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Deputy County Clerk, Santa Fe, NM



SANTA FE COUNTY

SPECIAL STUDY SESSION

BOARD OF COUNTY COMMISSIONERS

December 4, 2006

This special study session of the Santa Fe Board of County Commissioners was called to order at approximately 3:15 p.m. by Chairman Harry Montoya, in the Legal Conference Room of the County Administration Building, Santa Fe, New Mexico.

Roll was called which indicated the presence of a quorum as follows:

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Mike Anaya

Members Absent:

[None]

Staff Present:

Roman Abeyta, County Manager
Steve Ross, County Attorney
Judy McGowan, Planning Director
Beth Mills, Strategic Planner
Jack Kolkmeier, Land Use Administrator
Amada Hargis, GIS Planner
James Lujan, Public Works Director
Teresa Martinez, Finance Director
Steve Wust, Water Resources Director
Doug Sayre, Utility Director
Stan Holden, Fire Chief
Gerald González, Provost and Policy Advisor
Robert Griego, Planner
Mary Helen Follingstad, RPA Coordinator

SFC CLERK RECORDED 01/10/2007

Approval of the Agenda

Upon motion by Commissioner Anaya and second by Commissioner Campos, the agenda was unanimously approved as published.

Discussion of Santa Fe County Annexation Strategy

Chairman Montoya stated the County Commission had never held a meeting to determine the County's position on possible annexations and it was necessary to take a look at what's being proposed for annexation to see if the County can go along with it. If not, they will be able to go to the RPA with a firmer stance.

Judy McGowan, Planning Director, said the packet contains a memo on fiscal impacts prepared by Paul Griffin, a whitepaper with her reflections on an annexation strategy, and a map outlining senior staff's determinations of which areas are suitable for annexation from the point of view of the County.

She noted that annexation had been broached in the EZ plan of 1988 and again in the County's Growth Management Plan that was adopted in 1999. These plans talked about urban growth areas, zoning and revenue sharing. She spoke of three overall areas of consideration.

The first is South Santa Fe, which includes the Las Soleras Subdivision, envisioned as accommodating residential growth in the first ten years. On the City's map this encompasses Areas 9, 10, 11, 12 and 13, between I-25 and Rodeo Road.

The second area is #7 on the current map and is south of Tierra Contenta. This could accommodate future urban growth only after extensive planning for infrastructure needs and neighborhood input is reviewed.

The third region, Areas 2, 4 and 5 on the current map is along Airport Road, and those were all the areas that were approved under City zoning outside the city limits in order to implement the City's general plan. A lot of that was developed at City densities with City development. It is an area for immediate urban growth and should be worked on through joint neighborhood planning paying particular attention to the needs of the Agua Fria traditional community.

Additionally, there are two areas of concern for commercial and industrial uses, namely the Highway Corridor and the Airport Development District.

Regarding fiscal impact, Ms. McGowan said Mr. Griffin's basic conclusion is that the County could lose between a quarter million and \$300,000 in GRT and that it would be made up pretty easily from the services costs, which agrees with the initial conclusions made by Steve Burstein, a previous RPA coordinator.

Turning to her perspectives on the joint annexation strategy, Ms. McGowan stated

the principal touchstone was: Who can best serve the citizens in the neighborhoods at the City's fringe? One conclusion was that doughnut holes are inefficient for the provision of services. Secondly, existing neighborhoods need to be respected, with neighbors remaining intact, consulted on annexations and zoning changes, and mitigation should be provided during transition from rural to urban. She noted Burstein's report emphasized the institutional point of view, but the neighborhoods should be looked at too. She said some neighborhoods won't want to be annexed, such as along Airport and Jemez Roads.

Ms. McGowan said an annexation strategy should reduce the uncertainty that citizens and landowners face in the current approach to annexation and rezoning decisions. This encompasses utilities, affordable housing, water and other areas of concern. Annexations should conform to adopted plans. She asked what will happen to building permits, for instance. Annexation phasing should be agreed upon to facilitate informed decisions by the public entities regarding expenditures on services and capital facilities, as well as revenues. This will also be necessary for citizens of the districts involved.

The annexation strategy should include agreed upon service areas for water, sewer, police, fire, public housing, community centers and health services. She said there needs to be a protocol about who is to serve where and when.

Leapfrogging annexations are not in the best interest of the County or the fringe area neighborhoods. She said this echoes the "no-doughnut-holes" policy. She said this tends to occur at the behest of developers or of the City in pursuit of gross receipts.

Ms. McGowan noted that since the Agua Fria traditional historic community cannot be annexed unless they vote to allow it, they need to be buffered.

Turning to the map, she said it is the result of a discussion of infrastructure, services, and timing. She said Ms. Mills can demonstrate data on the maps.

Strategic Planner Beth Mills said there seems to be a general consensus about the areas that are already surrounded by the city where water and sewer are already provided. She said the areas on map with green boundaries are those with which County staff is comfortable with annexation. Extensive planning has been carried out in Area 4. Using the map to illuminate services, she demonstrated that in Area 2, City services are in Cottonwood Mobile Home Park and lines are in place along Agua Fria. They could annex up to the bypass. City water and sewer in Tierra Contenta are adjacent to Area 5, and it is included in the Southwest Area Plan that encompassed both 4 and 5.

Area 6, which is bordered by the river, has the new County Public Works facility and has undergone planning through the redevelopment district. She said the City should respect the work already done by County Planning staff on gateway design recommendations, river restoration and trails.

Area 1, north and east of Agua Fria are not recommended for annexation. Many long lots are still in place. Some of these areas would be suitable for affordable housing. The transportation problems are not severe, and the County should begin the planning

process. The intersection of Camino La Tierra and 599 has potential for commercial zoning, so staff is not recommending annexation in that area.

Area 7, south of the city has an existing County commercial node and a number of water services agreements, approximately 45 acre-feet of commitments. More planning is needed.

Staff believes that Area 10, Las Soleras, which already has 27 acre-feet of County water committed, could provide additional services to the adjacent Community College District, the designated County growth area.

Provost Gerald González noted that Areas 2 and 4 have trail systems and open space. Ms. Mills pointed out the location of Agua Fria Park and other open space, adding that some property owners have come to the County applying for inclusion in the traditional community.

Ms. McGowan said there are a number of County facilities (parks, open space, Camino Jacobo public housing, Esperanza, Youth Shelters) in potentially annexable areas and it is presumed the County will retain ownership. The area was theoretically annexed in 1983 under the City's phased infrastructure plan.

James Lujan, Public Works Director, pointed out that the County has a \$3.5 million road project at Cottonwood which is in the design phase.

Fire Chief Stan Holden said the Fire Department's biggest concern was hodge-podge annexation leading to confusion of jurisdictions, leading to time lost when responding to emergencies. Additionally, reducing an area does not reduce the cost of maintaining fire protection. Efficiency should be borne in mind.

Commissioner Campos asked what happens to the roads and other County assets upon annexation. County Attorney Steve Ross said if a road serves as a boundary, it and its right-of-way is included. Trails and parks are not clearly defined as to ownership.

Chief Holden stated he has heard City staff saying that upon annexation, they take ownership of the fire stations.

Roman Abeyta, County Manager, noted the decisions were only suggestions and Area 2 had been a close call because of the river and trails. He said it makes sense to keep a County presence north and east of Agua Fria in order to avoid creating another doughnut hole.

Land Use Administrator Jack Kolkmeier said it was their intent to get these issues on the table. Mr. Abeyta said staff agrees there needs to be a joint annexation strategy and this step is with an eye toward that discussion.

Robert Martinez, Deputy Public Works Director, speculated that ownership of roads may depend on whether they're easements or in fee. Mr. Ross said the law does not differentiate. He reiterated municipal boundaries are definitely included, but interior roads, trails and fire stations are not clear, although fire stations are probably safe, and possibly utilities.

Doug Sayre, Utility Director, indicated that the County has a number of customers in the area near the *New Mexican*. He said revenue could potentially be impacted if that area were annexed. Mr. Ross said he did not believe the City could claim the utility system or its customers. Steve Wust, Water Resources Director, said it was a good point of discussion and expressed his concern that the City Council would decide unilaterally. He noted that there were areas well out into the county on City water and trades might be possible to promote efficiency.

Commissioner Anaya asked where public comment came into the process. Chairman Montoya said there was a public RPA meeting on the doughnut holes coming up. He added nothing was set in stone at this point.

Commissioner Sullivan asked about what services the Las Soleras development could provide the Community College District. Ms. Mills suggested the developer might pay for fire protection. Mr. Abeyta said the other rationale for retaining Las Soleras was the water service agreement. He said that area could go either way. Commissioner Sullivan said Rancho Viejo is already providing land for a fire station. He said there is plenty of space for commercial development so that need not be provided by Las Soleras.

Ms. McGowan said they went back and forth on that area. The City could get GRT to balance out their expenditures along Airport Road. She asked how much energy should be put into that area, taking away focus from other areas.

Chief Holden said they would hard-pressed to argue in favor of that area since the City already has a fire station on Richards. Commissioner Campos pointed out it was mired in litigation, but the idea of integrating it with the Community College District makes sense.

Commissioner Sullivan said the City has no water distribution/allocation policy like the County's, therefore the City has water tied up in commitments that won't be used for many years. He stated development happens more slowly and the County would be ill-advised to provide water there.

Commissioner Sullivan asked about Mr. Griffin's contention that the City and

County were taxed at the same rate, which he disputed. Mr. Ross explained that each school district has a different debt load, leading to different tax bills for the residents, but as far as the net effect on the public entity, City or County, that is the same.

Chief Holden noted that the City has the power to impose property tax city-wide. Commissioner Sullivan said they should be prepared to explain the situation to the public.

Commissioner Vigil encouraged keeping in mind what is good for the neighborhoods. She said they should not limit the discussion of services to things like fire and water, but rather include entire vision. She mentioned that St. Vincent is negotiating a clinic on the south side and factors like that should be included in the discussion. She asked what was happening with the doughnut hole that has the rodeo grounds. Chairman Montoya said that was taken off the table.

Commissioner Sullivan said annexation of that County property could be a problem due to the City ordinance requiring hooking up to City water when within 300 feet of the property line. The fairgrounds are served by a well. It would be expensive to hook up to City water.

Commissioner Vigil thanked staff for preparing the maps. She said she was comfortable with excluding Area 10. Commissioner Sullivan said he was undecided on 10, but he hasn't seen compelling reasons either way from the City or County.

Chairman Montoya said he liked all of the staff recommendations. He said the courts will take some time to go through the litigation process on Las Soleras.

Commissioner Campos asked where the money for the South Meadows road coming from. Mr. Lujan said it is bond money, and Mr. Martinez said it is partly regional GRT, partly bond and partly GRIP II. Commissioner Campos said that was an important point for discussion.

Commissioner Vigil said that is an important connector and it should not be delayed, nor should Siler Road. It should be done fairly and equitably.

Mr. Lujan said the City has been asked to participate in Agua Fria phase 3 water lines and they were not interested in helping with the funding. Mr. Sayre said the sewer is being used and is being charged for but the water is not being used. Mr. Martinez said that was funded by the 1999 GOB, and Mr. Lujan said there was a minimal contribution from the legislature.

Commissioner Sullivan asked for clarification on the City's northwest boundary.

Ms. McGowan said the City doesn't own all the land in the area. Mr. Abeyta said it doesn't go beyond their existing boundary. Commissioner Sullivan mentioned that the City should consider that area for affordable housing, although it may not be popular with adjacent neighbors.

Mr. González said that land came to the City through a land grant deal and has languished for 30 or 40 years. Now it is being viewed as prime lots.

Ms. McGowan pointed to areas along 285 and Mr. Martinez asked about the status of Camino Carlos Rael. Planner Robert Griego said property owners have come forward wanting to be included in the traditional historic community.

Mr. Kolkmeier commended Ms. McGowan and Ms. Mills for their work and pointed out the illuminating data sets on the map will be mentioned during the budget discussions.

Commissioner Campos broached the subject of the continuing role of the EZA after a major annexation. Also, after this annexation there should be a moratorium on annexations as happened in Bernalillo County.

Commissioner Vigil asked if extending the city limits would automatically extend the boundaries of the EZ. Mr. Ross said there is a specific agreement that delineates the boundaries. In the absence of that agreement it would automatically change. He noted that in some cases the EZ boundary is now within city limits.

Returning to the question of Camino Carlos Rael, Commissioner Vigil said she understood the city limit went down the middle of the road.

Commissioner Anaya pointed out his constituents are waiting for South Meadows to be built to relieve the congestion in the area. He said he would hate to see it held up. Chairman Montoya said it could be a point of negotiation. Mr. Abeyta said they need to decide which points need further discussion.

Regional Planning Authority Coordinator Mary Helen Follingstad said tomorrow there would be discussions of Airport Road, Areas 1,2, 3, 4, 5, and 6 and possibly Las Soleras.

Mr. Lujan noted there are County roads around Sam's Club. Mr. Martinez asked to see a larger map so he could compare the areas to other projects they have in the works. Ms. Mills said she has bigger maps.

Commissioner Vigil requested the locations of County fire stations, roads and other infrastructure to give better guidance to the discussion. Mr. Abeyta said they would follow up after the next meeting and decide what further steps are to be taken.

Dr. Wust indicated that the BDD board should also be kept informed, since City and County infrastructure related to the Buckman project could change hands and this will be of material interest.

Commissioner Campos said definitive determination of whether the County supports the various areas proposed for annexation should be deferred, given the number of unresolved issues. Mr. Abeyta agreed, saying today's meeting was to get the concept out. He said the overall position was the County was not fundamentally opposed to the areas in green but there are still numerous concerns before signing off on annexation. The position could change.

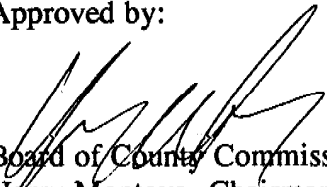
Ms. Mills said the issues that came up in today's meeting could be raised with the RPA. Ms. Follingstad warned that confusion could arise in the mapping, since the City's phase one annexations are outlined in green.

Chairman Montoya said it seemed there was consensus with staff's recommendation. Commissioner Vigil advised starting with the easy areas.

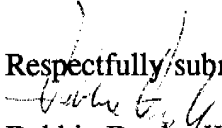
Adjournment

Chairman Montoya declared this meeting adjourned at approximately 4:45 p.m.

Approved by:


Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


Debbie Doyle, Wordswork
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ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

