



# Agenda

DATE 3/15/12 TIME 10:05  
Geraldine J. Smith  
[Signature]

**PLANNING COMMISSION**  
*April 5, 2012 – 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: March 1, 2012

FINDINGS/CONCLUSIONS:

- Case #2011-138. Beaver Toyota Annexation and Master Plan
- Case #2012-02. 2572 Tano Compound Escarpment Variance
- Case #2012-04. Arroyo San Antonio Preliminary Subdivision Plat
- Case #2012-05. Clark Road Final Subdivision Plat
- Case #2012-06. Corazon Santo Final Subdivision Plat

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

1. An ordinance amending subsection 14-3.10(B) SFCC 1987 and 14-3.10(C) SFCC 1987 relating to development in special flood hazard areas; amending Section 14-8.3 relating to flood regulations; amending Article 14-12 SFCC 1987 to repeal the definition of “floodplain” amend various definitions and establish definitions for “flood insurance rate map” and “waiver”; and making any other changes as are necessary. (Mayor Coss) (Matthew O’Reilly)
2. Request by James Ellegood dba Plains Eagle Corporation for approval to re-align a portion of right-of-way within Parkway Drive adjoining the westerly boundary of Lot 17 of the Richards Avenue Business Park located at 1225 Parkway Drive. (Edward Vigil)

- 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  
April 5, 2012**

<b>INDEX</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>Cover Sheet</b>		1
<b>Call to Order</b>	Chair Hughes called the meeting to order at 6:00 pm	2
<b>Roll Call</b>	A quorum was declared by roll call.	2
<b>Pledge of Allegiance</b>	Pledge of Allegiance was led by former Commissioner Montez	2
<b>Approval of Agenda</b>	No Staff or Commission Changes	2
Approval Minutes, March 1, 2012.	Motion by Commissioner Spray, seconded by Commissioner Villarreal	2
<b>FINDINGS/CONCLUSIONS:</b>		
<b>Case #2011-138. Beaver Toyota Annexation and Master Plan.</b>	Motion by Commissioner Spray, seconded by Commissioner Villarreal	3
<b>Case #2012-02. 2527 Tano Compound Escarpment Variance.</b>	Motion by Commissioner Spray, seconded by Commissioner Villareal	3
<b>Case #2012-04. Arroyo San Antonio Preliminary Subdivision Plant</b>	Motion by Commissioner Lindell, seconded by Commissioner Ortiz	3
<b>Case #2012-06. Corazon Santo Final Subdivision Plat</b>	Motion by Commissioner Ortiz, seconded by Commissioner Harris	4
<b>New Business</b>		
<b>1. An ordinance amending subsection 14-3.10(B) SFCC 1987 and 14-3.10(C) SFCC 1987 relating to development in special flood hazard areas; amending Section 14-8.3 relating to flood regulations; amending Article 14-12 SFCC 1987 to repeal the definition of "floodplain" amend various definitions and establish</b>	Commissioner Harris moved to approve as presented, seconded by Commissioner Bemis, approved by unanimous voice vote	4-5

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<p>definitions for “flood insurance rate map” and “waiver”; and making any other changes as are necessary.</p> <p><b>2. Request by James Ellengoodba Plains Eagle Corporation for approval to re-align a portion of right-of-way within Parkway Drive adjoining the westerly boundary of Lot 17 of the Richards Avenue Business Park located as 1225 Parkway Drive</b></p>	<p>Commissioner Lindell moved to approve as presented, seconded by Commissioner Villarreal, approved by unanimous voice vote</p>	<p>5</p>
<b>Business from the Floor</b>	None	5
<b>Communications from Staff</b>	Informational	6-8
<b>Matters from the Commission</b>	Informational	8
<b>A. ADJOURNMENT AND SIGNATURE PAGE</b>	There being no further business to come before the Planning Commission, the meeting was adjourned at 6:55 pm.	8

# PLANNING COMMISSION MINUTES

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April 5, 2012 – 6:00 pm – 7:00 pm  
Lamy Room - Santa Fe Community Convention Center  
201 W Marcy Street, Santa Fe, NM

## A. ROLL CALL declared a quorum.

### Present

Commissioner Ken Hughes, Chair  
Commissioner Tom Spray, Vice Chair  
Commissioner Michael Harris  
Commissioner Lisa Bemis  
Commissioner Signe L. Lindell  
Commissioner Lawrence Ortiz  
Commissioner Renee Villarreal

### Excused

Commissioner Angela Shackle Bordegaray

### Staff Present

Tamara Baer, RLA Manager  
Matthew O'Reilly, Land Use Department Director

### Others Present

Teresa Casados, Stenographer

## B. PLEDGE OF ALLEGIANCE

Former Commissioner Montez led the Pledge of Allegiance

## C. APPROVAL OF AGENDA

No changes to the agenda.  
Agenda approved as presented.

## D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: March 1, 2012

*Page 5, line 3 – change “30%” to “75%”*

*Page 7, line 1 – change “constitute” to “constituent”*

*Page 7, 7<sup>th</sup> paragraph, line 2 – change “no longer be annexed” to “no longer need to be annexed”*

*Page 18, Paragraph H, line 1 – change “affect” to “effect”*

*Page 18, Paragraph H, line 4 – add a colon after Chair Spray*

Commissioner Spray moved to approve the minutes as amended, seconded by Commissioner Villarreal, motion carried by unanimous voice vote.

### **Findings/Conclusions:**

## PLANNING COMMISSION MINUTES

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**Case #2011-138 – Beaver Toyota Annexation and Master Plan.** Commissioner Spray moves for approval, seconded by Commissioner Villarreal, motion carried by unanimous voice vote.

### **Case #2012-02 – 2572 Tano Compound Escarpment Variance**

Commissioner Harris: I have a question regarding Finding of Fact #10, which reads to me like an opinion - the statement that the variance would negatively affect the neighborhood. If you turn back to the meeting minutes (page 10) Mr. Enfield stated “we have the homeowners approval and they like the idea of the removal of the skylights.” I am wondering about the findings of fact.

Commissioner Lindell: My recollection is that the EMM was held and there were very few people that attended. I would not really say that was the Homeowners Association Approval.

Chair Harris: I need a motion before discussion.

Commissioner Spray moved to approve Case #2102-02 – 2572 Tano Compound Escarpment Variance, seconded by Commissioner Lindell.

Commissioner Harris: I am concerned how #10 is phrased and that it negatively affects the character of the residence in the neighborhood.

Commissioner Hughes: I would think that the discussions of that night are being put on paper and that is the reason for the planning commission action.

Mr. O'Reilly: If a motion is made and there is insufficient explanation made as part of that motion then the City Attorney is going to look to the minutes to formulate the findings of fact. If this Commission does not agree it can be approved with changes or the Commission can postpone acting until the assistant City Attorney is here to explain how she prepared them.

Commissioner Hughes: We have only done the findings very recently. There is not a lot of precedent. We can postpone until Kelly comes.

Mr. O'Reilly: If these are not facts that the Commission found they can be changed. They are not to be adjusted after the fact – it is to reflect what the Commission as a whole found. If these are not truly facts that were found that particular finding can be removed or postponed.

Commissioner Spray: I would say that #10 does sum up what we talked about and what was discussed. The vote was 6-0 with two abstentions.

Commissioner Spray moved for approval, seconded by Commissioner Villarreal, motion passed by unanimous voice vote.

### **Case #2012-04 – Arroyo San Antonio Preliminary Subdivision Plant**

Commissioner Lindell moved to approve Case #2012-04 – Arroyo San Antonio Preliminary Subdivision Plant, seconded by Commissioner Ortiz, motion passed by unanimous voice vote.

### **Case #2012-06 – Corazon Santo Final Subdivision Plat**

## PLANNING COMMISSION MINUTES

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Commissioner Ortiz moved to approve Case #2012-06 – Corazon Santo Final Subdivision Plat, seconded by Commissioner Harris, motion passed by unanimous voice vote.

Commissioner Spray: I believe the findings accurately lay out what we discussed. I believe the commission was incorrect in the rezoning. I was opposed to the project concept then and I remain that way. All actions subsequent to the rezoning make me opposed to the project.

### E. OLD BUSINESS

None

### F. NEW BUSINESS

- 1. An ordinance amending subsection 14-3.10(B) SFCC 1987 and 14-3.10(C) SFCC 1987 relating to development in special flood hazard areas; amending Section 14-8.3 relating to flood regulations; amending Article 14-12 SFCC 1987 to repeal the definition of “floodplain” amend various definitions and establish definitions for “flood insurance rate map” and “waiver”; and making any other changes as are necessary. (Mayor Coss) (Matthew O’Reilly)**

Mr. O’Reilly: This is before you because when the City Council adopted the Chapter 14 update on November 30 of last year we had yet to receive final comments from FEMA on the ordinance. They came in after that and FEMA thought we needed changes to the ordinance so the City would stay in compliance with NFIP. This is a cleanup to make sure we have the definitions acceptable to FEMA and in compliance with NFIP. We have a letter from Dale Hoff expressing their appreciation of what we did and indicating that the City remains in compliance. The action item is to recommend approval of this to the City Council.

Commissioner Hughes: Notifies that this is a public hearing and requests comment. No public comment on this matter.

Commissioner Harris: I have recently gone through this process and have an approved letter on a piece of property my wife and I own so I have a little more knowledge. The flood plain administrator is a City staff person, correct.

Mr. O’Reilly: That’s correct.

Commissioner Harris: Is there a requirement that that person be a professional engineer.

Mr. O’Reilly: I don’t believe the Federal regulations require that but the City requires it. Our acting director has both designations as do I. I am available to fill in for her. There are members of my staff who answer questions who are not actual flood plain administrators.

Commissioner Harris: This process is very technical and in order to move on effectively some credentials are required. On page 5, #1, this amended document strikes and subsequent

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letters of map revisions as approved by FEMA are stricken but in the next section it is left in. My property had flood hazard Zone A and went through the process.

Mr. O'Reilly: FEMA did not like that letter of map revision as part of that upon approval. They felt that was going to be confusing. All this is saying is what is allowed under Federal law is that the City could adopt other flood hazard areas that were not identified by FEMA. It is possible if there is a large area for a huge city-wide retention pond the City might choose to make its own flood zone of that. This is giving us the same right to do that.

Commissioner Harris: But striking in #1 – by definition is covered as part of the official documentation?

Mr. O'Reilly: Correct.

Commissioner Harris moved to approve the amendments as presented, seconded by Commissioner Bemis, the motion passed by unanimous voice vote.

Ms. Baer: This is recommending approval to the council to adopt, correct.

Commissioner Hughes: That's correct.

### **2. Request by James Ellegooddba Plains Eagle Corporation for approval to re-align a portion of right-of-way within Parkway Drive adjoining the westerly boundary of Lot 17 of the Richards Avenue Business Park located at 1225 Parkway Drive. (Edward Vigil)**

Mr. Vigil: Staff recommends approval for realignment of Parkway Drive. The applicant is supplementing with land on the other side of the road. Currently the roadway and sidewalks have been encroached upon by a stairway and ramp. These do not conflict with the sidewalk or the roadway and we recommend approval.

Commissioner Harris: No net loss?

Mr. Vigil: That is correct. We are gaining the right of way.

Commissioner Lindell: What other committees has this been through?

Mr. Vigil: Public Works and CIP Committee.

Commissioner Lindell recommends approval for the realignment to the City Council, seconded by Commissioner Villarreal, motion passed by unanimous voice vote.

### **G. BUSINESS FROM THE FLOOR**

**None**



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### H. STAFF COMMUNICATIONS

Ms. Baer: Discussed the annexation phasing map (distributed). Explains the green phase (phase 1) already annexed. Brown was to have happened in 2012 and has been delayed. Phase 3 are the pink areas which are to be completed by 2013. There is some discussion between the City and County on the dates and moving forward.

Commissioner Spray: In terms of cases that we see regarding areas that remain in the county, are we operating under the presumption of annexation? Will individuals in these areas still have to come to the commission to get approval?

Ms. Bair: That is correct. There is a settlement agreement which grants the authority to the City to make decisions on planning, platting, zoning and permitting. The City will continue to have authority over these areas which are not yet annexed.

Commissioner Hughes: It seems it is incumbent on the staff to recommend and the planning commission to take up, any request for development approval we will consider annexation as part of this. If this gets delayed the City will miss out on gross receipts. The County does not get much in gross receipts it goes to the state.

Mr. O'Reilly: With regard to the discussion about findings of fact, the findings are placed in the packets and you may call staff directly and ask questions. If I thought there was something wrong I would ask for a revision on those and bring those to the commission. You should feel free to do that if you think there is something wrong or postpone until you are satisfied with them. They are the final record of what this body does. We like to bring them to the next planning commission, when possible. If there is delay for a good reason that is within the purview of this commission.

Commissioner Harris: Others that I reviewed were exactly findings of fact. This one seemed – I find it hard to understand that this commission would say it would have a negative effect on the residence without any take. There was too much opinion in there and I did not understand that I could turn to Ms. Brennan to talk about my opinion.

Mr. O'Reilly: We are your staff. If you have questions about a case that is before you can call and ask questions. That does not fall under the category of ex parte communications. You would not talk to the applicant or someone from the neighborhood but if you do not understand something you can call staff.

Commissioner Harris: It is acceptable to talk amongst ourselves?

Mr. O'Reilly: No.

Commissioner Harris: It seems like it would create resentment between Commissioners.

Mr. O'Reilly: I don't believe so. This body is not afraid to discuss anything in the light of day. Ms. Brennan would not suddenly slip a new finding she would explain the revised finding. I can recall that, for instance, on the hearing that this commission held on the NW

## PLANNING COMMISSION MINUTES

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quadrant, which went for 6 hours and 250 people testifying, those findings were complicated and I had some questions. The commission needed to be satisfied and there was a delay before they were approved. You should not vote for something you believe is not right.

Commissioner Harris: I appreciate this. In this situation it is unacceptable to speak with a fellow commissioner but if I have a question on the findings of fact can I speak with others?

Mr. O'Reilly: You can certainly ask staff a question but discussing it amongst yourselves outside the hearing is inappropriate.

Commissioner Spray: On the developments of #10 it does look like some judgments have to be made (not necessarily opinion) – judgments have to be made and we have to make that call. I think that there is leeway within that because you have to be able to make those judgments. It gives us the opportunity and I believe that is what we did. I believe Ms. Brennan accurately stated what the commission decided at the time. We were charged to look at it, make a judgment, and we did.

Mr. O'Reilly: Staff welcomes hearing from Commissioners. It gives us a heads up so we can be prepared before we come before you. You should call staff to ask question. We are here to help you.

Commissioner Bemis: I would like to add that I voted the way I did against it because of the escarpment zone. I believe that is put in place for a real reason. We have to stick to that unless it is a hardship and I did not see any.

Commissioner Hughes: I have a few items for discussion, annexation – we understand there may be a revisit on the timing and other issues (the level of service may come up regarding the county). Can we get an update on St. Michael's Drive?

Mr. O'Reilly: I do not have that information.

Commissioner Hughes: We also were given a tour of the latest version of the Santa Fe Trend Report. It has some very interesting data. Can we get a copy of that to the commissioners? The final issue was regarding the Chapter 14 experience. It takes a lot of work but it is very interesting. We need to determine what makes Santa Fe a great place to live. Do we preserve? Change? There is no money to hire consultants so it would have to be done in-house. Chapter 14 serves as a good example of how this can be done. We need to decide how we want to get the public involved.

Commissioner Bemis: At that meeting we were promised there would be more colorful and updated graphics to see. That will help.

Commissioner Spray: It is business as usual with the summary subcommittee (with Harris). They did bring up the issue of the number of lot splits in that area.

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Mr. O'Reilly: There is a meeting in two weeks to consider a city ordinance that is a companion ordinance to State SB 10 which revised the condominium act. The city has to adopt an ordinance. You will hear it on the 19<sup>th</sup>.

Commissioner Villarreal: I will be out of town for work that date. How can I submit comments?

Mr. O'Reilly: You can let us know when you get your packet if you have concerns. If you put them in writing we can bring them forward to the commission. You can call and discuss it with me. We can have an amendment sheet for the commission to review.

### I. MATTERS FROM THE COMMISSION

Commissioner Hughes: I want to recognize former commissioner Ruben Montez for service and the fact that you were a real voice for the arroyos – the part of the landscape that is normally ignored. Mr. Montez is presented with a plaque.

Mr. O'Reilly also thanked former Commissioner Montez for his service and expressed his appreciation.

Commissioner Lindell: There is one comment you made regarding the entire City being special and sacred to each individual person. I really appreciate that you made that so clear to me. It was a huge change for me.

### J. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Spray moved to adjourn, seconded by Commissioner Bemis, motion carried by unanimous voice vote and the meeting was adjourned at 6:55 p.m.

*Signature Page:*

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*Chair Ken Hughes*

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*Vice Chair Tom Spray*

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*Stenographer*