies and goals

Strategy: Inaugurate a fee by weight system to replace the current punch card system at all transfer stations.

Goal: Increase Commercial and C and D (Construction and Demolition) recycling efforts

Policy: Develop a program of incentives and ordinance to encourage C and D waste haulers to separate materials that can be recycled.

Policy: Develop a program of incentives and ordinance to encourage Commercial businesses to recycle

Policy: Develop a program of incentives and ordinance to encourage commercial haulers to provide services for diverting commercial and C and D recyclables to BuRRT

Strategy: Ban the disposal of designated recyclable materials either at the point of generation and/or the point of disposal (BuRRT and Caja del Rio Landfill)

Strategy: Develop business recycling guidelines for distribution through Chamber of Commerce, Santa Fe Alliance, other sources.

Strategy: Investigate what other materials could be recovered for recycling or reuse /exchange

Strategy: hire a county wide waste reduction/recycling program manager

Goal: Adopt a "County sustainability plan and a 33% recycling goal to be achieved by 2012 (as proposed by the New Mexico Recycling Coalition)

Policy: Explore additional local, regional, and national recycling markets

Strategy: Create annual competition for designing local commercial uses for the County's recyclables

Strategy: provide incentives for local business to utilize locally produced recyclable materials, including thinning forests for fire prevention and putting the timber on the market for local green building.

Strategy: Require the use of locally Recycled materials in all County RFP's that deal with construction, road building, or maintenance.

Strategy: Set up an area at BuRRT for materials reuse/exchange that would be directly operated by one or more non-profit organizations or commercial enterprises. Set up collection centers at the transfer stations.

Chapter 9 Public Safety

Change Key Issue 9.1.1.3:

3. Some rural development can not be adequately served by County emergency services due to several factors, including distance from service points, inadequate emergency access, lack of fire protection water, and failure of property to meet life safety codes.

To read:

3. Some rural development can not be adequately served by County emergency services due to several factors, including distance from service points, inadequate emergency access, lack of fire protection water, *inadequate telecommunications capacity*, and failure of property to meet life safety codes.

Reason: There are dead zones for cell phone service across the county which make citizen reporting of emergencies impossible. For example, on highways 14 and 41 about 1/3 of the routes do not have cell phone service. On N.M. 502 (Chupadero) and 503 (Cundiyo) there are also dead zones. There are also mountainous areas of the county where radio communications are sporadic.

9.1.2 KEYS TO SUSTAINABILITY

Change Key to Sustainability 9.1.2.2:

2. Volunteer recruitment and retention are critical to the continuing success of the Fire Department. Sufficient attention and resources must be dedicated to meet this need.

To read:

2. Volunteer recruitment and retention are critical to the continuing success of the Fire Department. Sufficient attention and resources must be dedicated to meet this need. *Cultivating community cooperation and goodwill are essential to this end.*

Reason: Some communities have felt that the initial camaraderie developed by volunteer fire departments has been squashed by creating a unified county-wide Fire Department.

Change; Add new Key to Sustainability 9.1.2.7:

7. Involve communities in public safety planning to include: neighborhood watch, ride-along programs with the Sheriff's Office, volunteer fire department fundraising, planning for public safety capitol improvements, planning for fiber-optics and telecommunications improvements to enhance cell phone and computer service in remote areas of the county.

Reason:

There is a disconnect between citizens and policymakers that resulted in the failure of a General Obligation Bond for Fire Department capitol improvements in 2009. This results from independent community supported Volunteer Fire Departments being taken into the County-wide system and the perceived lack of service from the Sheriff's Department for communities in the remote areas of the county (lack of substations).

Add new Strategy 24.6.2:

Strategy 24.6.2. Involve communities in neighborhood watch and ride-along programs with the Sheriff's Office.

Reason: These existing and past programs should be advertised to increase citizen participation and hence their effectiveness.

Add new Strategy 24.8.1:

Strategy 24.8.1. Utilize the existing Graffiti Program Coordinator to work with community organizations to remove and prevent graffiti.

Reason: This existing program should be advertised to increase citizen participation and hence its effectiveness.

Add new Policy 28.3:

Policy 28.3: Support communities in their attempts to get fiber optics and other telecommunications infrastructure in place.

Reason: There are dead zones for cell phone service across the county which make citizen reporting of emergencies impossible. For example, on highways 14 and 41 about 1/3 of the routes do not have cell phone service. On N.M. 502 (Chupadero) and 503 (Cundiyo) there are also dead zones. There are also mountainous areas of the county where radio communications are sporadic.

Chapter 11 Water

Policy 38.34:

Encourage the use of septic tank effluent alternatives that utilize gravity feed systems to remove nitrates and other serious contaminants as potential aquifer pollutants.

Add to the end:

Encourage the use of septic tank effluent alternatives that utilize gravity feed systems to remove nitrates and other serious contaminants as potential aquifer pollutants, and to recycle water.

Add Policy 38.34.1:

Require wastewater systems as they become economically viable. Create a focus groups to study economic viability.

Reason: Technology for black-water is very close to being economically viable and available. It is critical for the future of water recycling.

Add New Policy section 38

Study viability of distributed water treatment, capture, and recycling versus centralized systems.

Reason: It is not clear that centralized water distribution or recycling is economically feasible or advantageous in all areas.



Recommendations to the CDRC/PC on the 4/15/10 draft of the SLDP
Issues List Chapter 14 Governance
By Ann Murray, Cerrillos

Here are 7 issues that concern us.

-- The first is that Registered Organization officers should be listed rather than members in the recognition process. (14.2)

A list of the members of an org is not something that even the NM PRC requires and would be burdensome and questionable for organizations who may have policies about sharing their membership lists, or for large organizations like Sierra Club.

--We also think that applications should require owner's name(s) addresses and contact information, or board of directors names and contact person if an LLC or corporation. (14.5.3.1)

The public has the "right to know" who or what comprises the "owner". Corporations, for example, sometimes have records of compliance that might be important to consider along with an application.

-- With regard to notification to the public, we recommend that applications be posted onto the County website as they are submitted. (14.5.3.1)

Along with "the right to receive notice and participate as deemed appropriate by the Administrator", other forms of public notice should be used, such as NMED sends monthly for water discharge plans. Then this right isn't subject to the Administrator's discretion.

--With regard to amendments, under the draft Regulatory Structure section, hearing bodies are given the power to amend the plan text, community plans, and the code text.

An ability for the BCC or PC to initiate such amendments of the Plan/Code at any time, especially in relation to a particular application before them for review could be subject to political expedience or even abuse. Instead, we recommend annual review of proposed amendments in a way that is unrelated directly to pending applications.

--Concerning the language used in the draft Plan & Code, we think it appropriate to substitute the use of the word "approval" with "application" where appropriate to clarify the meaning. (14.4.3.3)

The word "approval" is used with much ambiguity throughout both the draft Plan and Code. "Approval" can be both a noun & verb, and should not be used to replace the noun "application". Otherwise it also becomes a biased framing of a process that must remain impartial.

--With regard to Studies, Reports and Assessments, we think they should generally be prepared and paid for by the applicant not the county. Staff should critically and independently assess these reports. (14.4.4)

A new writing of the Plan & Code was partly sold to the public with the promise that developers would shoulder the expenses that their developments create rather than putting that on the County taxpayer. However, in the draft Plan we find that expectation already being undermined.

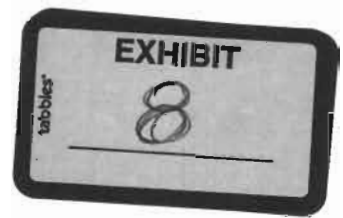
We recommend the following policy also found in the Draft Code: "Require and encourage the applicant to either prepare the SRAs, or to have the County prepare the SRAs and reimburse the County for the consultant fees, staff time and other expenses." --Source: from 3.22.10.2. of the SLDC

--The last concern I'm presenting concerns Specific Plans defined as 100 acres or more and include DCI's.

They are given extraordinary powers to mutate (amend) any zoning area they might target. Developers would have little incentive to comply with the Code or an existing Community Plan. This could create large impacts to a community little mentioned in the language as presented in the draft Plan. Such plans should be considered first within an affected community. They should require sufficient time and opportunity for the public to fairly assess rather than "streamlining" or fast-tracking. (14.4.5.1)

We intend to continue meeting with staff to find agreement on these issues.

Thank you for your consideration.



The Sustainable Land Development Plan (SLDP) for Santa Fe County

Questions and Redlines; Chapters 7 thru 15

General

- Staffing needed, ensure enforcement officers are equipped with proper tools, follow up inspections, posting of permits.
- I noticed a lot of proposed policies mentions, the word require numerous times. How are we going to enforce this to make it work?
- Chapter 4, Agriculture and Ranching, I would like to add some policy or strategy to support programs for community gardens for existing and future Mobile Home Park's.

Document

- Chapter 7.2.1.1, Subtitle; Existing Electrical Sources and 7.2.1.2, Subtitle; Existing Conditions, pg. 121. Add as a policy or strategy or both? Santa Fe County, the State, Electrical providers and communities should form a partnership to attempt to raise funding to bury existing and proposed new overhead electrical lines to protect and create scenic vistas.
- Chapter 7.2.2.2, Subtitle; Solar, pg. 122. Add after second sentence. However, existing County Codes exist, which prohibit development on steep slopes and restrict heights.
- Chapter 7.2.2.2, Subtitle; Solar and 7.2.2.3, Subtitle; Wind, pg. 123. Height and slope variances may be needed in some cases. Need to clarify the County's position about the public utilizing SB 1031 to obtain height variances.
- Chapter 7.2.2.5, Subtitle; Geothermal, pg. 123. I had the opportunity to inspect some of these systems my last three years with the City. Add Sentence; Currently these systems can be costly up front, however, Geothermal can be a prominent heating and cooling source for Santa Fe County in the near future.
- Chapter 8.2.1.1, Subtitle; Alternative Materials and Methods of Construction, pg. 133. "Sustainable Development Testing Site Act of 2007". Are there any of these testing sites in Santa Fe County?
- Chapter 8 mentions minimum standards for Green Building requirements, floor area ratio or density incentives. Strategy 21.2.2, pg. 138; Analyze City and State Green Building Codes. It is time for Santa Fe County to establish their own building inspections department in order to enforce this new SLDP! CID will not conduct inspections on County Codes.

- Chapter 8.3, Subtitle; Goals, Policies and Strategies, pages 138 & 139. Add Strategy 23.3.4. Develop Countywide Horse manure areas for the public. These areas could be used for compost areas as well. Of course, horse manure has to sit for awhile before it can be used and only be used in smaller quantities. This would discourage property owners from dumping horse manure in arroyos and flowlines.
- Chapter 9.1.1, number 3 pg. 140. Add after water, “steep driveways, weather conditions” and..
- Chapter 9.1.2, Subtitle; Keys to Sustainability, pg. 140. Insert #7. Ensure Land Use Enforcement Officers are equipped with adequate tools and access to properties to conduct aggressive inspections to ensure plan and code directives are carried forward. Is this the proper section?
- Chapter 10.1.1, Subtitle; Key Issues, #5, pg. 153; lack of consistent road standards for development throughout the County? There has always been road standards.
- Chapter 10.2.2.5, Subtitle; Future Roadway Recommendations, pg. 159. Four-lane widening of NM14 from Camino Vista Grande to Camino Justicia. Where is Camino Justicia? Is this part of the scenic byway as well?
- Chapter 10.2.4.2, Subtitle; Complete Streets, pg. 170. Add consideration; “Setbacks from the actual roadways to ensure safety”. (Some basecourse trails are too close to the actual driving surface or roadway. Then they end up becoming the shoulder of the roadway. In addition, when cars pull over, they have a tendency of parking on top of these trails). (Rabbit Road by Oshara is a good example of this).
- Chapter 10.2.4.4, Subtitle; Context Sensitive Solutions, pg. 171. This also has to do with public or private roads and maintenance. It is possible for a developer to construct roads to private standards which are substandard to public roads. The difference is, private roads have to be maintained by property owners or homeowners association and public roads are maintained by the County. In some cases there may never be a homeowners association. Maybe all roads should be constructed to public standards.
- Chapter 10.2.5.1, Subtitle; Paved Shoulders, pg. 172. Sometimes pave shoulders or bicycle lanes may also become surface drainage conveyance systems or paved swales if you will. These also increase the velocity of surface drainage flow. Especially downhill from cuts. At sometimes could be dangerous for bicycles?
- Chapter 10.2.5.5, Subtitle; Roundabouts, pg. 175. Add consideration #5. “It is not recommended to retrofit Roundabouts at existing intersections with insufficient right-of-way available”. Example: Avenida De Las Campanas in the City.
- Chapter 10.2.6.1, Subtitle; Dust Mitigation, pg. 177. Add “and concerns” after Environmental Costs and add “surface” after greater, before stormwater.
- Chapter 11.1.1, Subtitle; Key Issues, #8. pg. 183. “Watershed boundaries do not align with political boundaries,....Strong Statement! Also I would like to add a sentence at the end of paragraph. More effective enforcement of the County’s existing Terrain Management Ordinance should be considered.

- Chapter 11.3.11.5, Subtitle; Conservation, pg. 207. Grey water systems need to be coordinated and inspected by CID.
- Chapter 11.3.12.1, Subtitle; Existing County Strategies, pg. 209. Make sure rainwater harvesting information matches the previous page. My recollection is all residences 2500 heated or more have to comply. All commercial building have to comply regardless of square footage or heated area. (Penny and I wrote it)
- Chapter 11.3.12.2, Subtitle; Rainwater Capture, Treatment and Use, pg. 209. Is this legal? Can it be enforced? How does "Grandfathered" come into play?
- Chapter 11.4.1.1, Subtitle; County Wastewater Service Areas, pg. 216. Which facility is going to accommodate the proposed Santa Fe Film Studios? I think the sewer tie-in is already in place to either the County Public Safety Complex or State Penitentiary/National Guard Complex. Mention in plan.
- Chapter 11.5.1.3, Subtitle; Stormwater Master Plan, pg. 222. Add sentence after maintained "or constructed in the proper locations". Also I would like to see more information on the upper third, mid third and lower third of the watershed concept. I would like to see what staff (Shelly) has to say about it.
- Chapter 11.5.1.5, Subtitle; Low Impact Development, pg. 224. As part of the LID, County Staff needs to come up with some kind of template for drainage calculations for small development such as additions, sheds, garages (attached and detached). The City has one in place and the lots are smaller. County lots are usually a lot larger. This would save the public costs in engineering. Add as Strategy.
- Chapter 11.6, Subtitle; Goals, Policies and Strategies, pg. 233. Insert Policy #38.63. Offer incentives to the public for the abandonment of old cess pools and defective/old septic systems.
- Chapter 12.1.2, Subtitle; Keys to Sustainability, pg. 234. Insert sentence to #5. Financial guarantees for developments shall be kept in place until completion of all off-site and site improvements.
- Chapter 12.2.10, Subtitle; Development Agreements, pg. 237 & 238. Insert to useful tools to Community and County. Development Agreements can be coordinated to run concurrently or simultaneously with the letter of credits and other financial guarantees required by the County.
- Chapter 12.3.8.4, Subtitle; Development Agreements, pg. 257. Can also be used as mentioned above.
- Chapter 12.3.10, Subtitle; Capital Improvements Plan, pages 260 & 261. Insert sentence under sixth level. "These projects will be subject to comply with the Santa Fe County Land Development Code as the private sector does". (This will be a good example for the public on how to use the code.)
- Chapter 14.1.2, Subtitle; Key to Sustainability, pg. 278. Insert number 14. "Work with the federal and state agencies to address and solve issues of mutual concern".
- Chapter 14.2.1.3, Subtitle; Community Organizations and Registered Organization, pg. 281. Does it need to be mentioned what CO's and RO's do not have the right to do?

- Chapter 14.4.1.1, Subtitle; Board of County Commissioners, pg. 286. I would like to insert “with or without financial guarantees” to the end of approve development agreements, if the BCC agrees.
- Chapter 14.1.2, Subtitle; Planning Commission, pages 286 & 287. Insert “acknowledge or confirm legal lots of record “. Also insert, “Conduct site visits in the field”.
- Chapter 14.4.1.3, Subtitle; Hearing Officer, 14.4.1.4, Administrator, 14.4.1.5, Technical Advisory Committee (TAC), pg. 287. What kind of qualifications will they need to have?
- Chapter 14.4.3.1, Subtitle; Pre-application Neighborhood Meeting, pg. 288. Insert after first paragraph; “This process does not apply to permits issued as ministerial approval”.
- Chapter 14.4.3.2, Subtitle; General Application Process, pg. 289. Question on Development Permit or Order. What is the difference?
- Chapter 14.4.3.3, Subtitle; Types of Approvals, pages 289 & 290. Either insert sentences or add new section under Permits. “Development Permits shall be posted on site of development for public view. County approved plans shall be kept on site of development at all times during construction”. Should be repeated in more detail in the County Code.



April 29, 2010

To: Members of the County Development Review Board
Re: the Proposed Sustainable Land Development Plan, Chapters 11 and 14.
From: Rebecca Frenkel

Due to a previous engagement at 7:30 PM I may not be able to give my suggestions to the Board during the meeting of April 29th. I appreciate that the Board is having multiple public hearings on the proposed Plan and that the County Planning Department has been very generous with their time listening to members of the public at numerous meetings. Thank you to both.

In general I think that the Plan is a step in the right direction. Planning for how current land and resources uses can be regulated in order to have both available to future generations is important. Already we have used more than our share during the last 100 years. Preparing for the next 100 years is important.

A concern of mine (and others) has been the lack of reference to methods of enforcement in the past and present Plan.

I am addressing only two chapters of the present plan, Chapters 11 and 14 in very general terms with a few suggestions for changing in wording.

Chapter 11

The plan recognizes the need to conserve water and limit use of ground water. At the same time it would recognize possible requests for developments where surface water is not available. There may be areas in the county where proposed land uses must use ground water where the source may be limited, should not be permitted. Using density as a determining factor when it is not clear in the plan how the density levels in the various zoning areas has been determined. Previously we know that it was based on known water resources but since 1996 General Plan changes, that is not longer considered. Also, the more surface waters are tapped there will be an impact on ground water since is less filtrating into the ground water. I am only a 20 year resident of New Mexico so I have no right to close the gate to new arrivals, but growth must recognize the need to leave water resources for future generations.

I believe that there needs to be more recognition of the Plans recommendations for agriculture and that there is no mention of this in the water chapter. There needs to be recognition of the large amount of water that agriculture uses and address this issue in the Water Chapter.

Please consider the possible modifications:

Pg. 182, Key Issue #3, last sentence, change last word "considered" to "planned for implementation".

Key Issue #5, Line 4, Change "reasonable" to, "Capita use is within mandated limits".....

Pg. 225, Goal 34: add after "constraints", With the goal of a sustainable water supply.

Policy 34.2: Line 2, so that it reads, "desert climate in relation to sustaining water supplies.

Policy 34.34, change .25 acre-feet per dwelling unit to 0.20 acre feet per dwelling. (6000 gal per month should be more than sufficient.)

(continuing Chapter 11)

Policy 37.13: Change to: "Use ground water resources as a limited backup supply to supplement the surface water supply from the BDD in extreme conditions."

Pg. 229, Strategies 38.10.2 and 3 should have community participation and education because these are expensive and risky methods.

Pg. 229 Policy 38.15: add: with an annual report to the BCC and the public.

Pg. 230, Strategy 38.16.1: A 40 year plan is not addressing sustainable. Change to a 100 year plan.

Strategy 38.18.1 Change to "Complete the 100 year Water Plan."

Chapter 14

Governance and transparency are of particular interest to me. I congratulate the County for the recent adoption of changes to provide greater transparency of county government and thank the Planning Dept. for making some changes to the Plan that I have suggested as important to allow greater community participation.

The introduction to this chapter suffers from poor sentence structure and should be addressed by an editor. The remainder of the chapter is clearer than previous writings of this section.

Pg. 286, Sec. 14.4.1.1 Last sentence, Change "a final development order is to be issued by the Planning Commission", to order may be issued by.

Pg. 287, Add to PLANNING COMMISSION, after last dot, * When making quasi-judicial decisions, the members of the Planning Commission may not communicate with any persons that may appear before the public hearing of the Commission.

Pg. 290, Sec. 14.4.4, add after the last sentence of the first paragraph, These studies, reports and assessments shall be available in a timely manner for the public to view.

Pg. 191, Sec. 14.4.3, Add to the last sentence, for the next 100 years, under all conditions.

Pg. 294, Strategy 46.1.1: Add after "Tribal lands, and request Tribal Governments to reciprocate by informing the County of Tribal projects to be located adjacent to County lands.

Thanks you for your attention.

Rebecca Frenkel
984 2520