

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 5

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County Clerk, Santa Fe, NM

**MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE
SPECIAL MEETING
Santa Fe, New Mexico**

June 10, 2008

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 5:00 p.m. at the Main Library, 145 Washington Avenue, 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, Vice Chair
Ernestine Hagman
Jim Salazar
Kathleen Holian
Juan José Gonzales
Charlie Gonzales

Member(s) Excused:

None

Staff Present:

Shelley Cobau, Review Division Director
Rachel Brown, Assistant County Attorney
Penny Ellis Green, Deputy Land Use Administrator

SFC CLERK RECORDED 08/05/2008

APPROVAL OF AGENDA

Member Dayton moved approval of the agenda as published. His motion was seconded by Member J.J. Gonzales and passed by unanimous voice vote.

NEW BUSINESS

Informational Item

1. **Presentation by Robert Freilich and Bruce Peshoff concerning the role of the CDRC in development of appropriate amendments to the County General Plan and a Galisteo Basin Area Plan pursuant to Ordinance No. 2008-03 (the Emergency Interim Development Ordinance)**

Ms. Cobau introduced Bruce Peshoff from Planning Work, part of the consultant team that will be working on the General Plan and the Galisteo Basin Area Plan.

Bruce Peshoff said Planning Works is a growth management land use planning firm that works across the country dealing with the types of issues before the County: how a community can identify what types of growth it wants, where that growth should be located, the timing, how to provide facilities and services, and who pays for the facilities and services.

Mr. Peshoff identified the team members: Robert Freilich, the project chair, one of the top land use attorneys in the country and frequently referred to as the “father of growth management”; Professor Bruce Kramer, a law professor, an expert on oil and gas, and editor of *Oil and Gas Review*; additionally, technical components of the team, a geologist, a hydrologist and a petroleum engineer will be retained. The team will ensure that the County gets straight information.

Mr. Peshoff said the CDRC will function as the advisory committee and provide day-to-day long-term project guidance. County staff will serve as local experts in conjunction with the technical staff of service providers who will be the experts for data verification.

Mr. Peshoff said that because of the potential impact of unplanned and expanded uses for oil and gas on extraction sites the comprehensive plan and development regulations need updating to be consistent with the long-term vision of where the County ought to be. The IDO (Interim Development Ordinance), which is effectively a moratorium, was drafted by Dr. Freilich and identifies what needs to happen and what’s going to happen over the course of that next year.

The County will be responsible for establishing what are adequate public facilities and insuring that there is an adequate level of service for roads, public safety, water and sewer as development occurs. The County will review offsite impacts and make sure that the plans are consistent with the regulations and the long-term vision, which is to protect the community character. He mentioned that the factors that attracted and keep the

residents here are those that need to be protected long term. The County will have an opportunity to identify what areas are appropriate for growth, what areas should be discouraged for future growth and what areas need to be protected, and how that can be tied together so that economic development becomes a positive tool for the County rather than something that challenges the way the residents live.

He discussed the Galisteo Basin plan, an improvement district for the Galisteo Basin that would include a capital improvement plan. The purpose for that is to identify how much growth and what type of growth is going to occur in the basin, and then what are the facilities and services that are going to be required to accommodate that growth. The CIP focus will begin with roads, police, and fire/EMS - the necessary public services to accommodate development. The CIP will also identify the funding mechanisms that can be used so that those growth-related development costs get allocated to the new development and not subsidized by existing taxpayers. It's effectively pay-as-you-grow system.

The County can develop agreements with developers based on fiscal impact analyses to validate whether the project will yield what the developer proposes and ultimately to connect the IDO together with the plan, the budget, development standards, and then ultimately development approval.

Mr. Peshoff said the County has taken the first step by establishing the IDO. The long-term solutions include amendments to the development regulations (the LDR) and establishing the process to adopt guidelines to review the development code. Mentioning that Santa Fe is one of the few counties in the country that does not have a planning commission, Mr. Peshoff said the CDRC will assume that role. There needs to be one development authority equally applying the development standards and guidelines countywide.

Mr. Peshoff assured the CDRC that the process the consultants conduct will be completely transparent and public. IDOs provide a "time out" for the county to protect the private property owners, guard against takings and if that happens there is a just compensation. The team will work to guard against the County getting involved in any type of a takings issue, creating a regulatory structure that effectively deprives the use and value of a property: "While property may be regulated to a certain extent, if it goes too far it will be recognized as a taking." He said with two of the finest legal minds in the country working on this issue, he was confident takings would not be an issue, however, he added that there would probably be a lawsuit regardless of the outcome. The team's role is to protect the County's interest.

Mr. Peshoff said the time-out the IDO provides is to establish permanent solutions. He explained that the IDO is for a one-year period, narrowly defined and applies to the drilling or extraction of gas and oil only and will not slow down other development opportunities. The process is very important. He discussed the meetings that have occurred over the past few days with individuals and interest groups to begin the information gathering and input process. He repeated that this will be an open and transparent process.

Following the adoption of a Galisteo Basin area plan the general plan will be amended. The area plan will set the stage to build a special improvement district which

will identify the capital improvement plan to accommodate the projected growth. That will include road, police, fire, and EMS. The CIP will identify how much additional road and public safety a new development requires and the cost. That cost will be allocated back to the developer and he repeated so that the existing taxpayers don't have to subsidize the cost of new development.

Mr. Peshoff said the team will be creating a process – and how we get there is as important if not more important than what happens at the end. He stressed the importance of the community feeling an ownership in the plan. Partnerships will be crucial. The County is not going to extend the IDO and the process should be completed by February 2009. The team has collected GIS data, reports, plans, and this is going to be a process based on data and not just on wishes, goals, or policies, although we'll have goals and policies, but it's going to be a data-driven process, as well as a stakeholder-driven process.

Mr. Peshoff said information will be shared through a webpage: ourplanningworks.com/santafe that will provide a portal to information throughout the process. Work product will be posted there and people can download it and review it any time they want. There's a comment center and comments can be sent anonymously. A map component will allow for identification of properties and some of the information can be private/not posted on the blog. A community survey will be conducted on-line also.

A multi-day outreach workshop is scheduled for July 14-16. The process will be structured similar to a charrette. The team will have staff and conduct a series of interviews and focus groups during the day and public workshops each night. The workshops are task-oriented with a series of exercises so that people can work in small groups in a hands-on process.

Mr. Peshoff said change is difficult with the heartfelt, deep emotions of what should and shouldn't happen in a community, but change is inevitable. Growth should be intentional. The community should be able to affirmatively say that this is what we want.

Mr. Peshoff had the CDRC members identify what the key issues were the most important. Fifteen topics were identified which included open space, reclamation, health and safety, community impact, sprawl, water, and environmental concerns.

In response to Member Holian's question of whether there were other ordinances that could be reviewed, Mr. Peshoff said they would be reviewing plans from other communities where oil and gas extraction is occurring and he mentioned Ted Turner's ranch.

Ms. Cobau said the consulting team, in conjunction with the technical team, would make up the professional review board identified in the hard rock mining ordinance.

Mr. Peshoff said the legal, planning, fiscal, and geo-technical components of the plan will be sufficient to give the CDRC the guidance to review developments. However, as an advisory committee the CDRC has a lot of discretion.

Mr. Peshoff said he looked forward to working with the CDRC and Chair Romero thanked him for his presentation.

PETITIONS FROM THE FLOOR

None were presented

COMMUNICATIONS FROM STAFF

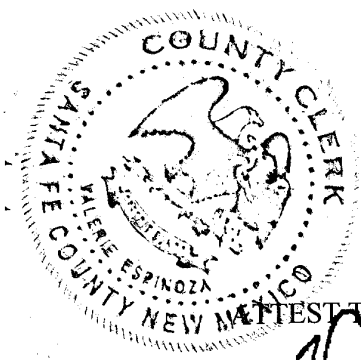
None was presented.

COMMUNICATIONS FROM THE ATTORNEY

None was presented.

ADJOURNMENT

With all business completed, this meeting was declared adjourned at approximately 5:55 p.m.



Approved by:

Jon Paul Romero
Jon Paul Romero, Chair
CDRC

TESTIFY TO:

Valerie Espinoza by VT
COUNTY CLERK

Before me, this 5th day of August, 2008.

My Commission Expires: May 2, 2010

Elsa G. Ornelas
Notary Public

Submitted by:

Karen Farrell
Karen Farrell, Wordswork

