

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

September 14, 2010

- Harry Montoya, Chair – District 1
- Virginia Vigil – District 2
- Michael Anaya – District 3
- Kathy Holian – District 4
- Liz Stefanics – District 5



COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

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 Valerie Espinoza
 County Clerk, Santa Fe, NM

SANTA FE COUNTY
SPECIAL MEETING
BOARD OF COUNTY COMMISSIONERS

September 14, 2010

This special study session of the Santa Fe Board of County Commissioners was called to order at approximately 9:08 a.m. by Chair Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner, Harry Montoya, Chair
Commissioner Virginia Vigil, Vice Chair
Commissioner Kathy Holian
Commissioner Liz Stefanics
Commissioner Mike Anaya

Members Excused:

[None]

Staff Present:

Jack Kolkmeier, Land Use Administrator
Robert Griego, Planning Director
Steve Ross, County Attorney
Katherine Miller, County Manager
Penny Ellis-Green, Deputy County Manager
Arnold Valdez, Senior Planner
Tim Cannon, GIS Planner
Renee Villareal, Planner
Melissa Holmes, Planner
Valerie Espinoza, County Clerk

[Sign-in Sheet of participants included as Exhibit 1]

SFC CLERK RECORDED/01/2010

III. Approval of the Agenda

CHAIRMAN MONTOYA: Any changes?

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER STEFANICS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Stefanics. Any discussion?

The motion passed by unanimous [5-0] voice vote.

IV. Study Session on Sustainable Land Development Plan (SLDP)

o **SLDP Review**

o **Staff Recommendations**

o **Public Comments Matrix and Recommendations**

[Exhibit 2: Staff Memo; Exhibit 3: EGMA Recommendations; Exhibit 4: Comments from the Estancia Basin Water Planning Committee]

CHAIRMAN MONTOYA: Okay, this is a study session. I just want to emphasize study session, on the Sustainable Land Development Plan. We've had a number of different public hearings, a number of CDRC meetings, a number of public meetings out in different communities, and I want to thank everyone for their participation on the development, redevelopment and shaping of this plan. Certainly we want to move forward and would like to get something adopted so that then we can begin to work on the code that will accompany this plan, because this plan without a code is pretty much toothless, so we certainly need to move forward in working on the code as well. So I'm going to turn it over to staff and we want to have discussion at the end of the presentation so we'll also have public comment later on in the agenda. So I'm going to turn it over to staff. Jack.

JACK KOLKMEYER (Land Use Administrator): Thank you, Mr. Chair and good morning, Commissioners. Thank you for taking your time your time out this morning to go over the Sustainable Land Development Plan with us this morning. I'd also just like to take a second to thank my staff, especially the planning staff and Robert Griego to my right here who is the Planning Director for Santa Fe County and all the other capable members of his staff, Arnold Valdez, Tim Cannon, Renee Villareal, and Melissa Holmes who helped us this morning particularly to put this presentation together. Also I'd like to welcome all the county residents this morning. It's a wonderful turnout. We really appreciate your being here this morning and having worked with us so diligently over the past two years. It's been a lot of really interesting and valuable meetings that we've had.

Also I'd like to acknowledge the presence of our County Attorney. Of course there are some residents from the county who may not be familiar with all of our staff. Valerie Espinoza, the County Clerk is here also, and Penny Ellis-Green and the newest member of our staff, our new County Manager Katherine Miller who doesn't even have a name plate yet. What a start. And we thank all of you for being here this morning.

The purpose of the workshop this morning is to go over all the chapters of the SLDP. We have not had a chance with you, the Commission, really over the past couple of years to sit down and go over all of the chapters to discuss the intention and the primary objectives and directives of each chapter. So the purpose of this workshop is not necessarily to discuss the merit of each idea, but for you to fully understand the content of the plan – what is in it and why. This is a workshop/study session. We will allow time for public comment toward the end of the meeting but we emphasize that this is not a public hearing in the sense that we have formal public hearings in front of you. We'll do those later, probably next month. So this is a study session, and we also emphasize this is a study session on this June 20th draft. It says final draft, June 20th, but it's not the final draft. We will be redrafting this document so that what will come before you later will be a final document.

This is very important because we received a massive amount of information – comments, criticism and support on this particular June 20th version. However, we have not yet been able to completely rework the plan to include all the recommendations that appear to be needed and we have not yet been able to discuss some of the more controversial policy issues with you, the Board of County Commissioners. We hope to accomplish most of this this morning. We may need additional study sessions. We'll see where we are when we get to the end of this morning's session.

What we need from you today though is direction for making final changes. Many of these are in the recommendations matrix that's at the end of the other document we'll go through and we'll explain to you what all you have in just a second. We'll discuss the recommendation matrix and what changes we need to go through. We'd like to make as many changes as we can now, based on input from you, so that we have the best and the most complete final document we can have. Okay. So what do you have in your packet? You should have two really important things this morning and that is a copy of the June 2010 final draft plan. You also have a notebook – I'm not sure what form you've got it in whether it's an actual notebook or not, but in that notebook there's a staff memo I'll go over in just a second. There are changes that we've already made to Chapter 1. There are growth management area recommendations and objectives we we're going to go over all this in detail so that you understand what it is. A glossary, all of the recent public comments that we've gotten, and at the end of that document a staff evaluation and the recommendation matrix.

So I'm going to start off again first of though by emphasizing what is the Santa Fe County Land Development Code and why are we doing it. The SLDP is an update of the 1999 Growth Management Plan and is a growth management strategy for the County that will direct the relationships between the County, its residents and the environment. Simply put, it will be the County Growth Management Plan and the BCC outline for future project and program development. For example, the SLDP will be the County's official position on economic development, or affordable housing, and that's just two of the 13 chapters that are in this document. Most importantly though, it's a problem solving device to help all of us better understand problems and issues with some suggestions for how we might consider solving these problems.

What did the 1999 Growth Management Plan complete? And this is very important because we're doing the 2010 SLDP, as I said, as an update of the 1999 Growth Management Plan. It did a number of extremely important and very successful things in the County. It

designed specific growth areas, especially the Community College District, it defined service areas for the County water utility at that time, it created a community planning program, it created an open space program, it established the affordable housing principles at that time, it established a water conservation program, it established economic development target industries and preferred locations resulting in, for example, the media district.

So how will the SLDP update the 1999 Growth Management Plan as this is the point of this particular update of the plan? First of all, it will be a refinement of the priority growth areas. It will evolve the growth management goals and objectives. It will implement a capital improvements program for the first time, although even a capital improvements program was recommended in the 1999 Growth Management Plan we did not initiate one. It will implement a Land Development Code; we did not have a code as a result of the 1999 Growth Management Plan and as Commissioner Montoya already mentioned this morning it's a key element. Continue to evolve community planning program, redefine the basic planning concepts and systems and settings. I'll get into this a little bit later, but systems and settings are really the key concept of the 2010 Sustainable Land Development Plan. And finally, the SLDP becomes the vision and program for Santa Fe County over the next ten years.

The construct for doing all of the work that we've done on the plan elements is based on really a three-step process. The most fundamental idea behind the SLDP is the concept of settings and systems. We created this idea originally back in the 1999 Growth Management Plan and subsequent Community College District Plan, and the idea on the surface is very simple. The various different settings of the county, that is the geographic and cultural settings, whatever they may be, require different systems to function according to their needs and area efficiencies. And we've recognized this clearly and we've worked through this with, for example, water. We know that certain portions of the county can rely on groundwater. Other areas where groundwater may be difficult have an opportunity to rely on surface water. So we have devised a system for doing this early on in the SLDP by creating growth management areas, for example, and I'll get into all of this in some detail.

Most importantly though we're concerned about creating a term for the plan that sets out ideas and guidelines and not mandates. Regulatory language with mandates and rules and regulations will follow in the code, but we want to make sure that we understand clearly the concepts and ideas that we, as the County staff and elected officials and county residents feel best suit the settings throughout the county.

What are the challenges that we face in presenting the SLDP? Well, it's interesting, because everybody wants a sound byte. And in our modern era you have to be able to distill things down to a phrase or a particular word and when you do something like put together a Growth Management plan, that's pretty difficult. But we're going to give you a sound byte this morning for each chapter so that when your constituents say to you, what's the plan about affordable housing? We're going to help you to be able to say, the plan for affordable housing is about this. However, many of the ideas and the new programs and directions can't of course entirely be communicated in one sentence or thought. But we will lay out every chapter element and the idea for each chapter as clearly and simply as we can knowing full well that many of the directions are complex. Arriving at a simple definition, for example of sustainability, has been a tortuous journey and one of our past document had 20-some definitions of sustainability. Well, in the version that we have before us with the exception of

one that it seems a lot of people liked, we've created our own definition for sustainability, because we think that that's the way that it should be.

We've arrived at a different points of view to guide the County into the future that are based, we hope in this document, on fairness and the need to balance health, safety and welfare concepts with as many of our communities and residents as we can, balancing also the needs of communities with the rights of individual property owners. Again, we've heard this consistently throughout all the work that we've done on the plan. We need to focus on communities and what the community needs are as well as what individual property rights are.

This is our definition of sustainability as we have it right now: Sustainable development maintains and enhances economic opportunity and community well being while respecting and protecting the natural environment which people, natural systems and economies depend upon. The construct, again, that we have created for going through the plan back to the systems and setting idea is three-fold, and we've used this technique all the way through the meetings that we've conducted and the discussions that we've had. There are three steps for us to get to what we recognize as sustainability. First of all, identify and understand specific issues and problems. Secondly, respect all points of view and consider all suggested options. One of the things that happens frequently when we'll be meeting with groups is a group will have a very specific point of view. What we've discovered in particular the last six months is that we've needed to listen to all points of view and respect what it is that's being told to us because then we're able to take confident action.

So this three-step process of identifying problems and issues, respecting the points of view, and taking action is really clearly important to our definition of sustainability. The sustainability plan – let me just go over this again – is not a code of mandated rules and regulations. It's a guide to ideas and directives. So we have had discussions that because of the sustainability comments and things that this is some document controlled by global interests in the United Nations; it's not. It's a document conceived by our residents and every time as we may need to clarify that we will make sure that we do that.

So how is the document laid out? I just want to go over this real quickly. There is a Chapter 1 introduction. There's an introduction and then there's plan elements chapters 2 to 14, and then there is an implementation strategy at the very end. Before I go into that, however, I just want to one more time go over the public input process has been really incredible. We had our first kick-off meeting on this plan back in December of 2008. We did a series of charettes from February to April of 2009. We've had public input study sessions for each growth management area during October 2009, eleven CDRC public hearings, 17 public input workshops from April to May of this past year. We recently had six community working group meetings in southern Santa Fe County, and the process of course has included numerous SLDP revisions and recommendations, as well as numerous comments that have also been submitted both separately and from community input meetings.

There are some proposed revisions in front of you and if I may what I'd like to do, I'm going to switch between the two basic documents we have, the notebook that you have and the Sustainable Land Development Plan. And each time that I switch I'll make sure that we know where we are so that you can follow. But I'd like to go to the notebook right now and just go to the staff memo, which is the very first thing in there, and again, it just reiterates

that your receiving this document now and doing the public workshop is the result of the County Development Review Committee, the CDRC, passing this document on to you at their last meeting on Thursday, August 26th. And they – the decision of the CDRC after two public hearings on the document at that time was that while they recognized that there were still a number of controversial issues that needed to be discussed that they were really policy issues that needed to find a way to the Board for discussion. But they wanted to pass on to you the current draft of the document along with a number of recommendations.

It became clear – and this is page 2 of the memo to you – that Chapter 1 needed to be revised. There were a number of problems there with the definitions of sustainability, issues of whether ideas and concepts were mandates or they were guides, so we have fairly completely reconstructed Chapter 1 and we'll go through that of course as we do the chapters. We also wanted to, at the request of a number of concerns at the time, revised policy 5.1 showing that oil and gas mining ordinances are incorporated in the SLDC. To revise strategy 5.1, incorporate existing mining ordinances to include sand and gravel mining in there as well. And then specific recommendations recommended for Chapter 11, requirements for existing homes to add new water capture is not feasible, for example is something that also been recommended to us. And then finally, a glossary of terms.

Also in the notebook you have the revised Chapter 1. There is a section on growth management areas and objectives for each of those areas, and again as we get to those chapters we will discuss that. You'll notice that when we get to the growth management area objectives that the ones for Estancia are not included and that's for a couple of reasons. We didn't get them in the fashion that the members of the community entirely wanted them until late last week, but we've been handed them this morning. And we also as staff, we revised a number of those growth management area objectives for the other areas, El Norte, El Centro and Galisteo, among staff members but we did not want to take that privilege to do that for the one submitted from Estancia until we get the go-ahead to do them in that direction. A glossary is included and then quite a few public comments, and then at the very end of your notebook there are staff evaluations and staff recommendations in the form of a matrix, and when we get through all the chapters Robert is going to go through that with you.

So, let us turn to Chapter 1.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIRMAN MONTROYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Would you want our questions and comments about each chapter as we go along or at the end?

MR. KOLKMEYER: Mr. Chair, Commissioner Stefanics, my fear, if we start to discuss all the chapters right away is that we might just go into detail and not get through all the chapters. So I would suggest that you take notes as we go forward because as I said, we've never had a chance to go through all the chapters at one sitting. So let's try to do that if we can. If you feel that something is really pressing and you need to bring it up we'd be happy to answer any specific questions that you have. But we think it's important to get through the chapters. And we can do this relatively quickly, in like 45 minutes or an hour. So let's see how we go and if you feel like something is really important we'd be happy to accommodate that one.

So there's two ways that we need to look at Chapter 1, and again, these are revised Chapter 1, and you also have Chapter 1 as it appears in the 2010 draft. I'm going to focus on the revised on but if you want to look back to see how things were redlined or the order of how things are you can make reference back to the 2010 document as well. And I'm going to start off discussing each chapter with just going over what the intention of the chapter is. Now, after we've had two years of discussing things, what's the intention of each chapter? So we're going to do that, and then I'm going to go through the key issues of what's in the chapter and then go to the directives. We feel that the most important thing that we can discuss with you today are the directives, because those are the policy directives. That's what you will be asking the document to say: do this. This is an action the County needs to take. These are the things that you as the Commission need to approve and that your staff needs to implement and go forward with. So that's how we'll do this.

So the purpose of – first of all, the first chapter, which is the vision and the introduction is that we want to devise a sustainable County growth management strategy based on land use concepts, available natural resources and fiscal strategies that understands and respects the relationships among the past, the present and the future. And also, respect the landscape that nurtures our cultures and our economy. What's become clear again, having worked here for many years and for those of you that have lived her is that we know that the people and how they use the landscape are really our assets. Those are the most important things that we have. So how we do that individually and as communities, it really comes again out of this idea of understanding and respecting the relationships of how things were done in the past, what we're doing now in the future, and what we might need to change into from the present into the future. So we think that's really a fairly good statement of where we are with that.

So each chapter has, starting with Chapter 2 – Chapter 1 is a little bit different – but each chapter will have key issues, keys to sustainability, critical findings and then directives. Again of course, I just mentioned the directives and directives for each chapter set the policy and the framework and each chapter will have goals, policies and strategies. Our goal of course is the overall sustainable direction that we need to move in; the policies are statements of government intent, and the strategies are specific actions.

So for Chapter 1, and you'll notice that there's a lot of redlining done in Chapter 1. So if you look at page 8 of Chapter 1 in the revised section of the notebook, we put back in, as we said earlier, growth management areas. That is, El Norte, El Centro, Galisteo and Estancia. We found that when we started off this process doing the charettes that we did and the workshops, they really were effectively done because we divided the county up into areas and we could get really specific input from everybody. We're also going to add objectives to each area, for each chapter. So in other words, when we get to affordable housing or economic development, we're going to have objectives for El Norte, for example. What do the residents of El Norte really feel about affordable housing or economic development? Our problem at the moment is we haven't figured out exactly where to put them, whether they should go in with each chapter, whether they should go in at the end of the document, so we're going to need guidance from you again when we get into the chapters and we look at these things you'll be able to understand where these might go. This is going to be switching through back and forth through a lot of things but I want to alert you as to Exhibit 2 in your

notebook. Those are the growth management area objectives for each plan element of the draft that we have right now. As I said before you'll notice we don't have them in there for Estancia although you were given those this morning. So as we go through each chapter we'll be able to look and see what each area, how each area viewed the content of that chapter.

The plan directives, we've already gone through that, then there's a map on page 10 of the growth management areas that will relate to the objectives. We have our vision statement: Santa Fe County is a place of natural beauty, diverse cultures, and enduring, sustainable communities. And again, one may or may not like the use of sustainable at all and we've had that discussion with people saying why even bother to use that term at all? The fact of the matter is our communities have been sustainable for hundreds of years. So it's something that we feel is really an important aspect of the work that we are doing.

On page 11, as I said, way back we had 20-some definitions of sustainability. We decided to use one that we found and seemed to have liked for meetings we had which comes from – oh, it's page 12. Sorry. But we really created our own definition. While there are diverse notions about sustainability again, ours is, as I read it to you before, sustainable development maintains and enhances economic opportunity and community well being while protecting and respecting the natural environment upon which people, natural systems and economies depend. Then we also have devised principles for sustainable communities and there's a little chart there that shows you – again this is fairly standard in discussing sustainability but includes economy, community and environment and we'll go into some detail with that and these pages might not quite be the arrangement they should be in, but then on page 13 we wanted to go over again what are the purposes of the plan, of this 2010 SLDP. And they're very simple and there's eight of them.

The purposes for creating the SLDP are to focus on community needs and values, direct the location and character of future growth, protect and restore the natural environment and rural landscape, conserve water and resources for present and future generations, redefine the zoning standards in the development review process for the County, ensure effective, transparent and ethical governance, and fiscal responsibility. In other words, have a land use plan and a land use strategy that is fiscally responsible and fiscally sound and effective throughout the county. Those are all listed there on pages 13 and 14.

Then we wanted to do one more thing. It's been a big controversy. We've had both positive and negative feedback about this and this starts on page 15. Because this is a sustainable land development plan it has shifted somewhat. The original plan was a growth management plan, but we wanted to include sustainability principles in this and we actually did that back in the Community College District Plan. It had a whole section on sustainability, because it's really important that we move that back into what growth management means. And we've divided this again into the few sections of environmental responsibility, economic strength and diversity, and community livability and quality of life.

Now, you'll notice a number of redline changes in this part of the document and again, it goes back to us not wanting to have these principles be mandates or in legalistic type language but in more again of a sense of spirit of how these things should guide us to be able to make whatever mandated or regulatory positions that we want to take. So a number of things that we did when we recognized that they were specific actions that may want to come

as part of policy or the code later on has shifted some of the language of those comments once again.

The other part of this Chapter 1 focuses on communities and community planning. Again, we wanted to reiterate what traditional communities are in Santa Fe County. It's really important that people understand the distinctions between the traditional communities, but also between the contemporary communities – those communities that weren't created as some of the other communities were going back hundreds of years for protection, commerce, religious purposes, whatever reasons they may have been created back then but also that we had new communities now that are gradually created through subdivision. And we need to recognize those places because again, 50, 100 years from now they will be traditional in their own right. So we wanted to make sure that we recognize that there are different types of communities within Santa Fe County, because, as the chapter then continues, it's very important for us all to acknowledge that one of the most important things that came out of the 1999 Growth Management Plan was community planning.

For those of you that may recall the very first edition of Sustainable Santa Fe that came out in 2009, I read an article in there where it made the point that when you read documents on sustainability throughout the country rarely will you see one that says an important part of sustainability is community planning, where communities actually have the role of governance and the ability to say what it is that they need. I've always found that kind of odd as a planner that it's not really one of the fundamental principles of sustainability, because if we don't have that aspect in our communities then sustainability is coming from some place else, maybe the top down. And we want to assure everybody and make sure that we all understand that our attitude towards sustainability is growing from our communities and from our landscape and that's a very important distinction that we've tried to make there.

We recognize that we did not have a section in the first chapter on regional planning partnerships and cooperation. That's huge. I'm not sure how it got left out but it's one of those things that did, and again, we're reminded as we work with the Estancia Basin group that regional planning in their area is very different than regional planning in the City of Santa Fe and our relationships with Rio Arriba County and Española, and we want to reiterate that that's an incredibly important part of our Sustainable Land Development Plan as well as our relationships with the pueblos and other institutions such as educational institutions and our Community College, for example.

We also took out the part on the new ruralism and we actually didn't take it out and eliminated it, we moved it to the section on design, because new ruralism for us grows out of a number of things. It grew out of a reaction to new urbanism and smart growth which a number of people took tremendous offense with because they reminded us that they were in rural areas, not in urban areas. So the idea of new ruralism for us came really in the Community College District when we went back and did extensive studies on the existing traditional communities. What made them the way that they are, with plazas and main streets and summers?? And how they related themselves to the fields and water, and we wanted to bring those concepts and try to do them in new environments, but we were reminded that again, that those concepts are really for new, more dense places. So we've taken that out of here and we've put it into another portion of the plan.

And then the remainder of this chapter talks a little bit about the community participation process which we have already gone over. So that's Chapter 1. Mr. Chair, do you want to do a few questions right now or shall I keep going?

CHAIRMAN MONTTOYA: Commissioner, do you have any?

COMMISSIONER STEFANICS: No, my questions and comments are more related to the chapters of the entire plan, so I think we should just keep going, do it at the end, make sure that there's enough time for the staff to present.

CHAIRMAN MONTTOYA: Yes. Okay. Good. Go ahead, Jack.

MR. KOLKMEYER: Thank you, Mr. Chair. Okay, so then let's just dive in at this point if you don't have any questions. But that's kind of the theory of why we did the plan and where we come from and where we are at the moment.

So Chapter 2, the first element chapter is Chapter 2, is the land use element, and the purpose and intention of this plan again is to acknowledge the landscape of Santa Fe County as the setting – back to the systems and settings idea – for a variety of settlement patterns and continue to work with residents to apply the most appropriate and effective infrastructure and service systems for their areas including specific priority growth areas where highly dense residential and mixed-use places can occur.

Now the key pieces of this chapter, and the key issues and keys to sustainability, I'm not going to go over. And let's switch back to the 2010 document. Just so we're all on the same page. Sorry. We need to shift around a little bit here. But I'm not going to go through all the key issues and all the keys to sustainability or the critical findings, which are the data and the information. I'm just going to go over again the key points, doing each chapter the way that we had and then go to the directives.

So the key pieces for the land use are land use and development should be consistent and comply with the sustainability principles of the SLDP. Again, there's a bit of controversy about what needs to be consistent with what and why and that's why we wanted to take some time to clarify those principles back in Chapter 1 so that we can provide rational development planning, land use compatibility where that's important, and adequate public facilities and services at adopted level of service in a manner that's appropriate for those areas.

So to do this the County will use a couple of techniques. Sustainable development areas map – that's the map over to my left over there and it's also included in the document, and that is a phasing schedule. It's a map of the schedule of phasing development into the future. We also have a future land use map to my right behind Commissioner Anaya, and that is again what the uses look like pretty much up to now but also into the future as we're viewing them probably over the next five to ten years. We're also going to have an official map that will guide land use development review and infrastructure provision by clarifying zoning regulations and streamlining the development review process.

Future development planning and the development of appropriate land use tools and land transfer techniques is also key to this chapter, a way to minimize land consumption, provide transit options and meet mixed-use objectives. Now we recognize that there's a lot of undeveloped land in Santa Fe County and there are attitudes in some parts of the county for one to develop properties on larger lots, for example. There are other areas where ¾-acre lots in community settings is appropriate. And this gets us back to again why the idea of the growth management areas and the growth management objectives are so important. The

County will honor existing community plans and ordinances and continue the community planning process. As Commissioners you've already heard the importance, most of you have from your constituents about how important it is for us to continue to evolve this process and we plan to honor that in this plan as well.

Focus commercial development in activity centers and allow mixed uses. So now, if you will please turn to – I know I'm going over a lot of the detail that may be on the maps or in the findings and all those things but we've gotten a lot of comments from that and when we get to the recommendation matrix Robert will go over some of the specifics with you on that. But on page 53 of the document are the directives for this chapter. And I just want to go over those again because as I said earlier, these will be the policy directives for you, the decision makers. We have begun to make changes – this document – the June 2010 one already includes a number of recommendations that were made from the charettes and from other community meetings that we had but when we put this together in June we've had additional meetings all through the summer, so we have not yet made all the whole volume of changes that need to be made. So you'll hear some comments later from the public probably about why we haven't changed this or we haven't changed that. We're working on this. This is one of the important aspects that still needs refinement.

However, the primary goals for the land use chapter are: land use and development should comply with principles – we've eliminated the word "binding" – for sustainable land development established in this plan. Goal 2: Sustainable land development should provide for rational development plans, land use compatibility and adequate facilities and services at adopted level of service. Goal 3: The County will honor existing community plans and ordinances and continue the community planning process. The County will use a variety of techniques that I mentioned earlier, clarify zoning regulations and streamline the development review process, ensure that all new development is sustainable by using green building and development techniques. And there's an example in goal 6 requiring green building and development techniques. We've taken that out and changed that wording but it's still important that all new development that if it's to be sustainable adheres to development techniques that are in fact sustainable. But we went again back to the idea of terms for the documents to make sure that we understand that this is a guide and not a mandate. Goal 7: Development patterns should be compact to minimize sprawl and land consumption, provide transit options and mixed-use objectives through development of appropriate land use tools and land transfer techniques – and we are in the process of changing this again to the growth management areas where those things are appropriate.

You've probably heard a lot of things about compact development and that some members of the county don't like that. And in certain parts of the county that's true. It doesn't necessarily need to be compact development, bearing in mind a couple of important things. Compact development for a large portion of the county is the way communities were created. They were created in compact, mixed-use fashion, where a variety of different transportation type elements, including stagecoaches and horse and foot traffic are history in compact development which goes back very, very far. However, there are other aspects of the county where ranching and larger settlements create the need for a different kind of development pattern. The other thing about compact development that's important for us all to remember and recognize as we go forward is that compact development particularly relates to areas

where we want higher development, higher density. So in other words in the more rural areas where you want large lots, that's fine. We're not talking about higher density. But where we want to get more housing, more commercial, we have to be compact. We have to do it that way. Because we're not going to be able then to provide the kind of infrastructure and services that will work effectively.

But for us, through this process, we heard loud and clear location and geography is really important in how we lay out where compact development should occur and where other type of development patterns should be considered. We're in complete agreement with that. And so we will refine these directives for you to reflect those notions.

CHAIRMAN MONTROYA: Commissioner Anaya had a comment.

MR. KOLKMEYER: Yes, Commissioner.

COMMISSIONER ANAYA: We've got two books up here, three pamphlets, so when you're talking let us know what book and what page you're on. Because I am lost all over the place up here.

MR. KOLKMEYER: Okay. I've tried and I'll make a renewed effort, Commissioner.

COMMISSIONER ANAYA: You said some pages but they weren't really the same page. So if you could be more specific.

MR. KOLKMEYER: Okay. Well, what we've been talking about then are page 53, the directives, and we're in the plan. We're going to continue to be in the plan now unless we switch back for some reason, which we'll probably do momentarily and then you'll be confused again. So goals, policies and strategies in your copy should be on page 53.

COMMISSIONER ANAYA: In which book? This one?

MR. KOLKMEYER: Yes. In that book. Thank you. Now, having said that, Commissioner, and now that we know that you're on the right page, I want to switch momentarily back to the notebook and to Exhibit 2 in the notebook. I'll just do this once and so then we won't have to go back and forth. But I want to show you what we've done to be able to accommodate, for example, how the land use chapter and section relates to the different growth management areas. So you'll notice if you look at page 1 – we're on Exhibit 2, which is growth management area objectives for each plan element draft that's in the notebook. Is everybody with me? Okay. So you'll notice then that those specific things that have been said to us about land use, given the directives that we just read. For example, in El Norte, create a viable transfer of development rights program making it work through multi-jurisdictional partnerships. That's a great suggestion. And so we will include these kinds of things when we put the growth management areas back into the plan, bearing in mind where they should go is really important. So in other words, should we put these in each chapter? Should we have them at the beginning or should we have them at the end?

In El Centro, and the El Centro area is again the area that includes Agua Fria and La Cienega for example, it has been suggested that we explore plan inclusion of how to use family compounds effectively, another form of compact development. So you can refer back to these for each chapter and you'll be able to see how each area included these. Now, we didn't as I said include Estancia for that but you were given a sheet this morning of their finalized – and they did a really fabulous job of pulling all the information that they had together – but for example if you look at their suggestions or objectives for land use – and

now I'm going to switch to something else, that's this page here. It says Estancia Growth management EGMA proposals for objectives. That's this sheet. I promise I won't make you do this the whole time. But their objectives, for example, say all new codes and requirements should undergo analysis for practicality and economic feasibility in order to maintain the existing affordability of private housing in the Estancia Growth Management Area. Preserve EGMA's traditional homestead heritage. So again we're back to larger lots compared to compact development. They're perfectly right in that observation and in that recognition. Also recognize the benefits of EGMA's low-density, large-lot tradition to the environment and to wildlife.

So again, by doing growth management areas we found that we've been able to really work through a number of differences of opinion, but to do it in a way that recognizes that community involvement and community planning continues to be really the way that we need to do a lot of our work.

Okay, Chapter 3, Economic Development. Now we're back to the book. Economic development, the objectives, the overall idea for this chapter is to establish partnerships that generate local economic activities supporting small businesses and industries that are in alignment with the local resources and that support a workforce that can be trained and educated in regional institutions. And again, just a lot of really good thought went into the economic development aspect of this. Because we're at a really critical time as we all know in economic development but what we've heard and what we're learning is we really have to do economic development ourselves. We really have to take these things by our own bootstraps and figure out what we want to do, how we're going to do it, work with the education institutions and start to do things that make sense and are easy for us to do from the ground up.

Examples of some of the things of course that we already know that we've been working on for two years is the media district to try to really attract and use the film industry in this area because we educate this kind of profession in our institutions, we have films being done here all the time, but that's not necessarily the way that everybody else in the county wants to do it. So there are other examples on how do we pull things together. Again, pursuing a diverse and sustainable economy that supports our local workforce, provide new opportunities for local employers and residents, and turns the workforce local. It's very interesting as you look, there's an article in this morning in one of the papers about the flea market. That's exactly how we redevise this. We recognized that we had an opportunity to do something at the Downs with people who are craftspeople or whatever they do. If they can't go out and buy a building themselves, or even afford some of the rents. The idea of having a flea market at the Downs grew out of these very principles that we're not espousing. Partnerships with other non-government, non-profit organizations and also partnerships with experts and entrepreneurs are essential for what we mean to do.

Again, how the whole media district came about, involving ourselves with the colleges, with the state government and also with entrepreneurs who do film-making as a livelihood have been very important to us. Target industries should be supported for future economic development. There's been a number of comments in this direction so while that's fine but what do we do with businesses that aren't targeted? What if we want to look at warehousing or trucking or whatever? Those aren't necessarily targeted industries but the

way that we can do that, we know there are specific things that are work for us, that are related to tourism, to the media industry, to cultural activities. But we're not sure and we never really are about what kind of things are going to happen to us five or ten years into the future. But the way that we can deal with that is being prepared for those things through a zoning ordinance that allows us flexibility and allows us areas where we'll know when it's time for a change. For example, the whole idea of ranches again. When ranches break up and somebody doesn't want to ranch anymore, what do we do? Well, they don't know and we don't know entirely. But if we set up the concepts correctly that we want to be able to keep up with whatever the trends are then we can do part of that through our zoning techniques.

To the directives for this chapter, page 64. There's really one goal and then lots of strategies and lots of policies that you'll have to just go through yourselves, but the idea here is that pursuing a diverse and sustainable local economy that integrates environmental and community needs and supports the local workforce and provides new opportunities for local employers and residences. There's very specific things in this chapter about conducting various studies, coordinating again and creating partnerships with various groups. I won't go through all of them but we feel, as I showed you in the very first slide for this chapter is partnerships. We want to emphasize that partnerships for us are really the key to the economic development program that we're presenting to you.

Chapter 4, Agriculture and Ranching element. The overall idea for this chapter is to understand the issues facing local agriculture and ranching practices and develop programs and strategies that respect the changing needs and constraints of our farmers and ranchers. And again, this is where the growth management areas and the differences of opinion and ideas are extremely important. For example, in El Norte, in the northern portions of the county, in Chimayo and La Puebla area, there's a clear interest in renewing agriculture, in helping with agriculture and helping with the irrigation and acequia systems. In the southern portion of the county, while ranching is still viable for some, ranching is changing. We've had ranchers who will tell us, well, I might not be a rancher for much longer. So what do I get to do? What happens? What should happen with the land? Well, what should happen with the land should be in concert with the owner of that property would like to do. How the opportunities can be guided, however, can come through programs and ideas and concepts that we need to develop through this plan.

So here's the ideas that are being promoted at the moment: preserve, promote and vitalize agriculture and ranching as a critical component of the local economy, culture and character. And again, we have where appropriate. Where in each growth management area these things work we want to help them work; where they're changing, we'll help them change. However, we want to support community based agriculture and acequia landscape systems. We do need to be concerned about food production into the future. So by supporting community based agriculture in those systems we're also supporting local food systems and we're developing our own local food security. We also need to really pay more attention to identifying and providing mechanisms to preserve agricultural soils and agricultural lands. When you lose agricultural lands we lose them. So we need to be very cognizant of the fact that if that's what's going to happen through development, is that what we want to happen? And this is again an idea where certain things like transfer of development rights come into play where somebody that has land that's important to them but they need money they should

be able to have some kind of opportunity or some kind of system that says, okay, we're going to keep the land in agriculture but your development rights can go elsewhere. Of course we created a development rights program also back with the 1999 Growth Management Plan but we were not able to use it for the reasons that we wanted to, which is okay, because now we have new challenges for that.

So the directives for this chapter are on page 79 and they reiterate these things. Most of these notations that we have on the power point here are in fact the goals. Preserve, support, promote, revitalize agriculture, support local food and food security, preserve and support community based agriculture. Now it's important again, because we have 15 chapters here that we're not going to go over all of these programs and strategies with you, but what's really important here, and we'll work more on this and we'll bring this back in another fashion for you at a later date, but it's important that we're suggesting, for example, support efforts to create mobile market vendors, support community programs for restaurants and community gardens to donate their surplus food. There are a lot of programmatic things here and the recommendation has been made to us repeatedly that we do need to have some kind of fiscal analysis that travels along with this plan so that at some point in our public hearings and our deliberations with you over the next couple of months we're going to need to probably make some choices on which of these programs you think are most effective and the ones that we should be supporting. We're going to cull through a number of these. But this plan as it is now contains all of the things that your constituents are saying in some form or other are important to recognize.

Chapter 5. This starts on page 82. This is the resource conservation element. The intention of this chapter is to learn as best we can the limits and the potential of our natural resources and support accordingly the conservation and appropriate uses of our landscapes of incredible beauty and great economic value. We make a point in this statement that there are two things at play here and sometimes they come into conflict, but if we use them correctly they can be used in concert with each other. And that is many people originally move here because of the incredible beauty of our landscape. If we start to lose that we may in fact be on the verge of losing the very thing that's most important to us in many regards, that is the landscape, for whatever we use it for. Whether it's ranching, whether it's agriculture, whether it's recreation, because it is the landscape that ultimately gives us economic value. So resource conservation elements in the discussion in this chapter have been very intense because it gets back to the notion of protecting the landscape. When we changed one of the words from protect to respect there was a huge clamor of controversy about, well, why did we do that? Shouldn't everybody protect the environment? And the answer to that is yes. But how everybody should be doing that is where the real concern and issues lie. Because protecting to some people implies regulation. So if you say protect the landscape, protect the environment, some folks are going, well, you're going to put all these rules and regulations I can't use my land the way I want to use my land.

After a lot of thought and a lot of discussion we changed some of those things back to the idea, for example, of respect. Because if you respect everybody's points of view and everybody innately respects the environment understanding that their landscape gives them their economy, gives them the placeness of where they live, they will respect it. So however then we do that and what regulations we put on that can be devised through our regulatory

process. Acquire open space. Okay. The County then can go buy open space and collectively we can determine where that would best be located. So that everybody has the ability to be able to use that. There are other instances for example, in creating a trail system where it'll be hopeful if not imperative in some ways that we do get conservation easements from private property owners. But we need to figure out for example how the trail system, what it needs to connect and where it should go, that's another chapter. But the point being that again we have to respect what we want to do and how we get there. And so we think that again, this notion of understanding the limits and the potential of our natural resources helps us to do that.

So the directives for this chapter, then again this is starting on page 99 are protect, preserve and conserve the county's vast natural resources, archeological, historic, cultural and scenic viewshed resources. Our resources, particularly in some areas like the Galisteo Basin, they're unparalleled. They're unique to us. We want to use them, we want to protect them, we want to use them in some ways that are compatible not only with the needs of the individuals who own those properties but the settings in which they lie. And we come back to again to what settings and the systems can we best apply to protect, preserve and conserve certain things. Preserve, support and enhance the character and function of communities, neighborhoods and rural areas. Again, our communities, our places are one of the things that again make Santa Fe County so unique. Protect vegetation, wildlife habitats, including rare native species, threatened and endangered species. A great deal of the conversations that we've had with the communities and individuals we've had over the six months in particular have been related to the wildlife that we have and the need to be able to protect that wildlife. And again, how do we do that? What are the systems for doing this within the settings that we find throughout the county?

Chapter 6. Open space, trails, parks, recreation –

CHAIRMAN MONTROYA: In the interests of time I'd like to get this – we've done about 40 minutes and we're still not even half-way through. I'd like to get done by 10:30 with this portion so we have about 22 minutes or so.

MR. KOLKMEYER: I have my back to the clock. So I guess you're going to have to poke me every once in a while and remind me where we are, Commissioner. Absolutely. I think we're doing pretty well here. So Chapter 6 again, provides separations and connections within our scenic landscapes that provide visual and recreational opportunities within agreed upon settlement and development areas. Two important things here. Separations – we find that it's really important for all residents to be able to keep development areas somewhat separated. It doesn't mean that there can't be anything there. But the separations provide the visual uniqueness. They provide the construct of the places that we have, but they also need to be connected, not only by roads but by trails, views, watercourses and other things. So that's extremely important for us. The directives, which again you'll find on page 108, are acquire, preserve and maintain a significant amount of land to support a network of public-private open space, parks, trails throughout the county. How we acquire that? That's the challenge. Some of it you'll have to purchase. Other things may be by donation and other techniques as well. Establish an interconnected systems of trails and parks with continuous regional trail and park connections. We've been working on this for years and of course there's fiscal issues with acquiring and establishing these things and the management of them, but when this program started back in 1999 we think it's critical to

where we're going. Related to that of course is identifying the funding options for operations, maintenance and the acquisition of these things. Support development of partnerships, engage the public in open space programming. Those are the major directives.

Chapter 7, Renewable Energy. Set forth regionally appropriate policies and programs that establish Santa Fe County as a model for the efficient production and use of a wide variety of renewable energy resources. We emphasize that this chapter is about renewable energy, and this is what the programmatic elements here are about renewable energy, not fossil fuel, and whether we're using necessarily coal, or even natural gas, although the idea is to wean ourselves away from those things as much as possible by using renewable sources of energy. The directives for this chapter, starting 119, include reducing greenhouse gas emissions and dependence on non-renewable energy resources, promote and encourage the development and use of sustainable, renewable energy production and distribution, the infrastructure for that, and create a viable, green energy economy and community.

And what's interesting about these discussions that we've had is the recognition that a large portion of the renewable energy options that we face are individual. What can you do in your own house? Because that's really again going back to the roots, to the ground level basics of this plan is to be able to do things under your own control, your own environment, are exceedingly important. Then we move up to the community. Maybe we have more solar arrays. We have more – there are areas where we have wind that we can use as a community. So again, it's focusing on renewable energy as individuals, yet relating that back to how communities can use them.

Chapter 8, Sustainable Green Design and Development. Recognize that sustainable design elements have been in use in our region for centuries and evolve contemporary policies and programs that continue to mitigate adverse effects on the environment and the economy. Our directives for this chapter include development should be consistent and comply with the principles of sustainability, utilize green design and local construction materials and techniques wherever possible, promote sustainable development through green buildings and development techniques. Another issue in this chapter has been solid waste production and the incredible waste that we are producing that we need to change our attitude toward that particularly for recycling. And again the emphasis in this chapter not so much new rules and regulations necessarily, but to remind everybody that passive solar, how you locate your house in terms of the potential that you have for solar uses – it's that simple on many levels. But then as we start to get into utilizing solar panels, for example, or windmills, we recognize that, again in rural environments in some parts of the county have been doing this again for a long time.

You look at the pueblos, how they've oriented themselves and the traditional communities, where people located their houses. We're trying to pull together again for the green design element in particular the relationships and the need to understand what's happened in the past, where we are in the present and what we need to do in the future.

Chapter 9, Public Safety. Continue to ensure that land use decisions take into account their effect on and their relationship to the health, safety and welfare concerns. The directives for this chapter, starting page 140 include preserve and protect public health, safety and welfare and property through adequate provision of law enforcement, fire, emergency response and emergency communications services, identify funding sources for operations

and capital growth, establish and maintain a 911 public education community outreach program, and obtain and utilize the latest in emergency communications equipment and technology. We've had on Monday discussions related to this chapter and you'll see a lot of that information and some of the comments that you have in your material is that while public health, safety and welfare is a goal that everybody wants, when you start having rules and regulations that require different things in the way that we build such as sprinkler systems that start to add to the cost of the housing, and there have been quite a few comments, particularly down in the southern portion of the county where we need to have a discussion about what we do with some of the rules and regulations, what's actually mandated and required by federal or state law, so that everybody understands that we're not necessarily just trying to saying we're doing this for more regulations but there are real sound reasons why we need to take this into account.

And also, just the notion of public safety again that's come up is there is a relationship. Frequently you may not find these kinds of things in a land use plan, levels of service, response time for emergency services and fire are extremely important because where we locate our populations, we have to have levels of service that actually work to make health, safety and welfare actually function.

Chapter 10, Transportation Element. Consider new approaches and options for new roads and transit alternatives that support land use policies focused on safe and convenient access to employment, education and goods and services for all parts of the county, but especially in priority growth areas. Our transportation is, how shall we say, basic. We have roads that go to very specific places for very specific reasons, and as we have more and more development such as the Community College District, the Commonweal project, the recent Commonweal project south of Eldorado, the greater Eldorado area for example. What things now need to be connected and why? And how should we do that. That becomes really the principal question here, as we look at the road system that we have, what new connections need to be made? How will we pay for them? And when will they come on to the timeline for doing them? Of course we have the Rail Runner that's come into the picture. We still have another rail line that goes right through the heart of another of our communities that can be pressed into action, so we know that we have some options for being able to move forward.

The directives for Chapter 10, starting page 166, again, partnerships are extremely important here. I love this picture right here because it shows I-25, it shows the Rail Runner next to that and I believe to the right is the airport, if that's the Downs, then there's a frontage road coming up to the left. So that's kind of a picture that's kind of where we are in terms of the past, present and the future and a lot of these things have been through our partnerships with local and state, federal governments, and other transportation organizations to develop a cohesive, safe and efficient transportation network, and we've been involved especially of course through the RTD, the Regional Transit District, the RPA has been involved now in helping to fund transit, and of course we work very closely with the City and the MPO, the Metropolitan Planning Organization. So that's where partnerships become a really important piece of this. Expand safe, convenient and efficient public transportation services so that we can encourage reduction in automobile trips when we can and provide mobility for all people, including underserved populations. Also ensure safe, context-sensitive design standards for transportation improvements that reflect local preferences and the need for all types of

transportation users. This is particularly important when we start to develop new areas, such as the Community College District and our priority growth areas, which have been, by the way, on the sustainable land development map for when we use the term priority growth areas, those are the areas that area marked on that map over there in dark orange.

Next Chapter, Chapter 11, Water, Wastewater and Stormwater Management. Regionally align available community infrastructure systems with land use policies that consider geographic settings and needs. The directives for this chapter include land use and development should be consistent with water management, environmental and hydrological capabilities and constraints. New development should incorporate water conservation and reclamation measures where appropriate, provide for a sustainable, long-term water supply capable of meeting current and future needs, protect groundwater by identifying sources of contamination. One of the biggest discussions that we've had on this chapter has had to do with the fact that not all parts of the county can move from groundwater to surface water and in a previous draft of the plan, towards the end of last year, that was correct. We focused the water chapter primarily on the central portion of the county and since then we have recognized and we are now working on making all the changes that we need for this chapter to recognize again back to systems and settings. And for certain settings, such as the Estancia Basin, the systems are not, in the immediate future and maybe never, are going to be the County water system; they're going to be private utilities. We need to recognize that. We have in the new work that we're doing on the plan and we're also going to recognize that the amount of and the location of the development in areas like that are going to be dependent on those kinds of utilities and services and so ultimately, as we move into the code those things will need to reflect that appropriately.

Chapter 12. Adequate Public Facilities and Financing. Continue to research and utilize an expanding choice of financing options that support directed infrastructure based on providing the highest quality and most cost-efficient services. Chapter 12 is about if we want to have infrastructure in more places throughout the county, especially in priority growth areas again, but then as we get into the secondary growth areas, which are the SDA-2 areas, the yellow areas, how are we going to get it there and who's going to pay for it? Traditionally, developers have paid for infrastructure development but we recognize that we have other techniques. We have assessment districts that are possible. PIDs, public improvement districts, all kinds of techniques are available to us. One of the problems that we've had in discussion this in the meetings that we've had is the implication seems to be that by directing growth and having sustainable development areas the County is going to come back and say, you've got to do this, you've got to use this technique or you have to use that technique. That's not the intention of either the plan or the directive. The intention is to simply point out that there's a palette of options for us to be able to finance things into the future.

The directives: And the directives for this chapter start on page 218. Protect and enhance the County's fiscal resources and ensure high quality public facilities and services. The costs of doing things goes two ways. It goes to the consumer, it goes to the property owners but it also has to be concerned with what can we provide to our constituents in the most equitable and efficient meaning. Ensure that adequate public facilities and services are provided and maintained, and equitably finance facilities and services.

Chapter 13. Housing. Continue to create and implement policies that support both the development community and the housing needs of our diverse residential population. This is very important because as many of you remember we started our first affordable housing program in the Community College District with a 15 percent requirement for development in that area and not everybody may remember this but the reason that that worked, along with acquiring open space and getting trails is the trade-off was developers – you'll get density that will make you do these projects and make it work for you. What we want in exchange for that are these amenities to the communities: open space, affordable housing, and trails in particular. And by and large, that's worked.

So we want to get back to the kind of directives for this chapter that will help us understand and recognize that our best chances for affordable housing are known to be, first of all for promoting and supporting the workforce housing, but especially within priority growth areas. Not forgetting that we have such techniques like family transfers that are actually a form of affordable housing, but if we're going to get affordable housing that's workforce related that housing's got to be close to jobs, for one thing. So if you look at our priority areas again, they are located in areas where we're now starting to see economic development and jobs occur. We also need to provide incentives and services for developers and homebuyers both, such as funding water, sewer, roads and infrastructure incentives, endorse retention and stabilization of homes through policy, federal, state and county funding sources, and also support rehabilitation and repairs. And that's really key because once we get the affordable housing we need to make sure that it remains within that stock.

Chapter 14, Governance. This has been really an incredible chapter because again, it goes back to community planning. It goes back to processes and function and probably the discussions that seem to have generated the most interest from individuals in even our smallest communities had to do with governance, because as we've gone through community planning what we've recognized is that we're not only letting people be involved in the projects that are coming into their communities but they're really learning about how government actually works on the local level. How can you be involved in the decision making? Go to your Commissioners. Some people didn't know who some of their Commissioners were. That's not uncommon. So through this whole governance initiative that we started back in 1999 and continuing now, what we're finding is we're creating very, very sophisticated and creative residents. And that's pretty astounding when you think about it. I've been doing some research on what communities throughout the country actually have community planning and governance process for unincorporated places – very few. Very few. We're very unique in that we're heading in this direction and with all due respect to the planners and the Commission, when we started this in 1999 it wasn't exactly clear where we were headed. We've had to work through a number of rearrangements. We've had to create ordinances and policies that we've needed to adjust on the way through. But the intention of this idea is still that partnership with our communities to cooperate in valid participation in governance and to truly attempt to streamline all processes, while protecting our fiscal and natural resources [inaudible]. That's Dutch. My Dutch background in there for the cooperative aspect of all this.

But valid participation. What really can you do as communities when you have elected officials and then you have a structure that includes a planning commission and Board

of County Commissioners? How can we create valid participation in governance? So the directives for this chapter include promoting intergovernmental cooperation and coordination, address regional issues. We've had tremendous success with our intergovernmental summit. Commissioner Montoya has been responsible for leading that a lot over the past couple of years. It's been very effective. Somebody asked at one of our previous Commission meetings, have we met with the pueblos as part of this plan? Yes, we met with every single one of them. We've done presentations at the last two or three intergovernmental summits. We've worked with Rio Arriba County and Española. We've had meetings with the Town of Edgewood. There's some we haven't. We've not met with Bernalillo on the plan or Torrance County to my knowledge, but we've really worked to promote this intergovernmental cooperation. Evolve the role of community planning and public participation. An important part of this chapter is the creation of community organizations and recognition of registered organizations. We also have community planning committees. So we now have three distinct elements of how we can deal with communities or community groups to be involved in projects and plans and the development processes as they move forward. Show clear, consistent, efficient and equitable development regulation and review. Development regulations and review processes are for some reason always complicated, but we understand the challenge that faces us and we're going to hopefully, by setting up this document and moving into the code, really make things clearer and more consistent as we move forward. And include the public in ongoing growth management planning and development review activities in the county. And that's a clear directive for this.

Chapter 15, Implementation. This is the final chapter. How are we doing on time, Mr. Chair? Very good. So the implementation section, the very end of the chapter, really, again, involves two really important things. Update and implement a County strategic plan. Probably a lot of people in the county don't even know that we have a County strategic plan but we do. And the strategic plan is to include specific departmental directives based on the principles and ideas of this plan and will be a strategic plan but also a very specific work program. So again, as we move forward with adopting this, what will happen will be again as we decide we want these programs, we don't want these programs, we'll need new staff members for such and such a function, we'll be able to pass that information on to the County Manager, who will in turn work with all the departments and division directors to make these things work. That's it for the chapter by chapter. Can I have two more minutes, Mr. Chair?

CHAIRMAN MONTOYA: Okay, and then we're going to take a quick break.

MR. KOLKMEYER: Okay. So I'd like to conclude with allowing Robert an opportunity to go through the recommendation matrix, so you can see where we put a lot of the comments on each of the chapters and we don't have anything on the power point for that but Robert, if you'd just take a minute and go through what's in the back of the notebook for everybody and we will have concluded our portion, Mr. Chair.

CHAIRMAN MONTOYA: Okay.

ROBERT GRIEGO (Planning Director): Mr. Chair, Commissioners, actually on the first page of the document, the table of contents – in the notebook – we have all of the public comments that we've received. We've also added a couple of additional public comments to the packet of information today. But we included all of the public comments in

their entirety in this section of the plan by exhibit. So for instance, the Estancia Growth Management Area Working Group is Exhibit 4. The United Communities' comments are Exhibit 5. So this page identifies the comments that we've received. In addition we received a couple more. What we wanted to do with the comments that we received as we've done through the process in previous revisions is try to provide some sort of staff analysis of the public comments for your information to try to identify how this comment fits within the Growth Management Plan concept as we understand it right now. So the staff evaluation matrix we created is actually Exhibit 13 at the back of the document, after all the public comments, we did the staff evaluation and recommendation matrix from staff. So within each of those matrices we identify who the public comment came from, what the public comment was, a brief staff evaluation again. It's subjective from our perspective what we were trying to do is maintain the direction that we received on the plan thus far to try to identify how it fits within the plan from a County perspective and then provide a staff recommendation based on those comments.

So you'll see a number of matrices from the different public comments that we've received in the last section of the plan. Mr. Chair, Commissioners, we can go over those with you if you'd like but we just wanted to at this point inform where those came from and how that was established. In addition to the matrices you'll notice there's a few blank pages that are in there, we received some comments where we haven't had an opportunity to provide an evaluation of those comments. So we still intend to do that but with the staff resources that we have we were able to get through most of it, if we haven't completed it all.

MR. KOLKMEYER: Mr. Chair, if I might add to Robert's comments very quickly. This is the technique in the process that we'll use for rewriting the document. So we'll go through everything. We'll take into consideration all the comments that were made, and the evaluations and we will come up with a recommendations that will be in the final draft document that you get from us. Now, that may or may not be what a particular person or a group may want but we'll have again kind of respected all points of view, looked at in context of the plan, and when we go through the public hearing process at that point that will be our recommendation to you, but it will certainly be open for anybody to come in and argue whatever point of view about that particular issue. But that's how we will get to the final document.

So having said that, that's everything in the booklet that we gave you and that's a quick run-through of everything but I think we've touched on pretty much the basic issues the best we can for the study session this morning. Thank you, Mr. Chair. Thank you, Commissioners.

CHAIRMAN MONTROYA: Okay. Thank you, Jack. Thank you, Robert. We'll take a ten-minute break and reconvene at 10:45 and we'll have the discussion from the Board at that time.

[There was a recess from 10:35 to 10:50.]

VI. Public Hearing

CHAIRMAN MONTROYA: I'd like to call this meeting back to order. If I could ask people to please take their seats. We're going to have a minor change in the

agenda. As opposed to taking questions from the Board of County Commission at this point I would like to open it up to public comment, and I will ask that those of you who would like to comment, if you're recommendations or comments have not been submitted and are not part of the matrix that you please come up and comment. We do want to hear from those that have not submitted anything to us in writing or is not part of the matrix at this point. So at this point I would like to again open it up and we're going to try and give as much time as we can, probably at least the next 40, 45 minutes to public comment. So if you would please go to the taking stand, microphone over there, that's where we'll take your public comment. And again, right now, at least for the moment, please, if your recommendations and comments have not been submitted to staff we would like to hear from you at this point.

REBECCA FRENKEL: I guess since I was up and standing I'll go first. My name is Rebecca Frenkel. I am a resident of the City of Santa Fe and the County of Santa Fe. I pay taxes in the county as well as the city. I'm here representing the League of Women Voters and I want to thank you for this opportunity to present some of our comments regarding the plan and to welcome our new County Manager, Ms. Miller. I think we're fortunate to have her on board.

The League commends the BCC and staff for the transparent and inclusive process in the development of this and I think I've been now to maybe 25 meetings on this plan, it seems like. In our letter of September 9th, which is in your packet we wrote of our concern about the new direction being taken with the plan. We have more than once expressed our support for the June final draft copy with only a few reservations. An example of the current changes that were proposed in Chapter 1 where the philosophy of the plan is presented included changing protecting and restoring the natural environment to respecting it. And this may have been changed back again.

On page 15 where we require reports and assessments to provide for development review decisions, to the use of reports. Furthermore, the community has really not had an opportunity to review and critique these changes as a group. A summary of some of the League of Women Voters County positions that are directed to water, energy efficiency and governance are before you. *[Exhibit 5]* We urge you to not weaken the June 2010 guidelines on water use and conservation that include that all new developments must use community water systems and methods to conserve water and return water to the aquifer.

We believe the chapter on governance must provide for transparency and a public process that includes every effort to encourage public participation in the discussion of development applications and/or changes to the land use plan. After meeting with the Planning staff it is still unclear to us how growth management objectives will be incorporated into the plan. We support a County plan that reaches for sustainability and believe the plan should have overarching conditions or criteria that apply to all of the county and the community plans. The League believes protection of county water resources, the environment, and providing for the efficient use of energy are essential in order to provide livable spaces and resources for coming generations.

There is a fine line between property rights and the common good. But people of good will can work together to provide for future generations the environmental blessings that we enjoy today. With the adoption of a truly thinking-ahead land use plan you have an

opportunity and a responsibility to make a long-lasting impact. We cannot fail to plan well. Do not pass a weakened sustainable land use plan. Thank you.

CHAIRMAN MONTOYA: Thank you, Rebecca.

MS. FRENKEL: Good luck.

CHAIRMAN MONTOYA: Thank you.

PAUL MORRISON: Hello. My name is Paul Morrison. I'm a resident of the city and county of Santa Fe. I don't have any prepared remarks because I didn't know about this meeting until late, but from what I've heard and seen I'd like to ask you guys if you've read the constitution, particularly the taking clauses, and how are you going to pay for this when you're restricting people's rights to property and how they can use their property. How are you going to reimburse them, and have you thought about how these – I'm going to call it silly planning stuff that you guys are trying to do, how it's going to affect property values. It's going to increase the cost of housing every place. You're going to be telling ranchers pretty soon that they can't do something, farmers. You're talking about food security. How are you going to get food security unless everybody eats just beans and squash here because that's about all that will grow on any scale.

Why not let the free market handle? The free market could get more affordable housing than any of the plans you guys have because you put so much into them. Affordable housing is available, could be more available with free market work concepts. Maybe you should read *Road to Serfdom* by Hayek and quit reading the stuff by Keynes and Marx. Try free market concepts and I think we'll get a better county out of it. Less control. I don't want this to end up to be like Boulder or London or other places that are heavily regulated, and that's what it looks like to me. If you guys want to over-regulate and control my life tell me where I can live, how I can live. Something for you to think about. Sorry I didn't have prepared remarks.

CHAIRMAN MONTOYA: Okay, so Mr. Morrison, your concerns are then taking and affordable housing? Those are the two?

MR. MORRISON: That's just two of them. Mainly I'm saying that you guys want affordable housing but from what I've seen around here for affordable housing is that you're making developers or the homebuyers in an area responsible for buying affordable housing. I think I paid probably \$30,000 or more extra for my house so that somebody else can have an affordable house. I would rather do it through the free market. The free market could build more affordable housing than you guys ever could.

And I'm more concerned with the property rights that you're going to be taking away.

CHAIRMAN MONTOYA: Okay. We'll ask our attorney, Steve, if you would address the issue on taking and affordable housing as it relates to the land development plan. Thank you, Mr. Morrison.

MR. ROSS: Well, Mr. Chair, takings are always an issue when you're dealing with regulation of land development and property rights. However, the Supreme Court has very clear guidelines for localities like ourselves to follow to ensure that we don't create unconstitutional takings. I've been involved with Jack and Bob Freilich in assessing this particular plan and we will be involved heaving in drafting the ordinance and we're going to ensure that those constitutional issues are addressed so that there aren't takings, compensable takings.

Now, as far as the affordable housing issue, I guess one can argue whether a plan such as this will increase the price of housing and create even more difficulties with affordable housing but that's part of the reason that there's a housing element in the plan and we continue to work hard at solving the affordable housing problem. We have a study going on right now through BBER that will be completed in a month or so and we should have some concrete suggestions for you on how to address that particular issue.

Now, don't forget that the techniques that are in this plan are also the plans and ordinance are also in the plans and ordinances of about 250 cities and counties nationally. A lot of this stuff is being pulled from experience our consultants had with these very same techniques so we don't really expect serious consequences because these techniques are successful elsewhere. I'll just leave it at that in answer to your question.

CHAIRMAN MONTOYA: Okay. Thank you, Steve and again, thank you Mr. Morrison for those questions. Next, please.

JOHN HOSENFELD: Yes, my name is John Hosenfeld. I am a resident of the county, and I'm sorry Mr. Presenter, Jack, I didn't get your last name.

MR. KOLKMEYER: Kolkmeier.

MR. HOSENFELD: Kolkmeier. Thank you. My comments are specific to the presentation that you gave this morning and I found it very interesting but also somewhat disturbing. You mentioned several times about respecting the points of view of others. In your county definition of sustainability you've got respecting and protecting the natural environment, etc., etc. However, and Mr. Morrison said, there's a fundamental problem with this whole plan. You pay my words lip service to the rights of the individual homeowner, the landowner. You don't present anything that really protects their rights. In fact, just the opposite. When you mentioned about the – under Chapter 4 you mentioned about the example of the rancher who wanted to get out of that business, and you said, well, the Commission will have to develop a rights plan for that individual. I'm sorry, sir, but the Fourth Amendment to the constitution says the right of the people to be secure in their person, houses, etc. shall not be violated. Not may or might, but shall not be violated. What gives this Commission the right to say what everyone one of us can or cannot do with our property as long as it's obviously not a hazard to the community, etc.

But why is this Commission going to be developing a rights plan for that rancher as a landowner? Again, it goes back to the constitution. Thank you. And with the chair's permission, I have six copies of the constitution.

CHAIRMAN MONTOYA: Do you want to respond, Jack?

MR. KOLKMEYER: A brief response. I appreciate your comments. I did not say rights. I said rules and regulations, which is zoning, which any county or government jurisdiction has the right to be able to do that, because here's the problem: If something isn't being done to create a situation where a rancher may want to do something that they truly want to do with their land, right now they would be stuck with doing 160-acre lots. That's the zoning. Our suggestion is that by working with the community to do their own community plan where the people speak up for exactly what they want to do, that rancher when they decide not to ranch has the opportunity to be able to suggest different development patterns for something that currently is 160-acre lots. So if they wanted to do apartments, if they

wanted to do affordable housing that is at higher density, they have the right to be able to do that, but now they don't.

So the rules and regulations currently under zoning, which is also legally allowed, can be changed through a process that we've already recognized and put into action is done through the community itself. I did not say rights. I said rules and regulations.

MR. HOSENFELD: I'm sorry, sir, but you did. I wrote it down exactly what you said.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Hosenfeld, this is not a debate. This is a point where we're going to take comments from people so thank you for your comments and we'll take the next gentleman.

ART SWENKA: Thank you, Mr. Chair and Commission. My name is Art Swenka. I'm the chairman of the Estancia Basin Resource Association and I only have two brief comments. One is the Estancia Basin Water Planning Committee went to a lot of trouble to develop a water plan and I don't think that the plan addresses or recognizes that plan. It did say in the plan that they updated the plan in 2010 but that's all it says. The other thing that I think the plan ought to address is Senate Joint Memorial 17, which states, Be it further resolved that any application to export water from the Estancia Basin be supported by proof of a need in the importing basin to import groundwater from the Estancia Basin and proof that there are no alternative available in-basin sources of water to supply the region seeking to import the groundwater from the Estancia Basin. I think that ought to be recognized in the plan for the southern part of Santa Fe County. I'm only addressing the southern part of Santa Fe County. Thank you very much.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Swenka. Any response from staff? Okay. Thank you. Next, please.

RITA LOY SIMMONS: Good morning. I'm Rita Loy Simmons from the Edgewood area. In my capacity as town councilor for the Town of Edgewood, I want to thank you for the return of some of our wastewater tax revenue for our wastewater project. And I appreciate your consideration of any further returns of that money. Now, in my capacity as a member of the Estancia Basin Water Planning Committee, I want to thank you for the funding that Santa Fe County has provided every year. We're bare-bones down there and we thank you so much and the representatives you've been sending. I'm going to miss Doug a lot.

Then number three, as a member of the Southern Santa Fe County Estancia I want to thank you for listening to us. In the past there was a plan to have 90 percent open space in southern Santa Fe County. Well, I think throughout the county. And of course we came apart from together and we came in school bus loads back then. Many of the same people are here today. And you listened to us then. We want to be very careful that that 90 percent open space isn't brought in through the codification of the codes and ordinances, so I appreciate the fact that we'll have an opportunity to work on that.

Private enterprise did indeed build our end of the county and that's why we've had such a thing as the Estancia Basin Water Planning Committee, why we have privately funded water systems. In my role as co-author of one of those I want to thank you for listening to that. The Soil and Water Conservation Districts need to be taken into account because ranchers and farmers know very well you cannot abuse your property, your animals or your

neighbors and make very much money or even survive. People do move here because of the beauty but they must recognize others will do the same. What they do to their neighbors they are also doing to their children in the way of confiscating in the name of beauty and viewshed. So honor the beauty but use it wisely.

There's a fine line between doing something for us and doing it to us and I think Jack has reiterated that in a number of ways. How do you make that fine line between the doing for and doing to. In a PBS documentary they were discussing a great rabbi named Hillel, and it seems he came to study the Torah, which he studied at great length, and at the end of his studies he said the essence of the Torah is this: That which is hateful to your neighbors don't do. That which is hateful to yourself, don't do to your neighbors. All else is commentary. So we must be very careful with our commentary. Thank you so much.

CHAIRMAN MONTOYA: Thank you, Ms. Loy Simmons. Next, please.

DR. MIKI VASQUEZ: My name is Dr. Miki Vasquez. I live in Santa Fe and run a non-profit here, but my husband's family has property up near the border of Santa Fe County and Rio Arriba, near Chimayo. So we are working both at the effects of what the County does on city residents and county residents. The comments I'm making are pretty much extemporaneous and based on the fact that I used to be chair of undergraduate business at Dominican University of California. So my antenna go up when I see targeted industries and that you will support them, and I worry about who chooses what industries, what happens when, for example, there's a downturn and the targeted industry of Santa Fe of art, the artists are all suffering because we've worked very hard to bring a lot of art and art-related industry and that's a good thing, but it makes us more susceptible to a downturn that affects an industry, whereas if there's diversity we're less vulnerable to that. And so support for non-targeted industries, I guess I mean make it easy for industries like computer programmers or whatever to locate here, and do what they want to do, and don't spend their money targeting some industry that might be not what they would want to support.

This is pretty vague, but I guess it's another freedom sort of issue. I would like there to be policy guidelines in what you're saying and have directives and policies galore in this plan, but I don't see a lot of safeguards for protecting people and industries that are not targeted as sustainable. So I guess if somebody's already said that I may be repeating. But again, less is more when it comes to regulation. The City of Santa Fe has regulated many people so that they moved to Rio Rancho or some place where they don't have to deal with Santa Fe or even Santa Fe County. And we'd like them to locate here and be happy to be here. Thank you so much.

CHAIRMAN MONTOYA: Thank you, Ms. Vasquez. Next, please.

JERRY POWERS: Good morning. My name is Jerry Powers and I live in the county, and I've been working with the Estancia Working Group to examine and make comments on the plan. These are comments that have not necessarily been addressed in the matrix, and some of these are my personal comments as well. The EGMA Working Group was formed because we recognized that the plan was a one size fit all that didn't fit us necessarily. There are some vast differences between the EGMA and the other parts of the county. We use underground water there and surface water was one of the main issues in the plan, the switch to surface water. The only surface water that I have is a mud puddle that

forms in front of my house about once every three months. So there are vast differences between the two that need to be addressed.

We have decided that the best way to address those issues would be through a district planning process. However, there's an impediment to that in the plan that says that all of the community plans and district plans must be consistent with the provisions of the SLDP. And for the most part they would be, but there needs to be flexibility to address the specific needs of each community. I've examined some of the community plans that have already been passed and found that in some very important ways to those communities that they differ from the plan. I got a copy of the code that was pre-written when I think this document was over 1200 pages and noticed in there that there are consistent provisions all the way through that proposed code that address that the plan must have consistency with community plans. So all of the work that all of these communities have done to go into their plans, sometimes taking years to develop a plan, those provisions would be violated if the consistency is mandatory in the document. So we're recommending that those provisions be eliminated and that hasn't been addressed yet in the matrix, to allow flexibility so each community – each community knows its own needs so much better than other areas of the county.

We saw some of the objectives from El Centro and El Norte and there are some vast differences. So we're asking that those provisions be changed so that we can get our individual needs met down there as well as the communities that have plans, to allow them to keep their plans.

With regard to other issues that have not yet been brought up, we were put under some pretty serious time constraints by your Commission to finish our comments rather rapidly, so we've been meeting sometimes up to twice a week, emailing back and forth. It's been a very rush-rush process and we haven't been able to get adequate input on all issues yet and have only recently by studying the sustainability plans that are being proposed all over the country we've uncovered some of the other issues that have come up and I know that there were comments from the County Attorney about being able to sustain any legal challenges against this but there are legal challenges now that are happening across the country because of some of the more negative impacts, and probably unintended negative impacts of these plans. One of those is address the adequate public facility clause in this plan. It sounds like a very harmless thing and it can be, but it's also created de facto moratoriums around the country that are now being challenged and in some cases successfully challenged.

The adequate public facilities, we don't have any in the south end of the county to speak of. We don't have any county water systems, county sewer systems. We have private utilities and individual wells and individual septic sewer systems. And that's how we get our needs met, and that's more appropriate, given the larger ranches, larger lot sizes that exist on our end of the county. So while a one size fits all plan again that has to be absolutely consistent in many cases will not work for communities within the county. A level of service has to be established as I understand it how the adequate public facility works so the County has to adopt a level of service. How do you do that for urbanizing areas versus very rural areas? Do you establish a level of service that says in urbanizing areas we have to have fire hydrants on every block, curb and gutter? Things that can't possibly work in the south end of the county. Do you establish two levels of service, one for rural areas, one for urbanizing areas. These are issues that haven't been addressed anywhere in the plan as yet and the level

of service hasn't even been written for the plan so we have no idea what form that might take. If a level of service was adopted in the north end of the county that was appropriate to urbanizing areas it would absolutely create a de facto moratorium in our area. We couldn't do anything at all; we couldn't build a house. Because we don't have the level of service that urbanizing areas do have. A very important issue.

I received a copy of a letter that was written by the League of Women Voters and I know one of the ladies here spoke a few minutes ago regarding the adequate public participation. We're a little concerned about that as well because we've been put under such serious time constraints that some of these issues, like the one I just mentioned have just popped up and this is a very serious and important issue with far reaching impacts, some of which could be extremely negative. So we agree with the League of Women Voters in terms of not having adequate time to necessarily assess all of the possibly detrimental impacts in the plan and be able to figure out a way to mitigate those.

The other issue regarding this is the costs of this plan, which I know some people have spoke about. There have been no fiscal impact studies for either the public sector costs that are going to affect taxpayers or the private sector costs that are being caused by the level of service and adequate public facilities clause so there's no way to tell at this point without doing some studies what the impact will be on affordable housing. But we do have some indication by looking at research of the effects of this kind of planning in other jurisdictions. There was a report that was done which I will forward each one of the Commissioners and follow up my comments with a letter that was done by Harvard University, a couple of economists there, that showed that in jurisdictions where this type of growth management has been implemented the cost of housing went up as much as \$130,000 a year. We don't have to go to Harvard studies to see these impacts because we have a great example in the City of Santa Fe right here in town. The City has adopted these type of growth management ordinances some time ago and the cost of housing has gone up significantly.

In our end of the county, our housing, average median housing is \$140,000. It's very affordable, given the fact that our median income for most people down there is about \$40,000. In the City of Santa Fe it's about \$50,000 for median income and the price of median housing is \$400,000. The Homebuilders Association recently did a study that documented that 40 percent of the cost of housing in the City of Santa Fe is regulatory. It doesn't add anything to the quality or conservation methodology of the house; it's strictly regulatory. So that's about \$160,000 of regulatory costs, which is kind of supported by the Harvard study, it's within that \$130,000 range added to the cost of housing. And of course when that happened, even though the County didn't have that kind of regulatory effect, if somebody builds a house right across in the city that is \$400,000, appraised that way, then across the line it's going to be \$400,000, so it's been spreading out into the county.

So it hasn't reached our area yet but we're very concerned about the impacts of housing and more studies have been done at least to date in this effort in the SLDP. In our end of the county we have about 70,000 acre-feet a year from our basin is being pumped out onto the ground for agriculture and that's an enormous amount of water. It only takes a quarter of an acre-foot to sustain one family for a year. So in terms of sustainability we have looked at some of the provisions like rainwater capture that's in this document. Rainwater capture in this area will capture about 5,000 gallons a year out of the 80,000 that are needed

to support an average family. The 5,000 gallons will cost about \$7,000 to \$15,000 to install rainwater capture, so it's not really efficient and it's very expensive.

On the other hand graywater captures about 60 percent, which would be about 48,000 gallons. You can actually irrigate, do landscaping, flush your toilets, etc. And that only costs a few thousand dollars. So we'd like to see the principles of these plans be allowed to be interpreted and implemented in each district and community plan in a way that makes way for that area. Right now it's mandated to have rainwater capture which we found out from research not to be very effective.

So in conclusion I think the main points are that flexibility is needed in the plan that doesn't exist now to allow communities and districts to do their own plans that can differ in the ways that they need to from the SLDP, as I've demonstrated in a couple of very important ways from our end of the county. I appreciate your attention.

CHAIRMAN MONTOYA: Thank you, Mr. Powers. Next, please.

WILLIAM MEE: I'm William Mee from United Communities of Santa Fe County and I'm on the steering committee, and I'm from Agua Fria Village Association. I'm the president there. The United Communities, we started in January of 2009 as nine groups called the traditional and rural communities Consortium. Then we continued interacting with the Santa Fe County growth management's planning process and then we decided we needed to be a broader organization so we named ourselves the United Communities. We have 26 of the 32 communities in some form of participation. Fourteen have formally given resolutions from the Board and the organizations that we have are neighborhood associations, homeowner associations, water rights, acequia, environmental organizations.

We've attended the 33 meetings of the County since the plan was turned over to County staff from the consultant, and previous to this we attended over 20 of the charettes, growth management planning sessions, and various other County meetings. So there were over 50 County sponsored meetings. But for each meeting there's probably a document that came out, a series of emails that we responded to and we probably had a separate United Communities meeting to interpret all of this and determine a position for our organization.

So United Communities really has a lot invested in this planning process since our first attendance at a December 3, 2008 growth management planning meeting. You'll hear from some of our other representatives but I just wanted to give this introductory statement. Thank you.

CHAIRMAN MONTOYA: Thank you, William. Next, please.

BILL HECKEL: My name is Bill Heckel and I'm a resident of both the city and the county and in the brief look that I've taken of the plan I haven't noticed anything that addresses the relationship between the City and the County and what was at one time extraterritorial rights. I know there was a Commission in existence until about nine months ago when there was a suit settled and I'm not sure exactly why but for some reason the City gave up its extraterritorial jurisdiction within the five mile limits. I'm very concerned about the County, with respect to planning, not involving the city, particularly in the areas of maybe densely populated or eventually becoming the responsibility of the City with the infrastructure and the way that you folks are considering putting up the infrastructure and hoping that you would ultimately include or at least address that issue in the plan that you're developing.

I would ultimately like to see the City and the County again establish a joint board that addresses all the issues in the areas surrounding the city. I realize that for 20 years – and how 20 years can go by I have no idea but the City has advocated on its rights around the city for the next 20 years. I don't think that's acceptable [inaudible] in the future outside of this. Thank you for your time.

CHAIRMAN MONTOYA: Thank you, Mr. Heckel. Appreciate your comments. We do have still our Extraterritorial Land Use Authority, the ELUA, which does oversee those three to five mile – what used to be the EZA, Extraterritorial Zoning Authority, so we do – is that something that we need to incorporate into this plan?

MR. ROSS: Mr. Chair, it makes sense to address that in the plan because it's something people don't know about and they don't understand what we're doing and how we're approaching these matters. So I just talked with Mr. Kolkmeier. I think that's a really sensible suggestion, so we'll do that.

MR. KOLKMEYER: And Mr. Chair, I did, during my presentation – you may not have been here but I talked about regional relations. We're putting a whole new section in there because we have many other, other than the extraterritorial, the new mechanisms that are in there we also have the Regional Planning Authority, which is a joint City-County board that's still operating. We have the Regional Transit District that City and County members are on doing local transit, and the Metropolitan Planning Organization, which is a joint City-County transportation planning organization. We'll make sure that that section is strengthened in the plan, if you see that portion that we talked about.

CHAIRMAN MONTOYA: Okay. Thank you. Next, please.

ROSS LOCKRIDGE : Ross Lockridge from Cerrillos, and I'm presenting a few recommendations from the United Communities of Santa Fe County. [Exhibit The first two are a bit critical but the rest are supportive. The United Communities recommends leaving the United Nations definition of sustainability in the plan. Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. At present that has been deleted. Under the heading, "What does sustainability mean for Santa Fe County?" we recommend retaining protecting and restoring the natural environment, rather than substituting only respecting the natural environment. We live in a fragile environment damaged by drought, overgrazing, mining, poorly engineered roads sometimes. Most of these contribute to erosion with repercussions on the water table and its ability to recharge. Restoring the biodiversity, viewsheds, air quality, springs, waterways and grasslands are important to sustainability.

United Communities further supports staff recommendations to keep climate change an issue in the plan. We agree with staff that property rights issues should not be in the economic development element. United Communities supports property rights and feels they are sufficiently covered in the plan and the state constitution protects property rights.

We support staff recommendations requiring developer-financed environmental impact studies in development applications and for new or expanding resource extraction. United Communities supports staff's recommendation to retain policy 15.3 to preserve and protect wildlife habitat. United Communities supports the recommendation for no change on goal 16, "Scenic viewsheds should be preserved and protected as an important resource.." We support retaining Chapter 6, open space, trails, parks and recreation areas element as is.

United Communities of Santa Fe County supports these three staff recommendations on mining: Revise 2.2.7, Sand and gravel will be recognized as a DCI, development of countywide impact, and subject to the requirements of the existing mining ordinance in the code. Policy 5.1, ensure that oil and gas, mining ordinance, and sand and gravel mining regulations are incorporated into the plan and the code. Strategy 5.1.2, incorporate existing mining ordinance to include sand and gravel mining into the code.

And lastly, we support the ability of community plans to meet their needs within the principles of the plan. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Lockridge. Next, please.

GAVIN LONGMUIR: Commissioners, my name is Gavin Longmuir. I've been living in Stanley, 1128-B Highway 472 for about the last 20 years. Hope to continue to live there. In my other life I had something to do with the planning of large industrial developments and the personal comment I'd like to offer to you is that this plan is still at a very, very early stage. Just to pick up on something the last gentleman said, the plan says, let's preserve viewscapes. Hey, we're all in favor of that. Let's preserve viewscapes. The plan also says let's promote wind farms. Well, anyone who's been to Scurry County in Texas recently knows that you can't have viewscapes and wind farms. It's one or the other.

Now, at this stage in the plan, of course it's very good to begin with listing all the things that are attractive. Then what we do normally in the planning process is we do financial analysis. What's the cost? What's the benefits? Some of the costs and benefits are financial; some of them are non-financial, but in the end somebody has to make a decision and say, yes, in this occasion we're going to give priority to viewscapes, or in this occasion we're going to give priority to wind farms. If you just have a plan that says both, basically what you've set yourself up for is a legal battle that goes on forever.

I think it's very important that the Commission recognize that this plan is nowhere close to being a finished plan and that in particular there needs to be a tremendous amount of focus on affordability, on costs, and how are we going to sustain this county? Because we can talk about many different definitions of sustainability, but the basic definition of sustainability which every one of us faces as individuals is that we have to have enough money coming in every year to pay for the outgoings every year. I'm very concerned that the plan as written does not leave Santa Fe County financially sustainable over the long haul. Thank you.

CHAIRMAN MONTOYA: Thank you, Gavin. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chair, I'd like to – this is the third time I've read about fiscal impact and financial analysis. Jack, will you summarize the initiative that's been taken in this plan to address that issue?

MR. KOLKMEYER: Thank you, Mr. Chair, Commissioner Vigil. There's two tracks of fiscal analysis yet to be done. One of the tracks is the fiscal implications related to the CIP, the capital improvement program. So in other words – and that would be a separate document from this plan, but it will take the recommendations or the plans I was mentioning kind of earlier, what programs and plans do you want to support as the Commission, for example. Those go into the CIP and there is a fiscal analysis of that. That's being worked on right now with the consultants.

The other track, and I mentioned this earlier is what are all of the plans, programs, staff meetings and all of those issues being suggested in this plan and which ones will we end up prioritizing through the adoption of those plans. And that also requires a fiscal impact analysis. We used to do fiscal impact reports, FIRs for every ordinance that was passed by the County. It probably pre-dated most of you here, but we also believe that there should be a fiscal analysis for all the programs and staffing that come out of this plan and we will do that. We haven't started on that; we haven't done that yet because we're still not all in agreement with what programs, staffing, should be in the plan yet. When we get to that point then we will come back and do a fiscal impact report. So one's in the process, the other we're waiting to see what all the plans and programs are.

And also another comment that was brought up is how do some of these things affect the cost of housing, for example. And that's a really legitimate and important question and we need to look at that. So perhaps as we evolve, Robert and his staff and how we're going to go forward with a full fiscal impact report, which will include some of those other aspects into it.

CHAIRMAN MONTOYA: Okay. Thank you, Jack. Thank you, Commissioner Vigil. Final commentary here. We have one more and then – we're going to cut it off at about a quarter till to allow comment. We are recessing, or actually terminating this meeting at 12:00. So we have about ten minutes for the comments then I do need to hear from the Board.

JAN WILLEM-JANSENS: Mr. Chair, Commissioners, staff, my name is Jan-Willem Jansens. I'm executive director of Earth Works Institute and have a career of 25 years of ecological planning and community planning. In looking again over the Sustainable Land Development Plan draft version as it is it occurred to me that there are lots of intentions being expressed regarding sustainability, but what is missing for me in terms of an expression of the intention, how the economic, ecological and community pieces hang together and can be balanced so that we don't come later into conversation of whether we need to sacrifice or balance – which is the politically correct word – jobs versus the ecology.

I think it is important for the County Commission to consider adopting a vision of a triple bottom line goal as the underlying philosophy here. That means trying to combine the goals that we have set forth in this plan for economic, ecological and community well being purposes, so that each thing that is being decided and each subsequent decision that's being made is going to be tested against those goals. It doesn't do good for our economy if the fiscal situation. It doesn't do good for the ecology, the environment that is being stated in this document as the reason why so many people want to live in this county and what the assets are for future economic development, and thirdly, what the community well being is which is the quality of life that is being offered as a result of the realization of this in this county.

Then some ideas for that. It was mentioned before that if you do those kind of things and want to meet these goals, from my perspective it is important to set up some policy to figure out for what kinds of development extraction of resources, etc., you need an environmental analysis or an environmental impact statement. You may want to extend that also by looking at economic analysis and community well being analysis. From our point of view, why we look at ecological restoration, we look at it also from the point of view does it generate jobs, does it actually maintain property values or enhance them so that there is really

incentive for landowners, for communities to actually sustain and be stewards of the restoration projects or community open space projects that we're advocating.

So I think studies like that are important and should be included in your goals, policies and strategies of Chapter 2 and Chapter 5. Then another comment I've suggested in the past is to make a [inaudible] ecosystem service strategies. There are hundreds of those projects going on already in this country, mainly in California, Virginia and North Carolina, and there is a body of research being done that can be tapped to see to what extent Santa Fe County can play into those. Payment for ecosystem services typically addresses those three ideas of triple bottom line – economy, ecology and community well being. Otherwise you don't get the payment really, because it's part of your voluntary payment or payments through national credit banks for wildlife, water quality, water quantity and other amenities that are ancillary. And we actually have a wonderful project here in Santa Fe, very straightforward and simple of that and that is how the payment system is being established between the City and the Forest Service for keeping the upper forest healthy so it creates cost savings and long-term cost reductions in providing community water from the Santa Fe Reservoir. And we all pay into that system, we all in the city, pay through into that by paying into our monthly bills and that's being passed onto the Forest Service for proper management.

And that is basically a very simple form of payment for ecosystem services. And I wanted to suggest to you that if you're interested in that I'm capable, willing and interested to have a study session with all the experts from outside for an audience to talk more about that topic.

CHAIRMAN MONTOYA: If I could just ask you to wrap it up. There's five more minutes left and there's four other people that still want to say something, so I'll at least allow you a minute and then please give us your comments. Make sure that we get them from staff so that we can follow up with any comments for the final four speakers there.

MR. JANSENS: In Chapter 2 there's a map there that shows a wildlife corridor for the Galisteo Basin but also for El Norte. I want to emphasize that the boundaries of that wildlife corridor suggested by New Mexico Game and Fish are not hard boundaries. It is a suggested area and we know, based on a lot of scientific comments on this that most of Santa Fe County is in some way used by some critter as a corridor. Those are just the areas that need extra emphasis as a corridor because they connect on a continental scale certain eco-zones through the county. So taking that into consideration is really important. Otherwise we're ending up still with problems for wildlife in the county. And that needs to be translated eventually again in those policies and strategies regarding buffer zones, setbacks, fencing strategies, light pollution issues and so on. And some way needs to be found to make that intention that is being described.

CHAIRMAN MONTOYA: I really apologize. I really hate to cut you off. Please give us your recommendations.

MR. JANSENS: My recommendation is that please look at those issues in terms of policies, goals and strategies for setbacks, etc. I live it with that, actually.

CHAIRMAN MONTOYA: Thank you. Next, please.

RAY SEAGERS: Board of County Commissioners, my name is Ray Seagers. I'm from the Estancia Growth Management Area. We've made a lot of comments. Actually our comments were put forth on the seventh. Our last objectives were submitted. And

certainly that isn't enough time for the staff to respond to everything we've done. We understand that. I think that emphasizes that rushing at this point is probably a bad idea and that we need a lot more time. But our main plea, and what's come out of everything we've studied here so far, we've pointed out how we're different; we march to a different drummer; we have a different set of traditional communities; we have different water sources in our Estancia Growth Management Area. And each time, all of our studies have shown and all of our reviews that need a district plan.

What's missing here and is alluded to now in some of the changes that Jack has made is that we do need a district plan, certainly for our growth management area. So that's where we're coming from. In that district plan, because of all the facts I just stated, we need to diverge from the SLDP in certain areas. It's just absolutely necessary. We've got underground water. We have large-lot development that sustains the lifestyle we can sustain. So what I think – go ahead and put in this document a methodology where district plans can be created, and when those district plans are created that they can diverge from some of the principles of the SLDP. That's where we're coming from.

I also have seen these type of growth management situations – sustainable development situations go amok throughout the country. People have adopted them and the lawsuits are coming down and a lot of very bad things are happening. I have a document. I gave it to Robert. Robert, will you distribute that document? [Exhibit 7] And I won't even continue on what's in it other than it is a guide for public officials. It points out some of the pitfalls we run into. It's 14 pages. I'd appreciate if you'd read it. Because when you're passing this type of plan you need to be aware of the origins and some of the issues that are done when these type of plans come down. So please give us this opportunity.

Now, another third item, and I'll be very quick. Recently, our growth management area has been communicating with sustainable communities and we read the letter from the League of Women Voters. And we have a lot of common ground because of the communication we're getting into now. But most of the areas we might diverge on can be fixed with our own district plan. Thank you.

CHAIRMAN MONTROYA: Thank you. Next, please. And if you could keep it to a minute. We have a very short time frame. We have other commitments starting at 12:00. Thank you.

JOHN CRAWFORD: Okay. A few quick points. John Crawford. I'm from Stanley. Section 242 of Title 18 in the federal code. At present by act of this board planning has been suspended while this matter is being handled under this statute, which is termed the deprivation of rights under color of law. Any public official who acts willfully to deny anyone's rights, and that includes privileges, entitlements and processes, is in violation of this statute. I just wanted to remind you all of this because at this point the defense of willfulness evaporates because you have been informed.

Watching this process of small changes to this poorly written, grossly internally conflicted document reminds me of someone trying to treat a 40-pound hemorrhagic melanoma by putting bandaids on the pus and losing blood. It doesn't seem to be very effective or very promising. What I would expect from having seen this process before under a different board over ten years ago is that all these points have been discussed and the matrix has been studied and the changes that the Planning staff decides [inaudible] there's going to

be a rush to pass this bill without going back to the public on the inputs to the changes. And I would like to suggest that they should be very aware that once they final, final draft is prepared by staff this whole process basically on public input needs to start over again.

The other thing that I have noticed in this is along with many other things including affordability of housing. The single most deciding factor of affordability of housing as other people have pointed out is cost of compliance. That means there have been studies published that assert there are two deciding factors. One which determines the present availability of affordable housing, and the single largest factor in making affordable housing not affordable is the size and complexity of the zoning ordinance. If you want to make housing affordable you need to reduce the burden of compliance. [inaudible] 40 percent is the stated cost for compliance in this area. That means that a house that would cost \$60,000 to build costs the consumer \$100,000 because of the burden of compliance. That pretty much does away with affordable housing. The current ordinance's push is not affordable housing, it is subsidized housing and there is a lot of issues with that.

But the main thing is again, we're talking about property rights. My forefathers said that if you don't have the right to own property and every burdensome regulation is a denial of that right, then you're not a free person. You're a client of the state. So I would encourage the Board to look at the responsibilities under the federal law, to look at the responsibilities to the body public, not to burden them with unneeded, counterproductive, and quite often frankly destructive regulation. And I would hope that this Board takes this into consideration.

CHAIRMAN MONTOYA: Thank you, Mr. Crawford. Next, please. Again, if I could ask you to please editorialize your comments.

ANN MURRAY: My name is Ann Murray. I'm from the Village of Cerrillos. I'm a member of the steering committee of the United Communities of Santa Fe and we strongly support this plan. [Exhibit 8] This is a good plan. The United Communities believes in and supports the sustainability, protection and restoration of the natural environment. And we'd like to see "restoration" returned to the language in the plan. We support taking action to slow or reverse human-induced climate change throughout the county. We support planning of development to directed areas. We support protections for agriculture and organic farming, and we support the requirement for studies and reports and their financing by developers. We support allowing County staff time as needed for review of applications and public participation and we support community and district plans. Finally, we support staff recommendations to include sand and gravel mining in the existing mining ordinance. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Ms. Murray. Appreciate it.

DAVE GOLD: I'm Dave Gold. I wanted to say a couple of things. One of the things I appreciate about the plan is that I feel that as an individual it protects my property right to enjoy my property more than any plan that has ever been put forth by the County. There's a sense of description of property rights as meaning one thing but the other thing is the ability to consistently enjoy property and the many influences that this plan mitigates that would interfere with my enjoyment of my property.

I appreciate the incredible generosity of time that the Commission as well as the CDRC has given for participants in this plan. There's always going to be people that haven't

heard about it or read it, but I can think of no other planning process where such generosity has been allowed to the community and I'm very grateful.

In any plan there's always going to be tradeoff and I feel that this plan has the appropriate tradeoffs. There's always a question of economic sustainability versus ecological sustainability. I feel this plan strikes an appropriate balance. The issue of affordability of housing, I feel the plan actually gives the ability to include smaller size houses – once again, the code currently doesn't even allow it. But by having a code that does allow smaller houses to be generated actual true affordable housing can be created in the county, as well as the other mechanisms that it utilizes, which I support by the way. It also creates open space and wildlife corridors which currently don't exist in the current plan and I feel that – I'm a little bit with the Edgewood folks in my concern about the ability for community plans to be able to differ. I think we need to, as a community, define what differences we feel are appropriate. And in fact we've had a conversation about this yesterday. I work with folks in Edgewood too and I hope to work towards that in the course of this process generate what specific differences would be appropriate and what wouldn't. Thank you for your time and thanks for doing this plan. It's amazing. Thank you so much.

CHAIRMAN MONTTOYA: Mr. Gold, thank you.

V. Board Discussion on SLDP

Cm: Okay, I'll open it up to the Commission now. If there's any comments. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have several pages of comments and questions and that I will probably either defer to a Commission meeting when we discuss this or to working directly with the staff on just before it goes to any kind of final group. But I want to first of all thank all the staff for their work on this and the entire community of Santa Fe who did choose to participate and work on the plan. This has been going on for two years and many people spent a lot of time participating and I thank you all for that, and even the people who have participated at the end, I thank you for that.

I appreciate the efforts of the southern part of the county and I'm sure that many of their comments will be incorporated into the plan, because of some of the differences in the water that's there. So with that, because I have quite a bit of dialogue I'll stop. But I do have a question that I want to put out for the entire public so they understand. What will be the next opportunity for public comment or public hearing or public review before we would vote on a final plan, so that everybody understands this isn't the end.

CHAIRMAN MONTTOYA: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair.

COMMISSIONER STEFANICS: I'm asking for an answer to that question.

CHAIRMAN MONTTOYA: I was giving staff a little time to think.

COMMISSIONER STEFANICS: I don't know if this is a legal question, but usually when we have an ordinance, and this is not an ordinance, it's a plan, but usually when we vote we take public comment at a meeting. And whether that's the chair's prerogative or whether that's legal counsel I don't know but I would like that put out here to the public.

MR. KOLKMEYER: That's a good question, Mr. Chair. There hasn't been a formal decision so I think we have a number of options. As I stated when we started the meeting earlier we need to come back. One of the problems we have is – it goes back to Commissioner Anaya earlier asking where are we in the document? We ended up with – we have already eight different drafts of this that have been done since December 2008. And when we try to have conversations we have way too many documents that we're all trying to deal with. So the staff suggestion would be for us to take whatever time you need to take next and come back with a document that's fully, fully drafted. So that everybody will have one document in front of them. You can decide whether that's a point of view that you support, or you don't support. It's a position that you like or you don't like. We'll do that through the matrix of recommendations. As somebody said before, somebody does have to make the call on this, and we'll take that responsibility as staff and we'll go through everybody's comments putting them in the perspective of the County needs and our existing codes and ordinances and we'll put back together again a document.

Then I suppose we could do another study session, do it this way so everybody can come back and maybe even do it for a longer period of time so that what you would get then at the public hearings, which we have to do a minimum of two as I understand in front of the BCC, you will have a document that can be debated without a lot of – too many different points of view, but you'll have a solid document. So I guess I'm suggesting maybe another study session and then however many public hearings you want to go through.

COMMISSIONER STEFANICS: So, Mr. Chair, I understand that when we actually get to the point of voting on this at the BCC, there will be two public hearings? That was the short answer to my question I think. So the public understands that they have the opportunity to come forward and make more comments, but that's what I really wanted to clarify while we have a group here today.

CHAIRMAN MONTROYA: I think just in response to that, I think it's the determination of the Board really, we're mandated to have one public hearing, because this is the plan; this is not an ordinance, which requires two. So it's totally up to the Commission in terms of do you feel you've got enough information? Because I think we could extend the process if we wanted to for another two years. So I think it's a matter of when do we want to – I think this Commission needs to make that decision. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I'm actually going to support staff's recommendation for another study session, only because a lot of the comments I heard today we've already addressed in our matrix. And we haven't had the opportunity in public to present that matrix and to present staff's recommendation and to present staff's recommendation and to discuss those issues. I would imagine that as extensive as that matrix and based on some of the comments, and I think, I would say about 70 percent of the comments that we've referenced today are a part of the matrix. That we could probably have a really solid study session just looking over the matrix. And I would highly recommend that we do that. I don't think that we need to extend that. We could do that within the next couple of weeks and I'm happy to do that as soon as possible because I think it's fresh in my mind.

CHAIRMAN MONTROYA: Okay.

COMMISSIONER VIGIL: I would recommend that and I don't know how my colleagues feel about that.

REC'D / 10/21/2010 10:00 AM

CHAIRMAN MONTOYA: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I agree with that as well. I have a lot of comments and minor suggestions and so on and so I think it will be helpful to have a study session on the matrix and we then can incorporate perhaps comments and suggestions that we have as well at that time, for the final draft, which will then go to a BCC meeting.

Could I make a few comments?

CHAIRMAN MONTOYA: Sure. Absolutely.

COMMISSIONER HOLIAN: Thank you. And so again, I would also like to thank Jack and Robert. We have had an unprecedented amount of public participation and I am just in awe of how you are able to not only organize that but then to make sense of all the disparate comments that you got from so many different people. And I would like to also thank your staff and the rest of our County staff who participated in helping to draft this document as well. And then most importantly to the people of Santa Fe who I think, again, there was an impressive amount of support and interest from the people who live in Santa Fe County, and that's crucial to having a plan that really expresses our vision.

I just want to say that I think that we are at a crossroads now. We're at a particularly important time in our county's history. And it's sort of now or never to say what we love about this county. So it's really important that we do the work, that we come to consensus, that we pass this plan, that we express our vision of what we want to see Santa Fe County look like.

I just want to make one other slight comment on the whole issue of the definition of sustainability. I've seen a lot of different versions out there. I actually kind of like both of the versions that were in the original draft. And the reason that I like them is because I think a really important central point of sustainability is what we leave to our future generations. And I think that we don't want to forget that. This is where we all come together. This is what we all agree on is that what we bequeath to our children, our grandchildren and their children and grandchildren is crucial. And so we need to leave them a Santa Fe County that is strong and healthy, both economically and in an environmental sense.

So I just think that we want to create a definition that recognizes that what we leave to our future generations is crucial and central to this plan. Thank you.

CHAIRMAN MONTOYA: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. I want to thank staff for working hard on the plan and having public meetings throughout the county. I especially want to thank the people in my districts who worked very difficult and very hard on the plan and at the last minute coming through with suggestions, which I agree that we should go and have a special study session for the matrix.

As I look at what Commissioner Holian is talking about future generations, I look at how maybe one day my kids will come to the County, and I've always tried to make it easier for somebody to come to the County to get a permit to build a home. Or do a business. And I think I've failed at that, because it is still difficult for somebody to come in here and create a business or build a home because of the process that they have to go through. So let me just go twenty years from now, or ten. My son comes in. He wants to get a permit, and it takes him months. He finally goes to his property that I give him in Stanley or Galisteo or wherever

that may be, and he says, look Dad, I want to build a house right here. And the County says, no, you can't build the house right there. But this is a pretty spot. No. You have to build your house within 50 feet of the road. Okay. Why is that? Well, the County made you do that. It's going to make you build that road. Okay. So he says, okay. I'll build it right here. We're 50 feet from the road. Well, you can't put it there, son. Because the County says that's a wildlife corridor. Antelope ran through there 50 years ago and you cannot build your house right there.

Okay. Well, let's put it over here. When we finally get to put it somewhere and then they slap on these sprinkler system. You want to build an affordable house. Okay. You wanted to put it where you want it but you can't. And you've got to put sprinkler systems, you've got to put in a water harvesting system. [inaudible] the price of. Well, you know out in Stanley the roads get pretty muddy. So, Dad, I want to gravel the road. You order a load of gravel. Where does it come from? Probably Sandoval County, because Santa Fe County will not let you put a gravel pit. That's another \$10,000, \$5,000.

These rules and regulations have some way in some way have to stop. I know that everybody wants to – they come here and they say, oh, what a beautiful view. Let's protect the viewshed. And I say that. But then we all want to have wind energy and solar. And by the way, my son says, Dad, what are they building over there? Oh, that's the wind generation plant. Well, why are they building it there? Because Cerrillos, Madrid and Galisteo – don't build over there because they're protecting the viewshed over there. They're going to put it in Stanley. Well, it kind of makes sense. The wind blows there.

But we have to watch what we're doing. And I thank you all for coming out and sharing your opinions. Here you have the sustainable land code for Santa Fe County and you have a document for the United States. Something's different. Something's got to change. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Commissioner Vigil? I too would just like to thank staff and thank the community participation. I think we've definitely, as been mentioned, gone through a process of a couple years where unfortunately some people didn't get into the game until a little bit later, but I think the flexibility is still there to allow the input of communities who still want to develop their own local community plan as some have already done. That is still going to be something that's going to be allowable.

I think in terms of parameters it would be nice if people would self-govern but that's not always the reality of how we exist on this planet. Certainly if that were the case we wouldn't need all the rules and regulations that we have to come up with. The reality is I see this plan is to me it's still all about water. It's still about the sustainability of any sort of development – commercial or residential – do we have the water to sustain that? That's just the truth in terms of the area in which we reside in. The basins that we have. We have not only a County water plan, but the state water plan in which we need to do some sensible planning around those two documents. And to me, that's what it comes down to in terms of – who was it? Benjamin Franklin that says we'll know the worth of water when the well runs dry? Certainly, that's something that we really need to think about in terms of moving forward with this plan, which I think it's doing that for me in terms of the direction we're headed with. So with that, Commissioner Vigil, then we'll adjourn.

COMMISSIONER VIGIL: I just wanted to just state for the public who don't know. I actually received some emails recently that made some statements that probably need to be personally addressed. Santa Fe County has taken quite a bit of pride in its level of transparency. Local government is probably the most accessible government to most folks. Any here makes themselves available to anyone out there who would like to have any particular question addressed. One in particular in one of the emails said that the Board has refused opponents requests for time to comment on the plan, and I hope that has been dispelled by the information of all of the meetings that have been held but I still say staff and elected officials are available to address any particular questions that anyone may have and I'd like to invite the public to contact any of us at any time to schedule time with you, to schedule time with staff, so that we can continue to address the issues that you may have and gain a better understanding for a better outcome. Thank you, Mr. Chair.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner Vigil. So staff, you'll work in terms of getting another study session scheduled within the next couple of weeks? Okay. Thank you. And again, thank you all for coming this morning. We'll adjourn for now.

VII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at 12:15 pm.



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

[Signature]

Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:
Karen Farrell
Karen Farrell, Wordswork
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BCC Study Session SLDP
14-Sep-10



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BCC Study Session SLDP
14-Sep-10



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Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



MEMORANDUM

To: Board of County Commissioners

Date: Tuesday September 14th, 2010

From: Robert Griego, Planning Manager
Jack Kolkmeier, Growth Management Department Director

Re: Sustainable Land Development Plan (SLDP) Study Session

Summary and Update

The County Development Review Committee (CDRC) provided a recommendation on the final draft of the Sustainable Land Development Plan (SLDP) after a Public Hearing on Thursday, August 26th, 2010. The CDRC unanimously recommended that the Board review and consider adoption of the current draft of the Sustainable Land Development Plan and further recommended that the Board consider the public comments submitted, in particular the Estancia Growth Management Area Working Group public comments and all staff recommendations.

The first draft of the SLDP was presented to the CDRC on October 1, 2009. The SLDP was revised and released to the CDRC in February, 2010. The participatory planning process has allowed for significant public input throughout the process to include a series of meetings in each Growth Management Area, a series of 17 public workshops held at the County Administrative offices, and multiple CDRC meetings including eleven Public Hearings, one of which was held in Stanley.

Many public concerns have been identified though the review process and recommended revisions to the SLDP were incorporated through the Public Hearing process. The CDRC held two Public Hearings on the Final Draft of the SLDP. The Final draft included several changes to the document based on the public input process. Staff also proposed changes to the first chapter of the document at this meeting to include language changes to provide general direction rather than mandates, delineate the Growth Management Area concept and GMA map, add Regional Planning, Partnerships and Cooperation, and revisions to clarify the sustainability principles and plan purposes. The CDRC reviewed the public concerns and recommended several changes to the SLDP. Staff also proposed amending Section 2.2.7 Mining to more clearly identify the need to include sand and gravel mining regulations in the SLDC.

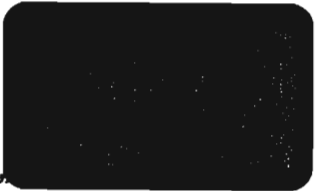
The CDRC recommended several staff changes which include:

1. Staff recommends revising Chapter 1: A Sustainable Vision for Santa Fe County to provide general direction for the County rather than specific mandates.
2. Revise Policy 5.1: Ensure that the oil and gas and mining ordinances are incorporated into the SLDC.
3. Revise Strategy 5.1.: Incorporate existing mining ordinance to include sand and gravel mining into SLDC.
4. Specific changes are recommended to Chapter 11. Requirements for existing homes to add rainwater capture is not feasible.
5. Include a glossary of terms in response to public comments that the SLDP does not clearly identify the terms used in the SLDP.

Summary and Recommendations

Staff has reviewed the input from residents of the County and recognizes that there are still several perspectives on the SLDP from the residents of the County.

This study session will allow the Board an opportunity to review the Plan with staff and provide direction. It will also allow the public an opportunity to provide additional comments during the public hearing.



**Estancia Growth Management Area (EGMA) Proposals on
"SLDP Objectives for Plan Elements by Growth Management Area"**
Sep 7, 2010

3

Chapter 1-Introduction:

Develop an EGMA District Plan with its own Codes which may differ from the Sustainable Land Development Plan (SLDP) in some respects:

- Recognize the dependence of the EGMA on underground water sources.
- Remove language which vilifies EGMA's larger lot traditions.
- Recognize that EGMA residents have little dependence on Santa Fe County for jobs, shopping, schools, or public services.

Chapter 2 – Land Use:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- All new codes and requirements should undergo analysis for practicality and economic feasibility in order to maintain the existing affordability of private housing in EGMA.
- Preserve EGMA's traditional homestead-heritage rural life-style with large lots, while allowing the flexibility for denser development where appropriate.
- Recognize the benefits of EGMA's low-density large-lot tradition to the environment and to wildlife.

Chapter 3 – Economic Development:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- Foster economic strength through support of private sector industry, responsible land management & development, and good stewardship of water & natural resources.
- Simplify County regulations which could impede development of new businesses or impede the growth of existing employers.
- Promote fiscal responsibility on the part of Santa Fe County government.
- Preserve the ability to use utilize local resources (e.g. sand & gravel), thereby reducing long-distance trucking.

Chapter 4 – Agriculture:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- Require Santa Fe County to lobby the Legislature to promote water conservation by allowing banking of water rights (i.e., allow ranchers & farmers to introduce efficiencies which reduce their water use without losing their existing water rights).
- Allow for multiple uses of ranch land.
- Allow ranchers & farmers to make their own decisions about whether or not to continue to use their land for agriculture.

Chapter 5 – Resource Conservation:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

SFC CLERK RECORDED 12/01/2010

- Require Santa Fe County to lobby the Legislature to promote water conservation by allowing banking of water rights.
- Preserve viewsapes to the extent practicable.
- Require Santa Fe County to preserve historical & archaeological sites of value to the community through acquisition of those sites at fair market value.
- Recognize that the State is responsible for monitoring & regulating the EGMA's underground water resources, and avoid any unnecessary duplication at the County level.
- Investigate the potential for extending the life of Estancia Basin aquifers by reinjection of municipal waste water.
- Investigate the potential for facilitating the development of water desalination facilities driven by intermittent wind power.

Chapter 6 – Open Space, Trails, Parks & Recreation Areas:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- Respect property rights by confirming that the community, through the County, shall buy the land required for publicly-accessible open space & trails.
- Promote a more equitable distribution of trails and open space throughout Santa Fe County, taking advantage of the lower costs of land acquisition in areas like EGMA.
- Support a well-designed trail system in EGMA which links with trails in the rest of Santa Fe County and in adjoining counties and municipalities.

Chapter 7 – Renewable Energy & Energy Efficiency:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- Ensure that there are no specific barriers to the development of energy resources beyond normal zoning & community involvement procedures.
- Avoid creating any County-provided subsidies for specific energy developments or for energy efficiency investments.

Chapter 8 – Green Design & Development:

Develop an EGMA District Plan with its own Codes which may differ from the SLDP in some respects:

- Require a County fiscal impact study on the additional burdens on the cost of housing and the costs/benefits of any proposed Code requiring green design prior to the adoption of that Code.
- Preserve & maintain the affordability of private housing in EGMA by ensuring that any approved green design requirements would not cause undue cost burdens.
- Allow the continued use of traditional building styles which have been shown to be effective in local EGMA conditions, e.g. the use of snow-shedding sloped roofs on two-story buildings.
- Require that any mandated energy efficiency design feature must recover the incremental investment costs within 7 years.

Chapter 9 – Public Safety:

- Require County public safety agencies to be creative and deliver the best services they can within the limits of their existing budgets.
- Require cost/benefit analyses of all proposed new public safety expenditures.

- Rebuild Santa Fe County's former cost-effective community-strengthening volunteer fire and emergency services, backed up with limited paid staff where necessary & appropriate.
- Prohibit unreasonable demands on individual property owners to provide fire water storage. Where there is a community need for additional water storage, the community (through the County) should pay for it, rather than shifting the burden to individual homeowners.
- Recognize the limits of affordable fire protection that have always existed in rural areas. Do not require observance of International Fire Code provisions which would be inappropriate in rural areas like EGMA or unaffordable, such as sprinkler systems in all homes.
- Support good water conservation practices in the fire service. Where more water storage is beneficial, use rainwater collected from fire station roofs.

Chapter 10 – Transportation:

Develop an EGMA District Plan with its own Codes which may differ from SLDP in some respects:

- Implement existing County plans to maintain & upgrade EGMA roads.
- Recognize that transportation needs in EGMA are strongly linked to Albuquerque and to Torrance & Bernalillo Counties.
- Establish an EGMA task force to coordinate with surrounding Counties on a regional road network.
- Participate in the ongoing DOT I-40 Corridor Study, and extend that study to Highway 41 and US 285.

Chapter 11 – Water & Wastewater:

Develop an EGMA District Plan with its own Codes which may differ from SLDP in some respects:

- Require Santa Fe County to lobby the Legislature to promote water conservation by allowing banking of water rights, since water conservation is an integral part of efficient management of the Estancia Basin aquifers.
- During the writing of the Estancia Valley District Plan, work with the Estancia Basin Regional Water Planning group to incorporate conservation techniques that make sense for our area, to extend the life of the basin water.
- Require a County cost/benefit study to determine the most effective/least costly methods of conservation before any Code requiring expensive water conservation measures is adopted.

Chapter 12 – Public Facilities and Financing:

- Recognize that the homestead-tradition large-lot lifestyle of the EGMA costs the county little to nothing in the way of increased public facility expansion.
- Remove language requiring “adequate public facilities” as a prerequisite for allowing development permits — the EGMA has no substantial county-provided public facilities nor is it likely ever to have such facilities.
- Analyze impact fee collection and distribution in the EGMA.

Chapter 13 – Housing:

- Sustain the affordability of private housing in EGMA by streamlining the permitting process and avoiding the imposition of excessive regulations which tend to create false scarcities of developable land.

- Promote confidence on the part of the development industry that a project properly zoned can in fact be developed by following the rules.

Chapter 14 – Governance:

- Respect the value of existing District & Community Plans.
- Create an Estancia Growth Management Area District Plan that addresses the unique needs and challenges of the EGMA. Recognize that the EGMA differs in certain respects from other areas of Santa Fe County. Out of respect for that diversity, some provisions of the EGMA District Plan may not be the same as, or consistent with, the provisions of the SLDP. Develop distinct sets of local land use Codes & Ordinances based on those District & Community Plans.
- Establish a Local Development Review Committee for the Estancia Basin District after the District Plan is adopted.

Chapter 15 – Implementation:

- Require a County fiscal impact study on the costs & benefits of any proposed Code written from the SLDP prior to its adoption.

ESTANCIA BASIN WATER PLANNING COMMITTEE

Ryan Schwebach

Chair

East Torrance SWCD position

Randy Autrey

Vice-Chair

Torrance County Agricultural Position

John L. Jones

Secretary/ Treasurer

Bernalillo County, Municipal/ Developer/
Utility Position

H.L. Hagerman

Committee Member

Santa Fe County, Agricultural Position

J. Brian Greene

Committee Member

Claunch-Pino SWCD Position

Leo Smith

Committee Member

Edgewood SWCD Position

Daniel McGregor

Committee Member

CPG Bernalillo County, Government
Position

Gene Winn

Committee Member

Torrance County Government Position

Vacant

Committee Member

P.F. Santa Fe County Government
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Tom Spindle

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Santa Fe County, Municipal/ Developer/
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Rita-Lov Simmons

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September 10, 2010

Robert Griego

Director, Santa Fe County Land Use

102 Grant Avenue

PO Box 276

Santa Fe, NM 87504-0276

Dear Mr. Griego:

On behalf of the Estancia Basin Water Planning Committee, I am forwarding our comments on the draft Sustainable Land and Development Plan (SLDP posted on the County web site. As you know, the Planning Committee was established in the mid-1990's under the auspices of the Interstate Stream Commission and the three counties in which the Basin is located, to create and maintain a Regional Water Plan. Each County is signatory to an MOU through which the Committee obtains basic funding and services from each sponsoring County, and through which committee members are sponsored by each County to represent the broad and diverse demographics of the Basin. The 2nd version of the Plan was completed in February 2010 and submitted to the ISC and each county.

The Estancia Basin Water Planning Committee has reviewed the draft SLDP plan and agrees with the overall concept, which is consistent with portions of the updated 2010 water plan. The devil, however, is always in the details. We find the SLDP to be very Northern-Centric in nature and rarely acknowledges and allows the existing and future conditions in the Estancia Basin – a closed basin, with no surface water supply, but with relatively large groundwater resources, large tracts of land with significant agricultural and ranching interests. The agricultural data in Chapter 4 is lacking in detail for the Santa Fe County portion of the Estancia Basin. Chapter 11 is presented more as a 40-year water plan, with tremendous specificity on water rights and allocations. Overall, we find that there is a distinct lack of consideration of the content of the Regional Plan. I hope you find our general and specific comments helpful in furthering your goals with the SLDP.

We have attached details comments. If you have any future questions or comments please do not hesitate in letting us know.

Sincerely,

John L. Jones

Secretary

Estancia Basin Water Planning Committee

Comments
Estancia Basin Water Planning Committee Review
Draft, Santa Fe County Sustained Land Development Plan

Chapter 4 – Agriculture

4.1.1, Key Issues

1. Diminished farm size and profitability. In our view, the Estancia portion of the County is an exception to the statement pertaining to decreased “farm size”. While profitability is problematic, it isn’t because of the amount of land available.

2. Need for enhanced food security and local food sustainability. This is a nationwide issue and is a national security issue to boot. A question – how would the County encourage farmers and ranchers to continue their life styles and businesses?

3. Limited water supply and water quality issues. The Estancia Basin is largely rural in nature and arguably 95% of the water pumped in the Basin every year goes to agricultural and ranching uses. While the water table is dropping (as it is throughout the western United States), it isn’t due to development ... it is due to agriculture and ranching, which is also creating change to water quality parameters throughout the Basin. We believe that agricultural and ranching uses will diminish for a myriad of reasons, which will reduce the strain on the aquifer, and that some of the land will move into development. With appropriate zoning and development codes with minimum lots sizes in the two to five acre range, the aquifer will benefit from development of those previously irrigated lands.

4. Shifting climate patterns. No comment.

5. Fragmentation of agricultural land and development pressure. The Estancia region of the county remains an exception to the fragmentation issues, for the most part ... but ranchers and farmers are often in discussion about other uses for their land. Those uses could move toward residential and commercial development in the context of most of the SLDP, or it may not.

6. Encroachment on agricultural lands. The Estancia region appears to be an exception to this premise.

7. Lack of recognition of acequia governance ... the acequia issues in this discussion are not applicable in the Estancia region of the county. The same is true for #8.

4.1.2 Keys to Sustainability.

2. Maintain agricultural operations. Please provide a definition of ‘traditional’, as used herein. County assistance to farmers may come under the constitutional issue of anti-donation.

4. Promote the use of clustered lots ... agreed, under the assumption that large tracts of open space are associated with philosophy, with the focus on waste treatment challenges and water availability for dense development.

6. Protection of water availability for agriculture. In the Estancia region of the County, increased initiatives for domestic conservation will be fruitless unless accompanied by increased initiatives in the agricultural realm. Please define ‘community-based’ agriculture.

4.2.1 Farms and Ranches – please define “contemporary agriculture”, as used in the second paragraph. For the census information in this paragraph, can you break out farm acreage by county region?

4.2.1.2 Agricultural Production. The last two sentences seem to comingle 'farming' and 'ranching' – they aren't the same – for example – corn, and livestock. What is the source of data for the top crop information?

4.2.1.3 Farm Characteristics. In the second paragraph, can you break out farm size by region?

4.2.3 Existing County Agricultural Policies. Are the policies discussed in this section permanent and irrevocable?

4.2.4.2 Conservation easements. What happens to the water rights associated with former agricultural land placed in conservation easements?

4.2.4.4 Agricultural Protection. Define 'too small' as used in this paragraph.

Figure 4.2, Irrigated Agriculture. The Figure doesn't seem to contain any information on the Estancia Region, with over 10,000 acres of irrigated land (in 2005).

4.3.2 Water Rights. This provides some background on water rights in general, but with a focus on surface diversions. A brief blurb on ground water rights, particularly as they apply to spray irrigators in the Estancia region, would be helpful, as well as a blurb as to the 'property right' that applies to owners of water rights for irrigation.

Chapter 11, Water, Wastewater and Stormwater Management Element. The chapter is focused largely on the county water utility, not water issues in general. There is a lot of information on the Buckman Well Field, but not other (private) water producing areas, nor is there any substantive information on water resources south of Galisteo. Map 10, on page 174, illustrates water and wastewater systems throughout the County, except for the Estancia region – it shows three wastewater systems near Edgewood, and one near Golden, but none of the community water systems. As a note – the county water system has 1700 accounts (page 173), and the three major water systems near Edgewood have a cumulative 3300 accounts without a mention in the discussion.

11.1.1 Key Issues

2. The current reliance on groundwater ... is unsustainable. The Estancia Basin relies on groundwater exclusively, it does not have access to surface water supplies, and there are not any proposals for access to the Buckman source.

3. Conserve water We agree that conservation must factor into development, it isn't clear how that would be done in the Estancia region, especially since agriculture and ranching receives arguably 95% of the groundwater drawn from the Basin annually.

5. Expand centralized water and wastewater ... Centralized water systems do NOT ensure per capita consumption is reasonable, but they DO apply a cost to that consumption that often results in conservation behaviors. This Issue may not be appropriate in many parts of the Estancia region where growth could be accommodated by use of domestic wells, and in which construction and creation of centralized systems could be cost prohibitive. The Issue does not acknowledge that any coordination of utilities in the Estancia region will be between private entities since the county does not have a presence there.

7. Equitably finance water, wastewater ... improvements. This issue does not address the reality of the Estancia region. The Town of Edgewood has a sewer that is available to a very small section of the town, and there isn't a county or municipal water system. Private for-profit and private non-profit entities have access to low interest funding through the revolving loan fund administered by the NM Finance Authority, and in some cases the Rural Development arm of the Department of Agriculture. Otherwise, as presently enacted, they would not have access to a 'user fee' administered through the County.

9. Provide back up for small systems. Again – the reality in the Estancia region is for isn't addressed in this Issue. There are mixed issues in this paragraph as well – water quality testing and assistance are two separate issues and to our knowledge, neither have occurred in the Estancia region. Having said that, local systems do help one another with material, skills, and knowledge.

11.1.2 Keys to Sustainability

2. Discontinue reliance on groundwater as a primary water source where surface water is available. We agree!

3. Conservation is a key to sustainable water supply. The 'county' and the 'county utility' are used interchangeably in this Issue. Initiatives to increase the aggressiveness of current county efforts will translate into costs for affordable housing.

11.3.1 – Water Overview

While most residents not served by the county utility rely on domestic wells, it must be acknowledged that there at least 33 community water systems in the county and three large ones in the Estancia region. The blurb addresses the county utility, almost exclusively.

11.3.3 The Buckman Direct Diversion

We suggest an acknowledgement that the BDD is not a viable source of surface water to assist in the Estancia region, and only really applies to a discussion of the county utility. Map 10 that follows this section does not show any of the community water systems in the Estancia region.

11.3.4 The Back Up Well System.

Just a comment – this isn't really relevant to a countywide land use development plan – belongs in the county 40-year plan.

11.3.8 Community Water Systems

There isn't a discussion of community water systems in the Estancia region, and their associated withdrawals.

11.3.9 Conjunctive Management Plan for the Santa Fe Basin

This is useful background information, particularly in a 40-year plan, but only addresses the county utility. There is not a corresponding blurb on the Sangre y Jemez or the Estancia Basin plan.

11.3.11 Conservation and Sustainability

The specificity of "direct storage" appears to be very prescriptive, while there are other alternatives for uses of harvested rain water, i.e for toilet flushing. Our experience with hotwater

recirculation is that most of our household leaks occur in hot water recirculation systems within 5' of the recirc pump. The submetering issue needs to be clarified. Having said all that – there isn't anything here that is contrary to the EBWP and is consistent with the kinds of things we'd advocate.

11.3.11.2 Rainwater Capture, Treatment, and Use. We need a definition of a 'non-recharging basin' to fit the requirement for "All development within non-recharging basins will provide full rainwater capture without density bonuses ..." Where are these basins? What is the authority for the county to require retro fits? It is our understanding that the County currently requires rainwater capture, but it has not been enforced in the past – so does it make sense to require it in the future?

11.3.11.3 Graywater Reuse. We agree with the premise of using water as many times as we can – the challenge for this requirement is construction cost, the loss of possible recharge credits for the water system, etc.

11.5.1.3 Stormwater Master Plan. We suggest that the Soil and Water Conservation Districts be included in this area.

LEAGUE OF WOMEN VOTERS OF SANTA FE COUNTY

THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT PLAN



September 13, 2010

For the past 40 years members of the Santa Fe County League of Women Voters have considered natural resource and land use issues in both the City of Santa Fe and Santa Fe County. Below is a summary of some key areas that League members agree should be considered when developing a land use plan. *(Some comments on how the SLDP reflects the positions of the LWV are in italics.)*

WATER: Chapter 11.

1. The League supports regional planning for water with the goal being elimination of competition for water and cost-efficiency in the harvesting and delivery of water.
2. Linking development to the available water supply.
3. Adoption of a drought management program with a specific program of water conservation to be pursued under all supply conditions.
4. The creation of self-sufficient new towns and/or villages only where there is an adequate water supply.

Santa Fe County government has recognized the limitation of water resources in New Mexico and the county by adoption of the 40 year Water Plan, the limited allocation of residential of water per new residents (but with inadequate measurement follow-up), and an emphasis on the use of community water systems. There are currently efforts to weaken the June 2010 draft of the SLDP's guidelines on water use and conservation. These efforts must not be adopted in a new county land use plan. Requirements for new developments to include community water systems and conservation should not be limited to only a portion of the county but to the county as a whole. See elimination or changes of water policies 34.6, 34.7, 35.7, 35.8, 36.1, and 36.4.

RENEWABLE ENERGY AND ENERGY EFFICIENCY Chapter 7

1. The LWCSFC supports local governments considering the use of alternative sources of energy, and believes that when they do so they should take into account predicted costs, future availability, greenhouse gas emissions, and future competing demands for those resources.
2. The use of biofuels should be considered only when they are energy efficient, environmentally appropriate and cost effective.
3. A green building code should not only recognize energy conservation achieved through quality of building components and construction methods, but should also tie the amount of energy conservation required to the building size.

4. Local governments should develop methods to reduce the burden of energy costs for local residents by making it easier for them to increase the energy efficiency of existing houses. Methods to consider include education, training, and helping residents get financial aid.

The League supports the strategies, policies and goals in the June revised plan that address energy efficiency and opposes efforts to weaken efficiencies that contribute to the sustainability of county resources.

GOVERNANCE Chapter 14

1. The LWVSFC supports development of a County General Plan and encourages coordinated planning with the cities and other governmental agencies in the region.
2. The maximum participation of citizens in the formulation and review process for the development of land use regulations and updates of the plans.
3. An approval process that encourages an educational dialogue among the public, governing body and planning staff. An approval process that allows for comment by both the planning staff and the public before any changes are adopted.
4. Annual reports by the County staff to the governing bodies and the public on the progress in implementing the general plan.
5. Measures to ensure that the adopted plan is not weakened by decisions made by review bodies.

The LWVSFC supports those parts of the Governance section that create transparency and a public process. A method to include notification of those who might want to participate in meetings to discuss a proposed development application or proposed changes in the land use plan needs to be evident and available in the plan, not just notification of those who have registered at ECO's and RO'S. Strategy 46.4.2 addresses this "The pre-application process to allow the public....to be informed about the proposed development projects." It is important that the "process" be clear in the SLPC.

Strategy 47.1.6, Create an Estancia Basin Area Task Force.....does not define what will be the assignment of the Task Force and how the public will be informed of Task Force activities and recommendations.

The League of Women Voters of Santa Fe County appreciates your attention to this memo.

United Communities of Santa Fe County Recommendations

9/14/2010



--United Communities recommends leaving the UN definition of Sustainability in the Plan.

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

At present it has been deleted.

-- Under the heading "What does sustainability mean for Santa Fe County?" we recommend retaining "*protecting and restoring*" the natural environment rather than substituting only "*respecting*" the natural environment.

We live in a fragile environment, damaged by drought, overgrazing, mining, poorly engineered roads and invasive species. Most of these contribute to erosion, ~~its~~ ^{yes with} repercussions on the water table and its ability to recharge. Restoration of bio-diversity, viewsheds, air quality, springs, waterways, and grasslands are important to sustainability.

United Communities further supports staff recommendations:

-- to keep climate change an issue in the plan.

-- We agree with staff that property rights issues should not be in the Economic Development Element. United Communities supports property rights and feel they are sufficiently covered in the plan, and the State constitution protects property rights.

-- We support staff recommendations requiring developer financed Environmental Impact Studies in development applications and for new or expanding resource extraction.

-- UC supports staff's recommendation to retain Policy 15.3 to preserve and protect wildlife habitat.

-- United Communities supports the recommendation for "No Change" on Goal 16: "Scenic View sheds should be preserved and protected as an important resource."

-- We support retaining Chapter 6, "Open Space, Trails, Parks, & Recreation Areas Element" as is.

-- United Communities of Santa Fe County supports these 3 Staff Recommendations on mining:

Revise 2.2.7: Sand and gravel mining will be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC.

Policy 5.1: Ensure that oil and gas, mining ordinance, and sand and gravel mining regulations are incorporated into SLDP and SLDC

Strategy 5.1.2: Incorporate existing mining ordinance to include sand and gravel mining into SLDC.

-- We support the ability of Community Plans to meet their unique needs, within the Principles of the SLDP.

Delivered by Ross Lockridge,
CPR#1105 ✓

7



Understanding Sustainable Development (Agenda 21)

A Guide for Public Officials

Prepared by

Freedom 21
Santa Cruz

www.freedom21santacruz.net

Introduction

You may have heard people talking about Sustainable Development — in public meetings, on television and on the radio. Consultants talk about it, university professors lecture on it, and at various levels of government, it may even be mandated. But what *is* Sustainable Development?

That is precisely the question this Guide is intended to address. In the following pages, you will read of the origins of Sustainable Development, its theoretical underpinnings, its major programs and the means by which it is implemented.

When you have finished reading this document, you will have the knowledge necessary to begin identifying the vast array of Sustainable Development programs that arise.

Please recognize this document for what it is: a unique opportunity to learn more about Sustainable Development and to make a difference in your community by supporting present and future actions that restore and protect the rights and well-being of your family, your fellow citizens and you.

More information on the nature and consequences of Sustainable Development is available from Freedom 21 Santa Cruz.

What Is Sustainable Development?

The most common definition of Sustainable Development given by its proponents is a statement found in the Bruntland Report, *Our Common Future*, released during the 1987 United Nations World Commission on Environment and Development:

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Historical Development and Origins

Even the term “sustainable” must be defined, since on the surface it appears to be inherently positive. In reality, Sustainable Development has become a “buzz” term that refers to a political agenda, rather than an objectively sustainable form of development. Specifically, it refers to an initiative of the United Nations (UN) called the UN Sustainable Development Agenda 21, the most comprehensive statement of a political ideology that is being progressively infused into every level of government in America.

Known around the world simply as Agenda 21, this initiative is “a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Na-

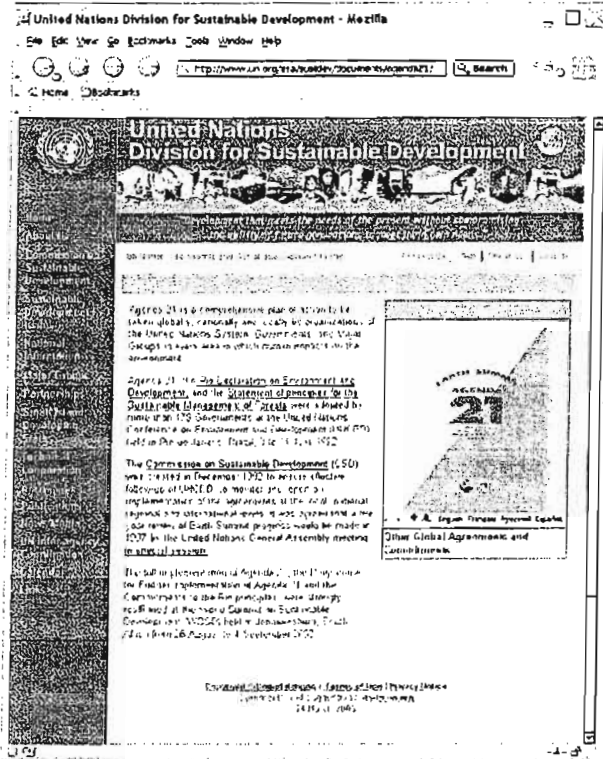


Image 1: The United Nations website clearly displays Agenda 21 documents

tions System, Governments, and Major Groups in every area in which human impacts (sic) on the environment.”¹

Agenda 21 was unveiled in 1992 during the United Nations Conference on Environment and Development (UNCED), commonly known as the Rio Earth Summit, where more than 178 nations adopted Agenda 21 and pledged to evaluate progress made in implementing the plan every five years thereafter. President George H.W. Bush was the signatory for the United States.

Although Congress never authorized the implementation of Agenda 21² (as a soft-law

1. <http://www.un.org/esa/sustdev/documents/agenda21/index.htm>
2. Rep. Nancy Pelosi (D-CA) submitted a resolution (H.J. Res. 166) to the 103rd Congress on March 29,

SFC CLERK RECORDED/12/01/2018

Understanding Sustainable Development (Agenda 21)

policy recommendation³ — *not* a treaty — it needs no ratification), in 1993 President Bill Clinton established by executive order the President's Council on Sustainable Development (PCSD) for the purpose of implementing Agenda 21 in the United States. The PCSD operated through 1999, but its actions to promote Sustainable Development have taken root and now exert an increasing influence in communities across America.

International organizations such as the UN and its accredited Non-Governmental Organizations (NGOs) generally consider Sustainable Development and Agenda 21 to be synonymous. Therefore, in order to avoid confusion and equivocation, Sustainable Development will be the term used throughout this document to refer to both. Agenda 21 will only be used to refer to the actual document from the Rio Earth Summit.

At times, the political agenda embodied in Sustainable Development is implemented under other names for purposes of political expediency. J. Gary Lawrence, a planner for the city of Seattle and advisor to the President's Council on Sustainable Development, said in 1998 that "Participating in a UN advocated planning process would very

likely bring out many... who would actively work to defeat any elected official... undertaking Local Agenda 21. So we call our process something else, such as "comprehensive planning", "growth management" or "smart growth."⁴

The Antithetical Foundations of Liberty and Sustainable Development

"Property must be secured, or liberty cannot exist."

— *John Adams*

It has long been known that liberty is tied to the institution of private property. The Decalogue codified private property in four words: "Thou shalt not steal."

"Private property and freedom are inseparable."

— *George Washington*

These intuitions were understood by those who participated in the American experiment⁵ and were consequently included in the Declaration of Independence, the Constitu-

1993 urging the President and Congress to "assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements..." Though that bill stalled in the Subcommittee on Economic Policy, Trade and Environment, its recommendations have been implemented through various actions by the President and Congress.

3. "Soft law" policy is not binding. This is a common procedure in the U.N.'s policy development strategy. "Soft law" documents are quite often followed by treaties or covenants, which are binding international law; alternately, soft law can find immediate application through local legislation or policy without an internationally binding agreement.

4. Lawrence, J. Gary, *The Future of Local Agenda 21 in the New Millennium*, The Millennium Papers, UNED-UK, Issue 2, (1998), 3.

5. Soapes, Emily Williams. "The American Experiment: Living with the Constitution". Prologue: *Journal of the National Archives* 19, no.3 (Fall 1987): 185-189.

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tion and the Bill of Rights.⁶ The right to property as outlined in those documents is premised on an owner's determination of its use, provided that such use does not disturb the equal rights of another.

"...all Men...are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

— *The Declaration of Independence*

In contrast to the unalienable rights found in America's founding documents, the United Nations Charter and the Declaration of Human Rights are based on a very different idea: rights are granted and rescinded by men.

The Sustainable Development political agenda originates in the founding documents of the United Nations. This isn't surprising, since the myriad countries represented in the drafting of Agenda 21 have widely divergent forms of government and must have a point of agreement (a "least common denominator") to rally around — and the UN Charter provides that point. However, for progress to be made in implementing Sustainable Development in the United States, unalienable rights such as the right to property must be eroded, attacked and struck down altogether.^{7,8}

6. See also Machan, Tibor, *Private Rights & Public Illusions*, Transaction Publishers, New Brunswick (1995).

7. Nullification of the right to the reasonable use of one's property affects by extension the right to private action and the freedom of expression. Shaw, Michael, *What is Private Property?*, Liberty Garden (2003).

8. Heywood, V.H. (ed.). *Global Biodiversity Assessment*. United Nations Environment Programme. Cambridge University Press, Cambridge (1995): 767, 782. This document likewise condemns "inappropriate social structures" (p 763), golf courses (p 970), and the attitudes toward nature found in "Judeo-Christian-Islamic religions" (pp 766, 838).

Implementing Sustainable Development

The authors of Agenda 21 have said it will affect every area of life, grouped according to three objectives: Equity, Economy, and Environment (known commonly as "the 3 E's"). By defining these terms vaguely, a litany of abuse has resulted. Furthermore, by rubber-stamping pre-conceived plans, using manipulative "visioning" sessions to garner the appearance of public buy-in, and acquiring grants from sources with questionable motives, the entire process of implementing Sustainable Development policies is suspect.

Equity: using the law to restructure human nature

The authors of the Sustainable Development action plan recognized that their environmental and economic objectives and the corresponding transformation of the American system of justice are radically divergent from the views and objectives of the average person. Therefore, in order to achieve their objectives, they call for a shift in attitudes, which can be seen in the educational programs developed by its proponents. This is the premise of Sustainable Development:

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that individual human wants, needs, and desires are to be conformed to the views and dictates of planners. Harvey Ruvin, Vice Chair of the International Council on Local Environmental Initiatives (ICLEI) and Clerk of the Circuit and County Court in Miami-Dade County, Florida, has said that “individual rights will have to take a back seat to the collective” in the process of implementing Sustainable Development.⁹

Economy: the international redistribution of wealth and the creation of public-private partnerships

“...current lifestyles and consumption patterns of the affluent middle class - involving high meat intake, use of fossil fuels, appliances, home and work air conditioning, and suburban housing are not sustainable.”

— *Maurice Strong, Secretary General, UN Conference on Environment and Development, 1992 (also known as the Rio Earth Summit, where Agenda 21 was unveiled)*

According to its preamble, “The developmental and environmental objectives of Agenda 21 will require a substantial flow of new and additional financial resources to developing countries.” Language throughout Agenda 21 erroneously assumes that life is a zero-sum game (the wealth of the world was made at the expense of the poor, making

them even poorer). This critique of economic ills denies the ingenuity of private action, individual determination and free market innovation, and leads inevitably to the conclusion that if the conditions of the poor are to be improved, wealth must be taken from the rich. Sustainable Development embodies this unjust redistribution of wealth both in theory and in implementation, effectively lowering the standard of living in America to that of the rest of the world. The Draft Covenant on Environment and Development states in Article 8: “...equity will be achieved through implementation of the international economic order... and through transfers of resources to developing countries...”

In addition to its appeal for the international redistribution of wealth, Sustainable Development is actually restructuring the economy, molding it not on private enterprise, but on public-private partnerships.

Public-private partnerships bring businesses desiring the protection offered by government’s legalized force together with government agents that want the power that comes with economic control. The power of economics and the force of government must serve as a check and balance on each other; combining the two will ultimately result in tyranny. Free enterprise is lost amid subsidies, incentives, tax-breaks, and insider privilege, and with it goes the notion that the customer is the final determiner of how resources are allocated in production. The Sustainable Development “partnerships” involve some corporations — domestic and multinational — some tax-exempt family foundations, select individuals, and collec-

9. Peros, Joan, unpublished report, UNCED Rio+10 Summit — Johannesburg, South Africa (2002).

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tivist politicians and their administrations. Of these participants, only elected politicians are accountable to the public for their actions.

Environment: nature above man

Americans support laws and regulations that are designated to effectively prevent pollution of the air, water, or property of another. Yet it is increasingly clear that Sustainable Development uses the environment simply as the means to promote a political agenda. For example, Al Gore says that Sustainable Development will bring about “a wrenching transformation” of American society.¹⁰

Sustainable Development is ostensibly concerned with the environment; it is more concerned with restructuring the governmental system of the world’s nations so that all the people of the world will be the subjects of a global collective. Many of its proposed implementation strategies require the surrender of unalienable rights.

This fact alone casts a serious shadow of doubt on the motives of Sustainable Development planners who would discard the unalienable rights to life, liberty and property in order to pursue dubious programs.¹¹ When Sustainable Development is implemented, ordinary people will be left unprotected from de facto decrees placing nature

above man while relegating man to the status of a “biological resource”.¹²

Educating the Youth to Mold the Minds of Tomorrow

“All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth.”

— Aristotle

One means that Sustainable Developers have to ensure continuing support of their anti-human programs is through molding the minds of the next generation. Chapter 25 of the UN Sustainable Development Agenda 21 calls for the need to “enlist and empower children and youth in reaching for ‘sustainability’.”

Even a cursory look at the federally-mandated curriculum being taught in classrooms in every government school in America would show that the doctrines of Sustainable Development are finding their way into every subject. French classes are used to teach students to “save the earth”; economics classes feature lectures discouraging individual initiative in the marketplace and decrying private ownership; history classes obscure the importance of America’s found-

10. “Minor shifts in policy, marginal adjustments in ongoing programs, moderate improvements in laws and regulations, rhetoric offered in lieu of genuine change — these are all forms of appeasement, designed to satisfy the public’s desire to believe that sacrifice, struggle, and a wrenching transformation of society will not be necessary.” Gore, Al, *Earth in the Balance*. Plume (1993): 274.

11. cf. Taylor, Jerry, *Sustainable Development: A Dubious Solution in Search of a Problem*, Cato Institute (2002).

12. Bureau of Land Management, Internal Working Document for ecosystem management, (March 1994).

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ing documents; mandatory "service-learning" programs enlist students to work for government-approved Sustainable Development partner organizations. The list goes on and on.

While taxpayers foot the bill for the increasing costs of government education, parents are increasingly shut out of decisions crucial to the molding of their child's mind. Controversial programs designed for "values clarification" are being performed in government schools that employ "powerful behavior control techniques and peer pressure to make [a] developing child question his or her individual worth and values", and are designed to disrupt parental oversight in the upbringing of their children, according to Professor of Organizational Behavior Brent Duncan.¹³

Stakeholder Councils – Restructuring American Government

I believe there are more instances of the abridgment of the freedom of the people by gradual silent encroachments of those in power than by violent and sudden usurpations.

– James Madison

The way that Sustainable Development is carried out in local communities around the world is particularly alarming, especially to those who seek accountability in government. Operating within a system of stakeholder councils, organized to give community members a "stake" in the control over property in their neighborhood, proponents of Sustainable Development systematically promote their own ideas and marginalize any local opposition, particularly those

individuals who advocate the freedom to use and enjoy private property.

The product of a stakeholder council, often called a "consensus statement" or a "vision statement", is typically approved by local governments without question, requiring citizens to submit to the questionable conclusions of a non-elected regional authority that is not accountable to the voters.

Stakeholder council meetings are typically arranged under the auspices of soliciting input from community members on a project. This project may be initiated by local public officials, a local non-profit organization, a national or regional non-profit organization or an NGO.¹⁴ It is very rare for community members to instigate the stakeholder "visioning" process.

A typical stakeholder council meeting is run by a trained facilitator.¹⁵ It is not the facilitator's job to make sure that all views are entered into the record. His job, instead, is to guide the group to arrive at a consensus on the project. The consensus process has no mechanism for recording minority views. Since he is being paid by the organization responsible for the project, it is in his interest to arrive at a consensus sympathetic to the desired outcome of the project. Tactics vary between the facilitators, but consensus generally is reached by using subtle means to

13. Duncan, Brent, Watch what walls are coming down, Letters To The Editor, Santa Cruz Sentinel, April 23, 2002.

14. Recall that many Non-Governmental Organizations are accredited by the UN, making them international or multinational in their political purpose. In this sense, they might be more appropriately called "Global Governance Organizations".

15. Professional facilitators are frequently paid thousands of dollars for only a few hours of work.

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marginalize opposition, such as recording only the “good” ideas and allowing criticism only for the “bad” ideas.

A Sustainable Development stakeholder meeting in Greenville, South Carolina, was adjourned with a frank admission by the paid facilitator that they had not reached the consensus that he needed to support the predetermined plans.¹⁶

Why all the effort to gain support for programs few citizens want? The answer to this question lies in the origin of each specific project. Sustainable Development projects are often initiated at the directive of NGOs or non-profit organizations that have — or create — fear over problems that are portrayed as a crisis: development near a riparian corridor, poor water management infrastructure, or too many cars on the freeway are common examples.

Once a problem has been identified, every NGO, non-profit and local government body has a vast stock of Sustainable Development solutions at hand, provided by the International Council for Local Environmental Initiatives (ICLEI). Indeed, ICLEI has a veritable treasure trove of boilerplate solutions for change agents, enabling them to “identify” problems with the goal of implementing predetermined outcomes that advance Sustainable Development policies.¹⁷

ICLEI, launched in 1990 at the World Congress of Local Governments for a Sustainable Future, is based in Toronto,

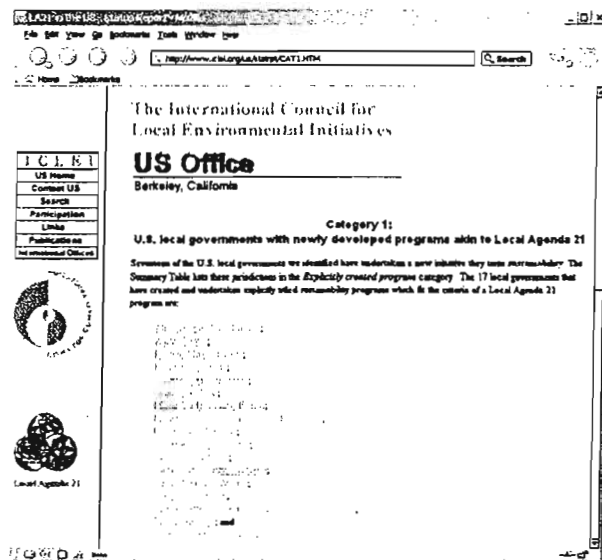


Image 2: The International Council for Local Environmental Initiatives — 1997 report

Canada, but has offices around the globe, including Berkeley, California. Its stated mission is to provide policy recommendations to assist local governments in the implementation of Sustainable Development.

ICLEI was instrumental in the development of Agenda 21, having drafted Chapter 28 in 1991 in preparation for the upcoming summit. In a recent document, ICLEI confirmed its dedication to the UN mandate: “Local Action 21 strategies [i.e. those formulated at the 2002 Earth Summit in Johannesburg, South Africa] will ensure the unwavering, systematic implementation of local action plans over the next decade.”¹⁸

16. Dill, Bob, Land Use Leaders Declare Defeat; Wrong Consensus Reached, Meetings Cancelled, Times-Examiner, Greenville, South Carolina. Steven Lipe, the meeting organizer, announced that “the consensus is that we don’t have enough people to make change. As far as I am concerned, our meeting is done.”

17. cf. Taylor, Jerry, op cit.

18. Otto-Zimmerman, Konrad, Local Action 21: Motto, Mandate, Movement, International Council for

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Essentially, Sustainable Development claims knowledge of all sustainability issues and has stock solutions that can be applied in Stockholm, Boulder, Santa Cruz — indeed, anywhere. Around the world, ICLEI is responsible for communicating with local special interests to translate international policy objectives into local and regional legislation.¹⁹ Every county in America now has Sustainable Development directives guided by federal agencies, NGOs and/or ICLEI.

Funding Sources

The list of money sources for the implementation of Sustainable Development is impressive. American taxes fund the federal agencies' present focus: implementing Sustainable Development. Over two thousand NGOs are accredited by the United Nations for the purpose of implementing Sustainable Development in America and are given massive tax advantages by the I.R.S. Some of these NGOs are the Nature Conservancy, the Sierra Club, the National Audubon Society, the American Planning Association and the National Teachers Association.

The third "leg" of the Sustainable Development financial insiders — after government and non-profit funding schemes — is a group of tax-exempt family foundations. These include the Rockefeller Foundation, Pew Charitable Trusts, the Turner Foundation, the David and Lucille Packard Foundation, the James Irvine Foundation, the Carnegie Foundation, the McArthur Foundation, and Community Foundations.

Political Support

When George H.W. Bush signed the Rio Accords at the Earth Summit in Rio de Janeiro in 1992, he pledged the United States' support for Agenda 21. A year later,

when Bill Clinton created the President's Council for Sustainable Development by Executive Order, he laid the foundation for a proliferation of intermediate and local "stakeholder" councils that would set out to reinvent the structure of United States' government.

As Sustainable Development policies permeate every county in America, it has become apparent that the conflict is not a dynamic of Republican vs. Democrat, liberal vs. conservative or left vs. right. In fact, the implementation of Sustainable Development is occurring on a non-partisan basis.

Local Environmental Initiatives, Toronto (2003):
2. See ICLEI's website for more information:
<http://www.iclei.org>.

19. Note that ICLEI's objectives presuppose the notion that the goal of improving the conditions of the world can only be achieved through legislation, denigrating the intelligence and ingenuity of individuals in facing their particular circumstances and placing them under the increasing oversight of government planners.

Simulated Wildlands Project

As Required by the UN
Convention on Biological Diversity

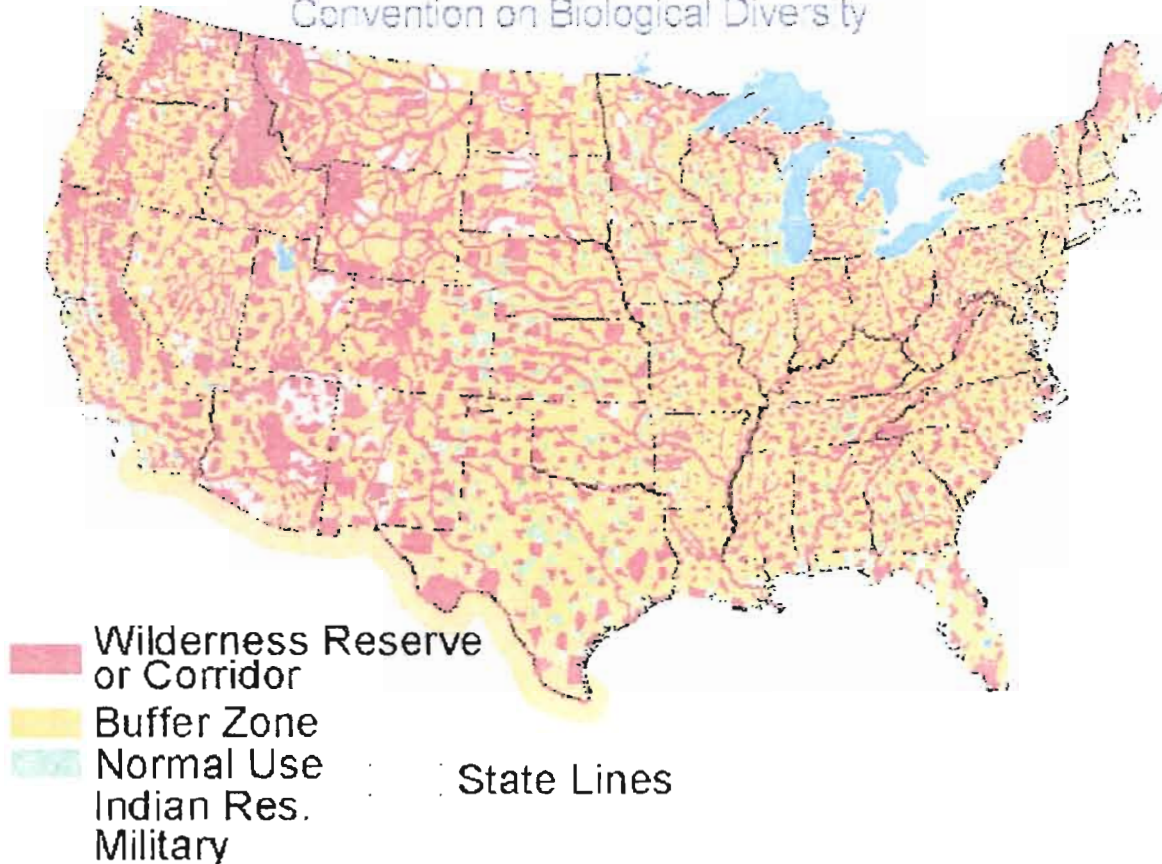


Image 3: Simulated Map of The Wildlands Project, showing land designated off-limits to all human activity (red). Prepared by Dr. Michael Coffman, Environmental Perspectives, Inc.

Sustainable Development Programs

Sustainable Development is a plan for global control, using land and resource restriction, social transformation through education and other programs to accomplish this end. The land use element of Sustainable Development calls for the implementation of two action plans designed to elimi-

nate private property: the Wildlands Project and Smart Growth. Upon implementation of these plans, all human action is subject to control.

Since all things ultimately come from natural resources on rural lands, the transfer of the landscape from citizen control to government control will make it easy for government and its partners — NGOs, certain foundations and certain corporations — to control what we have, what we do and where we go. The transformation of free societies into collectivized societies through Sustainable Development ensures the pres-

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ence of a ruling elite which, by definition, ultimately excludes all but a very select few.

The Wildlands Project

The Wildlands Project is the plan to eliminate human presence on “at least” 50 percent of the American landscape²⁰ and to heavily control human activity on most of the rest of American land. Examples of the piece-by-piece implementation of the Wildlands Project include road closings, the policy of breaching dams undertaken by the Clinton administration, and the adoption of United Nations World Heritage Sites — which are systematically being closed to recreational use. “Conservation biologists now agree that protecting isolated pockets of habitat isn’t enough to protect our bears, jaguars, beavers, birds and other wildlife — the only way to protect them is to practice conservation on a continental scale,” announced Wildlands Project Executive Director Leanne Klyza Linck at the Society of Environmental Journalists Conference on September 12, 2003.

The most significant tool of the Wildlands Project is the rapidly expanding imposition of habitat “protection” provisions of the Endangered Species Act and various “conservation easements” and direct land acquisitions from battered “willing sellers.”

The Wildlands Project seeks to collectivize all natural resources (e.g. water) and centralize all use decisions under government direction, often implemented through public-private partnerships entered into with government insiders.

Smart Growth

The rural land-use plan embodied in the Wildlands Project is inextricably tied to its urban counterpart, Smart Growth. As human beings are barred from rural land, there will

be a concentration of human activity in urban areas. Through Smart Growth, the infrastructure is being created for a post-private property era in which human action is subject to centralized government control. With the combined implementation of Smart Growth and the Wildlands Project, humans will be caged and the animals will run free.

Sometimes called “comprehensive planning” or “growth management”²¹, Smart Growth is the centralized control of every aspect of urban life: energy and water use, housing stock and allocation, population growth and control, public health and dietary regimens, resources and recycling, social justice and education, toxic technology and waste management, transportation modes and air quality, business and economic activity.

Smart Growth policies include:

transportation plans that reduce the freedom of mobility, forcing people to live near where they work and transforming communities into heavily-regulated but “self-sufficient” feudalistic “transit villages”.

20. Reed Noss, who made this assertion in 1992, reiterated his commitment in a recent interview: “Fifty percent is an estimate I made years ago of the proportion of an average region that would need to be managed for conservation in order to meet well-accepted conservation goals ... [It] turns out I was pretty much on the mark ...” (Range Magazine, Fall 2003, p42) Noss is currently the Science Editor for Wild Earth, the quarterly publication of the Wildlands Project.

21. “...we call our [UN advocated planning] processes something else, such as comprehensive planning, growth management or smart growth.” Lawrence, J. Gary, op cit.

plans to herd citizens into tax-subsidized, government controlled, mixed-use developments²², called “human settlements”. These settlements are sometimes distinguished from one another by how productive or useful the citizens are for society.²³

heavy restrictions on development in most areas and the promotion of extremely dense development, constructed and managed by government “partners”, in other selected areas.

rations on public services, such as health care, drinking water²⁴, and energy resources (and sources).

A typical day in the Orwellian society created by Smart Growth would consist of an individual waking up in his government-provided housing unit, eating a ration of government-subsidized foods purchased at a government-sanctioned grocery store, walking his children (if he has any) to the government-run child care center, boarding government-subsidized public transit to go to his government job, then returning home later that evening.

What Can You Do?

“Once again a majority of this court has proved that ‘If enough people get together and act in concert, they can take something and not pay for it.’ ... But theft is still theft. Theft is theft even when the government approves of the thievery... Turning a democracy into a kleptocracy does not enhance the stature of the thieves; it only diminishes the legitimacy of the government.”

— Justice Janice Brown,
dissenting opinion, *San Remo Hotel v. City and County of San Francisco*²⁵

Sustainable Development is restructuring our lives and is targeting our children through an educational regime that seeks to develop collectivist attitudes, values, and beliefs. Sustainable Development documents expressly call for the elimination of private property²⁶ and the freedom that private property supports. It supplants long-stand-

22. The lure of paying as little as \$150 per year in taxes on properties valued at \$1.5 million has led to high occupancy in some developments in Portland, Oregon, for example.

23. The Smart Growth plan for Richland County, South Carolina, for example, distinguishes between “employment-based villages” and “non-employment-based villages”, with special gated communities set aside for the wealthy individuals responsible for the plan. Most of the “non-employment-based villages” are slated to be built in areas currently populated by the descendants of liberated slaves.

24. Reasonable access to water in urban areas is defined as “the availability of 20 litres per capita per day at a distance no longer than 1,000 metres”. Global Water Supply and Assessment Report 2000.

25. No. S091757., SUPREME COURT OF CALIFORNIA, 27 Cal. 4th 643; 41 P.3d 87, March 8, 2002

26. Heywood, V.H. (ed.). op cit.

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ing State laws, and causes irreparable harm to our economy and our society. If individual members of our society do nothing, the continuing loss of liberty will result in increasing social confusion and discord, rising resource shortages, financial decay, and a dimming future for us and our posterity.

The looming battle of ideas should be recognized as a classic — and perhaps ultimate — battle between Liberty and Tyranny. The social, economic, and political transformations Sustainable Development requires will mean the suppression of unalienable rights for all people.²⁷

If Americans, with your help, come to a timely understanding of the threat and face the challenge squarely, the deceptive fraud of Sustainable Development will quickly come to light. Together, we will rise to restore Liberty through an orderly transition directed by reason and respect for the dignity of individual determination. The future of the freedom once taken for granted in America depends on us recognizing and countering the threats of Sustainable Development.

5 Practical Steps You Can Take to Restore and Protect Liberty

1. Resist the thrust to replace political boundaries with “regional governance” with the recognition that this form of government leads to a breakdown of accountability to the citizenry.
2. Refuse federal or state money for new Sustainable Development programs that breach the American system of

federalism and cumulatively are raiding the treasury and putting American society in serious jeopardy. Transition out of established Sustainable Development programs.

3. Avoid partnerships with the federal government, NGOs, foundations and corporations that advance the anti-liberty Sustainable Development agenda. Do not surrender your constituents to the insider privilege of Sustainable Developers and their moneyed interests.

4. Understand your role in the community as a public official: to administer government in a manner that protects individual liberty and ensures equal justice.

5. Know, understand and apply the Constitution to which you swore an oath, with particular attention to Article 1, Section 8 and the 9th and 10th Amendments, which address the limitations on federal power, and the 14th Amendment, which limits the states’ police power.

More information on the nature and application of Sustainable Development is available from many sources, including Freedom 21 Santa Cruz.

27. For a more comprehensive discussion of this topic, see the Freedom 21 Draft Alternative to the U.N.’s “Agenda 21” Program for Sustainable Development. www.freedom21.org/alternative/

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The UCSFC believes in and supports the sustainability,
 protection and restoration of the natural environment,
 supports taking action to slow or reverse human
 induced climate change throughout the County,
 supports planning of development to
 directed areas, supports protections for agriculture
 and "organic" farming, supports the requirement for
 studies and reports and their financing by developers,
 supports allowing the County Staff time as needed for
 review of applications and public participation and
 supports community and district plans.

Finally we support staff recommendations to include
 sand and gravel mining in the existing mining ordinance.

Thank you Amy Murray
 Cerrillos, NM

--9/14/2010

SFC CLERK RECORDED 12/01/2010