

CITY CLERK'S OFFICE Agenda DATE 3-26-09 TIMF, 4:0 RECEIVED BY

AMENDED

PLANNING COMMISSION April 02, 2009 - 6:00 P.M. GONZALES ELEMENTARY SCHOOL **GYMNASIUM** 851 West Alameda CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: March 19, 2009 FINDINGS/CONCLUSIONS

- E. OLD BUSINESS
- F. NEW BUSINESS
 - 1. An ordinance establishing a rural residential Rural Residential Zoning District; and making such other related changes. (Councilor Chavez) (Jeanne Price, case manager)
 - 2. An ordinance amending Section 14-8.14(A) SFCC 1987 regarding the applicability of impact fees to the territory outside the corporate limits upon agreement of the Extraterritorial Land Use Authority. (Frank Katz)
 - 3. Case # M 2009-05. Northwest Quadrant General Plan Amendment. The City of Santa Fe Housing and Community Development Department requests approval of a General Plan future land use map amendment to revise the designations of 540± acres to include approximately 122 acres in a mix of Very Low Density Residential (1-3 dwelling units per acre), Low Density Residential (3-7 dwelling units per acre), Medium Density Residential (7-12 dwelling units per acre), High Density Residential (12-29 dwelling units per acre), Neighborhood Center, and Transitional Mixed Use; and approximately 418 acres of Parks and Open Space. The property is located south of NM 599 and west of St. Francis Drive. (Lucas Cruse, case manager) (TO BE POSTPONED TO MAY 21, 2009)
 - 4. Case # ZA 2009-02. Northwest Quadrant Rezoning. The City of Santa Fe Housing and Community Development Department requests rezoning of 540± acres from R-1 (Residential, 1 dwelling unit per acre) to PRC (Planned Residential Community). The Northwest Quadrant Master Plan adopted as a part of this rezoning includes supplemental Design Standards that vary from the Chapter 14 Land Development Code. The property is located south of NM 599 and west of St. Francis Drive. (Lucas Cruse, case manager) (TO BE POSTPONED TO MAY 21, 2009)

- 5. Case #M 2009-06. Northwest Quadrant Escarpment Variance. The City of Santa Fe Housing and Community Development Department requests an escarpment variance to allow 15,000 square feet of the alignment of Ridgetop Road to encroach on the ridgetop subdistrict to provide sufficient distance from an existing PNM switching station. The location of the requested variance is along the proposed Ridgetop Road alignment between Camino de los Montoyas and NM 599. (Lucas Cruse, case manager) (TO BE POSTPONED TO MAY 21, 2009)
- 6. Case #M 2009-08. Northwest Quadrant Terrain Management Variance. The City of Santa Fe Housing and Community Development Department requests a terrain management variance to allow disturbance of 8,000 square feet of 30 percent slopes on two sites in order to preserve open space areas and provide contiguous land areas for development. The locations of the requested variance are within the neighborhood center area north of the ridge and northeast of the PNM switching station. (Lucas Cruse, case manager) (TO BE POSTPONED TO MAY 21, 2009)
- G. BUSINESS FROM THE FLOOR
- H. STAFF COMMUNICATIONS
- I. MATTERS FROM THE COMMISSION
- J. ADJOURNMENT

NOTES:

- Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
 - *An interpreter for the hearing impaired is available through the City Clerk's Office (955-6521) upon 5 days notice.

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PLANNING COMMISSION

April 2, 2009

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MINUTES OF

CITY OF SANTA FE

PLANNING COMMISSION MEETING

April 2, 2009

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair O'Reilly at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

ROLL CALL Α.

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

MEMBERS ABSENT:

Bonifacio Armiio Ken Hughes

Angela Schackel Bordegaray (excused) Gloria Lopez (excused)

Estevan Gonzales (late)

Signe Lindell

Ruben Montes

John Salazar, Vice Chair

Matthew O'Reilly, Chair

STAFF PRESENT:

Greg Smith, Director Current Planning Division Frank Katz, City Attorney Jeanne Price, Legislative Liaison Denise Cox. Stenographer

B. PLEDGE OF ALLEGIANCE

Chair O'Reilly asked Commissioner Salazar to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Mr. Smith reported that the Northwest Quadrant cases have been postponed to the Planning Commission Meeting on May 21st. He said they will confirm the meeting place at a later time.

Chair O'Reilly said without objection the minutes are approved.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS MINUTES: March 19, 2009

Chair O'Reilly said without objection the minutes of March 19, 2009 are approved.

FINDINGS/CONCLUSIONS - None

E. OLD BUSINESS – None

F. NEW BUSINESS

1. An ordinance establishing a rural residential Rural Residential Zoning District; and making such other related changes. (Councilor Chavez) (Jeanne Price, case manager)

Memorandum prepared March 19, 2009 for April 2, 2009 Planning Commission meeting by Jeanne Price, Legislative Liaison, is incorporated herewith to these minutes as Exhibit "1."

Memo regarding annexation settlement agreement and related procedures and ordinances prepared by Jeanne Price, April 2, 2009 is incorporated herewith to these minutes as Exhibit "1(A)."

Jeanne Price presented the staff report included in Exhibit "1." She also referred to the annexation agreement and related procedures and ordinances included in Exhibit "1(A)."

Presentation made by Michael Hurlocker is incorporated herewith to these minutes as Exhibit "1(B)."

Proposed amendments to the bill are incorporated herewith to these minutes as Exhibit "1(C)."

Presentation made by Jim Siebert is incorporated herewith to these minutes as Exhibit "1(D)."

Mr. Smith explained that the draft that will be discussed at the Extraterritorial Land Use Commission and should be available next week.

Public Hearing

Michael Hurlocker, 1703 Cor(?) presented his comments included in Exhibit "1(B)." He represented Jim Siebert, Hansen family members and Ed Crocker.

Mike Loftin, Homewise, 1301 Siler Road, understood the settlement agreement issues, but did not agree with changing the settlement agreement. He said to change the intent of the agreement does not make sense. There are three factors which are the minimum lot size, maximum average density and requirements for open space. These all need to be looked at. He said if they are trying to maintain rural character then they need to have a requirement for open space. He questioned why the city is annexing this if they are trying to remain the status quo. He said it seems that the city should not annex property in order to downzone. There should be some kind of increase in density and the baseline should not go lower than the status quo of two units per acre. The half acre minimum guarantees sprawl. If they have a lower minimum lot size with public open space that is usable then they will have the flexibility to develop something that is nice. If they have flexibility then the question becomes what the average density should be. In his opinion that would be compatible with the surrounding community. He commented that it is hard to do affordable housing on this size of lots.

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Emily Ford, 1301 Siler Road, Homewise, agreed that it is difficult to build affordably on low densities. She said they cannot do efficient construction and create sustainable developments on these higher densities. She asked them to consider the sustainability with the zoning.

Ed Crocker, 82 Estrada Redondo, Santa Fe County, representing Crocker interests. He said these are a number of tracts belonging to a number of local families. He said it looks as though they are being downzoned and not given the same treatment that the city has advocated for in terms of density. There have been discussions between the city and the county for years about how to move forward in this area. He would like to see these parcels removed from area 1 and allowed R-3 density. He suggested tabling this for more discussion.

Jim Siebert, 915 Mercer, challenged the public notice. Throughout his presentation he referenced maps included in Exhibit "1(D)." He said the Extraterritorial Land Use Commission will hold a meeting April 9th and it states that the agenda is available from the land use office. This does not meet legal notice in his opinion as there is no reference to what will be acted on at the meeting. This has disassociated the zoning aspect from the land use aspect. He believed they need to understand the implications of both of these issues. This community usually prides itself on the public notice and provides more information than this. He has not seen any information in the newspaper and there are no billboards in the area where people will be affected. There is a disjoint between the fact that the settlement agreement states when they adopt this rural residential it stays in place for 20 years and there can be no rezoning from that. He assumes staff will not allow any rezonings when people come in due to the settlement agreement terms. If you go to the city's website, Exhibit B does not come up which is basically the ordinance. The Southwest Sector Plan shows the density as 1-4 dwelling units per acre, the 1983 General Plan shows 1-4 units per acre and then the 1999 Land Use Plan shows this as the greater Agua Fria area with no density, then to the side it shows low density of 3-7 dwelling units per acre. The pending Northwest Plan has greater slope restrictions then the properties to the north and one half the plan cannot be developed due to the slopes, so they have taken the density and transferred it to areas that can be developed. He gave examples of what one acre and two and a half acre lots look like included in Exhibit "1(D)." He referred to the Las Trampas plan which the city was involved in. He highlighted the general plan policies included on page 9 and 10 of his handout. Rural Residential is contrary to the existing policies. He recommended tabling this, bringing all the pieces together; the presumptive land use ordinance, settlement agreement and the rural residential proposal. He said they need to consider an amendment to the settlement agreement that would allow for areas to be taken out that are inappropriate. He said much of this began as a policy issue. He would like the affected land owners to come to an agreement with the policy makers. The consequences of the annexation agreement were not fully understood when it was approved.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair O'Reilly asked for staff comments on the issues raised.

Mr. Katz said some of the amendments take care of some concerns as the homes could be clustered. He said there is an issue if the R-3 zoning is more appropriate. He said they are just trying to do what is required by the settlement agreement.

Chair O'Reilly asked if there are parks and open space requirements.

Ms. Price explained that subdivisions have to comply with park requirements and there is common open space required as part of clustering. There are no overall open space requirements for a certain amount of area.

Chair O'Reilly asked what the possibility is of having an amendment to the annexation agreement,

Mr. Katz stated that it would require the city and county agreeing on it. This provision was put in at the county's request and he has not spoken with the County Commissioners on this issue, so he is not sure what they would say. There is another area that has become problematic around the Airport where it divides a single parcel of land with some being annexed and some not, so he will be discussing this with the County Manager and Attorney. He said they could discuss this other area as well.

Commissioner Hughes commented that the area next to Alameda would have slope restrictions. He assumed those rules would apply.

Ms. Price said the terrain management rules would apply although they are slightly different then the County or EZ rules. She said at the next meeting they will be considering a mountainous and difficult terrain amendment.

Commissioner Gonzales arrived at this time.

Mr. Smith said the zoning under the EZO sets a ceiling above which land may not be developed. This would likely be determined by specific applications for subdivision approvals enforced by land commissions. The actual density will be limited to some extent by the developer's ability to prove that the infrastructure will support the density proposed.

Commissioner Hughes asked if this zoning would be the default for this area.

Mr. Smith said within the areas they are talking about designating as rural residential, it would be 2.5 acres per unit and a maximum density of two units per acre.

Commissioner Hughes thought they could cluster and keep open space if the density allowed.

Mr. Smith said that is true according to the amendments distributed.

Commissioner Hughes was pleasantly surprised about the development proposed on the Crocker property.

Mr. Smith read the adopted language in the 1999 General Plan, policy 4-4-5-3.

Commissioner Salazar asked if an amendment would have to be made to the settlement agreement if all of area 1 were zoned R-3.

Mr. Katz stated that the obligation is to zone in a way that matches the prevalent zoning in the area, so they might be able to zone R-3. He said they cannot take out pieces and not do rural residential zoning.

Commissioner Salazar asked what the problems are if there is an R-3 zoning and sewer and water do not exist.

Mr. Smith hoped that as they review individual subdivisions they would address that. He reminded the Commission that they are not voting on the boundaries of the district, but the point is that it must be consistent with General Plan policies and infrastructure which is typically done on an individual basis. He said they will need to be careful not to break the land into awkward parcels.

Commissioner Lindell asked if the proper match might be R-3 and who determines the zoning match.

Mr. Katz said they are fuzzy on where they are. He believes the amendment proposed most closely matches what the county will allow now in that area. He said there is the consideration of what is allowed in the traditional historic village and the fact that the city subtracts the flood area.

Commissioner Lindell commented that it is compelling that the three parcels represent 42% of area 1. It seems they should be able to find a way to honor the settlement agreement and accommodate the parties involved. She understands that Mr. Hurlocker purchased this property recently and the appraisal was based on a different density and zoning than what he is facing. She said this seems punitive to him. She asked what procedure Mr. Katz would suggest to resolve this.

Mr. Katz hoped the property owners would talk to the county. He will raise the issue with the County staff as well.

Commissioner Armijo pointed out that City and County staff should be meeting with the residents. He agreed this should be tabled until there is further conversation.

Commissioner Montes asked if the mutual release of claims signed by the City, County and Las Soleras developers was just for one area.

Mr. Katz explained that there was litigation between these three parties so the settlement agreement was intended to resolve that. Most of the concerns were the rest of the annexations proposed. The rural residential was intended to maintain some of the other areas as they are.

Commissioner Gonzales asked if there will be a process for the traditional village to work on this.

Mr. Siebert explained that Mr. Hurlocker has been discussing this with members of the Agua Fria Village. He said tabling would allow everybody to come to the table and discuss this. He said Commissioner Vigil would be the most capable person to do this.

Chair O'Reilly questioned if there is a difference between creating a rural residential district that has the potential of three units per acre and a simple R-3 zoning.

Mr. Smith said the most notable difference is the reference to the 2.5 acre lot size where city sewer and water are not available. In an R-1 district, if you can obtain approval from the State Environment Department for a septic system and private well you can subdivide. In an R-2 you can subdivide with half acre lots, but you probably could not obtain approval for septic. The main difference is the maximum density.

Commissioner Hughes asked if the plan for trails in this area was ever adopted.

Mr. Smith was not sure.

Mr. Hurlocker stated that he dedicated a trail for equestrian use across a 92 acre parcel that goes underneath 599 and the tunnel. He said this is open space, but in rural residential open space is not allowed.

Commissioner Armijo asked if there is a process for an ENN sort of meeting for input.

Mr. Smith explained that the process is different according to the Extraterritorial rules. Those are being revised. He has not directed staff to do that type of outreach. The plan is to post this on the website and make information available.

Commissioner Armijo asked if they would notify landowners.

Mr. Smith said the city and county have decided that this is not required by statute and the Governing Bodies have not directed staff to do this.

Mr. Katz stated that when development is done, there would be an ENN. The Agua Fria Village has expanded so the County Commissioners may be more willing to let this develop differently. When the annexation occurs, it will be under city rules with ENN meetings.

Ms. Price said there will be trails and open space as development occurs. This density most accurately reflects what the EZ rules allow. One of the differences is that the city subtracts the flood plain. The other basic difference is that accessory dwelling units up to 1500 square feet per lot are allowed under city rules and the EZ does not allow this.

Commissioner Lindell moved to postpone this and allow the land owners an opportunity to meet with the county and for staff to meet with the county and come back to the May 7th meeting. Commissioner Armijo seconded the motion.

Commissioner Gonzales asked for the discussion to include the traditional village.

Chair O'Reilly asked if this should be advertised so that people know.

Commissioner Lindell was unclear.

Mr. Siebert wanted to work with the county on this so they can resolve the notice issue.

Commissioner Hughes suggested moving this to the June 4th meeting.

Mr. Katz did not want to go that far out as Commissioner Vigil is attentive to her constituents and will not do anything without consulting with them.

Chair O'Reilly asked if this is approved prior to being amended how that works procedurally. He noted that the bill was withdrawn after the Commission approved it. He questioned if that motion needs to be rescinded.

Ms. Price explained that the withdrawn by staff was upon a Council agenda that was approved.

Mr. Katz said postponing to a date certain is all that is needed.

There being no dissenting or abstaining votes, the motion passed by unanimous voice vote.

2. An ordinance amending Section 14-8.14(A) SFCC 1987 regarding the applicability of impact fees to the territory outside the corporate limits upon agreement of the Extraterritorial Land Use Authority. (Frank Katz)

Memorandum prepared March 9, 2009 for April 2, 2009 Planning Commission meeting by Frank Katz, City Attorney, is incorporated herewith to these minutes as Exhibit "2."

Mr. Katz presented the staff report included in Exhibit "2."

Public Hearing

There were no members of the public present for testimony.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo did not understand the fee schedule.

Ms. Price reported that the fee schedule is not changing, but the applicability of where they will apply the fees is changing. This allows them to go out by the city limits.

Commissioner Armijo said it never made sense what they previously approved. The old plan and the new fee schedule do not allow the city to make any money. The fees on smaller residences were raised the fees for larger residences went down. He does not see the reason for this change. He said the 1500 square foot home fees were raised by 52%.

Chair O'Reilly recalled there were studies done in each of the square footage areas and he thought it would raise the impact fees by a total of \$4-6 million.

Commissioner Hughes agreed, but said Commissioner Armijo knows the math better. He said this seems to be more of a general policy, so he is unsure they can really get into the amount of money.

Commissioner Armijo asked if they can revisit this issue. He questioned how accurate the numbers are. He did not like how the people with more money pay less and those with less money pay more.

Chair O'Reilly thought that Commissioner Armijo could ask Mr. Liming to come before them and answer the questions or give an accounting of the fees.

Commissioner Armijo asked who the sponsor is.

Ms. Price replied Councilor Chavez and she believes he was the sponsor of the impact fees.

Commissioner Armijo asked if he would be better to contact Councilor Chavez.

Mr. Katz said they could revisit the issue and look at the fees collected. He suspected that the fees are down due to the current economy.

Commissioner Armijo requested a report on how this is working.

Mr. Smith suggested raising this at the Long Range Planning Subcommittee.

Chair O'Reilly clarified that Commissioner Armijo would like the discussion to take place at the full Commission meeting.

Commissioner Armijo agreed to meet with Mr. Liming beforehand to share his concerns.

Commissioner Hughes moved to approve, Commissioner Salazar seconded the motion which passed by majority voice vote. Those voting for the motion: Commissioners Salazar, Lopez and Hughes. Those voting against the motion: Commissioners Gonzales, Montes and Armijo. The Chair voted yes due to a tie and the motion carried.

3. Case # M 2009-05. Northwest Quadrant General Plan Amendment. The City of Santa Fe Housing and Community Development Department requests approval of a General Plan future land use map amendment to revise the designations of 540± acres to include approximately 122 acres in a mix of Very Low Density Residential (1-3 dwelling units per acre), Low Density Residential (3-7 dwelling units per acre), Medium Density Residential (7-12 dwelling units per acre), High Density Residential (12-29 dwelling units per acre), Neighborhood Center, and Transitional Mixed Use; and approximately 418 acres of Parks and Open Space. The property is located south of NM 599 and west of St. Francis Drive. (Lucas Cruse, case manager) (TO BE POSTPONED TO MAY 21, 2009)

This item was postponed to the May 21st meeting per approval of the agenda.

4. Case # ZA 2009-02. Northwest Quadrant Rezoning. The City of Santa Fe Housing and Community Development Department requests rezoning of 540± acres from R-1 (Residential, 1 dwelling unit per acre) to PRC (Planned Residential Community). The Northwest Quadrant Master Plan adopted as a part of this rezoning includes supplemental Design Standards that vary

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This item was postponed to the May 21st meeting per approval of the agenda.

G. BUSINESS FROM THE FLOOR

Commissioner Lindell referred to a letter from Mr. Egart requesting a presentation to the Commission regarding TOD. She said in her opinion, it would be okay with a time limit.

Chair O'Reilly asked if this would be on the Long Range Planning Subcommittee agenda. It seems the proper venue.

Commissioner Lindell agreed. She asked for the agendas of the Long Range Planning Subcommittee sent to all the Commissioners.

Chair O'Reilly said early on the Subcommittee discussed what their purpose would be. He said they listen to long range planning efforts and bounce ideas off of each other. He said it might be possible to have a recommendation after a meeting and then it would come before the entire Planning Commission. He noted there are some interesting things being proposed.

H. STAFF COMMUNICATIONS

Mr. Smith announced that Jack Hiatt has proposed a significant change in staffing; Ms. Baer will be promoted to Current Planning Division Director and Mr. Smith to Historic Planning Director. The time frame may be within 2-4 weeks.

MATTERS FROM THE COMMISSION

Chair O'Reilly referred to the rules and procedures for city committees. He reported that there were some discussions about this and pointed out that the only difference is that under Robert's Rules there are different rules for when the Chair can vote.

Mr. Smith agreed, but the rule allows the chair to vote when it would make a difference in the outcome of the case.

Commissioner Hughes commented that one Commissioner in Albuquerque went around by himself to each site on a field visit.

Mr. Smith said advice on this varies from state to state. Ms. Brennan views this as improper to do site visits on one's own. Mr. Rowe supported the rules tailored to the needs of the Commission rather than the general rules.

Commissioner Armijo thanked Mr. Smith for all he has done. He said nobody knows the system better. He has always had great praise from everyone that has dealt with him.

Mr. Smith said the current Commission is of high quality and he will continue work on the Chapter 14 revisions.

Commissioner Gonzales echoed the sentiments. He appreciated all the time Mr. Smith was willing to spend with him when he began as a Commissioner.

J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, this meeting was adjourned at approximately 8:02 p.m.

Approved by:
Chair Matthew O'Reilly

Submitted by:

Denise Cox, Stenographer