Subject: Proposed Santolina Development: Issues and Options

Date: August 15, 2019

This is a summary of the Letter to the Bernalillo County Commission summarizing problems with the Santolina proposal, suggesting an alternative arrangement that addresses these problems, recommending highest priority actions to achieve this objective, and advocating for appropriate Urban County staff to inform and advise County representatives regarding these issues.

The following LIST of RESOURCES and their active links to the attachments identify and describe some serious problems with, and some potential negative impacts on Bernalillo County from, the Santolina development as presently proposed on the West Mesa. These problems include: soils, arterials and utilities, 21st century market appeal, TIDDs, environmental health, water supply, stormwater drainage, and others. [Please see: Item 2 a through e]

These Resources also put forward and describe, in substantial detail, a modified arrangement for the Santolina project that addresses and remedies all of the problems and issues identified above. In meeting with AIA members, considerable interest was expressed in the modern application of historic patterns and unique new forms. [See Item 3. a through e]

This information is timely in view of the pending decision by the New Mexico State Court of Appeals involving the District Court’s finding regarding the appropriateness of the procedure re the quasi-judicial hearing, June 18, 2015, by the Board of County Commissioners approving the designation of PC zoning for the area of the proposed Santolina development.

The Court of Appeals decision could be handed down at any time, and could be ruled either way. Our evaluation, though, is that the District Court findings, by Judge Franchini, regarding the breach in protocol of the requirements of the quasi-judicial hearing, are so clearly stated and thorough that the determination to rescind the PC zoning and to remand the case back to the County Board will stand. Please see List of Resources [Item 1. a]

The District Court’s decision, however, addressed only the issue of the quasi-judicial hearing mal-performance, and not the issue of the subsequent Agreements and Plans. The Board also will have to address the substance of the subsequent appeal, June 7, 2017, by the New Mexico Zoning Environmental Law Center that says, from our understanding, if the PC zone is not in place, according to the Bernalillo County Zoning Ordinance, the subsequent Development Agreement and subordinate Plans are no longer valid. See List of Resources {Item 1. b)

The first and highest in priority is the BBER study, allowing an unbiased assessment of the real costs and benefits of the proposed Santolina project. The full New Mexico Legislature approved this study in this just-completed session. Unfortunately, it was, (apparently inadvertently) vetoed by the Governor. Legislative members, however, have indicted in subsequent conversations with the Governor that there is a potential for some State support of this work. [See Item 4. a thru d]
It is important, though, that the BBER study should include the comparison of the present arrangement of Santolina with the Modified Santolina as described in detail in the full document and in its Recommendations, as submitted to the BCC November 13, 2018. [See Item 3. a & b]

Additionally, Item 3 of the LIST of RESOURCES also includes specific recommendations for the County’s response and input to insure inclusion of important County interests in the City’s version of the recently updated, but jointly adopted Albuquerque/Bernalillo County Comprehensive Plan. [See Comprehensive Plan revisions, Item 7. a & b]

We have met twice with PNM to explore their potential interest in the energy generation component of the Modified Santolina Option(s) with capacity to produce electricity for all of Bernalillo County and its relation to the 2019 Energy Transition Act. PNM was interested, yet not committed until further details are discussed with the County and/or owners of Santolina. [See Item 5. a & b]

We also met with Jim Strozier, Principal of Consensus Planning. He indicated that he was ‘flexible’ regarding the proposed ‘Modified Santolina’ options. Because we don’t have a written document from our meeting with Consensus Planning, we have instead provided three earlier submissions to the CPC and BCC, and one recent Albuquerque Journal article. [See Item 6 c]

An important aspect of the Santolina proposal is that it followed immediately after the designation of Bernalillo as an ‘Urban County’, and without exploring ‘best options’ for this very large area. Another issue was the fact that, although designated as an ‘Urban County’, the County did not move to hire additional skilled and knowledgeable staff to inform and advise them in their new, expanded ‘Urban County’ role and responsibilities. [See Item 7. c]

This letter, and the attached, detailed factual and support information is provided in view of supplementing this needed, specialized Urban County staff. It is prepared, pro-bono, by citizen professionals who are experienced in Urban Design, Project Design Review, Environmental Planning, Community Health, and related skills, and with many years serving in these capacities.

This letter and support information has been developed through a process of extensive research and consensus decision-making and has been contributed to by many others. It is based on and generated by our concern for, and our love of, our shared Community.

Respectfully,

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Principle Author – First Albuquerque/Bernalillo County Comprehensive Plan
LIST of RESOURCES

Click on active blue links below for access to detailed information for each item,

1) New Mexico State Court of Appeals:
   a) PC Zone, Potential Remand: District Court rescind of PC zone based on breach in quasi-judicial BCC Hearing process
   b) BernCo Zone Code: If PC Zoning not in place, Pre-Agreements, Plans not valid; (Appeal)
   c) If PC zone is approved or not, Santolina as proposed should NOT proceed: risk to BernCo

2) Serious Problems with Santolina as submitted, related issues:
   a) Soils: Dunes, 1) Huning Ranch, 2) Relevance to Santolina, 3) Arterials, Underground pipes
   b) Market, 21st Century: Intro to 11/13/18 Submission: Sprawl, Unique Aspects of Metro area
   c) TIDDs: 50yr. Taxpayer Commitment, 1) NM Example, 2) APA, National, 3) PIRG, National
   e) Water Issues: 1) Domestic Supply, costs, sources, treatment, 2) Stormwater Drainage

3) We are NOT opposed to Santolina; we are opposed to the very poor design:
   a) Modified Santolina Letter to BCC, and Summary: [see 11.13.18 Submission to BCC, 3. a]
   b) Modified Santolina, full Document: lower infrastructure cost, greater revenue to County
   c) Met with AIA members: considerable interest in modern application of historic patterns
   d) AIA, Unique-New Forms: A basis for a Sustainable Metro Area, No TIDDs
   e) If Modified Santolina approved, first option to WALH; Alternative partnerships

4) First Priority: BBER Study:
   a) Need for unbiased study of positive and negative aspects/impacts of Santolina proposal
   b) Fiscal Impact Study: Evaluation by Senate Finance Committee, Legislative Staff, this session
   c) Bill Approved by Full Legislature: Inadvertently vetoed by Governor, still potential State $$
   d) Modified Santolina Option(s): should be included in the BBER study/comparison

5) Met with PNM:
   a) Met twice with PNM: Interest, no commitment; urgent for County/PNM to discuss options
   b) Energy transition Act: Modified Santolina could serve all of BernCo and ~half of PNM’s load

6) Met with Jim Strozier:
   a) He was ‘flexible’ re modifications as proposed in our Submission to BCC, (additional work)
   b) He seemed less concerned about soil problems. Related submissions include the following:

7) [Comprehensive Plan revisions and Urban County staff:
   a) Comprehensive Plan: County concerns, Input to Update [See also 3a) and 3d) below??]
   b) Unique CompPlan Development: New/historic patterns, attractive, marketable, no TIDDs
   c) Urban County, Staff: Need Physical Design, Environmental Planning skills, advice to CPC, BCC