



# Agenda

CITY CLERK'S OFFICE

DATE 9-9-09 TIME 2:05

SERVED BY Cecilia Quintero

RECEIVED BY [Signature]

**AMENDED**

**PLANNING COMMISSION**

**September 17, 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: July 2, 2009, July 16, 2009, July 23, 2009 Field Trip (POSTPONED FROM AUGUST 20, 2009), August 20, 2009**

**FINDINGS/CONCLUSIONS**

**Case #S 2009-02. Mirasol Preliminary Subdivision Plat. (TO BE POSTPONED TO OCTOBER 15, 2009)**

**Case #M 2009-13. First Mesa Preliminary Subdivision Plat Time Extension. (TO BE POSTPONED TO OCTOBER 15, 2009)**

**E. OLD BUSINESS**

**F. NEW BUSINESS**

1. **Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager) **(POSTPONED FROM APRIL 16, 2009 AND JUNE 4, 2009) (TO BE POSTPONED TO OCTOBER 15, 2009)**
2. **Case #M 2009-03. Governor Miles Business Park Development Plan.** Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager) **(POSTPONED FROM APRIL 16, 2009 AND JUNE 4, 2009) (TO BE POSTPONED TO OCTOBER 15, 2009)**

**G. STUDY ITEM**

1. **Informed Decisions.** A Guide to Gathering Facts and Evidence. An American Planning Association (APA) audio conference in association with the Lincoln Institute of Land Policy, originally aired on February 18, 2009. Topics include: site visits; staff recommendations; defensible decision making; and role of the General Plan.

**H. BUSINESS FROM THE FLOOR**

**I. STAFF COMMUNICATIONS**

**J. MATTERS FROM THE COMMISSION**

**K. 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  
City of Santa Fe Planning Commission  
September 17, 2009**

| <u>INDEX</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>ACTION TAKEN</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>PAGE(S)</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Cover Sheet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| Call to Order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Chair O'Reilly called the meeting to order at 6:05 pm                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1              |
| Roll Call                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Roll call declared a quorum, two excused absence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1              |
| <p>Approval of minutes and Finding/Conclusions</p> <p style="padding-left: 20px;">A. Approval of Minutes and Findings/Conclusions</p> <p>Minutes: July 2, 2009</p> <p><u>Corrections from Staff:</u></p> <p>Pg 8 under Staff Presentation: Donna Wynant, 4<sup>th</sup> sentence should read: The traffic study did not warrant an acceleration lane at the proposed entrance on Old Santa Fe Trail. [Added the word an before acceleration and lane after the word acceleration]</p> <p>Pg. 10 – Colleen Gavin statement should read: The property is 22.8 acres and located off of Old Santa Fe Trail and is in the escarpment overlay district and mountainous and difficult terrain, zoning is R1. [Changed: mountain typical terrain to mountainous and difficult terrain]</p> <p>Pg. 11 – Last paragraph. 3<sup>rd</sup> line down – lead certification for end users change to: LEED certification.</p> <p>Commissioner Bordegaray:<br/>Pg. 15 - 2nd testimony from Debra: Correct to Deborah Post<br/>Pg. 16 - 3<sup>rd</sup> testimony from Andy: Correct to Andy Ault</p> <p>Commissioner Bordegaray asked the City Attorney if first and last name should be noted when providing testimony. Mr. Katz confirmed that we should have the first and last name.</p> <p>Pg 19 – 2<sup>nd</sup> paragraph, beginning of sentence says: Dan responded, insert the citizens last name: Baker.</p> <p>Clean up paragraph: Dan Baker</p> | <p><i>The Chair approved the Minutes for July 2, 2009 as amended.</i></p> <p><i>The Chair approved the minutes of July 16, 2009 as amended.</i></p> <p><i>The Chair approved the Minutes for July 23, 2009 as presented.</i></p> <p><i>Without objection the minutes of 8/20/2009 are approved as amended.</i></p> <p><u>Case #S 2009-02. Mirasol Preliminary Subdivision Plat.</u> (To be postponed to October 15, 2009)</p> <p><u>Case #M 2009-13. First Mesa Preliminary Subdivision Plat Time Extension.</u> (To be postponed to October 15, 2009)</p> <p>The commission approved the postponement.</p> | 1-3            |

**Index Summary of Minutes  
City of Santa Fe Planning Commission  
September 17, 2009**

responded that it was not directly related to bicyclist, although that is an issue. He lives in Sun Mountain Estates, and, he doesn't see a need for a split driveway.

Minutes July 16, 2009  
No changes from staff

Commissioner Salazar asked that the person be identified who is making statement. On Pg. 12 – 7<sup>th</sup> paragraph Commissioner Salazar asked if the basketball courts at the Boys' Club are open at night.

The Manager of the Boys and Girls Club responded that the gates are closed at 10:00 pm and they are available if requested to be opened.

Commissioner Bordegaray: Pg. 17 – at the bottom of the page. As a planner she didn't necessarily feel that she could dictate the move of the community center and she offered this identity change as an observation. [Combined both sentences connected by and]

July 23, 2009 Field Trip (Postponed)  
No changes.

Minutes August 20, 2009

2-emails from the public were presented to the Commission related to corrections in the minutes:

- Correspondence dated September 14, 2009 from Deborah Flynn Post regarding August 20, 2009 minutes. Ms. Post asked that the number of petitions be noted in the minutes. Her e-mail reflects:
  - Save Sun Mountain Petition Signatures presented on July 2, 2009 Planning Commission Meeting:  
Hand Signed Total:  
566+1384=1950
  - Presented at August 20, 2009 Planning Commission Meeting:

**Index Summary of Minutes  
City of Santa Fe Planning Commission  
September 17, 2009**

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---|
| <p>Hand Signed Total:<br/>1003+96=1099</p> <ul style="list-style-type: none"> <li>o Total of all signatures:<br/>Hand signed total:<br/>1569+1480=3049</li> </ul> <p>Pg. 5 – Correct spelling of name from Debra to Deborah Flynn Post.</p> <p>Pg. 12 in the highlighted paragraph stating the motion for approval, the third from last sentence states “The corrections and restrictions are to be made a part of the plat.” Ms. Post asked that the wording, “as conditions of approval” be added to the end of this sentence for clarification that they are, in fact conditions of approval agreed by the applicant and the city.</p> <p>Pg. 15 – Election of Chair comment: I would also be happy “to” serve under John. [Add the word “to”]</p> <p><u>Findings and Conclusions</u></p> <p><u>Case #S 2009-02.</u> Mirasol Preliminary Subdivision Plat. (To be postponed to October 15, 2009)</p> <p><u>Case #M 2009-13.</u> First Mesa Preliminary Subdivision Plat Time Extension. (To be postponed to October 15, 2009)</p> <p>The commission approved to the postponement.</p> <p>Staff made the statement that you can postpone for 3 times and that it is policy not law.</p> |                                                                                                 |   |
| Approval of the Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <i>Without objection, the Agenda is approved as presented</i>                                   | 1 |
| Old Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | None                                                                                            | 2 |
| <b>New Business</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>1. Case #S 2009-01.<br/>Governor Miles Business Park Preliminary Subdivision Plat. Linda</b> | 3 |

**Index Summary of Minutes  
City of Santa Fe Planning Commission  
September 17, 2009**

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|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                                           | <p>Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres, The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager). <b>(POSTPONED FROM APRIL 16, 2009 AND JUNE 4, 2009) (TO BE POSTPONED TO OCTOBER 15, 2009)</b></p> <p><b><u>2. Case #M 2009-03. Governor Miles Business Park Development Plan.</u></b></p> <p>Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager) <b>(POSTPONED FROM APRIL 16, 2009 AND JUNE 4, 2009) (TO BE POSTPONED TO OCTOBER 15, 2009)</b></p> <p><b>Commission approved to postpone until October 15, 2009.</b></p> |     |
| <b><u>Business from the Floor</u></b>                                                                                                     | <b><i>Carol Dumont</i></b><br><b><i>Noted changes to minutes regarding petition signatures</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7   |
| <b><u>Staff Communications</u></b>                                                                                                        | <b><i>Informational, no action needed.</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 7   |
| <b><u>Matters from the Commission</u></b><br><b><u>Committee appointments reflected in the minutes that did not require a motion.</u></b> | The Chair announced that tonight would be his last night as Chairman of the commission. The Vice Chair will become the Chair and the commission will need a new vice chair.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 8-9 |

**Index Summary of Minutes  
City of Santa Fe Planning Commission  
September 17, 2009**

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|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|                                    | <p><i>Commissioner Salazar made a motion to nominate Commissioner Lindell as the Vice Chair for the Santa Fe Planning Commission, second by Commissioner Hughes, motion carried by unanimous voice vote.</i></p> <p><i>Commissioner Armijo made the motion for Commissioner Dolores Vigil to be placed on ELUC, second by Commissioner Hughes, motion carried by unanimous voice vote. Commissioner Lindell made the motion for</i></p> <p><i>Commissioner Armijo to return to the Summary Committee as Chair, second by Commissioner Hughes, motion carried by unanimous voice vote.</i></p> |    |
| <b><u>Update on Chapter 14</u></b> | <i>Chair O'Reilly to remain as the chair on the Chapter 14 Sub-Committee.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10 |
| <b><u>Adjournment</u></b>          | <i>There being no further business to come before the City of Santa Planning Commission, the meeting was adjourned 8:15 p.m.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 10 |
| <b><u>Signature Page</u></b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 11 |

**Planning Commission  
September 17, 2009  
City Council Chambers**

**A. Roll Call**

**In attendance:**

Matthew O'Reilly, Chair  
John Salazar, Vice Chair  
Ken Hughes  
Signe Lindell  
Dolores Vigil  
Angela Schackel-Bordegaray

**Absent:**

Estevan Gonzales  
Reuben Montez

**Staff Present:**

Frank Katz, Legal Counsel  
Tamara Baer  
Donna Wynant

**Others Present**

Fran Lucero, Stenographer

*A quorum was declared by roll call.*

**B. Pledge of Allegiance**

Led by Commissioner Angela Schackel-Bordegaray

**C. Approval of Agenda**

No changes from staff or the commission. The Chair approved the agenda as presented.

**D. Approval of Minutes and Findings/Conclusions**

**Minutes: July 2, 2009**

Corrections from Staff:

Pg 8 under Staff Presentation: Donna Wynant, 4<sup>th</sup> sentence should read:  
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Pg. 15 - 2nd testimony from Debra: **Correct to Deborah Post**

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Clean up paragraph: Dan Baker responded that it was not directly related to bicyclist, although that is an issue. **He lives in Sun Mountain Estates, and, he doesn't see a need for a split driveway.**

***The Chair approved the Minutes for July 2, 2009 as amended.***

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*Without objection the minutes of 8/20/2009 were approved as amended.*

**Findings and Conclusions**

**Case #S 2009-02. Mirasol Preliminary Subdivision Plat. (To be postponed to October 15, 2009)**

**Case #M 2009-13. First Mesa Preliminary Subdivision Plat Time Extension. (To be postponed to October 15, 2009)**

**The commission approved to the postponement.**

Staff made the statement that you can postpone for 3 times and that it is policy not law.

**E. Old Business – None**

## **F. New Business**

**1. Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres, The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager). **(POSTPONED FROM APRIL 16, 2009 AND JUNE 4, 2009) (TO BE POSTPONED TO OCTOBER 15, 2009)**

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**Commission approved to postpone until October 15, 2009.**

## **G. Study Item: Informed Decisions**

**1. Informed Decisions.** A Guide to Gathering Facts and Evidence. An American Planning Association (APA) audio conference in association with the Lincoln Institute of Land Policy originally aired on February 18, 2009. Topics include: site visits; staff recommendations; defensible decision making; and role of the General Plan. *(Exhibit A: Transcript presented to the commissioners)*

**{Note that a verbatim copy of the presentation was given to each of the Commissioners to follow the power point presentation}. Exhibit A**

### **Comments from presentation:**

The Chair stated that the presentation was interesting.

Commissioner Hughes asked the City Attorney if there was a tie motion to approve, would it fail. Mr. Katz responded, yes, it fails. He said that at that point you could postpone until more information was received. It is better to get it resolved and get a motion that passes.

Commission Bordegaray asked that when talking about the site visits, is it the city practice or policy not to visit the sites on their own. She has been told that it could affect the decision at the hearing. She stated that as a Planner she needs to see the site to correlate with the proposal. She asked if they were not to see any sites unless they go as a group.

Mr. Katz answered that he didn't know how you could make decisions without seeing a site. The problem with one commissioner going without the other is that of getting more information than the others. He said that even if they go together they might

see something that others didn't see. It was also stated that if a discussion took place on the idea or questions would be asked of staff, it would be putting staff in a questionable situation. At that point it might direct staff to include the conversation as part of the record.

Commissioner Armijo asked if they are suppose to go to the site or not; he has also been directed not to go to the sites alone? Mr. Katz said yes, that is correct, not to visit the sites by themselves.

It was asked if Dillon Rule State is different from Home Rule State as it talks about sites conducted in VA. Response is that they have to publicly advertise sites visits.

Tamara Baer informed the commission that staff does publicize the site visits and that any time a quorum exists it is required to be publicly advertised.

Commissioner Bordegaray said that 15 states are quasi decision rules and asked if we were.

Mr. Katz, City Attorney, answered, yes we are.

Commissioner Bordegaray said that she likes the check lists and that this is a good idea. She asked who would create the check lists, the Chair or Staff.

Ms. Baer responded that she believes the chair was suggesting that staff create the checklist.

Commissioner Bordegaray suggested that the information be more streamlined. The code is complex even for a Planner with a Masters Degree; and at times cannot even read this code. She also suggested the table format vs. text, staff reports are really hard to read. She asked ask that staff create a more simplified format. It would help her on the commission.

Commissioner Bordegaray asked who does the DRT reviews. She said that there should be a checklist or have a table format in their packets to know who did the review.

The Chair responded that he did not think it made a lot of sense and he agreed. He invited Commissioner Bordegaray to come to his office and work on this matter.

Commissioner Bordegaray said that she would like to do that. She has a strong opinion regarding this matter.

Commissioner Bordegaray said that it is important to be consistent with the plan and she wants to honor the comp plan. She said it would be helpful to have the analysis when it comes up and that staff should be versed in this vis-à-vis the comp plan and spell it out in the staff report.

Commissioner Bordegaray expressed her thanks for being given this opportunity to comment.

Commissioner Armijo asked why the city allows the historical board to do site visits and what gives them the leverage to see what is going on.

Mr. Katz responded that there is nothing wrong in doing site visits, they do it together. They have a site visit at noon, and a meeting at night. If the commission chose to do so, they could do the same.

Commissioner Armijo asked the city attorney how he viewed the site visits if no evidence could come from the visit.

Mr. Katz gave the example that on a site visit you might put things in context, which would put you in a position to ask questions. Example used; "this driveway is very dangerous, you could ask staff to look into this, what evidence would you have to be brought out on the record. You are able to ask the questions, you would have the evidence to elicit the questions".

Commissioner Armijo asked for an opinion regarding approval or denial when it is in the best interest of the citizen's health and safety.

Mr. Katz said that the Supreme Court denied the Wal-Mart case. The Planning Commission was to look at it as a land use issue, the city attorney advised the council to look at it as a land use matter, but a number of the councilors said differently. He said it went up on appeal and he did not want to argue that the council was limited; he allowed the council greater decision. He said that he thinks this body is committed to the land use criteria, the code in the general plan and doesn't have the flexibility as the governing body.

Mr. Katz said that the citizens have good input. Their view and participation is part of the land use process.

The Chair asked if it says follow up/denied, what does that mean. Does it mean that the council could have taken more into account?

Mr. Katz said that it means that the council took everything into account. He said that the fact that the attorney said you shouldn't take it into account was fairly technical, it didn't resolve the matter. The District Court and the affirmation by the Court of Appeals took all these things into consideration.

The Chair asked who testified; were people getting up and testifying claiming to be architects or engineers? He asked what happens when the chair knows they are not Engineers; can the chair cut them off as invalid testimony?

Mr. Katz said the way it works in the court situation is if you are bringing someone as an expert witness you have them testify about their experience and their licensure, if that was the situation what you might want to do is ask what their credentials and expertise is.

The Chair said that in the 90's they seemed to hold more study sessions, possibly due to more contentious sessions or Quasi judicial projects. Is there a problem holding a study session?

Mr. Katz said that study sessions are not appropriate for quasi judicial projects. He said that he wasn't sure what they would do in a study session that they wouldn't do in a public hearing. He said that if they wanted to explore one part of the case they could schedule it as part of the hearing. It is probably safer to do this.

Commissioner Bordegaray said that the proper records for the Finding of Fact and Conclusions of Law have become their practice. Are they more for court purposes or for the meeting notes; and what is the relationship to the actual meeting minutes?

Mr. Katz said that the Finding of Fact and Conclusions of Law if appealed, the court looks at the minutes, the commissioners statements and conclusions of law are more definite. The other useful note for the Findings of Facts process is that you all behave yourselves, say when you have a variance that should be based on statutory grounds, say when you have a question on the rules, the rigor of abiding by the findings of facts, and helps follow the rules.

Commissioner Bordegaray said that this is very difficult to read and she appreciated Mr. Katz explanation. She reiterated this is why the meeting notes are very important and that the public have access to records. She agrees that Finding of Facts are really important in court cases.

Mr. Katz said that if someone appeals the decision and one of the Findings of Facts were not supported by the minutes; it would be based on what happened here. He said that because the commission does not have verbatim minutes, it better be supported by the notes of the meeting.

The Chair said that he was glad to hear this in terms of the minutes and expressed his thank you to Fran for cleaning up the minutes. He said he spends a good amount of time in the findings of facts on what the commission found and that Kelley is great at that. He said that if it was felt that it wasn't what the commission found they could amend them before they accept them.

Commissioner Armijo said that Ms. Kelley Brennan has also asked that when they make their decision to approve or deny, that they need to consider when this is a part of the record in Finding of Facts and Conclusions of Law.

Commissioner Lindell said that neither the handout nor the discussion addressed this. The elements of a good motion, it is an excellent reference sheet.

**Business from the Floor:**

**Carol Dumont - 840 Don Cubero Avenue, Santa Fe, New Mexico**

She asked if the Findings of Facts and Conclusions of Law are public information and where would they find them.

The Chair said yes, they are public information and they can be gotten from the City Clerks office or from the case planners who could send them as a PDF.

Ms. Dumont said that she wanted to clarify the numbers on the petition signers. She said they find that the minutes are there but the attachments are not. The general public does not see the documents attached and therefore the description is very important. Another example was when Barbara Chaterjee gave her testimony, it does not appear in the minutes, and it only reflects an attachment of her statement.

Ms. Dumont said that there is a discomfort from the public on how to get information from the city and would like to see things become easier to access information.

**Staff Communications:**

Frank Katz expressed his thank you to Mr. O'Reilly for serving on the Planning Commission and wished him well in his new position. He said the city would be devastated if it wasn't for the position that Mr. O'Reilly was taking.

Tamara Baer:

Vista Bonitas Phase II, first application was RM1 zoning, approved by Planning Commission and denied by Council, RM7. The city council denied both application requests at the September 9, 2009 meeting. Mayor asked when the application could return. The code says that it would have to wait 12 months from the decision of the council. Ms. Baer asked the attorney if there is any options on the waiting time.

Mr. Katz said it would be a definition of what is substantially different. Ms. Baer asked what if it is the same. Mr. Katz said, no, there was no chance for a change of decision. Therefore, it will be put off for a year.

NW Quadrant will be heard by the city council on September 30<sup>th</sup>. The general plan amendment and rezoning, with recommendations by this body, will be heard for final decisions. The other two cases for variance requests, where this body had the final decision, will be heard as appeals. The meeting will be at the convention center.

October 1st meeting is cancelled, next meeting will be 10/15/09/

**Matters from the commission:**

The Chair said that he has asked the New Storm Water Utility Division Director, Jim Salazar to come to the next Planning Commission Meeting of 10/15/09. It has been confirmed that Chris Ortega and Jim Salazar will be there.

The Chair announced that tonight would be his last night as Chairman of the commission. The Vice Chair will become the Chair and the commission will need a new vice chair.

***Commissioner Salazar made a motion to nominate Commissioner Lindell as the Vice Chair for the Santa Fe Planning Commission, second by Commissioner Hughes, motion carried by unanimous voice vote.***

Commissioner Lindell made the comment that she is willing to accept this position unless someone else would like to have that experience; she would stay back.

The Chair said that the Long Range Planning sub committee will need another planning commissioner: Chairman Hughes said that the meetings are 1 hour a month. Work in hand is the Annexation and St. Michael's Drive. The sub-committee is made up of 3 Planning Commissioners and 2 Public Members; Jim Hayes and Peter Grille who are good contributing members. It was commission concurrence that this topic would be brought up at the next meeting in October. The Chair asked if Commissioner Lindell or Commissioner Armijo were interested in serving on the sub-committee. It was agreed they would wait until October meeting.

Extra Territorial Land Use Commission: Commissioner Hughes, Commissioner Lindell, Commissioner Armijo, Commissioner Salazar and Matt O'Reilly serve.

ELUC – County Development Review Committee (CDRC) is represented by John Paul Romero as chair of ELUC and the CDRC. John Salazar is the Vice Chair.

***Commissioner Armijo made the motion for Commissioner Dolores Vigil to be placed on ELUC, second by Commissioner Hughes, motion carried by unanimous voice vote.***

The Chair clarified that if you are not on ELUC you are an alternate, which is the way the law was written.

It was asked why the alternates are not informed of meetings? Chair O'Reilly said that no one really knew how it was to work. The Chairman is not a member of the SF Planning Commission and they don't apprise us. I would think that the chair should make sure who is going to show up. He said that they haven't needed that because they have always had a quorum. It was said that they meet as needed.

***Commissioner Lindell made the motion for Commissioner Armijo to return to the Summary Committee as Chair, second by Commissioner Hughes, motion carried by unanimous voice vote.***



Chapter 14 Sub-committee has been chaired by Chair O'Reilly and he is willing to stay on and chair that sub-committee.

Commissioner Bordegaray said, absolutely. She said that this is the number one task of his new job and asked if there would be a conflict? There are 2 Planning Commissioners and staff.

Commissioner Bordegaray said it would be nice if staff would present a report to the Planning Commission. She feels that this is the duty of the Chair and feels confident that the Chair could help write the report and pass it on to the commissioners.

Commissioner Lindell said that Mr. O'Reilly could do a presentation to the commission. Mr. O'Reilly has always taken the notes and it is important for that to continue. Mr. O'Reilly will now be staff and there should not be a conflict in him making a presentation.

It was agreed that a vote was not needed to keep Mr. O'Reilly on the Chapter 14 sub-committee.

Commissioner Lindell said that she is sorry that they won't be working with Mr. O'Reilly as Chair. It has been a tremendous learning experience, his work ethic is second to none; he has motivated this commission to be the commission that they are. She told Mr. O'Reilly that she has learned a tremendous amount from working with him and wished him well in his new job.

Everyone applauded in honor in thanks to Mr. O'Reilly for his Chairmanship and new job.

The Chair said that in his press release he commented that this is the finest planning commission the city has had in years. It is easy to chair a commission when you have people who do hard work. The amount of hours put in on regular meeting and sub-committee meetings, everyone cares and contributes their time. "I am sad to leave the Planning commission, but I will still see you. The door is open, if you need my help, please come to see me".

Commissioner Salazar said thank you for the job Mr. O'Reilly has done. He has raised the level of service and has mentored him over last year and he really appreciates it. "You have left some pretty big shoes to fill and I will do my best to fill those shoes and move the commission forward". He said that the commission has great camaraderie and he is looking at a new relationship with all of the commissioners as the new Chair.

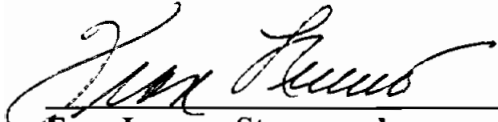
Congratulations!

***There being no further business to come before the City of Santa Planning Commission, the meeting was adjourned 8:15 p.m.***

**Signature Page:**

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**Matthew O'Reilly, Chair**

A handwritten signature in cursive script, appearing to read "Fran Lucero", written in black ink.

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**Fran Lucero, Stenographer**