

Placitas Area Plan Report

Planning & Zoning Commission Meeting

January 23, 2009

Reported by: Orin Safier

The first draft of the Area Plan was presented to the P&Z Commission for its review. The Commissioners present were John Arango/Chairman, Todd Hathorne/Vice-Chairman, Ralph Martinez, Pat Vester, and Mike Lucero. At the end of the meeting the County Development Department was instructed to produce a revised draft. According to Mike Springfield, Director of Development, this should be ready in one to two weeks. The Commission and Development Department had received comments on the draft plan from various groups and individuals in Placitas. After the presentation by Moises Gonzales, the Long Term Planner, the Commission opened the floor for 45 minutes of public comments. Afterwards the Commission and members of the Development Department discussed their ideas regarding how the Plan should be modified. There was then a period of public comments. The meeting was a long one, running from 6 PM to after 10 PM.

This report focuses on the discussions between the Commissioners and members of the Development Department, primarily Moises Gonzales, the Long Range Planner, and Mike Springfield. The public comments were intelligent, and well received by the Commission, and some points in those comments made their way into the recommendations of the Commission. However I will not report in detail here on the public comments. Some of these were summaries of reviews that appear on the OnePlacitas.com site. I have tried to report many of the points made by the county officials, though this is not a full transcript of the meeting.

First some general points that came out of the discussions:

1. There are two products of this planning process: the Area Plan, and the zoning and subdivision ordinances that will be added to the code in accord with the policy set down in the Area Plan. It is the purpose of the Area Plan to express policies, and that of the ordinances to lay down enforceable regulations. Consequently what will appear in the Area Plan will be less specific than the consequent ordinances. Much of the meeting discussion concerned the degree of specificity or generality appropriate to various parts of the Plan, and of the Plan as a whole.
2. Because the more specific work will be done in writing the ordinance code, then going through the legislative process to make it part of County law, this planning process will go on for considerably longer than many have supposed. The Plan itself is scheduled to be completed and approved by late March of this year (though there was some discussion of extending this). But the regulation process could go on for 3 to 6 months longer. As Vice-Chairman Hathorne said, those of us participating in this process should consider that we will miss Thursday night TV for months to come. (Note: There's nothing good on anyway.)
3. While a good deal of consideration has been given to residents' concerns regarding direct zoning issues, the Area Plan is relatively noncommittal as regards major issues, which are environmental in the broad sense of the term, that the community has stressed in its presentations. Vice-Chairman Hathorne made a point of order to bar any discussion whatsoever of the large BLM parcel to the north of the designated planning area. And only fairly bland statements were made in the plan regarding Open Space and the Wildlife Corridor.

Another interesting thing that happened at the meeting, prior to the discussion of the Area Plan, was a public hearing regarding a request for Family Transfer Land Division in Placitas. The land to be divided is 1.9 acres, and the covenants in that area prohibit division for lots less than 2 acres. Some neighbors spoke

in opposition to this division, on grounds involving both the covenants and water issues. The commission and county attorney made it clear that the county cannot enforce covenants, though it is very sympathetic to communities trying to enforce them. The commission approved the division, but the owner was strongly advised to work this out with his neighbors to avoid litigation. The moral here is that CCRs are not complete protection to a community against people doing inappropriate things with their property, if those are consistent with zoning ordinances. This makes it all the more important that the zoning ordinances be firm and definite enough that what they allow does not deviate much from the spirit of the CCRs.

Mr. Gonzales presented first. His main points were these:

1. The draft plan captures about 70% of the consensus goals for the community, though the percentage is difficult to estimate.
2. It is the purpose of the plan to make recommendations that will bear fruit in the zoning and subdivision code to be written subsequent to the plan's adoption. "The devil's in the details," so most of the specifics will be contained in the work on those ordinances. The Area Plan sets general policies. Eventually these will be compiled with the policies contained in area plans for all the parts of the county, to produce a new Comprehensive Plan which reflects all these area-specific general policies.
3. Some groups wanted more cultural references in the history narrative, others wanted less. Staff has tried to balance these two.
4. Some questioned including population conditions in the Existing Conditions, but this is required so that when the Comprehensive Plan is produced the County Commission will have these necessary demographics.
5. The Goals section of the draft plan was left incomplete. What is planned here is a synthesis, in bullet points, of the various community wishes expressed during the process. (It was later discussed whether instead the Goals section should include what the plan's goals are, that is, what the main reasons are for the recommendations that follow.)
6. From the input received from various groups and individuals, some of the stylistic points were well taken, and appropriate changes will be made. But the policy recommendations will for the most part stay the same.
7. Regarding the Wildlife Corridor and Roads, the staff is clear about the community recommendations. However nothing specific can be done without official study that maps out the Corridor. "This is above our pay grade." (Later, however, public comment pointed out that there are preliminary maps, and that a completion of this study is only about 7 months away.)
8. Staff sticks to the 28 foot height limit, rather than the 24 foot recommended by OnePlacitas.
9. Night sky: The full wording will appear once the ordinance is written.
10. Regarding the Las Placitas community area, the revised plan will include more narrative regarding the culture of the area and acequias.
11. There are some refinements needed to the maps.
12. There is more work to be done regarding Placitas Heights, which has discussed becoming part of the West Placitas Residential District.
13. Knight Seavey has been asked to provide some definitions for terms involving non-residential development and "home occupation", with will be mixed with existing zoning code.

Chairman Arango made some remarks preliminary to the public comment:

1. He emphasized the distinction between the Area Plan and the code to be derived from it.
2. As the plan will mostly include general recommendations, it is important that these be correct.
3. He agreed with the strategy of splitting the area into different districts for planning purposes.
4. The commission will accept written comments about the plan. He mentioned no deadline.

Vice-Chairman Hathorne also made some preliminary remarks:

1. He commended Mr. Gonzales and the Placitas community for their work on the process.
2. "Lines mean things." That is, anything that goes into the Plan must have tangible consequences, and not just be for show.
3. The work of writing the regulations will require just as much public input as the work so far on the Area Plan. So come to the meetings!

4. He made a point of order that there be no discussion of areas “outside the blue line”, which has been used to define the Placitas Area for planning purposes. This excludes the north BLM parcel.
5. Please allow the commission to do its work.

During public comment, in response to a question Mr. Springfield clarified that the new zoning ordinances will be in the form of “community district overlays”.

After the public comments the various commissioners expressed their views and recommendations. First Chairman Arango:

1. Cannot hold up development near I-25 interchange until it is completed.
2. Concerning a public comment that the I-25 frontage roads need to be dealt with in the Plan, possibly as a seventh district, he said it may be too late to do that, considering the present stage of the process.
3. There should be language requiring that subdivision roads be brought up to present county standards if used to connect to roads for new subdivisions.
4. There should be stronger conditions put on if and when a Loop Road could be open to future serious consideration.
5. The north BLM parcel does have impact on the Placitas Area. The county needs to ensure that nothing is done there which has harmful impact on the plan area.
6. He rejected public comments regarding treating the Cashwell property separately in the Area Plan. What happens with that property should involve the zoning rather than the planning process.
7. Needs to be stronger language to protect acequias.
8. Regarding a number of public comments opposed to any taking of land along the Las Huertas Creek, he agreed that there should be no taking of this private land.
9. It needs to be considered whether specific recommendations be struck from the Area Plan altogether, and only general recommendations be included.
10. The Plan should encourage water and energy conservation.
11. The Wildlife Corridor and potential open spaces need to be considered when planning and zoning. However there is not yet an official map for the Corridor. (See note 7 above regarding Mr. Gonzales’ presentation.)
12. Due to public comment opposing the 2 acre minimum limit for lots in Ideal Acres, he suggested that this should be reviewed.
13. There do need to be regulations on slope development, though some in the community have asked that there be none.

Commissioner Martinez expressed his recommendations:

1. There needs to be better language on the right to farm.
2. Certain areas should be designated as animal-friendly.

Commissioner Lucero expressed his recommendations:

1. The staff and commission needs to address discrepancies between stated goals and recommendations.
2. He noticed how greatly the annual number of building permits have decreased since 2004. He assumes that there is either a low supply of lots for building, or some overly restrictive changes in zoning ordinances. Mr. Gonzales responded that this is largely due to a change in the housing market, especially as regards demand for over median price houses.
3. He suggested that there might be too much effort being put into areas with very little undeveloped land. Perhaps the regulatory work needs to be concentrated on those areas with the greatest percentage undeveloped. Mr. Gonzales responded that a map in the Plan shows the present build out, and that residents have requested that new development of new areas be consistent with development already there.
4. He stressed the importance of fiscal responsibility regarding this planning process.
5. He feels that the many comments against restrictions on ridgetop development are not honored in the Plan. Mr. Springfield responded that the purpose of these meetings is to listen to the commission and the public, and try to incorporate the various recommendations into the Area Plan

- consistent with sound planning principles. If there remains unresolved conflicts, then these need to be reported to the County Commission, who will then have to decide.
6. He objected to the characterization of Placitas as turning into a “retirement community”. The evidence against this is the traffic congestion during rush hours, which indicates that many residents are commuting to jobs.
 7. He expressed how much he values the open space in Placitas, but questioned whether there is a need for any more. What might be needed is a trail system connecting the present open spaces, and possibly easements along the highway for walking.
 8. He suggested striking imprecise language like “many people”, in favor of reporting only precise facts.
 9. A 2 acre minimum in Ideal Acres may be a burden on the owners, and also restrictions on ridgetop development.

Commissioner Vester recommended that there be more language in the Plan regarding farming and acequias.

Vice-Chairman Hathorne expressed his recommendations:

1. Agrees with recommendations of Las Placitas community that language regarding values be as strong as appear in the Jemez Valley Area Plan, especially concerning water and acequias.
2. Disagrees with the Land Grant and acequia communities that water issues need not be addressed.
3. County should require community water systems where possible, and stress conservation.
4. The Intera water study should be better integrated in the Plan. Perhaps there be higher standards as regards water use in the more water challenged parts of Placitas.
5. Staff should use the Jemez Plan as a model for water regulations.
6. Lot size regulations should be tied to water availability.
7. The Area Plan should be less specific about such design considerations as color palettes.
8. However there should be specific height limits in the Plan, and based on community wishes.
9. Here there was a general discussion of the degree of specificity of the Area Plan. Mr. Springfield said that the revision would cut the size of the Plan about in half, cutting most specifics. There needs to be consistent instructions from the commission regarding this. Mr. Gonzales estimated that it would take at least 3 months for the code writing and approval process. Mr. Springfield upped that to at least 6 months. Commissioner Lucero remarked that the Plan should be mostly general, but with major specific exceptions for various districts included in the Plan.
10. Vice-Chairman Hathorne addressed the Open Space issue, remarking that so far the public discussion had lacked recommendations for specific locations. He recommends an Open Space Exploratory Committee, made up of county officials and members of the public, to arrive at better specifics, including possible easements. This however should not allow eminent domain. Commissioner Lucero requested removing the language in the Open Space section of the plan regarding possible open space along Las Huertas Creek. Also there should be recommendations for walking easements. Mr. Springfield pointed out that these recommendations cannot be made without a study, but a statement in the Plan can mandate this study.
11. He wants a more flexible plan, that would allow for more non-residential uses in residentially zoned properties. He does not like using the term “commercial” in this regard, but instead envisages non-residential use offices and non-residential use retail, that would be in the style of houses, so as to preserve a residential look. A house and office might be connected or near one another, with only a modest sign differentiating the two from the outside.
12. He does not want to consider marketing or business plans when considering zoning that allows for non-residential uses.
13. Placitas residents should be encouraged to do their commerce in Placitas.
14. He asked that the areas abutting the I-25 frontage roads be treated as a seventh district.
15. The Area Plan might help transition the Placitas community towards incorporating.
16. It might be too difficult to demand that subdivision roads be brought up to present county standards if they connect to new subdivision roads.
17. There should be more commerce in Placitas, partly to cut down on pollution due to trips into Bernalillo and elsewhere.

Commissioner Martinez remarked that home occupation needs to be permissible.

Mr. Springfield made these remarks:

1. Transportation issues on highway 165 need to be handled by NMDOT, since this is a state road. County then helps implement the findings of NMDOT.
2. Because of the work involved in completing the planning and code writing process, it may be necessary to extend the moratorium beyond March. He indicated that it would not be hard to get the County Commission to agree to this. However the P&Z commission members expressed doubt about doing this, and Mr. Springfield responded that his department can meet the present schedule.
3. Individual wells cannot be feasibly metered by the county.
4. For ESCAFCA to do its work it needs to consider some taking of property in certain cases. But ESCAFCA resists using this power.