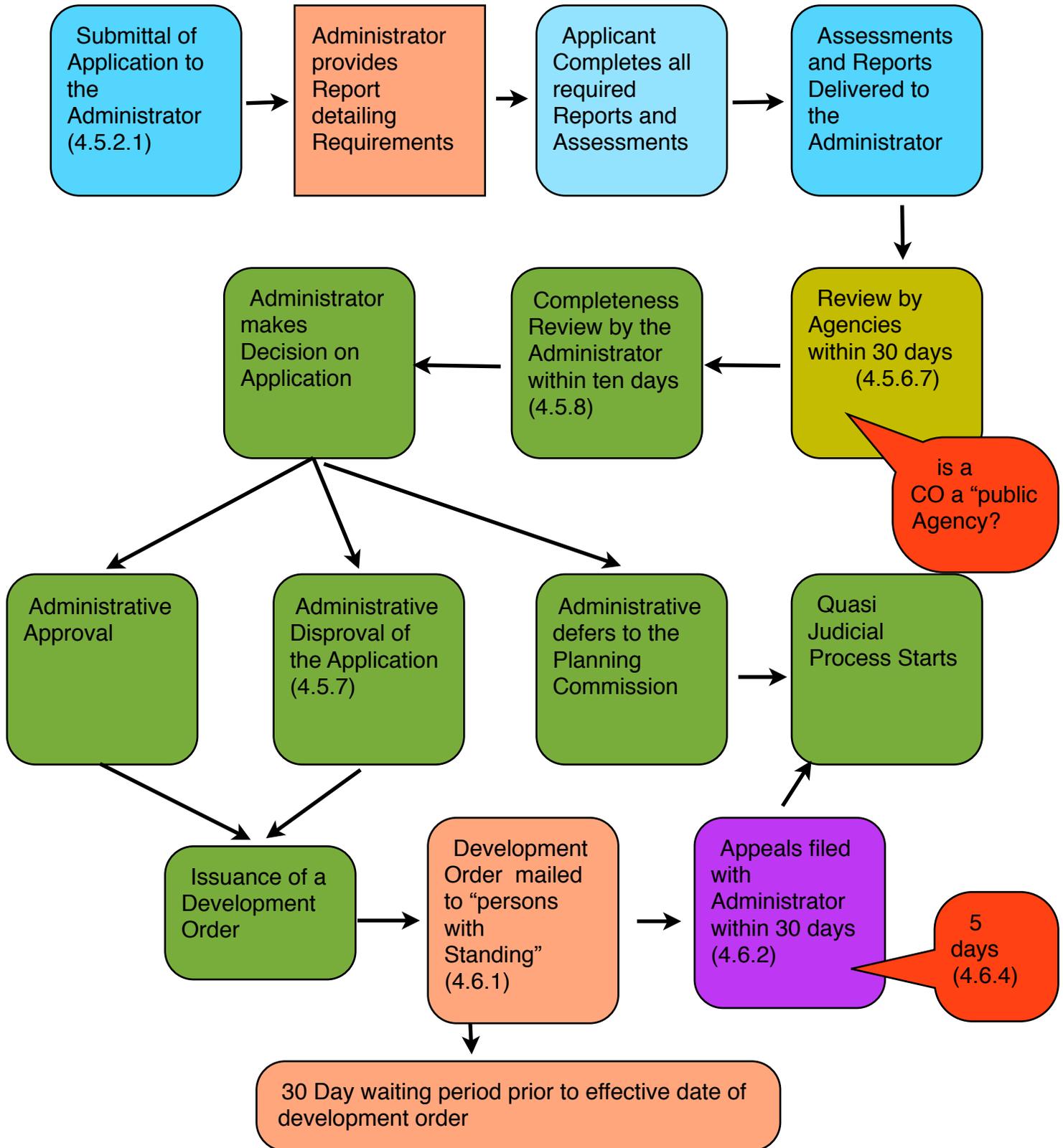


Family Transfer Application



The Flow Chart is drawn from the Santa Fe County Sustainable Land Development Code Draft 12/13/11. It is designed to illustrate potential processual flaws that might lead to unnecessary confusion in implementation. Color coding is as follows:

Green = County Process
Blue = Land Use Applicant Process
Orange = Procedure not covered in the draft
Yellow = Outside Agency
Red = Interpretation Question

The first procedural flaw in this example is that the elimination of the TAC conference also eliminates a clear process that would instruct the applicant as to what Reports and Assessments would be required for a successful submission. There is an assumption that the Administrator would provide such written instruction, but it is not detailed in the Code. Giving the Administrator the license to direct which reports and assessments need to be provided means that there would be no administrative appeal process to follow. The applicant would have to appeal to the Planning Commission, which would probably result in the need for a hearing.

It is recommended that any Land-Use application that follows procedures outlined in 4.5.7 Table 4.2 that specifically states that an administrative decision is required, require the administrator to provide a written "requirements" list of Reports and Assessments to the applicant and to any organization "with standing".

The second procedural flaw in this example is that review of the reports and Assessments does not clearly include Community Organizations in the review process (4.5.6.7) unless "CO"s are defined as a "public Agency" (4.5.6.7.7). If this is the case, then Public input is limited to the appeals process.

It is recommended that "organizations with standing" be added to 4.5.6.7.7.

The third procedural flaw is that once a development order is produced by the administrator, there is no "waiting period" required even though 4.6.2 allows a thirty day filing period for appeals. 4.6.4 only allows a five day appeal period and this discrepancy will cause confusion. adjunct to this, there is no requirement for the development order notification to be sent to any party with standing. How then, would appeals be considered?

All of Family Transfer requirement hinges on the State Requirement that (I believe) allows transfers to take place only if the transfer is above half the zoned requirement. If the Code is actually going to provide zoning, then this requirement surely must be included in any administrative finding of fact.