

City of Santa Fe



# Agenda

DATE 1-24-07 TIME 1:35 PM  
SERVED BY Geraldine Quintero  
RECEIVED BY Louise Delle

**PLANNING COMMISSION**  
**February 15, 2007 – 6:00 P.M.**  
**CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**  
**January 04, 2007**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An ordinance amending Section 14-2.8 SFCC 1987 regarding the Archaeological Review Committee; qualifications for archaeologists, historic archaeologists and historians; and making such other changes as are necessary. (Marissa C. Barrett, case manager)
2. An ordinance amending Sections 14-3.14 and 14-5.2(B) SFCC 1987 regarding demolition and minimum maintenance requirements for landmark structures. (David Rasch, case manager)
3. **Case #M 2006-52. Old Las Vegas Highway Subdivision General Plan Amendment.** Jennifer Jenkins, agent for Homewise, Inc. requests approval of a General Plan future land use map amendment to change the designation of 15.35± acres of land from Residential, Very Low Density to Residential, Low Density. The area is located east of Old Las Vegas Highway and south of Old Pecos Trail. (Gary Park, case manager)
4. **Case #M 2006-53. Old Las Vegas Highway Subdivision Annexation.** Jennifer Jenkins, agent for Homewise, Inc. requests annexation of 15.35± acres of land located to the east of Old Las Vegas Highway and south of Old Pecos Trail. (Gary Park, case manager)
5. **Case #ZA 2006-21. Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3.** Jennifer Jenkins, agent for Homewise, Inc. requests rezoning of 15.35± acres of land from R-1 (Residential, one dwelling unit per acre) to R-3 (Residential, three dwelling units per acre). The property is located east of Old Las Vegas Highway and south of Old Pecos Trail. (Gary Park, case manager)
6. **Case #S 2006-32. Sun Vista Subdivision Preliminary Subdivision Plat.** James W. Siebert, agent for Alliance Group Properties, LLC requests approval of a preliminary subdivision plat to create 9 lots on 9.040± acres located north of NM 599 and west of Camino De Las Montoyas. The property is zoned R-1 (Residential, one dwelling unit per acre). (Gary Park, 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 Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) 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 be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.  
**\*An interpreter for the hearing impaired is available through City Clerk's Office upon 5 days notice. Please call 955-6521**

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**CITY OF SANTA FE**  
**PLANNING COMMISSION**

**February 15, 2007**

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<b>A. ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>B. PLEDGE OF ALLEGIANCE</b>		<b>1</b>
<b>C. APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1-2</b>
<b>D. APPROVAL OF MINUTES</b> <b>January 4, 2007</b>	<b>Approved</b>	<b>2</b>
<b>E. OLD BUSINESS</b>		<b>2</b>
<b>F. NEW BUSINESS</b>		
1. <b>An ordinance amending Section 14-2.8 SFCC 1987 regarding the Archaeological Review Committee; qualifications for archaeologists, historic archaeologists and historians; and making such other changes as are necessary.</b>	<b>Approved</b>	<b>2-3</b>
2. <b>An ordinance amending Sections 14-3.14 and 14-5.2(B) SFCC 1987 regarding demolition and minimum maintenance requirements for landmark structures.</b>	<b>Approved</b>	<b>3-5</b>
3. <b><u>Case #M 2006-52.</u> Old Las Vegas Highway Subdivision General Plan Amendment.</b>	<b>Postponed</b>	<b>5</b>
4. <b><u>Case #M 2006-53.</u> Old Las Vegas Highway Subdivision Annexation.</b>	<b>Postponed</b>	<b>5</b>
5. <b><u>Case #ZA 2006-21.</u> Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3.</b>	<b>Postponed</b>	<b>5</b>
6. <b><u>Case #S 2006-32.</u> Sun Vista Subdivision Preliminary Subdivision Plat. James W. Siebert, agent for Alliance Group Properties, LLC requests approval of a preliminary subdivision plat to create 9 lots on 9.040± acres located north of NM 599 and west of Camino De Las Montoyas. The property is zoned R-1 (Residential, one dwelling unit per acre).</b>	<b>Postponed</b>	<b>5-13</b>

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**MINUTES OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION MEETING**

**February 15, 2007**

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

**A. ROLL CALL**

Roll call indicated a quorum as follows:

**MEMBERS PRESENT:**

Robert Werner, Chair  
Bonifacio Armijo  
Estevan Gonzales  
Harriet Heltman  
Ken Hughes  
Signe Lindell  
Eric Lujan

**MEMBERS ABSENT:**

Vacancy  
Michael Trujillo (excused)

**STAFF PRESENT:**

Greg Smith, Development Review Division Director  
Gary Parks, Senior Planner  
Marissa Barrett, Historic Preservation Planner  
David Rasch, Historic Preservation Supervising Planner  
Anne Lovely, Assistant City Attorney  
John Romero, Traffic Engineer  
Ron Pacheco, Office of Affordable Housing

**B. PLEDGE OF ALLEGIANCE**

Chair Werner asked Commissioner Heltman to lead the Pledge of Allegiance.

**C. APPROVAL OF AGENDA**

Mr. Smith reported the applicant requested items 3-5, Case #M-2006-52 Old Las Vegas Highway Subdivision General Plan Amendment, Case #M-2006-53 Old Las Vegas Highway Subdivision Annexation and Case ZA-2006-21 Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3, be postponed to the meeting of March 15<sup>th</sup> to allow revisions to the documentation in support of the application.

**Commissioner Gonzales moved to approve the agenda as amended, Commissioner Heltman seconded the motion which passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES**

**January 04, 2007**

**Commissioner Heltman moved to approve the minutes of January 4, 2007 as presented, Commissioner Lindell seconded the motion which passed by unanimous voice vote.**

**E. OLD BUSINESS – None.**

**F. NEW BUSINESS**

- 1. An ordinance amending Section 14-2.8 SFCC 1987 regarding the Archaeological Review Committee; qualifications for archaeologists, historic archaeologists and historians; and making such other changes as are necessary. (Marissa C. Barrett, case manager)**

Memorandum from Marissa Barrett prepared February 2, 2007 for the February 15, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit “1.”

Marissa Barrett presented the staff report included in Exhibit “1.”

**Public Hearing**

*There was no public testimony regarding this issue.*

**The public testimony portion of the public hearing was closed.**

**Questions and comments from the Commission**

Commissioner Lindell asked if there is a standing committee that does review.

Ms. Barrett said the Archaeological Review Committee was formed in 1987 and so this is cleanup to the language for conditions of being on the approval list for archaeologists.

Commissioner Lujan asked for a summary of what this Committee does.

Ms. Barrett explained that they meet every 1<sup>st</sup> and 3<sup>rd</sup> Thursday reviewing projects for archaeological clearance. There are three districts: historic downtown, river and trail and suburban districts. There is a certain threshold of disturbance within each district. If the disturbance is met the archaeological clearance is required and must be met before any ground disturbance is allowed.

Commissioner Lujan asked who incurs the cost of the study.

Ms. Barrett stated that this falls on the owner or developer of the property.

Commissioner Heltman asked how many active archaeologists there are in Santa Fe.

Ms. Barrett explained that there are about 30 people on the list ranging from historians to historic archaeologists to archaeologists. She said you need to be approved for each individual district with the historic downtown area being the most restrictive. They must have at least two years as a PI in the field to qualify.

**Commissioner Gonzales agreed with the changes and moved to recommend City Council adopt the amendments. Commissioner Lujan seconded the motion which passed by unanimous voice vote.**

**2. An ordinance amending Sections 14-3.14 and 14-5.2(B) SFCC 1987 regarding demolition and minimum maintenance requirements for landmark structures. (David Rasch, case manager)**

Memorandum from David Rasch, Historic Preservation Supervising Planner, prepared February 5, 2007 for Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Mr. Rasch presented the staff report included in Exhibit "2." He said there are five historic districts in Santa Fe and about 6000 buildings in those districts. All buildings have historic status associated with them; significant, contributing or non-contributing. He said outside of the five historic districts which is only 20% of Santa Fe there can be significant historic buildings which are called landmark buildings with 9 landmarks in Santa Fe at the beginning of this year. It was the land marking of the structures at St. Catherine's Indian School that caused this flaw to be found in the ordinance.

**Public Hearing**

*There was no public testimony regarding this issue.*

**The public testimony portion of the public hearing was closed.**

**Questions and comments from the Commission**

Commissioner Armijo asked how a building is determined to be a landmark.

Mr. Rasch explained that first they are placed on the State register as historic cultural properties and they need to be at least eligible for this list and equivalent to a significant structure within the district.

Commissioner Gonzales commented that there has been a lot of publicity with development proposed. He asked if this has been discussed with the applicant.

Mr. Rasch said this came up with the landmark hearing due to the condition of the landmark structure. He said the owner does need to maintain these once they are landmarks because the City could site them with demolition by neglect. He said the City Attorney pointed out that they could not do this legally yet. The potential buyer is well aware of the interest to preserve so he hopes that the developer stays on track.

Commissioner Gonzales asked if there are other areas identified as proposed landmarks.

Mr. Rasch said they are considering the School for the Deaf. He named the existing landmark buildings.

Chair Werner asked what if the proposed development falls through and the federal governments were to acquire this area. He asked if it would be possible for them to bulldoze the buildings.

Mr. Rasch explained that once it becomes state or federal property they do not recognize the City ordinances.

Commissioner Lujan asked what about the Cristo Rey area as those properties have historical value.

Mr. Rasch said these already have designations as very few buildings of that magnitude have non-contributing status which is the least preserved. The significant and contributing buildings cannot be demolished.

Commissioner Heltman asked about Manderfield School.

Mr. Rasch explained that this is a noncontributing status building, but they are recommending upgrading the status of the John Gaw Meem Schools.

Chair Werner clarified that everything in the historic district has a designated status.

Commissioner Lindell asked what the enforcement is of this.

Mr. Rasch said there is a code enforcement staff member that drives around looking for violations of demolition without a permit and works on complaints. He does not believe the City has ever cited anyone for demolition by neglect.

Commissioner Lindell commented that in the instance of St. Catherine someone owns it now and there has been plenty of talk about the work that needs to be done. She asked what happens if the person owning the property does not have the money to take care of the buildings.

Mr. Rasch replied that at that point he would confer with the attorney and if they did not comply the request to clean the building up they could go to court over it.



Ms. Lovely explained that it depends if it is a violation of the code which requires a notice of the violation. She said if they cannot negotiate then they could take them to municipal court. She said it could rise to the level of being a nuisance, but normally it is just considered a violation of the code.

**Commissioner Lindell moved to approve the amendments to the ordinance, Commissioner Heltman seconded the motion which passed by unanimous voice vote.**

3. **Case #M 2006-52. Old Las Vegas Highway Subdivision General Plan Amendment.**

***This item was postponed to March 1<sup>st</sup> per approval of the agenda.***

4. **Case #M 2006-53. Old Las Vegas Highway Subdivision Annexation.**

***This item was postponed to March 1<sup>st</sup> per approval of the agenda.***

5. **Case #ZA 2006-21. Old Las Vegas Highway Subdivision Rezoning from R-1 to R-3.**

***This item was postponed to March 1<sup>st</sup> per approval of the agenda.***

6. **Case #S 2006-32. Sun Vista Subdivision Preliminary Subdivision Plat. James W. Siebert, agent for Alliance Group Properties, LLC requests approval of a preliminary subdivision plat to create 9 lots on 9.040± acres located north of NM 599 and west of Camino De Las Montoyas. The property is zoned R-1 (Residential, one dwelling unit per acre). (Gary Park, case manager)**

Memorandum prepared by Gary Park, Senior Planner, prepared January 24<sup>th</sup> for February 15, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Comments from Joe Barela, Engineering Development Review Division dated February 13, 2007 is incorporated herewith to these minutes as Exhibit "3(A)."

Staff report was given by Gary Park included in Exhibit "3."

Staff recommends with the following conditions:

1. Engineering Development Review Memo.
2. Engineering Division/Traffic Impacts Section Memo.
3. Fire Department Memo.
4. Water Division (memo pending)

### **Public Hearing**

**Jim Siebert, 915 Mercer, was sworn.** He reported that this particular tract of land is one of the parcels within the northwest quadrant and has been privately owned since about 1930. The property is south of the church with the steeple on it and west of Camino de los Montoyas. The access road was built to the property and the surrounding properties are owned by the City of Santa Fe. He showed a photo that shows the boundary of the tract. He said they cannot get fire flows to serve this property even though there is a water line as the elevation is not adequate. The sewer is a considerable distance from the property. There will be onsite wells and onsite septic. The particular issue is fire protection, so they are proposing putting in a 120,000 gallon tank. The booster tank provides fire flows that are necessary. The lots will be developed by individual builders with the developer just building the infrastructure. The wastewater system would be individual leech fields constructed by the purchaser of each lot. The road is private. The articles and bylaws for the homeowners association will allow for maintenance of the fire system and private roads.

**The public testimony portion of the public hearing was closed.**

**Questions and comments from the Commission**

Commissioner Armijo asked why there is a stormwater agreement requested of this property.

Mr. Park said this is in reference to pond development.

Mr. Smith added that this is a routine matter of the CC&R's regarding the type of maintenance. He can expand on the details when the final plat comes to the Commission. The typical practice is that where private ponds and streets are they require these agreements.

Commissioner Armijo asked who is responsible for the agreement.

Mr. Smith said typically the agreement requires the owners to notify the City of the responsible party annually. He said the primary point is to have a responsible party if the City is required to come in on emergency basis to protect the public health, safety and welfare.

Commissioner Armijo asked if each lot would be drilling a well.

Mr. Siebert said there will be one single well to serve all nine lots.

Commissioner Armijo asked how they know that one well could serve all nine properties.

Mr. Siebert said the hydrology of the area is that the aquifer ends at about 450 feet and they anticipate going about 800 feet for the well. Typically wells produce 25 gallons per minute which is adequate capacity for nine lots. In addition to the 120,000 gallon tank

for fire protection they would augment that for domestic purposes. He said they will provide capacity in the tank in addition to the fire flow.

Commissioner Armijo asked about multiflow systems vs. traditional septic leech fields.

Mr. Siebert recently found an alternative system called the Piranha system. The problem he has experienced with multiflow is maintenance. The advantage of the Piranha system is that there is a company with a long term track record that requires a continuing maintenance contract with them. Since they are online, they are certified by NMED as a secondary waste for secondary treatment levels, so you can use the treated effluent for irrigation purposes providing it does not come to the surface.

Commissioner Armijo asked if they can re-use the water for household irrigation.

Mr. Siebert said it depends on the household size. He added that the system would be approved by NMED.

Commissioner Armijo asked if the system would be emptied out.

Mr. Siebert said at some point they may need to clean out the tank, but you can go 10 years. He said you can recycle the water for landscape.

Commissioner Armijo clarified that there are two affordable lots. He questioned that there is nothing greater than 30% slopes.

Mr. Siebert said the only slope is on the east boundary which is principally outside the boundary of the property but it is fairly limited.

Commissioner Armijo asked if the asphalt driveway could be a 20-foot driveway vs. a 16-foot driveway.

Mr. Siebert agreed, but asked for consideration of the condition for plans for a deceleration lane on 599. He said 599 is under the jurisdiction of the Highway Department which is making it difficult to get an expeditious review. He requested that prior to recording the final plat they have an approval letter from the New Mexico Highway Department.

Mr. Smith said staff has been trying to confirm that the Department of Transportation will issue an access permit and approve the design of the improvements.

Chair Werner did not see time frames in the documents.

Mr. Siebert said somewhere it talks about having the design submitted and approved, so he is asking for dispensation on that.

Commissioner Hughes asked if this area is subject to the Santa Fe Metro Area Highway Corridor Plan.

Mr. Smith said his understanding is that this is not in the Highway Corridor, but he is now uncertain.

Commissioner Hughes said that if this does lie within the Highway Corridor Plan, it says they should discourage further subdivision of large tracts of land near the highway and it also says that it does not recommend density to residential development at this time. It is a standard 255 feet back from the road and it is clearly much closer than that. He asked if this area is also in the northwest sector plan area.

Mr. Smith is not aware of a formal northwest sector plan, but the City is working on plans for development of certain areas in the northwest quadrant but those areas are only tracts of land on the south side of 599 at this time.

Commissioner Hughes feels this meets Chapter 14, but it does not meet the planning. He feels uncomfortable about proceeding with this as it is not an appropriate time to take a chunk of land surrounded by City land that everyone agrees will be developed some time and setting a pattern of development which may be completely different than what is coming down the pipeline.

Mr. Smith responded explaining that the status of the Highway Corridor Plan is that there is a resolution adopted by the City Council endorsing the plan, but it has not been made a part of General Plan. He said it is not always clear the priority that should be assigned by the Commission on those issues. He said it is appropriate for staff to do more research on this even though it is an advisory plan, not mandatory.

Chair Werner asked why C-3 shows two wells when he heard one was proposed.

Mr. Siebert said that is a mistake and they feel one well is sufficient to serve the property. He pointed out that they have a 100 foot setback from 599. In terms of the planning efforts that the City is undertaking, they do not include this particular sector as the City is focused on the land adjacent to Santa Fe Estates.

Commissioner Gonzales commented that NMDOT is trying to encourage noise mitigation along highway corridors, so he questions if the setback is sufficient for that. He asked what the possibility is of a wall similar to the development already located on 599. He is also concerned with approving something without taking everything else into account.

Mr. Siebert stated that he has not had any discussions regarding noise mitigation.

Commissioner Gonzales asked staff if there is anything to do with noise mitigation, walls and protecting people from lights shining into homes.

Mr. Smith said those are all good points, but the City does not have specific noise criteria, although there are advisory noise standards. He said they have not analyzed those in this case. One of the issues that was the basis for many of the mandatory setback requirements in the Highway Corridor regulations was a model of noise generation. It is possible when that research is completed that it may support a finding of a 255 foot setback for noise mitigation without walls.

Commissioner Gonzales thought they might be able to move along the process, but might need to look at this issue. He feels the whole 599 area needs to be carefully examined on how to allow development while complying with the current code. He feels there are pockets of beautiful development and some that are not as attractive. He hopes to ensure that all future development is beautiful.

Mr. Siebert explained that the covenants of what could go into the development would ensure the aesthetic is beautiful. He said one of the problems with the hodgepodge development that occurred was due to no enforcement of covenants or no covenants at all. There is an architectural review committee to look at the plans for each lot. He thought the best way of resolving the noise issue is to conduct a noise study to determine the noise levels between preliminary and final. This will indicate whether the setbacks are sufficient to meet federal guidelines.

Commissioner Gonzales clarified that the applicant is willing to take noise mitigation measures that would result from the studies and ensure the development looks beautiful from 599.

Mr. Siebert said it is heavily wooded, so the key is not to disturb what is out there.

Commissioner Gonzales did not have a set of the covenants, so he does not know what is going to be developed. He is concerned.

Mr. Siebert pointed out that the covenants were in the report he submitted.

Mr. Smith said the covenants are on file with the department as staff does not routinely duplicate them for distribution to the Commissioners.

Commissioner Lindell assumed the two front lots are the affordable ones.

Mr. Siebert said that is correct.

Commissioner Lindell expressed concern that they do not know what this will look like.

Commissioner Heltman understands that the lots will be sold individually.

Mr. Siebert clarified that subject to the covenants that is true. There are restrictions on height and architectural review restrictions. He clarified that if they look at a 255 foot setback it is at the point where it becomes confiscatory because there would not be a lot

to build at that point. He said the problem is to have an onsite well and onsite septic if they are not in proximity to City sewer, so they have submitted this in compliance with subdivision regulations.

Commissioner Lujan explained that he was a traffic engineer on the 599 project. He knows what they are going to require which may be more than 255 foot setbacks. He anticipates a requirement for walls all the way around so he shares the concerns.

Chair Werner said with regards to the noise the applicant has volunteered to perform a noise study and he sees no reason not to require that noise study.

**Commissioner Hughes moved to table this request.**

Mr. Smith asked for specific requirements or specific actions to be completed before coming back in 30-60 days.

Commissioner Hughes recommended 60 days for staff to perform a noise study, look at the setback and investigate transfer of development rights to a more appropriate site. He also wanted to look at how to combine this into the northwest planning study.

Commissioner Gonzales asked how quick this could be done.

Mr. Smith said staff is not set up to complete an onsite noise measurement and so they rely on the applicant for the noise study. He said with regards to analysis of the various policies and evaluation for compliance with highway corridor standards staff could complete those items within 30 days. He suspects this would be tight for the applicant to get onsite noise measurements and then for staff to review and report on those measurements.

**Commissioner Gonzales seconded with the amendment that there be a 30 day investigation by staff and the applicant will comply with the study. He is not sure the results need to be in before they move on this and feels this could move on if the applicant accepts this.**

Mr. Smith expressed concern that if the Commission feels there is any significant possibility of imposing a 255 setback that it would have a significant impact on the lot configuration. He said there would be hesitation to recommend approval of the preliminary plat if the number and configuration of the lots will be completely different on the final plat.

Commissioner Gonzales said his point of concern is that he does not want to hold this up if the applicant agrees to comply. He understands the concerns and feels that Commissioner Hughes has some good ideas for staff to look into. He asked Chair Werner for his thoughts.

Chair Werner said they can either postpone the case or they can make that a condition that is attached to the approval requiring the noise study be a part of the application for final subdivision plat approval. He said with regards to the transfer of ownership rights there is no framework by which that can be done under City ordinances. He said before this could be done City Council would have to adopt a provision for this.

Commissioner Hughes explained that the County has put a transfer of development rights of zoning overlay on their portion of 599. He said obviously this is a moot point so he will scratch this from his list of research.

Chair Werner said the 255 foot setback could be made a condition. He said making all the issues conditions would raise the chances of the application being appealed to the City Council and it would put the City Council on the spot about the highway corridor resolution requirements.

Commissioner Gonzales did not see a memo from Ron Pacheco in the packet. He said the Commission has taken the stance that affordable housing not be adjacent from each other which these are not exactly, but they are in front of 599. He asked what the term adjacent means as he feels this does look grouped together.

Mr. Smith said there is no definition applicable, but the street is an easement so the actual property lines do adjoin each other.

Commissioner Gonzales favored tabling this, but recognizes the statements made. He asked what they could do to study this and move it forward.

Chair Werner said it is a question of timing. The applicant agrees to the noise study. They can approve and get the noise study at the final subdivision as the applicant has agreed to do whatever needs to be done with regards to noise mitigation. He said with regards to the placement of affordable housing they can suggest what they want to see.

Mr. Smith pointed out that the City code requires a minimum one acre lot size for septic systems so it narrows the options for clustering of units as some recommendations would require variances by City Council.

Commissioner Lindell asked if the resolution on the setback was made by the City Council and why it is being ignored.

Chair Werner explained that it is advisory, not a requirement that has to be met. The setback can be different and if the applicant did not agree they would go to the City Council where they would have to re-address their advisory guidelines that they chose not to put into an ordinance.

Commissioner Heltman asked if the City has plans about further development in this area as they are the neighbor.

Mr. Smith said staff is not aware of any recent plan for development, but noted that different things were discussed such as a University of New Mexico campus and perpetual open space.

Commissioner Heltman clarified that the setback is 255 feet by resolution with 100 feet required.

Mr. Smith said the 100 foot is not an actual ordinance requirement either. He noted that the setback volunteered by the applicant is similar to some already approved subdivisions.

Commissioner Gonzales asked if the City decided they wanted to condemn this property if it would be more expensive for them to condemn it with the nine approved lots.

Mr. Smith was not aware of any significant progress for any of those types of properties.

Commissioner Gonzales asked if this is conceivably part of the northwest quadrant plan.

Mr. Smith said the only adopted policy is the General Plan which states that the land in the vicinity should be developed at a density of approximately one dwelling unit per 10 acres and or developed for open space and conservation methods. There have been no zoning regulations to comply with that policy.

Chair Werner commented that this is the same situation as the highway corridor plan.

Commissioner Gonzales struggles as there is zoning, but does not see how this will fit with the overall picture.

Smith pointed out that the General Plan has been given specific status under Chapter 14 and zoning regulations must be consistent with the General Plan policies. He agreed that there is inconsistency with General Plan policy and zoning regulations.

Commissioner Gonzales asked if staff feels this is the best possible use for this property now or are there things staff can do to study the issue further to make a more solid analysis.

Mr. Smith would appreciate the opportunity to re-evaluate the project based on the highway corridor resolution. Staff could then present a complete analysis of the resolution. He said there is no question that staff could complete the analysis of the resolution within 30 days, but not the evaluation of the noise study depending on how long it takes the applicant to get the noise study to staff.

Chair Werner asked Mr. Siebert if he wants to resolve the Highway Corridor issues before completing the noise study.



Mr. Siebert agreed and said he would need direction on that to determine which way to go.

**Commissioner Gonzales made a friendly amendment to postpone for 30 days for evaluation and at that point a recommendation can be made to move forward on the noise study. Commissioner Hughes accepted the amendment.**

**Commissioner Lujan made an amendment to require the applicant to bring back some kind of direction or progress with the NMDOT process. This was accepted by Commissioner Gonzales and Commissioner Hughes.**

Commissioner Hughes said people assumed when the road was blazed that the mountains were public and would not be built on. He said people assume that along the bypass it is open in perpetuity and if they get development 100 feet from the road he believes it will be the last one along there.

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

#### **G. BUSINESS FROM THE FLOOR – None**

#### **H. STAFF COMMUNICATIONS**

Mr. Smith reported that the City Council heard the Pakin variance appeal where the neighbor appealed the decision to approve the variance. The City Council upheld the appeal overturning the Commissions decision to grant the variance based on the finding that the prior time extensions for the plat were filed after the expiration date. He said it is not clear if the Pakins will refile or abandon the project. The Council approved a rezoning case (Juanita Compound) that the Commission recommended for approval.

#### **I. MATTERS FROM THE COMMISSION**

Chair Werner asked the Commission to review the division checklists. He would appreciate the Commissioners looking at this between now and the next meeting to see if it is helpful in reviewing applications. He said if they find this helpful he will provide the rest of the checklists.

Mr. Smith said if they have comments feedback on the issues would be appreciated as the checklists are being reviewed within the next 30 days.

Commissioner Gonzales thanked the Chair for his leadership in providing these materials.

Commissioner Armijo thought the Santa Fe Affordable Housing Ordinance requires the lots to be separated and not adjacent to each other.

Mr. Smith said he can look at the section to see what is appropriate.

Mr. Parks agreed to include this. He said he did meet with Ron Pacheco right before the meeting and has a signed preliminary proposal, but he did not get into specifics. Mr. Pacheco said he was very happy with the accommodations on the application for the affordable units. He will get more details on this.

Commissioner Hughes gave an update on the legislative session. HB13 will be heard tomorrow and it will ask that local zoning commissions may require water conservation practices including when the development comes forward for approval. HB824 is coming up and will require a comprehensive plan be adopted by ordinance and that any land use regulations be consistent with the plan. The last bill is a request for the Association of Counties to study land use and water issues in the Extraterritorial Zone.

#### **J. ADJOURNMENT**

**There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lujan moved, seconded by Commissioner Heltman to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 7:40 p.m.**

**Approved by:**

  
**Chair Robert Werner**

**Submitted by:**

  
**Denise Cox, Stenographer**