CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans

Overview of CDPs

These CDPs cover the County growth management strategy, procedures, community plans and associated issues. These include:

- Growth Management Strategy
- Impacts and impact fees
- Family transfers
- Re-subdivisions
- Application procedures for subdivisions of all sizes
- Application procedures changes to homes and properties
- Required studies and their uses
- Community Plans

Growth Management Strategy

The following contains excerpts from the SGMP. Please see accompanying document for further info.

Growth Management Strategy from the SGMP-

The overall growth management strategy for the County is to direct growth to areas most efficiently served by adequate facilities and services using a wide range of techniques. The growth management strategy includes:

1. Designated Sustainable Development Areas (SDAs) and the SDA Map which establish future service areas and prioritize planning, budgeting and provision of infrastructure and services.

2. The Future Land Use (FLU) Categories and FLU Map identify anticipated development patterns and establish the guidelines for the County's future development and a framework for zoning map.

SDA's- The Sustainable Development Area (SDA) concept is for the County to establish future service areas, target and leverage public and private funding and investment to priority growth areas and direct and phase future growth. SDAs serve as an incentive for compact development in priority growth areas.

SDA 1 identifies the County's primary growth areas where new development is likely and reasonable to occur within the next 10 years. Infrastructure is required in these areas, including approved public or private water and wastewater systems, urban road improvements, and urban service levels for public safety, fire and emergency medical assistance. Service providers should plan and construct facilities in these areas to meet the needs of development at these urban intensities.

SDA-2 areas include existing communities and areas where new development may occur over the next 10 to 20 years and in some cases. Infrastructure may not be currently available, but may be included for future funding but new development would be required to provide infrastructure for development greater than the base densities.

SDA-3 areas have no plans to provide urban or suburban facilities and services. Infrastructure is not available or budgeted and any use that requires infrastructure to be provided solely at the expense of new development. The SDA 3 areas may contain agricultural and equestrian development, natural resources, wetlands, hillsides, archaeological areas and areas identified as environmentally sensitive.

In SDA-1 and SDA-2 areas, the County can work cooperatively with municipalities, communities and service providers to provide facilities and services necessary for development.

Placemaking

Placemaking is about maintaining existing communities and creating new ones with the intention of promoting citizens health, happiness and well-being. In Santa Fe County **places** were historically created for a variety of functional reasons—agricultural, commercial, transportation destinations, protection and religion. There is a diversity of "**place"** in Santa Fe County, ranging from small, compact villages based around agriculture to expansive range lands centered on family compounds.

Placemaking was, and continues to be, a process that focuses on a local area's assets, inspiration and collective aspirations. It implies not only design options but also something less tangible, a conveyance or confluence of spirit. The idea of **"sense of place"** derives from these two important aspects of **placemaking.** Long time La Cienega resident and renowned landscape geographer, J. B. Jackson, suggested that "it is place, permanent position in both the social and topographical sense that gives us our identity".

Most places in Santa Fe County have certain centering, design features that give the place both coherence and function. The three most prominent features include plazas, crossroads and main streets. There are other important centering features that include water courses, country lanes and small homesteads.

Existing Land Development Code

- Existing Code created in 1980 and updated in 1996.

- County currently bases density on hydrologic zones.

What are some of the problems with the existing code and process?

- Hydrologic zoning does not consider growth management or infrastructure requirements
- Limits choices available for new development
- Does not create places or communities
- Does not consider overall effects or interaction of individual subdivisions

- Does not preserve aquifers
- Severely limits transit options
- Creates sprawling conditions which limits the ability of the County to provide adequate public services

Questions

- How will the implementation of SDA areas and planning districts contribute to creating "placemaking" and sustainable communities?
- What standards should each SDA area and planning districts meet to accommodate the growth management goal of assuring adequate public facilities and services?
- Water
- Sewer
- Public Facilities
- Police/fire/emergency services
- Transportation-roads/transit
- What standards should SDA areas and planning districts have to meet other sustainability goals?
- Proximity to work, schools and commercial services to minimize transportation needs
- Transportation centers to promote public transportation
- Open space and trails
- Minimizing use of water
- Minimizing energy usage
- Creating communities-opportunities for social interaction (placemaking)
- What should be required and what should be incentivized in which SDA areas?
    - Clustering
    - Open space
    - Affordable housing and housing choices
    - Mixed use
    - Connections
    - Centering features
- What considerations should be given for boundaries or transitions around SDA-1 areas and planning districts?
    - Buffer zones
    - Transportation issues through adjacent areas
    - Natural features

Impact Fees[1]

Background

From the SGMP--An impact fee is a charge or assessment imposed on new development in order to generate revenue for funding or recouping the costs of certain capital improvements or facility expansions necessitated by and attributable to new development. Impact fees include amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, development fees, and any other fee that functions as described. Impact fees do not include utility hook-up fees, dedication of rights-of-way or easements, or construction or dedication of on-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks or curbs if the dedication or construction is required by a previously adopted valid ordinance or regulation and is necessitated by and attributable to the new development. Adequate public facilities are required:

1. to link the provision of needed public facilities and services to the type, amount, location, density, rate and timing of new development;

[1] Cities and counties in New Mexico are authorized to impose impact fees pursuant to the New Mexico Development Impact Fee Act."(§5-8-1 to 5-8-42 NMSA 1978)

2. To ensure that new growth and development do not outpace the ability of service providers to accommodate such development at established level of service standards;
3. To coordinate public facility and service capacity with the demands created by new development.

Levels of Service--Levels of service ("LOS") standards define the County's role as a service provider and, in partnership with other service providers, define public and private responsibilities for the provision of facilities. An LOS standard is a locally desired ratio of service and facilities demand to supply.

The goal of an impact fee program is to equitably distribute the costs of serving new development while achieving sufficiency of capital improvement revenues. Impact fees exist together with proceeds from bond issues, motor fuel taxes, improvement and utility districts, and developer dedications as means of achieving adequate capital facilities. Together these sources should provide sufficient resources for the County to make the necessary investments for the projects shown on the CIP and have adequacy of public facilities. The essential issue with respect to impact fees is the need for the expansion of public facilities in order to adequately serve new development with:

- public roads;
- public parks, recreation areas, open spaces, scenic lands and trails;
- law enforcement protection equipment and facilities, including corrections;
- fire and EMS equipment and stations;
- potable water acquisition and distribution;
- wastewater collection, treatment, and disposal;
- stormwater prevention and protection facilities.

Options to pay for infrastructure and improvements:

Special Assessments and Improvement Districts -- Special assessments are revenue-raising devices designed to recover the cost of capital improvements that directly benefit properties within a designated "benefit area". Fees are collected from property owners for tangible public infrastructure improvements that a local government provides and that benefit the properties being charged.

User or Impact Fees--"Pay-as-you-grow" programs help protect existing residents from growth-related costs. These programs, such as development impact fees and exactions, or provisions for financing infrastructure and services in development agreements, include a variety of techniques that allocate the public costs of development fairly and do not unduly burden existing residents.

Capital Improvement Plan--The Capital Improvement Plan (CIP) will be a significant implementation component of the SGMP and Sustainable Land Development Code (SLDC). A CIP is a countywide infrastructure plan that identifies projects for infrastructure, facilities and improvements. A CIP is intended to guide the development of facilities and services in a sustainable, planned manner.

Exactions, mitigation fees and dedications –Exactions, mitigation fees and dedications may be required for the developer to dedicate land for public purposes where proposed public infrastructure is located on the development land or to pay exactions or fees for off-site mitigation.

Development Agreements--A development agreement is a voluntary contract between the County and a developer, whereby the developer promises to pay for certain on-site or off-site improvements or performs certain obligations in exchange for the vesting of future discretionary development approvals on the same project.

New developments may be charged impact fees in order to generate funds needed to pay for capital facility expansion, or to recoup the cost of improving those facilities. Impact fees are typically dollar amounts that are charged for each residential dwelling unit, 1,000 square feet of commercial or industrial floor area, or per room for tourist facilities. There is a separate portion of the total fee paid for each of the individual public capital facilities. Once paid, the receipts are deposited into separate interest-bearing accounts for each category of impact fee. Balances may be removed from the separate accounts only to fund capital improvements that are specified in the CIP and are consistent with the limitations imposed by the New Mexico "Development Impact Fee Act."

The amount of an impact fee is set following a methodology that has evolved under legislative and judicial scrutiny. The standard is that an impact fee cannot exceed a "proportionate share" of a local government's actual or anticipated cost of accommodating new development with what are called "system improvements." System improvements are expansions of off-site public capital facilities shown on the CIP that are designed to provide service to the community at large. System improvements may be contrasted with "project improvements," which serve a particular development. An example of project improvements would be on-site

neighborhood streets. A proportionate share is defined by a reasonable means to calculate improvement costs and to distribute those costs over all benefited development being assessed the fee.

Issues with the Current Code

- Developers currently provide infrastructure for development but total impacts of development are not sufficiently covered
- There are no code mechanisms in place to deal with impacts for facilities and services

Questions

- Who should pay for infrastructure: the County, developer, public or a combination?
- Should residents in new development be assessed for services like roads and fire stations that existing residents don't have to pay for? Is it a disproportional tax?
- Should existing residents subsidize new development by paying for services like roads and fire stations that are only needed because of new development?
- What mechanisms should be used to pay for infrastructure?
- Suppose nearby neighbors don't want the "improvement". Should they pay? Suppose 20 people live on a dirt road that is sufficient for them. A new development of a 1000 people makes it necessary to improve the road. Should the existing residents pay? For example a small community living on wells that would be impacted by a large new subdivision. A water line could be run, but should they be required to participate?
- In certain cases impact fees will require massive public projects that have a 30 year cycle. How will this be administered? Will bonding be required from developers? Are there limits to overlaps of special assessment districts?
- How will the actual cost of impact fees be determined and what appeals processes are available?
- Suppose there are cost under-runs or overruns?

Family Transfers

Background

The SGMP defines family transfers as: The division of land to create a parcel that is sold or donated as a gift to an immediate family member, and which are exempt from the subdivision requirements or zoning densities that would otherwise normally apply. State law *allows* a county to have subdivision regulations exempt family transfers, but does not *require* the county to do. The county is allowed to use zoning as a method to regulate family transfer created subdivisions.

Family transfers sometimes are only way for local families to transfer wealth to children while family member is alive. Makes it possible for families to stay together which benefits society by:

- Providing built-in child care and sense of belonging for children
- Similar for elderly care
- Creating strong social fabric by supporting families

Existing Code for Family Transfers:

Small Lot Inheritance Transfer or Small Lot Family Transfer definitions: Family Transfer is defined as the division of land to create a parcel that is sold or donated as a gift to an immediate family member however, this exception is limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member.

Dwellings and customary accessory structures may be erected on a lot which does not meet size requirements of the Code and is being created by inheritance or family transfer, provided the definitions, restrictions and standards of this Section are met.

Small Lot Inheritance Transfer - A lot created by an order of a court in probate, but not for the purpose of sale or lease, and which lot does not meet the density requirements of the Code. Requirements for Approval:

i. Deed transferring the parcel(s) to or among the heirs or beneficiaries shall be recorded at the time the plat is filed.

ii. Proof that the land has been in the lawful possession of the family proper for no less than five years and that the recipient is an adult or emancipated minor is required;

iii. Lots created by family transfer under this Section shall be so noted on the plat; and

iv. An affidavit showing that notice of the application for approval of a family transfer plat has been mailed by certified mail to owners of property, as shown by the records of the County Assessor, adjacent to and within one hundred (100) feet, excluding public right-of-way, of the proposed family transfer parcel(s).

v. The person transferring the lot shall file an affidavit with the County Clerk containing the following:

(i) A legal description of the property being transferred; and

(ii) A statement that he or she has not made a family transfer of any other lot(s) to the person receiving the current lot.

Small Lot Family Transfer - A lot created as a gift from a grandparent, parent or legal guardian to his or her natural or adopted child or grandchild or legal ward, which lot does not meet the density requirements of the Code. (These relationships are further defined below in "Family Proper".) Any person may receive only one lot through Small Lot Family Transfer. Family Proper - Lineal relations up to and including the third degree, i.e. grandparent, parent, child. Step relationships shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer. Also including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.

Lot Size Standards for Small Lot Inheritance Family Transfers and Small Lot Family Transfers. These lot size standards shall apply to the parcel(s) retained as well as the lot(s) transferred:

- No lot shall be smaller than one half of the standard minimum lot size allowed in the particular location or hydrologic zone;
- No lot shall be smaller than 3/4 acre except as provided in Article III, Sections 10.3.3 and 10.3.4 for lots utilizing both an approved community sewer system and an approved community water system.

What Does the SGMP Say about Family Transfers?

The SGMP has three total mentions of the phrase "family transfer". One is the definition above. Otherwise:

- **2.2.1.5 Planning and development regulations must be comprehensive**, and take into account the cumulative impacts of individual development projects, family transfers, lot line adjustments and parcel divisions that are exempted by statute from subdivision review but not zoning processes.
- 10.2.2 … This leaves some roads under built and does not adequately address the need for road improvements resulting from the cumulative impacts of many small lot splits through various means such as family transfers.
- The SGMP defines a Family Compound as: The allowance of multiple dwelling units on a single lot or parcel, that are occupied by persons who are related to each other by blood, marriage, or adoption.
- Section 2.2.4.6: A land density transfer program allows the transfer of all or part of the permitted density on a parcel to another parcel or other locations on the same parcel. This may include concepts such as family compounds or density transfers to protect agricultural, open space or other land protection or preferred development patterns.

Issues With Current Family Transfer

Family transfers have been abused and used to create large and small scale subdivisions while bypassing subdivision regulations. The land is passed to relatives, then immediately resold to third parties. The Land Use Department has considerable documentation of advertisements that clearly state this. The results from these lot splits include:

- Currently not required to construct offsite road improvements, lots are created without benefit of adequate access (all-weather, grade, width)
- Cause unplanned addition to traffic, noise, pollution because development does not conform to a master plan
- Currently exceeds the base hydro zoning, increasing drawdown for nearby neighbors and the aquifer in general
- Most are done on individual septic systems, could result in groundwater contamination issues down the road.
- Allowed to divide to ½ the minimum lot size for the district
- The cumulative effect of numerous family transfers makes overall planning difficult
- Indirectly penalizes developers who follow the rules and master plan developments

- Lots transferred, re-split, transferred, and re-split again and again used to create large scale subdivisions with poor or insufficient planning
- Could be considered an unfair benefit, as it favors those with families over single people or estranged from families.
- Lots not held by family members sold for profit.

Questions and Alternatives

- What should a family transfer be?

- Should family transfers be allowed?
- Allow family transfers using current methods?
- Create a mechanism for family compounds?
- Require improvements when selling to non-family members?
- Other options?
- Do not allow?

Family Transfer Density--Currently family transfer can go to ½ minimum lot size. Minimum lot sizes are based on hydrologic zoning.

- What should the density be for family transfers?
- No exemption for family transfers
- Allow increased density for family compounds
- ½ of hydro zoning (current)
- Base zone
- Allow decreased density to base zoning
-
- What methods are appropriate to ensure family transfers stay in family?
- Require holding periods for a family transfer before it can be sold?
- Ensure that the family transfer is actually for a family member
- No changes to existing family transfer policy

Discussion Points:

- If a family transfer is granted, should the family be required to use it as a family residence.
- Should a holding period be imposed? Holding period may be difficult to enforce
- Level of review: administrative, Planning Commission, BCC, community review?
- Do family compounds provide a sufficient method to accomplish the goals of family transfers?
- Are there concerns about financing a house if the home is in a family compound?

Resubdivision

Background

Re-subdivision means the changing of an existing parcel created by a plat and recorded with the county clerk commonly known as lot splits.

Issues

The issues around re-subdivision are almost the same as family transfers. Basically the same questions of overall community planning for traffic, safety, and water. On the balance the rights of an individual homeowner to subdivide property.

Questions

Should re-subdivision be allowed?

Non-Conforming Uses

Nonconforming use[2]-- n. the existing use (residential, commercial, agricultural, light industrial, etc.) of a parcel of real property which is zoned for a more limited or other use in the city or county's general plan. Usually such use is permitted only if the property was being so used before the adoption of the zoning ordinance which it violates. Example: a corner parcel has been used for a gasoline station for years, and now the city has zoned the entire area as residential (for homes only). The nonconforming use will be allowed as "grandfathered in," but if the station is torn down the only use would be residential. (See: zoning, general plan)

A code can require various types of non-conforming uses to be brought in compliance with a code:

- For buildings it is possible to require buildings be brought up to a specific standard within a specific time frame. This could be energy, fire codes, etc.
- A commercial type of enterprise that is no longer in compliance with existing codes
- For master planned subdivision requirements could change for density, zoning, affordable housing, open space, trails, roads, fire safety, water distribution.

What the SGMP Says about nonconforming uses:

The SGMP talks about creating regulations to deal with non-conforming uses, but doesn't discuss specifics of what regulations or how.

2.2.5.3 The SLDC will provide zoning standards and regulations for ... supplemental use regulations for a wide variety of alternative uses, including but not limited to: adult uses, religious land uses, signs, solar and wind farms, construction of telecommunication facilities and electrical renewable energy transmission lines; principal and accessory uses and home occupations; bulk and area regulations; registration of non-conforming uses; variances, beneficial use determinations and home occupations.

Policy 5.6: Adopt new supplementary zoning use regulations for solar and wind farms, renewable energy transmission lines, telecommunications, adult uses, signs, junkyards, non-conforming uses, home occupations, airstrips, auto-oriented businesses, group homes, self storage, utilities, affordable, workforce and senior housing.

Questions

- Should non-conforming buildings be required to conform to the new code?
  - No?
  - 1 years
  - 3 years
  - more years
  - Accompanying building changes

- Should non-conforming commercial uses be required to conform to the new code?
  - no
  - 1 years
  - 3 years
  - more years
  - Accompanying building changes

- Should existing master plans be revised to conform to the new code? Master plans can be in several stages. Note that until Final Plat approval there is no legal obligation on the part of the County.
  - Master plan only
  - Preliminary plat approval
  - Final plat approval

[2] From: West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc:

Process

What are some of the problems with the existing code and process?

1. No formal notification or delineation of Community Organizations
2. Current studies do not clearly delineate impacts
3. Complaints from applicants about length of process
4. No alternative dispute resolution is incorporated into the process. Applicant and neighbors "battle it out" at public hearings

What does the SGMP state about Policies?

Chapter 14 of the SGMP describes studies that must be done for each development:

The following studies, reports and assessments (SRAs) to cover the evaluation of the effects and impacts, if any, of the proposed development project will be required:

- Environmental Impact Report (EIR);
- Adequate Public Facilities and Services Assessment;
- Water Availability Report (WAR);
- Traffic Impact Assessment (TIA);
- Fiscal Impact Study (FIS);
- Emergency Service Study (ESS); and
- Such other SRAs as the Administrator may require.

In Chapter 14 of the SGMP defines Community and Registered Organizations:

Community and Registered Organizations: A Community Organization ("CO") is an organization that is recognized by resolution of the Board of County Commissioners ("Board") for a specified geographical area. A Registered Organization ("RO") is any organization with a Charter or rules of organization that is interested in development projects or other specific County activities. ROs may include acequia and land grant associations, non-profit associations, assessment and public improvement districts, public or private utilities, school districts, homeowner associations, or neighborhood associations. The purpose for establishing COs and ROs is for communities and community-oriented organizations to have an improved public participation process to meet community needs and to make recommendations with respect to development projects and community development issues. In order to preserve the autonomy and independence of COs and ROs, staff support will be limited to administrative functions, in support of CO and RO rights, including providing notice, scheduling meetings and receiving comments.

In Chapter 14 of the SGMP describes a county planning commission:

A County Planning Commission should be created, containing seven members appointed by the Board., In order to meet the requirements of the state planning and zoning enabling acts, The Planning Commission should replace the County Development Review Commission (CDRC) and all local development review commissions (LDRCs). The Planning Commission will have the following powers and duties:

Chapter 14 of the SGMP describes Hearing Officer and Administrator commission:

The position of **Hearing Officer** assists in the development of a complete record and making recommended disposition. The can be involved with:

- Major variances;
- Developments of County-wide Interest (DCI);
- Subdivisions;
- Major and minor rezoning;
- Planned development districts;
- Site specific amendments to the SGMP, specific or community plans;

The Hearing Officer will conduct public hearings, make recommended written findings of fact and conclusions of law, and file written reports with the Planning Commission.

The **Administrator** will be authorized to administer and enforce the provisions of the SLDC. The Administrator will be appointed by the County Manager.

A **Technical Advisory Committee** will be appointed by the Administrator and to serve as a review process and recommending body to assist the Administrator with the review of development applications. The Technical Advisory Committee will be used to gather advice and recommendations on technical details ... The TAC may include representatives from County departments ...

Chapter 14 of the SGMP describes three levels of procedures:

Legislative development applications involve a change in land-use policy by the Board

- Adoption of any change in the SGMP or adoption of any change to an area, specific, or community plan;
- Adoption of or any amendment to the text or zoning map of the SLDC, the CIP or the Official Map;
- Creation of a planned development (PD) district;
- Overlay zoning district classification; and
- Approval of any development agreements that apply either Countywide or to a large number of properties under separate ownership.

A quasi-judicial development application: Such applications should require a public hearing providing procedural due process. Examples include:

- Amendments to the Sustainable Growth Management Plan or an area, specific, or community plan;
- Amendment to the text or map of the SLDC;
- Site plans/Master plans;
- Subdivision applications;
- Conditional use permits (CUPs);
- Development agreements;
- Variances;
- Beneficial use determinations;
- Overlay zoning district classifications for Developments of Countywide Impact (DCI's); and
- Administrative appeals.

Ministerial development applications: A public hearing should not be required for any ministerial development application. Examples include:

- Issuance of building permits, grading permits, minor land use disturbance permits, road construction and driveway permits, utility hook-up permits, floodplain development permits, NPDES permits, LEED construction permits, and neighborhood development permits;
- Administrative interpretations of the SLDC; and
- Issuance of certificates of completion and certificates of occupancy.

Pre-application neighborhood meetings: To ensure early and effective communication regarding proposed development, pre-application neighborhood meetings will be required. A pre-application neighborhood meeting gives the applicant and the community an opportunity to share ideas and input before the project reaches a stage where changes are more difficult to make. Such meetings also provide the public with information on the application process and what is going on in their neighborhoods, along with facilitating ongoing communication between applicants, citizens, associations and other stakeholders throughout the application process. The meeting should include information indicating ownership of the property along with addresses and contact information. If the owner is an organization, corporation, LLC, etc. a list of the board of directors, along with a contact person should be provided. Such a meeting will be held before filing an application for discretionary development review.

After the meeting the owner should prepare a written report on the results of the meeting, included with the filing of the development application. Details of the meeting, such as the following, should be included:

- Dates and locations of all meetings held;
- List of property owners, CO's and RO's who were sent notice including a copy of the letters, notices and other publications sent out;
- Content distributed at the meeting;
- List of persons and associations to include CO's and RO's present at the meeting;
- Total number of persons participating in the process;
- Summary of concerns, issues, and problems expressed during the process;
- Summary of how the owner has addressed or intends to address the concerns, issues and problems expressed, including those that the applicant is unable to address.

County staff is not expected to attend the pre-application neighborhood meeting. The report by the applicant to the administrator should be submitted prior to an application submittal. CO's and RO's may review the SRA's prior to the public hearing. The applicant may hold a mediation to address concerns.

Questions

The goal of these questions is different than other CDP type questions. The goal is to collection considerations for the code writers, since most of these questions cannot be answered until a draft code is available.

Reports

- What reports are needed for what degree of development and how in-depth?
- More depth means more cost
- Less depth means impacts missed
- Do reports cover everything needed
- Does the impact include annoyance/inconvenience to neighbors as well as health and safety issues?
- What is the threshold level for a report contains an acceptable analysis?
- What depth of impact do reports cover? Impacts can include localized impacts or county wide
- What are the threshold levels acceptable levels of impact?
- What appeals mechanism if the developer or the community disagrees with a report or finds it incomplete?
    - Developers can prepare their own report, but suppose community disagrees
    - If community prepares their own report, when is that reviewed and suppose the developer disagrees?
- Will the people who write the report be in the county, or will the reports be subcontracted?
    - Do the same people write the reports that review them? Impartiality questions?
    - How are RFPs prepared? What do the cover?
- What happens if developer can't or refuses to pay for reports after completion?
    - In Albuquerque West Mesa development company went bankrupt leaving city with millions in report expenses
    - Should bonding be required
- How long does TAC have to evaluate reports?
- When do reports become available to the public? How is information disseminated?

Meetings

- What happens if there is disagreement after pre-application neighborhood meetings?
- What is the level of sufficient disagreement to trigger the event?
- When do people get to appeal what?
- Is it possible to have a "fast" track if there is no opposition?
- How judicial is the quasi-judicial process? Discovery?
- What role can alternate dispute resolution (mediation) play in the process? Should it be required if there is opposition?
- Who does administrator delegate quasi-judicial process to? What qualifications do they need to have (lawyer)?
- How many hearings and what notification is needed for a legislative process that effects the SGMP or a community plan?

Community Planning

Background

Santa Fe County is unique in its idea of promoting local and region differences through Community Planning. Community Planning allows for difference from the code, as well as defining other planning issues for an area. The list of adopted community, district and corridor plans is:

- El Valle de Arroyo Seco Highway Corridor Plan adopted by Resolution 2003-4
- La Cienega/La Cieneguilla Community Plan adopted by Resolution 2001-117
- Los Cerrillos Community Plan adopted by Resolution 1999-129

- Madrid Community Plan adopted by Resolution 2000-119
- Pojoaque Community Plan adopted by Resolution. 2007-120
- Rio Tesuque Community Plan adopted by Resolution 2000-165
- San Marcos District Community Plan adopted by Resolution 2003-83
- San Pedro Community Plan adopted by Resolution 2001-5
- Santa Fe Community College District Plan adopted by Resolution 2000-136
- Santa Fe Northwest Community Plan adopted by Resolution 1999-120
- Tres Arroyos del Poniente Plan adopted by Resolution 2006-41
- US 285 South Corridor Plan adopted by Resolution 2004-73
- Village of Agua Fria Community Plan adopted by Resolution 2006-116

The SGMP makes two important statements regarding community ploanning:

- 1.4.3 Honor existing community plans and ordinances and support community planning
- 14.4.5.1 Community Plans should be consistent with the SGMP.

Questions

There are three levels of community planning envisioned. Community and District Plans are envisioned as easier processes than a Planning District. A Planning District is envisioned as allowing the most flexibility.

- What will Community Plans be able to alter?
  - Code Requirements (which ones)
  - Density?
  - Zoning Uses?
  - Uses that impact (like mining?)
  - Procedures?

- What will District Plans be able to alter?
  - Code Requirements (which ones)
  - Density?
  - Zoning Uses?
  - Uses that impact (like mining?)
  - Procedures?

- What will Planning Districts be able to alter?
  - Code Requirements (which ones)
  - Density?
  - Zoning Uses?
  - Uses that impact (like mining?)
  - Procedures?

Discussion Points:

- Are there any limits or guidelines at all? Sustainability? If so, what?
- What happens if minority groups object to the new plan? How are districts made?
- What happens at boundaries or transition zones?