



Agenda

DATE 4/29/09 TIME 4:25pm

SERVED BY Geraldine Jurado

RECEIVED BY [Signature]

AMENDED

PLANNING COMMISSION

May 7, 2009 – 6:00 P.M.

CITY COUNCIL CHAMBERS

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

MINUTES: April 2, 2009, April 16, 2009

FINDINGS/CONCLUSIONS

Case #M 2009-01. 2901 Alamosa Drive Variance. (POSTPONED FROM APRIL 16, 2009)

Case #M 2009-02. San Isidro Plaza Signage Development Plan Amendment. (POSTPONED FROM APRIL 16, 2009)

Case #M 2009-04. Kachina Ridge Phase III Final Subdivision Plat Time Extension.

Case #ZA 2009-01. 1411 1/2 Second Street Rezoning.

Case #M 2009-07. Plaza Piñones Final Development Plan.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. An ordinance establishing a Rural Residential Zoning District; and making such other related changes. (Councilor Wurzburger) (Jeanne Price, case manager) (POSTPONED FROM APRIL 2, 2009)
2. Case #ZA 2009-03. Vista Bonitas Phase II Rezoning. Linda Tigges, agent for Dennis Branch, requests rezoning of 2.149± acres from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre). The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager)
3. Case #M 2009-09. Casas Bonitas Development Plan Amendment, Final Subdivision Plat and Variance Time Extension. Linda Tigges, agent for Chapman Companies, requests time extension for development plan amendment, final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, case manager)

G. BUSINESS FROM THE FLOOR
H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. ADJOURNMENT

NOTES:

- 1) 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.
- 2) 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.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

**Index Summary of Minutes
Santa Fe Planning Commission
May 7, 2009**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Sheet		1
Call to Order	Meeting called to order at 6:00 pm by Chair Matthew O'Reilly	2
Roll Call	A quorum was declared by verbal roll call. 2 Absences - Excused	2
Pledge of Allegiance	Led by Commissioner Montes	
<u>Approval of Agenda – Agenda is approved as amended.</u> No changes from staff. Reverse order of new business: Case 1 is now 3rd Case 2 remains as 2 Case 3 is now 1st	The commission concurred with the changes to the agenda and Chair O'Reilly approved the agenda as amended.	2
<u>Approval of Minutes:</u> April 2, 2009 No changes from staff. Changes from the commission: Pg. 1 – Under the approval of the agenda, the word minutes should be changed to agenda. Pg. 2 address: Michael Hurlocker, address correction to be: 1303 Purple Aster	<i>Chair O'Reilly, said with no objections the Minutes of April 16, 2009 are approved as amended.</i>	2
Five Cases for Findings of Fact and Conclusions for Law, Chair O'Reilly asked if any of the commissioners wanted to make any changes to any of these cases. Without further statements action on all five would be done all together: Case #M2009-01. 2901 Alamosa Drive Variance Case #M2009-02. San Isidro Plaza	<i>Commissioner Salazar made the motion to approve the 5 cases as outlined above, second by Commissioner Gonzales, motion carried by unanimous voice vote.</i>	3

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<p>Signage Development Plan Amendment.</p> <p>Case # M2009-04. Kachina Ridge Phase III, Final Subdivision Plat Time Extension</p> <p>Case ZA2009-01. 1411 ½ Second Street Rezoning</p> <p>Case ZA2009-07. Plaza Piñones Final Development Plan</p>		
<p>New Business</p>		
<p><u>Case #M 2009-09. Casas Bonitas Development Plan Amendment, Final Subdivision Plat and Variance Time Extension.</u> Linda Tigges, agent for Chapman Companies, requests time extension for development plan amendment, final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, Case Manager)</p>	<p>Commissioner Gonzales made the motion to approve Case #M 2009-09 - Casas Bonitas Development Plan Amendment, Final Subdivision Plat and Variance Time Extension until July 19, 2011, second by Commissioner Salazar, motion carried by unanimous voice vote.</p> <p>Note: Site visit on May 28th at 6:00 pm at the site.</p>	<p>2-3-4-5</p>
<p><u>Case ZA 2009-03. Vista Bonitas Phase II Rezoning.</u> Linda Tigges, agent for Dennis Mr. Branch, requests rezoning of 2.149± acres from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre). (Donna Wynant, Case Manager)</p>	<p>Commissioner Hughes moved to postpone case 2009-03 until June 18th and schedule a site visit in 2 weeks time at 6:00 pm at the site, (May 28th), and applicant to hold and ENN neighborhood meeting staffed by a City representative , second by Commissioner</p>	<p>5-6-7-8-9-10-11</p>

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	<p><i>Lindell, motion carried by unanimous voice vote. Commissioner Montez: abstained</i></p> <p><i>Motion carried by unanimous voice vote. 5-1's, 1-Abstention</i></p>	
An ordinance establishing a Rural Residential Zoning District; and making such other related changes. (Councilor Wurzburger) (Jeanne Price, Case Manager) (Postponed from April 2, 2009)	Commissioner Lindell made the motion to make a recommendation to the governing body for a do not pass of an ordinance establishing a rural residential zoning district, second by Commissioner Gonzales, motion carried by unanimous voice vote.	12-13-14-15 16-17-18-19-20- 21-22-23-24
Business from the floor	None	24
Staff Communications	None	24
Communications from the Commission	Informational	24
Adjournment	The Chair adjourned the meeting at 9:00 pm	25
Signature Page		25

CITY OF SANTA FE

City of Santa Fe Planning Commission Minutes

Draft Until Approved

Fran Lucero

5/7/2009

A handwritten signature in black ink that reads "Fran Lucero". The signature is written in a cursive style with a large initial "F" and "L".

City of Santa Fe Planning Commission Minutes

May 7, 2009

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

A. Roll Call

Roll call indicated the presence of a quorum as follows:

Members Present:

Matthew O'Reilly, Chair
John Salazar, Vice Chair
Ken Commissioner Hughes
Signe Commissioner Lindell
Boni Armijo
Commissioner Gonzales
Reuben Montes

Members Absent (excused):

Angela Schackel Bordegaray
Gloria Lopez

Staff Present:

Jeanne Price, Legislative Liaison
Tamara Baer, Manager, Planning Division
Fran Lucero, Stenographer

B. Pledge of Allegiance - Commissioner Montes led the pledge of allegiance.

C. Approval of Agenda – Agenda is approved as amended.

No changes from staff.

Reverse order of new business:

Case 1 is now 3rd
Case 2 remains as 2
Case 3 is now 1st

The commission concurred with the changes to the agenda and Chair O'Reilly approved the agenda as amended.

D. Approval of Minutes: April 2, 2009

No changes from staff. Changes from the commission:

Pg. 1 – Under the approval of the agenda, the word minutes should be changed to agenda.

Pg. 2 address: Michael Hurlocker, address correction to be: 1303 Purple Aster

Chair O'Reilly, said with no objections minutes of April 2, 2009 are approved as amended.

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Minutes of April 16, 2009 –

No changes from staff.

Changes from the commission:

Pg. 10 7th line down: Commissioner Salazar....insert project at the end of the sentence.

Pg. 10 – 3rd to last paragraph – last sentence: Applicant has done everything in their possibility to make it work, should be: *as possible* to make it work.

Pg. 16 Chair O'Reilly appointed Commissioners, there was a switch and Commissioner Armijo was not reappointed.

Pg. 14 – 5th paragraph on the bottom, 3rd line: word *advertising* should be changed to *inviting*

Pg. 15, 3rd *on the* should be replaced with the words: *with a*

Pg. 17 under letter I. Matters from the Commission – the words *place the screens*, should be changed to the word: *project*

Pg. 16, 2nd line: Commissioner Salazar asked if the terms.... Insert the word *contract* before the word terms, strike out the word *are* and the rest of the sentence is fine.

Chair O'Reilly, said with no objections the Minutes of April 16, 2009 are approved as amended.

Five Cases for Findings of Fact and Conclusions for Law, Chair O'Reilly asked if any of the commissioners wanted to make any changes to any of these cases. Without further statements action on all five would be done all together:

Case #M2009-01. 2901 Alamosa Drive Variance

Case #M2009-02. San Isidro Plaza Signage Development Plan Amendment.

Case # M2009-04. Kachina Ridge Phase III, Final Subdivision Plat Time Extension

Case ZA2009-01. 1411 ½ Second Street Rezoning

Case ZA2009-07. Plaza Piñones Final Development Plan

Commissioner Salazar made the motion to approve the 5 cases as outlined above, second by Commissioner Gonzales, motion carried by unanimous voice vote.

E. Old Business

None

F. New Business

1. Case #M 2009-09. Casas Bonitas Development Plan Amendment, Final Subdivision Plat and Variance Time Extension. Linda Tigges, agent for Chapman Companies, requests time extension for development plan amendment, final subdivision plat approval for 49 units on 8.020± acres located south of Rufina Street, east of Calle P'O Ae Pi. The application includes

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a variance to the 15' setback distance between each series of attached dwellings. The property is zoned R-7 (Residential, 7 dwellings per acre). (Donna Wynant, Case Manager)

Staff: Tamara Baer

This is a request for a time extension for a development plan and final subdivision plat and a variance. All three cases were previously approved by the Planning Commission on July 19, 2007; there have been no substantial changes to the plan of ordinance circumstances. The applicant states that this request is based on economic climate. One correction to her statement; is that one change is that the public school notification ordinance was passed and the applicant has notified the public schools in the interim. The time extension would run from original approval date of July 2009 to July 2011. The code states that if the subdivision plat has not been recorded and the conditions of the development plan have not been met within two years, the applicant may request a time extension. In the case of the development plan the only difference between that and a subdivision plat is that they have to request it 90 days before the expiration and it shows by their letter that they did do that. Staff supports the extension for all three cases.

Public Hearing:

Mr. Bill Chapman was sworn in.

Mr. Chapman stated that he has not ever requested an extension and this request is based on the economic position of the market at this time. He felt that waiting the 90 days would be a beneficial action not only for him but for the community. He stated that he has no problem with any of the conditions. He stated that the ENN meeting was held with 5 people in attendance that had no concerns whatsoever, other than two people want to buy houses.

There being no one from the audience to provide public input, the public testimony portion of the meeting was closed.

Questions and comments from the Commission:

Commissioner Hughes asked if market conditions was a legitimate reason for an extension.

Staff Response: Mr. Chair and Commission, the code does not specify this specific reason, it is left to the discretion of the Planning Commission to grant this extension or not.

Commissioner Gonzales: I support this extension and I am prepared to make a motion to that affect.

Chair O'Reilly asked to hold off on the motion as an additional question was pending.

Chair O'Riley asked if the plat has been recorded and if there is a development plan.

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Staff confirmed that the plat has not been recorded and that was a development plan.

Chair O'Riley believes that Chapter 14 will provide insight and direction for his question; the applicant is asking for a 2-year extension but the development plan section of the code only allows for an 18 month extension. Therefore, if there is a project that has a subdivision plat and contains a development plan should we be extending them more amount of time if we so choose to do?

Staff stated that her belief is that the policy in the past is if they are concurrent, two cases together the commission has the discretion to grant the extension for a longer period of time, but a subdivision plat you can grant for 2 years.

Commissioner Gonzales made the motion to approve Case #M 2009-09 - Casas Bonitas Development Plan Amendment, Final Subdivision Plat and Variance Time Extension until July 19, 2011, second by Commissioner Salazar, motion carried by unanimous voice vote.

2. Case ZA 2009-03. Vista Bonitas Phase II Rezoning. Linda Tigges, agent for Dennis Mr. Branch, requests rezoning of 2.149± acres from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre). (Donna Wynant, Case Manager)

Staff report: This case was up before the Planning Commission previously, there was a rezoning request from Mobile Home Park to RM 1, approved by the Planning Commission for 31 dwelling unit on August 7th 2008. It went to the City Council with the Planning Commission recommendation on November 12, 2008 which the Council approved, there is also a General Plan amendment which they approved; they denied the rezoning request. The sense of the council was that it was too dense. Since then the applicant has reapplied for a less dense project, they are asking this time in the exact area 2.149 acres, asking for a rezoning to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre for a total of 17 lots. The property is located on the vacated access for Calle Griego, north of Airport and south of Rufina. At the time that the rezoning was originally proposed, not that many people had moved into Vistas Bonitas Phase I and subsequently there were people there that spoke at the public hearing and felt that the project was too dense as it was proposed. The access is similar to what was proposed the first time around, with small driveways which initially would provide access to 4 lots would only access 2. Previously there were 13 units per acre proposed and now going down to 7, lot sizes are averaging under 3000 sq. ft. compared to the previous of 4000 to 5000 square feet, the houses are now detached and typically one story. The traffic engineer has not requested a traffic impact analysis and he did not request one for the first one either.

If it is approved it will go to Council for approval or denial, and it will come back to your for sub-commission review both preliminary and final plat. Staff reiterated that this is only the rezoning request before the commission this evening. A correction was made on the Staff

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Analysis, Page. 3 of the staff report, Section 14-3.5c sets forth "five" [not seven] criteria to determine whether rezoning should be approved. The applicant has met this criteria and staff concurs with the response from the applicant.

The staff report is somewhat abbreviated as the Planning Commission has heard and approved the earlier rezoning request for the property. Staff stated an oversight regarding rezoning criteria required by recent New Mexico Case Law described in three parts and wanted to read into the record;

1. Applicants Burden of Proof – Planning commission to decide based on the testimony and the presentation and the staff report, that the criteria has been met.
2. Requires that a rezoning be consistent with adopted plan, and in this case the adopted plan is the General Plan and staff believes that the application as proposed meets this criteria.
3. Whether the existing zoning is inappropriate the applicant must demonstrate that the existing zoning is inappropriate for a number of reasons. One of those could be change neighborhood or community conditions just by the change. Staff does feel that the applicant has shown that the zoning is inappropriate because of the specific conditions of this property having been a former road right of way and now as proposed as in fill project.

Linda Tigges and Dennis Mr. Branch were sworn in at the same time. 1706 Medio, Santa Fe, NM (address for the record)

Linda Tigges introduced the applicant, Dennis Mr. Branch. We agree with the conditions of approval, wanted to add we specifically met with Barbara Salas on the revised application and she was comfortable with what they were doing at this level. A neighborhood meeting was held with 9 people attending which is about 50% of the people living in this area. Barbara pointed out this is a revision of earlier plan that was proved unanimously by this body. The City Council asked for revisions in regards to the density, they wanted a lower density larger lots and compliance with the Southwest Sector Plan. They are asking for R7-I zoning, that allows 15 units, 5 of which are affordable units and 2 bonus units for a total of 17 units, former was 21 units. Former request was for RM-1 and they are now asking for R7-I. R7 zoning is a flexible zoning that has a development plan allowing a variation in setbacks and other aspects, very much like a PUD. R7-I is an infill projects where there are no variances, everything meets the code, no flexibility which this project is and does not requirement a development plan. Lots average about 5, 500 ft. before between 3,000 or 4,000, they are detached, one and 2 story, they share driveways [2units]. As you may recall the property is located on a former easement, not used for Sierra Vista Mobile Home Park, it is a separate partial. There were drainage problems with this parcel, the developer also felt that to leave the parcel as it is with asphalt and a big hole

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would be inviting vandalism and would not help the project. One of the solutions was to purchase the property and to plan it into the subdivision. Only change is square footage of the lots.

Dennis Mr. Branch stated that he felt everything was covered last time. The project has been cut in half; there is one issue that you will notice on the plans is that the City of Santa Fe does own a small piece of property 50 ft by 100 ft. deep. One of the questions that I wanted to bring to the Planning Commission attention was I did mention to the affordable housing that by building this project, they would created this hole again, 100 ft. black hole. He has recommended to the City that maybe they would abandon that property Mr. Mr. Branch would build another unit there.

Public Hearing:

Mr. Leroy Romero and Rose Block were sworn in together.

Leroy Romero – 5316 Surcita Del Norte, Santa Fe, NM

He stated that they live in a wonderful neighborhood. He wanted to state for the record that during the second phase of this development and during the ENN there was no City representation. He felt that some of the neighbors, including himself did not get adequate representation and they did not get answers to the questions that they asked. They asked about traffic problems, emergency vehicle egress and there was no City representation. His personal opinion is that he feels that by putting this additional development they are robbing Peter and Paul from two different lots. The way this is configured with long driveways 50'; to get garbage trucks or emergency vehicles in would be very difficult. Mr. Romero has been fighting with the refuge department because they can't turn around in the cul-de-sac at this time. One other concern should be taken into consideration is this sink hole with water drainage, it collects water and attracts mosquito's. He asked the City to go back and review this item in itself, it is a health issue and does not believe it is a safe place for the public. Thank you.

Rose Block, 5312 Surcita Del Norte - Lot 54 in Phase I

Neighborhood is a lovely place right now. It is a start of traffic issues, neighborhoods on Rufina and Airport Rd are using their street as a thoroughfare. Looking at the revised plan, it was not her understanding to have more homes in this area. It looks like the homes are being sardined in this area. Ms. Blocked stated that she has asked this question and does not get an answer. There is a road there, why can't they open it up and divert the traffic that is coming into their small development area and make that the access for Rufina/Airport Rd. It just doesn't create a good quality of life, egress/ingress, emergency vehicle access. Putting too much in the space, make a road, a public space, a community garden, a green area, what is life going to be like after the development is done. I feel that putting more congestion is not going to improve our quality of life.

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The Public Hearing part of the meeting was declared closed by Chair O'Reilly.

Commissioner Armijo: Mr. Leroy Romero stated there was no staff at the meeting, can you confirm this statement?

Ms. Behr: We are sorry that happened, the person that was going to the meeting went to a different place and didn't find it. He called the people the next day individually, he stated if he didn't reach them he left a message. This is noted in the staff report.

Commissioner Armijo: He asked if the ENN was legal with staff not having attended.

Commissioner Armijo stated that the applicant has cut it in half. He has no problems with the rezoning.

Ms. Behr read from the code.

1. Intent of the Neighborhood Meeting: Intent to exchange information. To Exchange information with the applicant and the neighborhood.
2. A representative from the land use department is to attend to acquaint the applicant with the neighborhood and provisions of City ordinance and to facilitate or mediate the meeting if necessary.

The intent is that City staff should be there but I don't believe that the intent to have an exchange between the applicant and the developer who is proposing the project; she does not believe that is compromised by City staff there. The fact is that it did have an ENN meeting with a denser factor.

Commissioner Armijo: I beg to differ on that comment, as you stated, if I am there to get feedback from the City it is going to change everything I want to hear. I don't want this to come back to the applicant or the City. Thank you.

Commissioner Montes: Let the record reflect by way of disclosure, Mr. Romero who has spoken is my first cousin.

Commissioner Montez asked what the proximity and feedback if any has been received from Ramirez-Thomas Elementary School. He also asked why there is no mention of the impact of traffic to this school. Does Mr. Romero from Traffic addresses the impact to public streets, he doesn't look at impact on specific properties, number of vehicle trips.

Staff Response: Mr. Romero addresses access issues unto public streets and based on the number of vehicle trips he then projects the impact to City streets he doesn't look at what

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impact it has on specific properties. His analysis is based on the number of vehicle trips, when they leave that property and enter into public right-of-way.

Commissioner Montes: is there no City staff that looks at impact for City schools. It was asked if we have received any feedback or concerns from the schools.

Staff: No, not for traffic. The schools representative would look at it in terms of future impact for need for planning purposes.

Commissioner Montes: Have we received any letters or calls from this school regarding any concerns on this proposed development?

Staff: We have none.

Commissioners Montez: I see this memo from Greg Smith to Patrick Nicholson, dated March 6th, who is Patrick Nicholson?

Staff: He is the former neighborhood planner who is no longer with the City as of 2 weeks ago.

Commissioner Montes: Mr. Nicholson states that he was unable to attend the meeting due to a glitch. I believe it would behoove us all to know the details on what that glitch is?

Staff: I believe that the glitch is as I explained not finding the location. Greg went to look for the meeting and could not find the location.

Commissioner Gonzales: Tamara, I feel the same way as Commissioner Armijo does about the ENN meeting. I respectfully disagree with staff and your opinion. To be fair to both sides the public is sometimes intimidated by these meetings and they depend on staff to attend. Number one, they don't understand the development process, they don't know their rights or the code, and the developer understands all of this. It can be intimidating if there isn't a trusting environment where a meeting is being facilitated by someone that is an independent party that can create that environment for that knowledge share. At this point their only source of information is from the developer which of course, in this case is Mr. Mr. Branch. I am not addressing this applicant individually, but from a City policy perspective for the ENN meetings it is very important, I think we should consider only bringing reports to the commission if they have had a successful ENN meeting. We don't want to violate rights of the neighborhood, to be fair to both parties, we need to be assured that City staff is visible.

Commissioner Gonzales: Ms. Tigges, can you update us on the park status?

Ms. Tigges: The Park has been dedicated to the City, the improvements of the park are the responsibility of the developer, and however, we know that parks can sometimes be a hazard as

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well as amenities if they don't have any people around to keep an eye on them. So the idea is when the park had people to keep an eye on it, at that point in time it will be improved. When the project gets built out the park will go in.

Mr. Branch stated that no improvements have been made to date. There is no one living across from the park or are there houses close in proximity. He wants to wait until there are some houses to develop the park and have some care over it. He also stated that he has no objection to tabling this item until neighborhood meetings can be conducted with staff. Even though we had a great meeting, I look forward to having one again. The night of the meeting we did discuss the park for about 1 hour. There is no structure across from the park, discussions with the neighbors and they agreed at the time, until we have a few houses and it can be watched, we would then do the improvements. One side of the street is almost complete and we will be ready to start the other side.

Commissioner Gonzales: When do you think it will be?

Mr. Branch: Due to the economy, west side of street, maybe by end of year, and start with the other 39 lots with two of the houses will be by the park. Improvements to the park may be by next spring. 2 slabs of concrete have been done this year.

Commissioner Gonzales: I admire you and think it would be good to have the neighborhood meeting one more time with staff present.

Commissioner Hughes: Stated he is having a hard time visualizing how a street is going to look like a subdivision. I would like to suggest that the commission do a site visit to see if this is a worthwhile project.

Commissioner Lindell: Stated that when they talked about this the last time and Mr. Romero talked about some standing water; she asked the question about pumps going in and pumping out water, did that happen?

Mr. Branch: We have only had one occasion to assist; I go over and put bleach so it isn't stagnated. If we get a good rain it will be an issue. We have some of the original approvals from the Sierra Vista Mobile Home Park, and the original approvals do show a pond, they just paved over. This will be discussed with the neighbors. Many of the staff people have gone out there and looked at the drainage area.

Commissioner Lindell: I have seen the site. Didn't you say you would put a pump in there to get rid of that water, can that still happen?

Mr. Branch: Yes, we can put a pump the water out when it rains.

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The Chair had a procedural question for Tamara: When council voted to deny the previous application for rezoning, prior to that they approved the application for the General Plan amendment to a high density residential district, this application before us tonight is for R7 which is medium density. If at some point this commission was to move this project forward to council do you think we would want to ask the Council to rescind its decision from the General Plan:

Staff: Mr. Chair, that is a good question, I think rather than rescind if this isn't voted on tonight and we come back I would suggest to the applicant to request the General Plan amendment back to what it was previously, to a medium density.

Chair: it was noted in the council minutes that Councilor Dominquez was concerned to whether the project complied with the southwest area master plan. Can you speak to that question, would this project comply with that master plan.

Linda Tigges: Yes, as I recall the southwest master plan asked for R7 zoning which is the zoning of the other properties in the surrounding area and so yes, this would meet the southwest area master plan.

The Chair asked Tamara if she could answer that question herself.

Tamara: I cannot answer that question, I'm sorry. Assuming that is correct then the southwest area master plan revised the General Plan. So at that time it changed it to R7, maybe it wasn't reflected in the General Plan map.

There being no further questions from the commission, would the commission like to entertain Commissioner Hughes suggestion to go out and look at the site.

Commissioner Gonzales: Reiterated that in all fairness to the residents and the applicant, he asked that an ENN meeting be held with staff in attendance.

Commissioner Hughes moved to postpone case 2009-03 until June 18th and schedule a site visit in 2 weeks time at 6:00 pm at the site, (May 28th), and applicant to hold and ENN neighborhood meeting staffed by a City representative , second by Commissioner Lindell, motion carried by unanimous voice vote.

Commissioner Montez: abstained

Motion carried by unanimous voice vote. 5-I's, 1-Abstention

Note the date of the next public hearing is June 18th.

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3. An ordinance establishing a Rural Residential Zoning District; and making such other related changes. (Councilor Wurzburger) (Jeanne Price, Case Manager) (Postponed from April 2, 2009)

On April 2, 2009, the Planning Commission postponed this bill. Since then the City Attorney's Office has met with Councilor Wurzburger and Commissioner Vigil. The discussion centered around the need to allow development in the proposed Rural Residential District to reflect that which would be allowed under the former extraterritorial ordinance as closely as possible and to comply with the Settlement Agreement

Ms. Price read for the record what the bill amendment would allow:

- The same use as the R-1 District except accessory dwelling units (guest houses)
- Animal production, crop production, commercial stables, green-houses and plant nurseries and veterinary establishments as special exceptions
- One dwelling unit per 2.5 acres if neither public sewer or water is available (minimum lot size of 2.5 acres)
- One dwelling unit per acre if public sewer or water service is available (minimum lot size 1.0 acre)
- Two dwelling units per acre if public sewer and water are available (minimum lot size 4,000/2,000 sq. ft. depending upon common open space) *clustering concept*
- Minimum front yard of 25 feet for 2.5 and 1 acre lots; otherwise 7 feet
- Maximum lot coverage of 40% for 2.5 and 1 acre lots; otherwise 40/50% depending upon private open space.
- All other code requirements are as set forth for R-1 districts

After that memo was written they held a meeting with the public, property owners that were at that meeting and are here this evening. They explained to them what had been discussed with the commissioner and councilor. Out of that meeting resulted one concept, if you should so choose to remove the requirement for the rural and residential district that we have in all other districts where we subtract the flood wave before we calculate the density. One correction, included in the handout, dealing with clarification, accessory dwelling.

Another matter, on Exhibit B, page 12-A, note was added additional regulations, 4 dwelling units per lot.

I believe that covers all the changes from the time of the last meeting. Happy to answer questions.

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Public Comments:

Emily Ford, 1301 Siler Road, Santa Fe, NM

Stated that they have a general interest in this issue because of the impact on affordable housing and it being a green building. Thank you to staff for being communicative. Home wise doesn't necessarily object to the Settlement Agreement and is pleased to see the City and County working together on a strategy. They still remain concerned on the maximum density per acre which is not conducive when you are trying to do green building. We thought about how you could increase the density a little bit and still respect the intent of the Settlement Agreement which is to honor the development patterns that are existing there already and maintain the rural nature. We would like to suggest that the rural character which is more than density, it is open space and such. We would offer the suggestions to allow projects in the RR district to increase gross density to 3 units per acre, if they also committed to 40% common open space, common space that could be used by the public/City or dedicated to an HOA.

Handout: (Exhibit A) -

Yellow highlighting piggy backs from what Jeanne outlined, blue is what Emily has just presented.

Michael Hurlocker, 1703 Purple Astor, Santa Fe, NM

(Exhibit B – Letter to Mayor Coss dated May 5, 2009 and e-mailed to all Commissioners) This letter lays out the rationale or reasons for arguing for greater density than basically R2 in Area 1. He stated that this is more than policy involved. Every other newly zoned parcel has had their proposed zoning determined by some plan, normally the southwest sector plan but also the General Plan, except for all of the parcels in Area 1. The guiding document for the land in Area 1 is the Settlement Agreement. The problem with the Settlement Agreement which is the guiding document is it is private, we had no input into it and I am not a party to that agreement. It places a private zoning restriction on land without notice and without public input from the land owners in the area. I suggest to you that it is unconstitutional and will not stand a legal test. To demonstrate how flexible the zoning density is for area I, remember that the evolution of this rural residential ordinance started as one dwelling unit per acre. As soon as the argument was brought up that it constitutes basically a down zone from what is allowed under our current EZ zoning also becoming 2 dwelling units per acre. Obviously urban density is not 2 dwelling units per acre. I would suggest to you if it can be 2, it can be 3, 4, or 5. Using status quo zoning density or what is equivalent to what we have in the EZ is using the wrong document. We have a General Plan, there were over 20 meetings with public input, it is probably the best plan the City has

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ever produced, why are we not following it. We are following paragraph 2C, which contains 2 sentences in a privately constructed agreement that is being railroad, this is the whole reason that this ordinance is before you. This demonstrates the point that it is a matter of expediency rather than design. This comes from the term urban density in paragraph 2C of the Settlement Agreement; this is legislation based on an undefined term, this just doesn't work. What is the guiding document for area I, it is not the southwest area plan, we are outside of its boundaries. In fact it is not even the General Plan, because in the General Plan, Area I is merely cross patched as the greater Agua Fria area with no suggested density. You should go back and do a General Plan amendment and rezone this area or you should use the General Plan policy for future growth areas 3 to 5 units per acre. In fact even more than that the General Plan has an incredible quote, "development and density lower than 5 units per acre is not permitted in newly annexed areas and future growth area's", Section (3.5), Use Classifications Residential.

The future land use and zoning maps state R1 to R3 is very low density. R3 to R7 is labeled low density. Most people and certainly most planners don't believe that R3 and R4 are urban densities. They are transitioned densities mostly called suburban. The General Plan requires zoning to be consistent with the General Plan, 2 dwelling units per acre is not consistent with the General Plan. Something to consider is also it is not economically viable to develop and R2 density subdivision with City water and sewer. These large tracts in area 1 will go to 2.5 acre density. We have 520 acres of vacant land, 42% of all the area in Area I. If that goes to 2 acre lots that will be 208 2 1/2 acre tracts, 208 wells and 208 more septic tanks and no more dwelling units. The difference in R2 and R3 density on 520 acres is 520 dwelling units, 30% of that amount is 156 affordable dwelling units. The difference between R2 and R4 density units is 312 affordable units, and the difference between R4 and R5 is 468.

I would suggest that the zoning for area I should come from the General Plan not the Settlement Agreement. Paragraph 2C stands out in the Settlement Agreement it was thrown in for the accommodation of very few.

2C quoted: "Area 1 and Area 12 shall be annexed but the rural residential zoning prevalent to the area shall be respected by the City following annexation. Urban density shall not be established within Area 1 or Area 12 during the term of this agreement. Appropriate zoning shall be developed by the City for these areas prior to annexation."

The term of this Agreement is 20 years. I differ with the previous speaker that amending the settlement agreement is changing a simple sentence and getting agreement to do so. Applicants from all other areas of the City seeking an up zone have a right to do so in the General Plan Amendment, applicants from Area 1 will not have that right for 20 years and that is not right. Vacant land owners in Area 1 should not be bound by a privately imposed

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zoning condition that does not allow us to request an up zone for 20 years and we should be zoned according to the General Plan recommendations. Jim Siebert will speak to the specific ways this can be achieved.

Thank you to Mr. Hurlocker.

Jim Siebert, 915 Mercer St., SFNM

(Exhibit C) Appreciate the effort that staff has made to make the various changes to the ordinance. The problem is that the changes don't really get to the heart of the matter. The heart of the matter is protecting the existing rural residential development that does exist in Area I, while at the same time allowing the transition of land in to the City urban area. We have handed out these specifics that address and deal with the transition from rural residential to an urban area. It is important to point out in this proposal what we have attempted to so is respect the intent of the original ordinance. That was protecting the existing rural development and balancing the need and recognize that annexation brings this land into an urban area which establishes a different set of standards and policies.

There are two solutions as pointed out earlier, 1) amend the settlement agreement, realizing that this body cannot get involved to a great degree but you can make a recommendation to the City council regarding that matter. As I recall the question of the City attorney was how difficult would that be, he said there is at least one other area that needs to be modified, we could include it in that. I don't see that there are any serious obstacles to amend the settlement agreement.

The first solution we prefer, takes away the ambiguity associated with the ordinance and perhaps prevents litigation in the future. Wording as follows (Exhibit C)

Area 1 and Area 12 shall be annexed but the rural residential nature for existing development shall be respected. Appropriate zoning shall be developed by the City for these areas prior to annexation.

Strike out: ~~zoning prevalent in the area shall be respected by the City following annexation and urban densities shall not be established within Area 1 and Area 12 during the term of this Agreement.~~

Second page: H. Rural Residential District (RR) – Purpose and Intent

The Rural Residential District is intended to respect the existing rural residential character of the area and ~~prevent urban densities~~ allow for transition from rural to urban densities.

Final change is on the table itself: Propose the density of 3 vs. 2. Accessory is added, we feel the two amendments are really amendments directed to the County. This land would

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no longer be in the County, we feel it would be appropriate to include accessory uses in RR and also there is no need to exclude the front liner end since you are in the urban area. It should be consistent with the current code.

Other solution: H. Rural Residential District RR – Purpose and Intent

The Rural Residential District is intended to respect the existing rural residential character of the area and ~~prevent urban densities~~ **allow for transition from rural to urban densities. Urban densities are determines to be residential densities greater than (3) three dwellings per acre.**

As any subdivision would come in it would have to be reviewed by the Planning Commission, it would have to go to ENN and have discussion with the neighbors which is part of the process. What I am saying is that adopting the R3 ordinance does not mean you continue your normal oversight and review in this process.

Thank you Mr. Siebert.

Ann Lockhart, 82 Estrada Redonda, Santa Fe, NM

Thank you for the opportunity to speak to you tonight. The major reason I am here is a have a property interest in Area I, concerned about the rural residential zoning. I am someone committed to affordable housing we need to look at the goals of the City and their commitment to affordable housing when we see tracts of this size. I wanted to reflect on the policies the City has been putting in place the last several years. The City has provided vision and leadership and I think that vision needs to be brought to this discussion on rural residential zoning. The policy I refer to is the General Plan which created a vision for the City of clustered development with rural densities in growth areas of at least 3 units per acre, encouraged alternate forms of transportation and encouraged development. The establishment of the urban boundaries was a very important step in creating definition for our City thus reducing the cost of extending utilities, helping to control sprawl. The Affordable Housing Ordinance, with this ordinance the City made a bold and decisive move to ensure that Santa Fe would remain an inclusive City where those who grew up here could afford to stay.

In the Settlement Agreement with the County the City is attempting to accommodate the wishes of those who enjoy a rural lifestyle in the County and are being forced to come in to the City.

How can we use the open space and cluster development to preserve a rural lifestyle to justify the cost of providing utilities, how can we provide for densities, how does the City embrace these new areas and protects the interest of the current Santa Fe County

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residents but also pays respect to the vision the City has created for itself. I think there are creative solutions. I recommend to the Commission to recommend a policy to mediate between the rural landscape and rural policy.

Thank you Ms. Lockhart.

Tony Sawtell - Attorney, 708 Paseo de Peralta, on behalf of Emilio and Yolanda Gallegos and their families and spouses whose land in Area 1 runs from Alameda to 599

They feel that the setting of R2 maximum density as the dividing line between rural and urban density is arbitrary. It is completely out of sync with the General Plan which if anything ought to be the governing document. R3 is something that my clients could live with, we don't feel that R3 by any stretch an urban density if anything it is a relatively low suburb density which provides transition from completely rural to development closer in to the City limits. I won't repeat what other speakers have said, my clients will support a density with at least an R3 zoning, under either of the proposals presented by Mr. Siebert or Ms. Ford's proposal of R3 with an open space requirement, I believe they could live with that as well.

Ed Crocker, 901 West San Mateo, Santa Fe, NM

I have spoken to this body before, the property we are discussing, as was the case has been in our family for three generations and we feel we have a vested interest on how that land is developed and disposed. I have passed out goggle maps marked as I will explain. (Exhibit D)

Show what might happen if we do not get an R3 and limited to R2, and what we are limited to do to the land financially.

In the handout, the first diagram shows an overlay of the street, roads in white that are existing.

2nd sheet, the outline of the property we are proposing to consolidate.

3rd sheet, what the tract would look like should we follow the existing pattern of development roads on the boundary of that property, contributed to the bowling alley affect that already exists out there.

4th – shows the tracts that are existing and intended to get in addition to R2. It comes to about 520 acres, if we were to lose our ability to develop in a financial feasible way, at an R3 minimum, stands the chance to revert back to the grid you see on Calle Napal.

5th Calle Napal – map – demonstrates that trying to replicate, it doesn't make sense for a whole lot of reasons, remind that map with 2 ½ acre plats on it could result with 208 2 ½ acre plants with 208 septic tanks and 208 wells inside the city limits.

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Last page: Proposed master plan put together about 10 years ago looking at an R3 density with a 50% open space. I would ask in closing that you compare that image to the previous image and make your recommendation to the City Council accordingly.

Public hearing closed:

Jeanne Price: Regarding the concept of the 40% open space, there would be something I want to clarify, I believe submitted by Emily. It talks about the open space available to the subdivision residents, make it available to the public in general, you might also want to clarify that the 40% was including the required park open space the City already has or is it in addition to. You have seen many different options about how you could proceed with this; with or without the flood way, with or without 2 or 3, with or without a common open space. I am happy to listen and see where you are going and guide you if you have questions.

Commissioner Hughes: Just an observation listening to the potential units here reminds me of the discussions already in the Northwest Quadrant and it is not just road access, the discussion on water and sewer, and it struck me tonight how the Northwest Quadrant is not perceived as this, it might be the way to go but it would still have the concern of road access.

Chair had questions for either Jeanne or Tamara:

What is the impetus of including this area as one of the area to be annexed? Why is this area considered to be something that the City wants to be as part of a boundary.

Tamara: Mr. Chair I think it is quite forward, the City wanted to create clear boundaries and that was simply the approach that 599 and I-25 became the clear and existing boundaries. That is how we got there.

Chair O'Reilly: In your opinion that is the main reason?

Tamara: Well, that and combined with the fact that the urban area boundary was already defined and this area is part of that.

Chair O'Reilly: Wouldn't you also say that the City was also planning for the needs of affordable housing in the future for urban zoning?

Tamara: I would say that the City plans for affordable housing are more general than specific to properties or areas and are described and defined by the ordinance which responds to the development which is market driven. So depending on where projects occur the ordinance establishes a certain percentage as coming in as affordable.

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Chair O'Reilly: I understand how the ordinance works.

Tamara: That is what defines the policy.

Chair O'Reilly: I am trying to get my brain around why the City would, an urban area would have in its zoning code any kind of rural zoning classification. I know why staff is always forward, we know about the Settlement Agreement. In a way it seems illogical the General Plan does, as Mr. Hurlocker pointed out some of the areas of the General Plan, particularly the one that says no new area are going to be added, that no new areas will be annexed. That no future growth will be zoned less than R5. I am not sure why the City would want to include an area in its municipal boundary and then make it rural. If it doesn't want that, then maybe this area should simply be left in the County. This planning commission is the planning arm of the City of Santa Fe and we are given our duties by state statute to look at City planning. I can see how these things get into a Settlement Agreement if the intent is to come to an agreement quickly if there is fear of law suits. But as the main arm of planning in the City, it seems like the Planning Commission should have been involved in the negotiations when the Settlement Agreement was being worked on, because maybe this could have been avoided. It does seem to me like this is being pushed by the Settlement Agreement and it really doesn't make sense to me that we have any rural density inside the city limits. That was more of a partial statement partial question.

Commissioner Montes: Thank you Mr. Chair, I needed some clarity on some terminology used by Mr. Hurlocker and Mr. Siebert. They referred to something being unconstitutional, if one of them could amplify on that statement.

Mr. Siebert: What I was referring to was the clause that is in the Settlement Agreement that says that the rural residential signing will exist for the term of the agreement which is 20 years. There are really two issues there; one is they are imposing the standard in the zoning code that was never ever heard in a public hearing process. The other issue of constitutionality is can you impose a condition on somebody's land when there was no opportunity to overcome that.

Thank you.

Commissioner Gonzales asked Mr. Siebert: Did you meet with the traditional village?

Mr. Siebert: I personally had conversations with Gilbert Tercero, and met with Tamara and William A. who are members of the board association. My discussions with Gilbert Tercero, he felt like the evidence for the rural residential was not coming through for Agua Fria.

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Commissioner Lindell: Ms. Price, would you tell me what the current requirement for open space is? You made a comment about the 40%, if the 40% is inclusive of the existing requirement. What is the existing requirement?

Ms. Price: I would have to look that up.

Tamara: Typically on single family lots there is no requirement for open space, it is established as maximum lot coverage. So R1 thru R6 it is typically 40% and that defines the open space by default. In a multi family or subdivision I think it is 250 square feet.

Ms. Price: I would like to go on, I was worried about the 40% if it was included for the park.

Commissioner Lindell: Mr. Crocker went a long way with Google maps and magic markers, I think the bowling alley, it is the second to the last page that is particularly troubling to look at. The grid work of 2 ½ acre lots, I'm not trained as a Planner but I don't think you need to be trained as a planner to look at that and reject it. Add on to that the idea of 208 wells and 208 septic tanks with no affordable housing, none, zero.

Jeanne Price : I think that is one of the things I would like to correct. If they do 2 ½ acre lots, and that is what they are doing, they still have to provide 30% affordable. We are not going to erase that rule no matter whatever patter or zoning they do.

Commissioner Lindell: Let me take that back to something Ms Ford said about the affordability. I do work in affordable housing; I think that R2 is very, very hard to accommodate affordable housing and almost impossible to build green and sustainable accommodate in R2. I think what you end up with in situations like that are very sizable houses, expensive houses sitting next to houses that are affordable houses. It becomes very obvious which are the affordable houses. That is not meeting the goals we have set for the City for affordable housing. To have a 500,000 dollar home sitting next to a \$175,000 home, that is not the direction we have set for ourselves. To go from R2 to R3 without any conditions at all, just looking at the numbers gives 156 affordable units. It is hard for me to see what really the cost is to the City to go in that direction to gain 156 affordable units. That is a lot of homes. As someone that works in affordable housing inventory is very hard, particularly because no one has been building and there is little inventory. There is a great resistance to amending the Settlement Agreement, I won't even address that. I think the resistance to that is great. It seems that the last page of the handout that Mr. Crocker gave us, looks very good to me. I don't know how long ago you did this, you said a number of years ago. Even if you did 10 years ago, it looks like a good try with open space and very reasonable. It certainly looks much more reasonable than the page before it. The solution that Ms. Ford came forward with in her handout, and not having seen that before; it seems like a good middle of the road solution. It isn't going in the direction of amending the

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Settlement Agreement which I know there is great resistance to that. It looks like a good middle of the road solution that would be workable. 40% open space seems pretty reasonable and it would accommodate so much more affordable housing and maintain the character of the area. It does seem like a good solution, I wish I had thought of it and I didn't. At this point Mr. Chair, I yield to the floor.

Commissioner Salazar directed a question to Tamara: Last time we had this ordinance we had a map that showed the zoning in this part of the City next to this area. Do you recall what that building was? Was it an R3, do you remember what it was?

Tamara: I don't know.

Mr. Hoffacker: The zoning in the Rio Vista subdivision on West Alameda is R5. Las Lomas R3PD, and then you go into the 2 ½ acre of all tracts.

Commissioner Salazar: Tamara, this type of design that we see here from Mr. Crocker, is the type of design that we would see the city code making a requirement of the applicant or is this the applicant exceeding what is required.

Tamara: The City encourages and as a matter of good planning principal they encourage cluster development which gives you greater use of the infrastructure, minimizes the amount of new roads or pipes so it is efficient in that way. It creates larger areas of open space, from an environmental point of view, a visual

Commissioner Salazar: is there anything that is required, we have never seen anything like this in the past, clustering.

Tamara: Unfortunately some of our codes actually prevent this kind of development, both because of setbacks and individual sizes. Where you are more likely to see clustering with larger areas of open space are in multifamily development vs. sub-division and sub-division of course is the more standard approach.

Jeanne Price: If I could interject, I think that because you are looking at such a large tract, we just haven't seen those larger tracts for 20 years. I think that is part of the problem, this is an opportunity where we can do something about this size of a tract.

Commissioner Salazar: This is something I would like to see in the City of Santa Fe, open space. It looks great on paper but what can hold the developer to that.

Chair O'Reilly: I don't think this planning commission in recent times has seen a large development with terrain like this and the City has some pretty strict terrain management

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requirements. It actually ends up forcing this type of developments to have that kind of open space because you can't build on that kind of terrain. So, if this was going to come forward I believe a developer would have to propose something like this because of the restrictions on terrain and other things.

Commissioner Armijo: I just want to point out I am not in agreement with the Settlement Agreement as we note one of the cases we just postponed. Not having had the input of the residents and staff not being there was crucial. So to have a Settlement Agreement without the primary protocol, doesn't make sense to me. As much time as the City spent on this, I am not sure why they would not have had the input of the residents and those that have ownership of property in those areas. I am also very opposed to having anything restricted for over 20 years, which just doesn't seem right by any means. I agree with the Chair, we are here to follow the General Plan and its pretty well defined. Thank You.

Commissioner Hughes: It sounds like we have a lot of disagreement I am wondering if we could have the Chair or subcommittee that is working on overseeing the drafts of the Chapter 14 rewrite, talking about definitions. If we could temporarily table it here and take it to that sub-committee for some ripening and bring it back.

Chair O'Reilly: Are you suggesting that the sub-committee come up with a definition for urban density? The city code has provisions in it for clustering already. We are not ready tonight to make a decision on this tonight. I can see that would be a good thing to do, I am concerned that our sub-committee has enough on its plate with Chapter 14. We could create another sub-committee which you could Chair to look at this, I suppose.

Jeanne Price: I would like to add that the Extra Territorial Land Use Authority, on the day you will be out seeing the previous case. It is going to be looking at the zoning map for the annexing areas that includes the rural residential.

Commissioner Hughes: What is the purpose of the Settlement Agreement hiatus for 20 years; I thought that was to affect land outside the new boundaries, is that not correct.

Jeanne Price: Yes, the Settlement Agreement is an agreement for 20 years, unless the parties come back together.

Commissioner Hughes: Why is this affecting the proposal inside the boundaries?

Tamara: There is a specific clause in the rural residential paragraph that states this area shall not be rezoned for twenty years. There are two aspects of the 20 years, the first is the one you are referring to that we aren't going to annex anything else, but there is a specific clause about that.

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Mr. Hurlocker: It simply states that urban density shall not be introduced into that area for the term of the agreement.

Commissioner Lindell: When does this go to Council?

Jeanne Price: Wednesday of next week.

Chair O'Reilly: What would be the affect if this commission was to recommend R3, R4 zoning. In other words what is the difference in rural residential zoning with intention to build over 3 units per acre vs. a straight up R3 zoning.

Jeanne Price: I think it has to do with the utility issue, in R3 you have to have public sewer and water. As time goes on we will have to deal with sewer and water rules, septic tanks have to come in with.

Tamara: Rural residential zoning district is broader than just addressing density, it establishes certain characteristics and regulations specific to them, rural residential district, some of those are different like in other categories, like the guest house for example. The way it is written you are not allowed to have a guest house in rural residential.

Commissioner O'Reilly: The settlement doesn't say anything about horses or veterinary establishments, it just talked about urban density in this area. Those are all things that were added by staff trying to craft this ordinance. I am saying are we as the City, an urban City have anything in our code that has rural zoning. We have lots of different options, do we have an in-flood zone or out flood zone, is it going to be part of the City or not. If it is part of the City, we stay with the General Plan. Our General Plan has the requirements for density. You have heard what some of those are and some say there is nothing less than R5. We are the City Planning Commission – not the EZ or the County we are the City. So what I am asking is if the City wants to establish zoning in the area that will be in the City can't we simply use an existing city zoning category. What would happen, Tamara if this was to be zoned R3 and someone at the end with these long dirt roads wanted to have 5 acres but were nowhere near to having city water or sewer, what land use development would tell them.

Tamara: I don't think that is the issue.

Chair O'Reilly: I am talking above the Settlement Agreement, I am addressing the General Plan, what they would be told, and would they be allowed to develop without adequate road.

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Tamara: We would require road access, code standards up to their property and utilities; we would fall back on what the state engineer would allow.

Chair O'Reilly: If these facilities are not there they would not be allowed to maximize out to these areas, is this correct. To me that says we are not endangered of coming up with substandard lots. I know that staff was tasked to do this; this planning commission is not under these orders.

No additional comments from the commissioners

Commissioner Lindell made the motion to make a recommendation to the governing body for a do not pass of an ordinance establishing a rural residential zoning district, second by Commissioner Gonzales, motion carried by unanimous voice vote.

3. Business from the floor

None

4. Staff Communications

None

5. Matters from the Commission

Commissioner Hughes: Long Range Planning at the Cinema Café – drawings of what St. Michael's drive could look like.

Commissioner Armijo: Asked for staff to explain to the committee about the Summary committee.

Tamara: Summary committee and access standards, when someone is being asked to split a lot, what is being asked, first standard from the fire department, 20' drivable surface. The catch is that they don't apply those codes until the time of construction. Memo from the fire department conditionally approved, second, Chapter 14 28', grade requirement is 15% not 10%, can you approve the lot. You need to meet both sets of standards, it results in an illogical situation, sub-standard City streets such as Canyon Road, 17' wide. It is not going to be widened to a lot split. The plan has asked the summary committee for direction to take back to try to get an answer to this.

Staff has postponed the two cases.

Commissioner Armijo: My recommendation is that the way the City of Santa Fe is cut, I spoke to Barbara Salas at the Fire Department, a consideration is that they get smaller trucks.

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Chair O'Reilly spoke to the City attorney that in the master planning of Tierra Contenta , narrower streets, resistance then from staff and fire department, the recommendation was made then to buy smaller trucks and 4 wheel drive trucks, Santa Fe County has to serve smaller areas, great idea, it has been talked about before.

Commissioner Armijo: Commissioner Lopez resigned from the Planning Commission, would you like to ask someone to be on your subcommittee – doesn't take a whole lot of time – Commissioner Salazar to return to the summary committee.

Chair O'Reilly: Chapter 14, first meeting got through 4 sections, did some hard work.

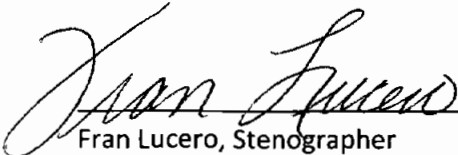
Tamara: Asked how everyone wants to get to the site visit? Meet there. 5:30 pm – 28th of May.

6. Adjournment

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:00 p.m.

Signature:

Matthew O'Reilly, Chair



Fran Lucero, Stenographer