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Daniel “Danny” Mayfield

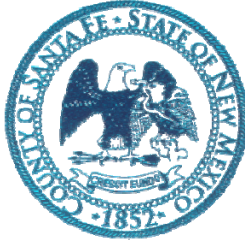
Commissioner, District 1

Virgina Vigil

Commissioner, District 2

Robert A. Anaya

Commissioner, District 3



Kathy Holian

Commissioner, District 4

Liz Stefanics

Commissioner, District 5

Katherine Miller

County Manager

To: Board of County Commissioners

Date: Tuesday, September 27, 2011

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

Re: Study Session on Sustainable Land Development Code Special CDPs for Green Building Standards; Open Space and Trails; and Agriculture and Ranching

Background

Santa Fe County began the public input process (PIP) for the Sustainable Land Development Code (SLDC) at the direction of the Board through a series of meetings in each growth management area in the County. The first series of meeting outlined the process and identified the first Concept Decision Point which was Home Based Business. The second series of meetings included meetings in each area of the County and focused on the following Concept Decision Points:

1. Green Building Standards;
2. Open Space and Trails; and
3. Agriculture and Ranching

Background information was prepared for each CDP which included a summary of the existing code and policies, SGMP policies, questions and implementation options. Focus groups were created to analyze and solicit additional input for each CDP. Focus group meetings were held in the County Commission Chambers and were webcast live. The meetings were noticed and members of the general public were able to participate in the public comment portion of the meetings. Meeting Agendas, meeting summaries and public comments are in the appendix.

Green Building Standards CDP

Based on public input and staff’s assessment of “implement-ability,” the following findings are offered:

1. Focus should be placed on an “Energy Efficient Building Code” rather than a Green Building Code. One Focus Group member suggested the term “High Performance Building Code” be used. While there was general support for non-energy related green building measures, concern was expressed about the added costs of such measures without the commensurate reduction to energy utility bills associated with energy efficiency measures.
2. Energy efficiency measures should be required that increase building affordability.
3. A “performance-based” standard is preferable to a “prescriptive” standard. A performance-based standard sets an overall energy efficiency target and leaves it to the discretion of the

architect/designer and the builder as to how to achieve the target. A prescriptive standard is very rigid and includes a “cook book” of specific measures that must be included.

4. At this time, it is not practical to consider having the County establish its own building code enforcement and inspection staff. Given the complexity and costs involved and the slow building economy at present, it does not make sense to pursue this option for the primary purpose of enforcing green building standards.
5. It is critical to ensure that any code changes will not result in undue administrative burden for the citizens and staff of the County.

Staff Recommendations are included in the Green Building Standards Discussion of Options and the recommended option is summarized below:

Option 2: Require a Third-Party Verified Home Energy Performance Standard. This option would establish a system to require that homes are designed and constructed to achieve a standard of energy performance and that qualified independent professionals would verify that the home meets the performance standard. A few paths to achieve the standard would be allowed. This option would require a home be designed and built to achieve a Home Energy Rating of 70 or an equivalent level of energy performance (in BTU/sq. ft.) The existing NMECC equates to a HERS rating of 82 to 85.

Open Space and Trails CDP

Staff Recommendations are included in the Open Space and Trails Concept Decision Points document and described in the Open Space and Trails Memorandum.

Establish requirements for open space and trails designation in all new development applications to protect riparian and wildlife corridors include arroyos, significant historical and cultural sites and critical habitats.

1. Establish additional requirements by potential zoning districts for new subdivisions.
2. Establish conceptual overlay districts for important archaeological sites, critical wildlife areas and national scenic byways.

Agriculture and Ranching CDP

Agriculture and Ranching recommendations for implementation into the SLDC are described in the Memorandum and summarized below:

1. Allow Agricultural Uses to occur anywhere in the County.
2. Allow community gardens, greenhouses, and accessory uses as a right by zoning district.
3. Establish incentives and tools such as Transfer of Development Rights (TDR) and incentives program for agriculture and open space preservation.

Staff Recommendation for Board Direction

Staff is requesting that the Board provide direction on staff recommendations. Based on Board direction, staff will draft code language to incorporate the concepts into the Sustainable Land Development Code draft.

Green Building Standards - Discussion of Options and Staff Recommendation

Background and Findings

This document summarizes options for consideration by the Board of County Commissioners (BCC) in order to implement the residential and commercial green building policies in the Sustainable Growth Management Plan (SGMP). Public input from four public meetings held throughout the County as well as from one meeting of the Green Building Focus Group is incorporated into this discussion. Options are presented, staff research and knowledge of development and implementation of green building standards is utilized to arrive at a suggested course of action.

A separate document includes a more comprehensive listing of the public comments received to date.

NOTE: While obviously a component of “green building”, water conservation will be considered in another Concept Decision Point.

Green Building Summary

Like many terms, “green building” is interpreted differently depending on the context. The United States Green Building Council (USGBC) interprets green building to include a whole host of “environment friendly” considerations including not only energy and water conservation but the use of non-toxic building materials and/or building materials made with recycled content, recycling of construction debris, alternative modes of transportation (e.g. bike racks and shower facilities for commercial buildings), proximity to mass transit, etc. While the SGMP recognizes the merits of all aspects of “green building”, it tends to primarily focus on energy (energy efficiency and renewable energy) and water conservation concerns. Energy efficiency standards, in particular, have a substantive benefit in reducing a home’s or commercial building’s electric and natural gas (or other energy heating source such as propane, wood or wood pellets) utility costs. As roof-top solar and other renewable energy technologies costs continue to decline over time and as energy utility rates continue to rise, renewable energy standards and incentives will have a similar “pay back” benefit.

Existing State Code and its Relationship to County Policies Regarding Green Building

For New Mexico counties without “home rule” authority, relevant building codes are adopted by the New Mexico Construction Industries Commission and inspected and enforced by the NM Construction Industries Division (CID.) In general, the County may adopt code measures, including green building code measures, that are more stringent than what New Mexico has adopted, but there is an issue regarding the extent to which those measures will actually be inspected and enforced by CID. The County currently does not conduct building inspections and does not perform code enforcement functions.

Building Construction Permit and Enforcement Program

The green building policies adopted by the BCC in the SGMP suggest that the County adopt energy efficiency and other green building regulations that go beyond what the Construction Industries Commission has adopted, if practicable. If the County were to establish green building standards, it would need to either establish its own building code permit and enforcement program or otherwise identify a mechanism for ensuring compliance with the adopted standard. One option is to determine the extent to which the County

Green Building Standards - Discussion of Options and Staff Recommendation

could enter into a JPA with the City of Santa Fe to have the City's code enforcement personnel enforce and inspect in the County as well. This would likely only be viable if the County adopted green building standards that are identical to or very similar to the City's.

Third Party Verification

Another option is for the County to adopt a performance standard that is very simple to implement because it requires an authoritative verification of building energy performance by an independent, qualified third party. With such a standard, the accredited professional does all of the necessary plan review and onsite inspection work to verify that the energy performance standard is being met. A number of jurisdictions use this approach because it does not add administrative burden to the approving or enforcement entity. For this approach to be most effective, it would require that CID agree to withhold the Certificate of Occupancy pending the County's receipt from the qualified professional that the building meets the standard. County staff is engaged in discussions with CID regarding CID's willingness/capability to work with the County on such an approach.

New Mexico's State Energy Conservation Code

The Construction Industries Commission revised the residential and commercial building energy codes in 2010. The Commission not only revised the energy code from the 2006 "International Energy Conservation Code" (IECC) to the 2009 IECC, but adopted selected "beyond code" energy efficiency measures as well. The 2009 IECC was modified in places to accommodate special climate or building-related considerations specific to New Mexico, resulting in the "NM Energy Conservation Code." Updating the code from the 2006 to the 2009 IECC resulted in an average energy savings of 7-10% for residential buildings. The "beyond code" measures adopted by Construction Industries Commission resulted in a cumulative savings of approximately 20.9% for residential and 17.5% for commercial construction over the 2006 code. Note that energy efficiency savings estimates utilize certain assumptions and methodologies that are subjective, to a certain extent.

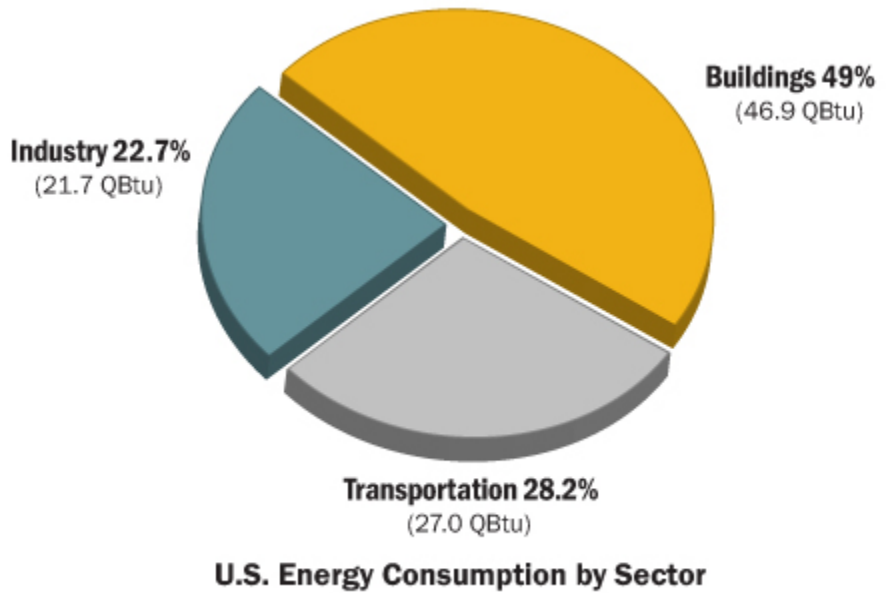
It's important to clarify, however, that with a change in gubernatorial administration and, therefore, Construction Industries Commission membership, the new Commission rescinded the "beyond code" measures in June of this year. That action is currently being legally challenged. Thus, presently, the NM Energy Conservation Code includes only the 2009 IECC.

Building Efficiency and Affordability

Building affordability has generally meant keeping the upfront price of the home or commercial structure as low as possible, with little consideration given to the energy demands and therefore costs associated with heating, cooling, lighting and other activities that consume energy in a building. According to the U.S. Energy Information Administration (EIA), and shown in the diagram below, the building sector consumes nearly half (49%) of all energy produced in the United States.

Green Building Standards - Discussion of Options and Staff Recommendation

In the days of cheap energy, such a limited interpretation of affordability was understandable. But energy utility rates are on the rise. For example, residential electricity rates have increased more than 25% over the past decade in New Mexico. NM Gas Co. has a 13% natural gas rate increase proposal currently before the NM Public Regulation Commission.



A comprehensive, financially smart view of building

affordability should include the combined monthly mortgage and energy utility bill payments. Most consumers don't write a check for the cost of a building. They finance it over 30 years. So the initial purchase price of the home or commercial building is not as relevant to the concept of "affordability" as the combined monthly loan payment and energy utility expenditures. Indeed, high heating and/or cooling costs have contributed significantly to home foreclosures in some instances.

Some energy efficiency measures increase the costs of constructing of building, albeit minimally in most instances. Some may argue that requiring additional energy efficiency measures in residential buildings "prices people out of homes". But if carefully analyzed and selected, energy efficient code requirements will reduce the combined monthly mortgage and energy utility bill payments. The slight increase in the cost of the home (and, therefore, the monthly mortgage payment) that the additional energy efficiency requirements create is more than off-set by the reduction in monthly energy utility costs.

For example, in the case of the "beyond code" energy efficiency measures adopted by the NM Construction Industries Commission last year, an engineering cost analysis concluded that the efficiency measures increased the monthly mortgage payment for a home by \$15/month but reduced the energy utility bill payments by \$29/month – for a net benefit of \$14/month. Thus the homeowner is better off financially from the first month of home ownership with a more energy efficient home. With this concept of home affordability, requiring cost-effective, energy efficiency standards in new buildings can be a benefit to both the homebuyer and homebuilder. Homes and commercial buildings are built to last for 60-70 years; therefore, it is reasonable to consider future energy costs when determining the cost-effectiveness of various energy efficiency measures.

This concept is conveyed by example in the following table:

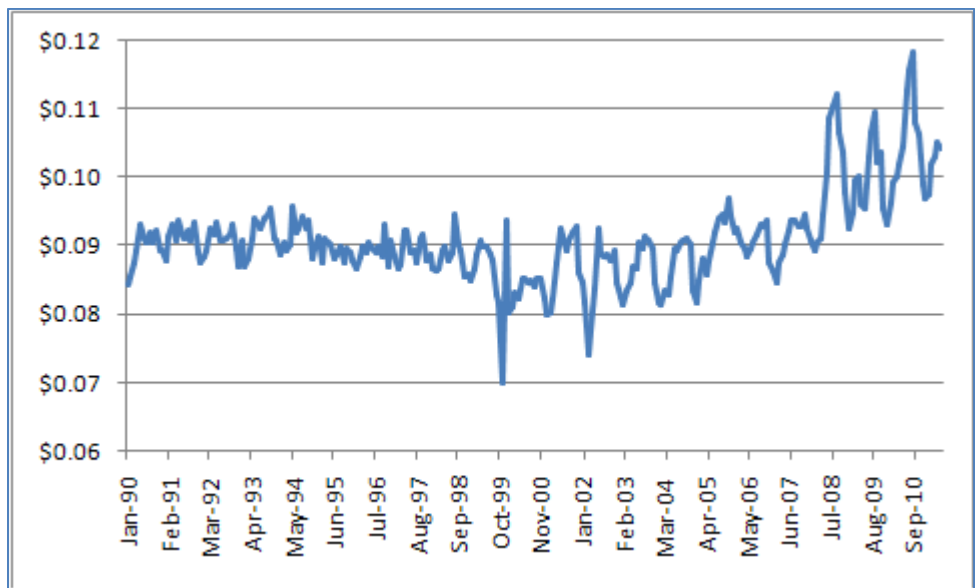
Green Building Standards - Discussion of Options and Staff Recommendation

Requiring Additional Energy Efficiency Measures → Example of the Impact on a Home's Affordability

	<u>Standard State Code (2009 IECC)</u>	<u>County Building Code w/Enhanced EE Standards</u>
<u>Sales Price of Home</u>	\$200,000	\$204,000 (2% cost premium)
<hr/>		
<u>Monthly Mortgage Payment (30 years at 4.5% interest)</u>	\$1,013	\$1,034
<u>Monthly Electric Bill</u>	\$75	\$50
<u>Monthly Natural Gas Bill</u>	\$90	\$60
<u>Total Monthly Payments (Affordability)</u>	<u>\$1178</u>	<u>\$1144</u>
<u>Net Monthly Savings</u>		<u>\$34</u>

The “net monthly savings” will *increase* as electric and natural gas rates increase over time. The trend of increasing costs is clear from the graphic below. The unit cost of electricity for residential customers in New Mexico is shown below (dollars per kWh) for New Mexico since 1990. The data is from the US Energy Information Administration.

Some public comment received in the past months expressed concern that, monthly affordability notwithstanding, increasing the price of the home will prevent some families from being able to buy a home because of loan qualification realities. For instance, from the table above, if a prospective homebuyer can only qualify for a \$200,000 loan, he/she wouldn't be able to afford the \$204,000 home with additional County-required energy efficiency measures. From a very narrow perspective, this conclusion is valid.



Green Building Standards - Discussion of Options and Staff Recommendation

But the “real world reality” is somewhat different from that perspective. It’s not that increased energy efficiency measures will prevent some individuals from being able to buy a home at all, but that they will need to buy a slightly smaller home in order to be able to buy a home of a given price (and therefore loan amount.) For every \$1000 increase in home costs associated with additional energy efficiency requirements, the buyer would need to buy a home that’s 8 sq. ft. smaller (assuming a \$120/sq.ft. construction costs.)

Furthermore, some mortgage lenders have adopted “energy efficient mortgages” that look at the combined monthly mortgage and energy utility bill payments when determining what a prospective homeowner will qualify for.

It’s important to note that all existing building codes (fire, structural, mechanical, energy, etc.) increase the price of a home or commercial building of a given size from what the building would cost if there were no building codes at all. But most consumers accept the added costs to ensure that buildings are safe (from fire, electrocution, structural collapse, etc.), that they don’t use a ridiculous amount of energy, and can withstand reasonable climatic and weather events.

Staff Findings

Based on public input and staff’s assessment of “implementability,” the following findings are offered:

1. Focus should be placed on an “Energy Efficient Building Code” rather than a Green Building Code. One Focus Group member suggested the term “High Performance Building Code” be used. While there was general support for non-energy related green building measures, concern was expressed about the added costs of such measures without the commensurate reduction to energy utility bills associated with energy efficiency measures.
2. Energy efficiency measures should be required that increase building affordability.
3. A “performance-based” standard is preferable to a “prescriptive” standard. A performance-based standard sets an overall energy efficiency target and leaves it to the discretion of the architect/designer and the builder as to how to achieve the target. A prescriptive standard is very rigid and includes a “cook book” of specific measures that must be included.
4. At this time, it is not practical to consider having the County establish its own building code enforcement and inspection staff. Given the complexity and costs involved and the slow building economy at present, it does not make sense to pursue for the primary purpose of enforcing green building standards.
5. It is critical to ensure that any code changes will not result in undue administrative burden for the citizens and staff of the County.

Energy Efficient Building Standards Options - Residential

Option 1: No additional Energy Efficiency Standard above the State Energy Code

Option 1 would not implement a Santa Fe County green building code requirement. The IECC (adopted by the NM Construction Industries Commission as the “NM Energy Conservation Code”) establishes requirements and standards for aspects of a building’s construction that affect energy consumption – generally broken down into

Green Building Standards - Discussion of Options and Staff Recommendation

the “building envelope” (e.g. number, size, type and location of windows and doors, wall, floor and ceiling insulation, etc.) and non-building envelope (e.g. mechanical, electrical, water heating and indoor and outdoor lighting). These codes are prescriptive in nature and there are very specific requirements that must be met. In concert with the Uniform Mechanical Code, the IECC also addresses heating, ventilation and air conditioning (HVAC) standards. The IECC does not address energy consuming items that are not an integral part of the building such as appliances and “plug loads” (e.g. computers, TVs, desk lamps, etc.).

Pros

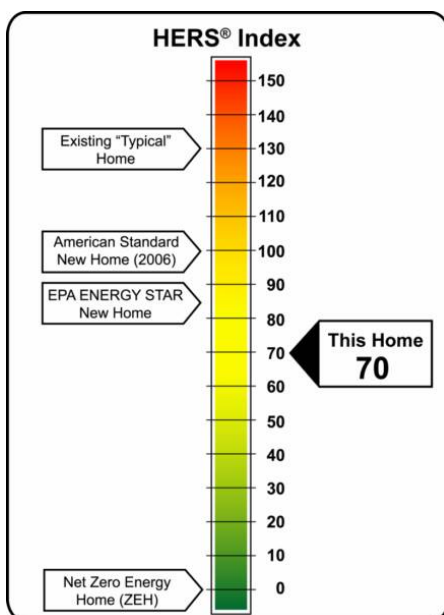
- Easy to implement (i.e. nothing to implement!)
- Keeps the upfront price of the home as low as possible
- Strong support from a segment of the County’s builders

Cons

- Will cause home ownership to be less affordable than if a cost-effective performance-based energy efficiency standard is required
- Does not satisfy the green building policies adopted in the SGMP
- Not consistent with the energy efficiency requirements of buildings built in the City of Santa Fe
- Strong opposition from a segment of the County’s builders

Option 2: Require a Third-Party Verified Home Energy Performance Standard **(Staff Recommendation)**

Option 2 would establish a system to require that homes are designed and constructed to achieve a standard of energy performance and that qualified independent professionals would verify that the home meets the performance standard. A few paths to achieve the standard would be allowed. This option would require a home be designed and built to achieve a Home Energy Rating of 70 or an equivalent level of energy performance (in BTU/sq. ft.) The existing NMECC equates to a HERS rating of 82 to 85.



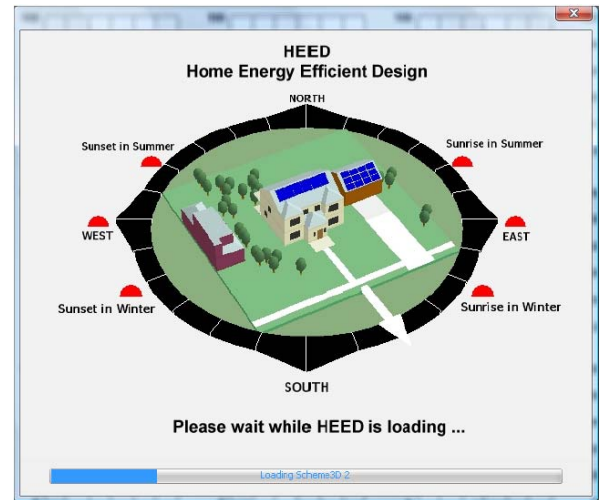
The Home Energy Rating System (HERS) index is a national scoring system established by the Residential Energy Services Networks (RESNET.) In this system, a home built to the specifications of the HERS reference home (based on the 2004 International Energy Conservation Code) scores a HERS index of 100, while a net zero energy home (a home that generates on-site all the energy it consumes) scores a HERS index of 0. The lower a home’s HERS index, the more energy efficient it is in comparison to the HERS Reference Home.

This option would require the County to establish a system consistent with the City of Santa Fe Residential Green Building Code and verification, review and/or inspection process. The City of Santa Fe has adopted a HERS requirement of 70 for homes under 3000 sq.ft. Larger homes are required to have a lower (more energy efficient) HERS rating. The Executive Officer of the Santa Fe Area Home Builders Association (SFAHBA) supported developing a standard that was consistent with the

Green Building Standards - Discussion of Options and Staff Recommendation

City's standard in order to avoid a "patchwork" of different standards between building in the County and building in the City. The County's addition of the alternate path will not change the standard of construction but will give additional options for ensuring compliance.

Staff recommends this option because of its focus on energy efficiency (and, therefore, home affordability), simplicity of implementation, and consistency with the City of Santa Fe's standard. As mentioned, nearly all of the design review (of the construction plans) and site inspections are conducted by the independent third party – not by a local government or CID code enforcement staff person. Free software tools are available to assist qualified professionals to verify that the home design will achieve the standard.



Based upon input from building and building science professionals, staff believes that requiring homes be built to a standard of a HERS rating of 70 or equivalent energy performance will better promote affordability for homeowners. If CID is willing to withhold the Certificate of Occupancy (CO) pending the independent verifier's final inspection confirming that the County standard has been met, enforcing the standard can be assured. If the home's rating does not meet the standard (e.g. it comes in as a HERS of 76), then the builder would need to go back to the home and make improvements that would lower the score.

If CID is unwilling to withhold the CO, the energy performance standard could be maintained but its enforcement would be uncertain, just as currently is the case for the County's existing hot water recirculation and water catchment installation requirements. Verification that the home's design would achieve the performance standard would occur before the County's development review. However, there is not currently a procedure to require verification of proper installation during the mid-construction (of the insulation and mechanical measures) and final energy inspections. If the final energy inspection indicated a rating above the County standard, the County would have no authority to require the needed improvements. However, conceivably if a specific builder consistently built homes that did not meet the standard during the final energy inspection, the County, by ordinance, could consider preventing the builder from building in the County for a certain period of time.

SFAHBA recommended what they called the "HERS 70, plus, plus". The two "pluses" are for: 1) requiring a thermal bypass check list ensuring the integrity of the insulation installation and 2) requiring sufficient mechanical fresh air exchange to ensure maintenance of healthy indoor air quality (as quantified in ASHRAE 62.2.) Staff supports the implementation of a "HERS 70++ or equal".

Pros

- Relatively easy to implement
- Consistent with City standard
- Promotes home energy efficiency and affordability

Green Building Standards - Discussion of Options and Staff Recommendation

- Achieves improved energy efficiency, a most important element of SGMP green building policies
- Easily modified in the future, if desired, with a change in the HERS rating or BTU/sq. ft. number
- Strong support by a segment of the County's builders

Cons

- Building to increase energy performance slightly raises the upfront price of a home (**estimated** from 0.5% to 1.0% of total building cost by local building professionals)
- The cost of the independent third party (\$500 - \$900) is incurred by the builder / homeowner
- Does not achieve all of the SGMP green building policies (recycled content, etc.)
- Strong opposition by a segment of the County's builders

Option 3: Require US Green Building Council LEED Certification

The USGBC's "Leadership in Energy and Environmental Design" (LEED) rating system is nationally recognized as one of the premier green building rating systems. LEED has four levels of increasingly aggressive green building standards: LEED Certified, Silver, Gold, and Platinum. The LEED process provides criteria for rating the environmental performance of construction practices and provides guidelines for documentation that demonstrates conformance; it encourages cost-effective and sustainable building methods, by encouraging conservation of fossil fuels, water and other natural resources, reduction of greenhouse gas emissions, recycling of construction materials reducing solid waste and improving indoor air quality; it includes mandatory green building requirements to ensure that construction waste and deconstruction materials are recycled, reused, or otherwise diverted from landfills, and minimum requirements to ensure that dwellings are constructed in an efficient manner; and it includes provisions intended to provide for joint administration with the processing of building permits for remodeling, adding on, and constructing residential and non-residential structures.

LEED has been criticized in the past for not placing sufficient emphasis on energy efficiency, but more recent editions have improved in this area. A LEED requirement at some level could be implemented in a manner similar to a HERS standard. A LEED accredited professional does virtually all of the verification and inspection work and is responsible for providing documentation.

The additional cost of building to a LEED standard is estimated at less than 3% of total building cost (for the LEED Silver level.)

Pros

- LEED is a comprehensive approach to green building that would satisfy most of the green building policies in the SGMP
- LEED is an established third-party verified process that is in place in a number of other communities

Cons



Green Building Standards - Discussion of Options and Staff Recommendation

- LEED requires a more involved and complex (integrated) building design and construction process
- LEED mandates the involvement of a LEED accredited during all steps of project development
- LEED certification requires significant documentation and the associated administrative cost
- LEED adds cost to the home that don't generate a corresponding reduction to home ownership costs
- Strong opposition from a segment of the County's builders

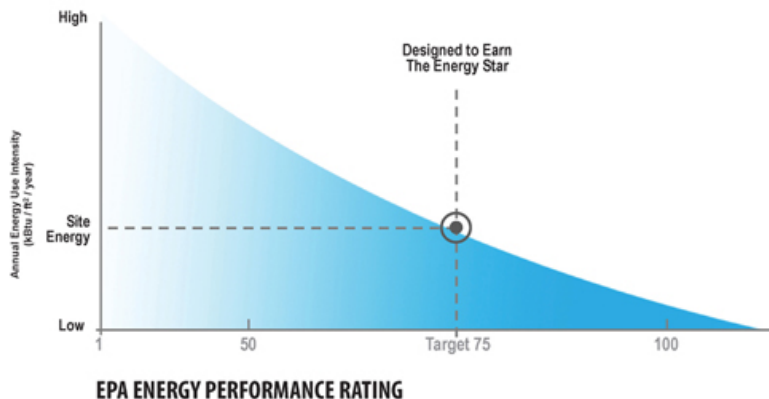
Energy Efficient Building Standards Options – Commercial

Option 1: No additional EE Standard Above the NM Energy Conservation Code

Pros and Cons: essentially the same as for residential.

Option 2: Require Commercial Buildings to be “Designed to Earn the EPA Energy Star Certification”

As the name suggests, ENERGY STAR is solely about efficient energy usage. To qualify for ENERGY STAR, a building must earn a 75 or higher on EPA's 1-100 energy performance scale, indicating that the facility performs better than at least 75% of similar buildings nationwide. [EPA's energy performance rating](#) is generated by using “[Target Finder](#)”, a no-cost online tool that enables architects and building owners to set energy targets and receive an EPA energy performance score for projects during the design process. Projects that earn a score of 75 or higher are eligible for [Designed to Earn the ENERGY STAR](#) certification. Target Finder compares the project's estimated energy use to actual energy use of similar buildings and provides a relative energy performance rating compared to buildings of a similar type.



The architect is required to submit the necessary documents to the EPA (actually its contractor) in order to receive the Designed to Earn the Energy Star certification. The certification is *not* the same as the building actually achieving the Energy Star label. The Energy Star label is only obtained after an occupied building's energy usage has been satisfactorily documented for a year. Therefore, requiring a commercial building to obtain the Energy Star label is not practical given that it occurs well “after the fact” of building construction.

Pros:

- Focuses exclusively on energy efficiency.

Green Building Standards - Discussion of Options and Staff Recommendation

- Likely to have a positive impact on a commercial building's affordability. County Staff is attempting to locate cost-benefit data, if available.

Cons:

- Does not address other green building elements in the SGMP.

Option 3: Adopt the International Green Construction Code

The 2012 International Green Construction Code will be enacted by the International Code Council in November of this year. The City of Santa has been working with a commercial code stakeholder group with an eye toward adopting the 2012 IGCC once it is finalized. The IGCC is relatively new but is already being adopted by a number of state and local jurisdictions throughout the country including Florida, North Carolina, Oregon, and Scottsdale, AZ.

As the name implies, the IGCC is a comprehensive green building code, intended to be implemented as a mandatory code, like other mandatory codes. It is not a green building rating system, nor is it limited to energy efficiency measures. The IGCC addresses the wise use of natural resources, materials, energy and water and the preservation of indoor air quality. It provides for both performance and prescriptive options.

Staff contact with the ICC indicates that a cost analysis on the IGCC has not yet been conducted.

If the County were to adopt the IGCC it would likely require an agreement with the City of Santa Fe to implement (inspection and enforcement). ***Direction is requested from the BCC as to whether there's an interest in pursuing a Joint Powers Agreement with the City for building design review, inspection and enforcement services.***

Pros:

- Is a comprehensive approach to green building, incorporating virtually all of the green building policies adopted in the SGMP.

Cons:

- Cost impacts are not known.

Staff Recommendations / Open Space and Trails Concept Decision Points

BASE OPEN SPACE REQUIREMENTS (ALL NEW DEVELOPMENT)

1. Streams, arroyos, wetlands, and all riparian areas, should be buffered by at least 100 feet beyond the 100 year flood zone, and be designated private open space within any new development.*
2. Fencing across the floodway or any arroyo or riparian corridor is prohibited.
3. Sites listed on the State or Federal Register of Historic Places, or deemed eligible to be listed, shall be protected through conservation easements or dedicated private open space.
4. Sites listed under the Galisteo Basin Archaeological Sites Protection Act, or deemed eligible to be listed, shall be protected by a conservation easement or dedicated private open space.
5. New development adjacent to existing public land must provide public access through the development and provide a trailhead .**
6. “Critical Habitat” shall be placed in a conservation easement or designated as private open space. ***
7. “Pre-clearing” of sites before construction is prohibited.

BASE TRAILS REQUIREMENT (ALL NEW DEVELOPMENT)

1. Trails or Complete Streets**** must connect all lots in a new development to any existing or planned Regional Trail Corridor adjacent to the proposed development.
2. Trails or Complete Streets must connect to any existing or planned public trails adjacent to the proposed development.
3. Trails or Complete Streets must connect to any existing or planned public facility such as schools, parks, libraries, fire stations, community centers, or any commercial centers which are adjacent to the new development.
4. At least one public pedestrian/bicycle trail must be designated within the new development that will allow for connectivity for the public through the development.

*Incentives should be available for the developer to designate a public trail easement and/or conservation easement within the floodway or buffer zone.

** A mechanism such as “fee in lieu of” or land exchange to construct a trailhead in another location, may be considered to mitigate this requirement.

*** State or Federal Designation for threatened or endangered species habitat would apply.

**** “Complete Streets” have a 5’ shoulder designated as a bike lane and an off road trail which may be paved or unpaved.

OPEN SPACE REQUIREMENTS IN NEW DEVELOPMENT BY POTENTIAL BASE ZONING DISTRICT

POTENTIAL BASE ZONING DISTRICT	ADDITIONAL REQUIREMENT
Agriculture / Ranching	NONE BUT Overlay District Zoning may apply
Rural	NONE BUT Overlay District Zoning may apply
Rural Fringe	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Rural Residential	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Rural Estate	Subdivision of 5 lots or more require land suitability analysis to inform designation of 30% private open space, subdivisions of 25 lots or more require a public neighborhood park (10 acres per 1,000 residents) Overlay District Zoning may apply
Traditional Community	NONE BUT Overlay District Zoning may apply
Planned Districts	Land Suitability Analysis, minimum 50 % Total Open Space, 25% Public Open Space Overlay District Zoning may apply
Commercial Districts	X square feet for Parks or Open Space per Y square feet of Building Size / Overlay District Zoning may apply

TRAIL REQUIREMENTS IN NEW DEVELOPMENT BY POTENTIAL BASE ZONING DISTRICT

BASE ZONING DISTRICT	ADDITIONAL REQUIREMENT
Agriculture / Ranching	NONE
Rural	NONE
Rural Fringe	Subdivision of 5 lots or more require Complete Streets
Rural Residential	Subdivision of 5 lots or more require Complete Streets
Rural Estate	Subdivision of 5 lots or more require Complete Streets
Traditional Community	NONE
Planned Districts	Complete Streets and Trail Network required
Commercial Districts	Complete Streets required

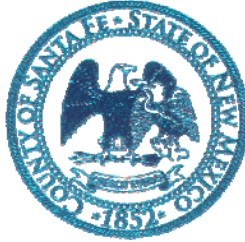
CONCEPTUAL OVERLAY DISTRICTS

1. Galisteo Basin Archaeological Sites Protection Overlay District (Landscape wide standards for protecting cultural resources within this District)
2. Critical Wildlife Corridor Overlay District (Standards for Fencing, Road Crossings, Habitat Conservation)
3. Scenic Byway Overlay District (Development Standards specifically designed for a designated buffer zone for all National Scenic Byways)

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Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Date: September 27, 2011

To: Santa Fe Board of County Commissioners

From: Beth Mills, Community Planner, Open Space and Trails Program

CC: Mark Hogan, Director, Properties and Facilities
Paul Olafson, Manager, Community Projects Division
Colleen Baker, Manager, Open Space and Trails Program
Jack Kolkmeyer, Director, Growth Management Department
Robert Griego, Manager, Planning Division

Re: Staff Recommendations for Sustainable Land Development Code / Open Space and Trails Concept Decision Points

Background:

For the past several months the Planning Division and their Consultant have been conducting public meetings and focus groups to educate the public about the new County Code and to gain an understanding of public opinion, concerns, insights, and direction regarding the content of the Code. Open Space and Trails staff attended public meetings on August 1-4, 2011, and a focus group on August 17, 2011 in order to listen and gain an understanding of public opinion on the Open Space and Trails elements to be incorporated into the new code. Staff has also reviewed the policies generated in the Sustainable Growth Management Plan (SGMP) as they relate to Open Space and Trails.

The policies from the SLDP regarding Open Space and Trails that should inform the code can be broadly summarized as follows:

- Provide access to outdoor recreation areas, trails, and community centers
- Protect wildlife corridors, critical habitats, riparian areas, and scenic vistas
- Connect new development to existing open spaces and trails on public lands
- Establish an interconnected system of trails and parks, including regional trails
- Develop trail design standards and design trails to connect public facilities
- Create trailheads for access to existing public open space
- Develop a multi-modal transportation network
- Map everything related to conservation and recreation so that planning will be strategic

From the public meetings we took the following general direction:

- Pedestrian, bicycle, and equestrian trails are important to most people and should be a mandatory element in new developments. Trails serve several different functions. They should connect destinations within communities such as schools, libraries, community centers, commercial centers, and transportation hubs. Trails provide recreation and should also provide non-motorized access to public lands. Trails are an important component of a multi-modal transportation network.

- Critical habitat, wildlife corridors, significant landmarks and views, historical and cultural sites on the landscape, and riparian areas should be protected either through codified regulation or through programmatic means such as acquisition, or easements, or both.
- Incentives for creating open space in new developments, above a certain baseline, can be very helpful and many developers will respond to incentives. However, local government should not rely exclusively on incentives to achieve open space and conservation goals.
- There is significantly greater support for both regulatory (code) and programmatic approaches to increasing open space and trails in the central part of the County, and less enthusiasm in the northern and southern reaches of the County.
- The code should not be an impediment to a developer whose goal is to achieve high conservation values in their development.

Discussion:

Attached here are the staff recommendations resulting from our consideration of the discussions we heard surrounding the Open Space and Trails Concept Decision Points. **These recommendations are intended to frame a discussion with the Board of County Commissioners about how best to address both public opinion and the policies articulated in the SGMP in the new code.**

The recommendations are broken up into three (3) categories:

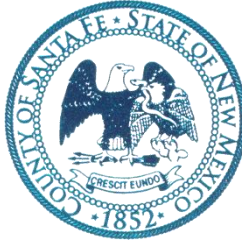
1. **The requirements for both open space and trails designation in all new development applications.** These requirements address the need to protect riparian and wildlife corridors (including arroyos), significant historical and cultural sites, and critical habitats throughout the County. They also ensure that new developments will be connected to other existing and planned trails and public lands, as well as public facilities. And they ensure that there is at least one public trail route through new developments.
2. **The “additional requirements by potential base zoning district” tables outline the requirements for new subdivisions that are above and beyond the baseline requirements just discussed.** In some cases the developer may have addressed the additional requirement already through the “Base Open Space Requirement”. In other cases they may need to do more.
3. **The “conceptual overlay districts”** noted in the tables and at the bottom of the page do not refer to open space or trail standards per se, but to a separate set of standards and considerations for particular geographic areas. These standards might also include things such as terrain management, or fencing, to note just a couple.

For example, the “Galisteo Basin Archaeological Sites Protection Overlay District” might be defined as all land within the Galisteo Watershed. Development and design standards would then be created within that particular area to ensure important cultural resources are inventoried and conserved as part of the development review process. Opportunities for open space designation, purchase, or conservation easements might exist within the Overlay District. Similarly, a “Scenic Byway Overlay District” would establish a specific buffer, or geographic extent, from a National Scenic Byway and all development applications which fall within those boundaries must be tested against those standards. Again, opportunities may or may not exist for open space dedication, purchase, trails, or conservation easements within the Overlay District. This is a concept that Open Space and Trails staff would like to test as a way of conserving landscape scale resources because many of the public comments support a landscape wide approach to particular issues (e.g. wildlife movement).

Daniel “Danny” Mayfield
Commissioner, District 1

Virgina Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

Date: Tuesday, September 27, 2011

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

Re: Staff recommendation for Agriculture and Ranching Concept Decision Point

Agriculture and Ranching Concept Decision Point (CDP)

This document summarizes options developed through the CDP Public Input and Focus Groups Process for consideration by the Board in order to implement the Agriculture Policies of the Sustainable Growth Management Plan (SGMP) in the Sustainable Land Development Code. Recommendations are based on information, directives and ideas from the following sources:

- SDLC CDP Public Input Process,
- Existing Land Development Code,
- Existing County Agricultural Policies and Adopted Resolution
- SGMP Chapter 4 Agriculture and Ranching
- Best practices from surrounding communities and Counties

Many ideas and directives pertaining to agriculture will be implemented through state and federal agencies, the County Assessor’s Office, community organizations and individual property owners and developers. These recommendations are focused on incentives, performance and prescriptive regulations, subdivision regulations and overlay zones that can be accommodated in a land development code.

Staff Recommendations:

- 1) Agricultural, grazing and ranching uses including greenhouses, small barns and sheds allowed by right.**

Agricultural, grazing and ranching uses including greenhouses and community gardens and accessory uses should be permitted anywhere in the County. Application for a development codes should not required for these uses, unless other sections of the code apply; for example base densities, performance standards that regulate accessory structures with larger footprints or lot coverage and restricting structures in arroyos.

Issue: It should be noted that many of the discussions and concerns about agriculture in the public involvement process revealed a lack of understanding of the current “use by right” entitlement of the existing code.

2) Establish Acequia Protection Overlay Zone

Implements performance regulations needed to protect the acequias systems anywhere in the county. The regulations would require easements covering acequias on plats upon application for subdivision or development and require structures to have minimum set backs from acequias.

3) Establish Tools and Incentives:

- A. Develop Transfer of Development Rights Program for both agriculture and open space preservation. A TDR Program should reward lot owners and developers for enhancing agricultural/open space opportunities. Relieve development pressure on agricultural land by transferring development rights to areas more suitable for development.
- B. Develop a Purchase of Development Rights (PDR) for agricultural properties under development pressures.
- C. Develop Clustered Housing Conservation Subdivision
 - a. Provisions and standards for the development of clustered housing in conjunction with consolidated open space and/or agricultural land on sites with 2 acres or more.
Purpose:
 - i. Continue historic land use patterns that maintain open space/ agricultural land and accommodate diverse household incomes and lifestyles.
 - ii. Promote the conservation and use of irrigated agricultural land and open space.
 - iii. Maintain the semi-rural neighborhood character through residential development that is consistent in scale and massing with the neighborhood.

8/1 South County Sustainable Land Development Code - Public Input Meeting Edgewood Senior Center --Monday, August 1st

First Set of Notes - Sustainable Land Development Code - Public Input Meeting

- Will all CDP issues be subject to modification via Community Plans?
- Optimum meeting times?
- Building Code vs. Development Code Review
- Definition of Green Building
- State Code as it exists is sufficient
- Do not require whole house improvements with minor remodel
- How to create jobs via Code? Mining, Timber
- How to Educate Homeowners and Home Buyers?
- Affordability will vary over time
- Open Space and Trails
- Support for COLTPAC
- Criteria beyond population to determine where Open Space is needed. Where does it make sense?
- Tax credits for conservancy
- Regional opportunities for Open Space vs. regulation for development in a subdivision
- "Green Area" requirement for subdivisions but what does that look like?
- Programmatic
- Should provide access to large public open spaces
- Campbell Ranch will be 60% open space when developed with trails connecting "villages"
- Impact fees to purchase land and easements - State law may not allow this
- Lots of open space already in this part of the County
- Need a Master Plan to be able to make connections
- County should codify access to public land if subdivision is adjacent to the public land = allow for access
- But DON'T codify if the subdivision is not located adjacent
- Distinction between Public and Private Open Space. Support for Official Map - County should buy easement for Public Trails. Can make subdivision competitive
- Option for density bonus - but not a requirement
- HOA can manage open spaces but if a subdivision doesn't have HOA the County should step in
- "Opportunity Cost" goes to the County until the purchase goes through
- What will "build-out" look like in Edgewood and how do we prepare for it
- Standards for Trails
- How to protect resources on private property? San Pedro Stream
- "Curbside and Design" change priorities - Edgewood is an Equestrian Community
- TO achieve interconnected trails we need planning now. Who is responsible? County will need to step in
- State Land Office

Second Set of Notes - Sustainable Land Development Code - Public Input Meeting

- Role of Community Plans
- Flow of activities (CDPs, FGs, BCC Review, Draft Code)
- County Review - what? (County replace State CID)
- Define Green Building (High performance Building. Issue: How to do efficiently/effectively)
- Manufactured Housing - what benefits to County?
- Incentivize rather than mandate?
- Better to incentivize than mandate?
- What should be regulated (mandated)?
- Prescriptive vs performance standards
- No more levels of bureaucracy
- One building change should not trigger others/remodel
- County should educate
- Fine with State Code
- Analysis of options available
- Recycling as job creation
- Height restrictions (wind)
- Focus Group Timing
- Choose one or the other regulatory path
- Energy Financing Districts
- Affordability standards change

Open Space and Trails

- What should be - programs, regulations/requirements, incentives
- Criteria for Open Space - population/distance, logical locations
- Different solutions for different parts of the County
- Conservancy Issues
- Locations of open space as programs from subdivisions
- Programs vs. Regulations (Code)
- Impact fees?
- Lots of existing open space
- What should be connected? Regulatory?
- Codify new development next to Open Space
- Should connect
- Distinctions between public and private Open Space
- Open Space/Trails Map
- Required Open Space not most desirable or useful
- Management, maintenance, enforcement issues
- Define options
- Vision for the future
- Off Road - Program
- Protection of resources
- Design Issues
- Build in amenities first
- Curbside Design
- Trades, exchanges with other entities

8/4 El Centro

SLDC Public Input Meeting Agua Fria 8.4.11

- Question about motorized vehicles on trails in Open Space
- Required Open Space is often unusable
- Definitions of Open Space
- Usable Open Space
- Trails as bi-passes
- Codes can be obstacles
- guidelines may be better
- Rules for commercial
- Role of viewscales
- Trails and Open Space can be similar
- Access to Public Lands
- Goals of Trails
- Ponding and permaculture as OS
- Community Commons
- Connections same as for vehicles-residential-commercial also to natural areas
- Value to community
- Absence of development
- Connection to nature and wilderness
- Vistas, views
- Conservation easements
- Mechanism for incentives
- Different purposes for trails, people, water, wildlife continuity - choices
- Relation of trailheads to residential
- Landscape-wide connections
- CCD - no designated equestrian properties
- Requiring does not guarantee perpetuity role of HOAs
- Problem of fencing streams, rr beds
- Requirements + LSA
- Projects available to neighbors/community
- Funding is necessary
- Residential required + trails outside
- ROW for trails not acquired
- TDRs - sending/receiving areas
- Establish primary trail system
- Land suitability analysis
 - Ecosystem functions
 - Relation to food, energy, tourism = value
- One size does not fit all
- Dependent on areas GMAs
- Minimum regulations might be good relative to density to serve different purposes
- Value for other reasons
- Access to OS is important
- What are incentives
- Goals of private space
 - Purpose of private/public
- Large ranches for wildlife
- Trails connect Open Space

- Role of SGMP Re: Open Space and Trails
- Connect to existing trails
- New development respect sensitive areas
- Signage for Trails
- Wildlife Corridors
- Use of Land Suitability Analysis
- Role of County
- Open Space in CCD
- Wildlife corridors fencing wetlands
- Open Space in Development does not always make sense
- Maintenance/ HOA
- Usefulness of Open Space in new developments
- Different kinds of open space
- 30 percent requirement
- Open Space is often less desirable
- Maintenance
- Set aside desirable open space

8/3 Galisteo

CDP Eldorado 8.3.11

Green Building

*To what does it apply? (types of buildings)

- New construction (Retrofit? Rehab?)
- How many Co to their own?
- Role of Focus Groups
- Why would County do this if CID code was enough
- Would County Code be subject to change?
- How would incentives work?
- Renewable financing District
- Why just new construction?
- Commercial (voluntary? Mandatory?)
- Maximize benefit
- County develop HERS preliminary rating
- Questionnaire about role of regulation vs incentive
- Costs - to whom for what goal?
- What are thoughts in other parts of County?
- How green are County buildings?
- How green is My Valley?
- Easier process for solar, wind
- Regulatory for County buildings!
- Relation to building waste and landfills
- Balance between community and home owner
- Other models elsewhere?
- Make money for inspections
- The will of the people
- Incentivize with density
- Use of energy Re: transportation
- Go with "low hanging fruit"
- Solar, wind orientation
- Simple Solutions
- Passive solar etc.
- Meet requirements as efficiently as possible
- HERS rates can be advisory
- Incentives preferable to mandates
- Rating systems may not be best for NM
- May be simpler solutions
- Aesthetics of solar panels

Open Space/Trails

- Zoning related to Open Space
- Trails - 30 mi trails
- Access issues - ELD/ECIA
- Designate floodplains for wildlife corridors

8/2 El Norte

SLDC Public Input Meeting Pojoaque 8.2.11

Green Building

- Cost of Permits will increase significantly
- Two Codes (County/CIO) or one?
- Who enforces? Fees?
- More levels of bureaucracy?
- Rebuild County Codes
- Costs of HERS/LEED
- What Green Building Standards are important?
- Costs of standards?
- Leave at Market Level Incentives
- Meet Standards – lower fees
- Require Affordable Standards?
- Other Incentives?
- Life cycle Info Program
- Incentives through banks?
- Aesthetics/condemnation
- Alternative building materials

Open Space and Trails

- What is available?
- Tribal Lands
- What about Jacona Land Grant?
- Wildlife preservation?
- Who does it?
- Open Space Requirements

- Designation for equestrian
- Need designated Open Space
- Trails and Open Space mapped
- What about existing properties?
- Family Transfers not requiring improvements
- Broader public process especially related to equestrian
- Needs assessment for Trails and Open Space

8/15 Green Building Standards

Renea Gray-Lone Butte. Green ordinances good but not sure what we can and should do.

Erik Aaboe-SF County- Citizen advocacy, help citizens do what they want to do. Focus on how we can be efficient and accomplish the goals.
building . Consistency

Michael Chapman-concise, defined standards. Affordability is important but is not recognized by lenders. Consumer choice, economic conditions, etc. we need to do more with existing structures. . Commercial buildings-green globes. Leed Standards. Make them available rather than regulation

Kim Shanahan- executive officer of SFHBA. Determine green building codes or energy conservation codes. Green codes-water is a part of green codes in City. You have already determined.

- Development codes-solar orientation.
- Group should prioritize based on fiscal analysis –homeowners, taxpayers separate.

Sue Barnum-resident of Tesuque-green standards in Tesuque plan. We should not try to make a strict code but think of ways to conserve and use ways not to use oil and plastic. What is an alternative-double panes. Encourage rather than mandate. Educate so people can choose environmental alternatives.

Harvey Monroe- builder. Work toward consensus on regulations.

Craig O'Hare-bias towards cost effective energy conservation measures. Long term benefits of homeowners.

Phillip Gudwin-realtor- Board of realtors. Board interested and concerned about rights and laws about regulations that might impede the process of someone owning or buying a home. Relative statistics. Green building-future.

Brad Hill-owns green insight-HERS provider-NMHBA, SFAHBA, US Green building chapter. Need to distinguish between green building standards and high performance building standards. Green standards are more difficult to codify in building code-can be done effectively at subdivision phase-concentrate on high performance building-implement good concepts within code.

Faren Dancer-past chair of the green building chapter, SFAHBA, City code process.

- Volunteer programs 5% rate
- Important to implement code to provide baseline
- City HERS 70 requirements.
- Establish baseline –educate public

Rex Ross-homebuilder and community developer. Green building. Rancho Viejo. What do we want to do and make things work for zero cost.

- What is it going to cost?
- Who is going to pay for it?
- Voluntary program would benefit homebuilder but does not benefit homeowners.
- State program is 16% better than current-saves long term funding
- Clean air, energy
- Need to revise the purchasing structure mortgage-appraisal, financing, etc. -we need to through out the building code.
- Assessment districts and infrastructure development. Tie to green building program. We are limited to tax incentives.
- Density or simplified process probably won't work as well. Density does not work.
- Kim-throw out mortgage, LEED, and existing
- County should not use CID code. State does not have HERS code.
- Education-
- Incentives-reduce county taxes-community pays for.
- National statistic of .25 % bump in interest rate-removes 250,000 people.
- Quid-quo-pro
- Education-very innovative-built green-energy star-County mandate=public often does not know-rely on contractor-they don't know. How can a homeowner know about requirements?
- HERS-allows homeowner to know what the consumer.
- Code will establish -new houses need to be addressed through code.
- Building process is a code is simply a rule to follow. Is it prescriptive or voluntary.
- County green standard-County standpoint-we need to follow what is a high standard

Alternatives-

- a. Building permit program
- b. City building inspectors
- c. HERS rating-Brad Hill, Craig, Kim, Harvey-cost benefit best, Mike-also allow for alternatives, Erik-County needs to ensure CID participation for CO-Kim-insulation.
- d. HERS ++Brad, Kim,-consider by square footage of house, Steve-thermal envelope
- e. Passive Solar: Wayne Nichols
- f. LEED
- g. 2009 Energy Code Beyond-Phillip Gudwin
- h. HEED-recognizes passive solar

- HERS rating does take passive solar into account.
- Building envelope
- County should not create code enforcement-that would not be feasible.
- HERS would not require code enforcement. Third party would be competitive and efficient.
- State-will require option-which will be the most viable option. First standard for County HERS. What level of HERS standard should that be. Adding thermal bypass and ASHRAE 62.2 * Residential-if state adopts HERS requirement of Good building practice. Try to find the balance.
- Enforcement process for state is highly.
- Verification price is \$200 to \$300.
- Next step to this process is to come up with cost for process.
- Ed Mazria-2030 challenge-
- Permits-in County. 12 new home starts.
- 2009 beyond code measures.

Public comment-

Amanda SFCC-ASHRAE 62-ventilation system-HERS and ventilation key.

Ray Seegers- different market. \$165,000 average market price. Burden of additional mandate. Educating people-base housing. We cannot afford base price to increase.

Tom Winter, Engineer-former HERS rater-strike word green from code. Term should be energy efficient. Energy savings.

1. Passive solar-30% from sun
2. Require 10/20/30/60-insulation R-factors
3. Require house be sealed
4. Require thermal bypass inspections

Do not use LEED

Do not use HERS-energy generation-other measures are available-home energy

Update code every two years. Other things should be added-air quality-solar hot water as a requirement. Progressive.

Jay Dillon

1. Incentives
2. Mortgages-energy
3. State run banking system

Judy Williams

- Passive and active solar house. Education, we need to be required to be more energy efficient.
- Support energy efficiency building
- LWV-supports county efficient buildings for public buildings.

Next Steps

- Fiscal analysis
- Existing buildings
- Location
- Commercial
- Manufacture housing=75% of building permits?

8/17 Open Space and Trails

Open Space Focus Group Meeting Notes –5:00 PM August 17, 2011
How to make good recreational and transportation trail connections?

Debra Dickerson:

Do we know what we already have? How do we know what's valuable? Drainages are places where houses won't be built. Site planning is important to trails location.

Kim Sorvig:

Olmstead advocated for separation of uses for transportation and maintenance. Bike trails should not just be shoulders of highway. We should give thought to how to maintain trails which are separate from roadways. We need a County wide master plan for trails and specific requirements for access and trails for subdivisions. Wildlife corridors need to be considered for both Open Space and Trail considerations.

David G.

Inventory of OS and where we want to go. Sustainability analysis needs to be done. Need to include an implementation policy with short and long term strategies.

Martha Eden:

Public Areas such as schools should be accessible by trails. This should be mandated.

Bill Baker:

Access to public areas. There should be public access to all mountains via the trail system.

Adrian Simpson:

Easements should be more official, not just cutting through private land. Access should be guaranteed. Trail by Arroyo Hondo needs to be made more official.

Gretchen Grogen:

Recreational opportunities should be a priority. Also let's focus on how to incentivize such as expediting approvals, reduced development fees, fire fees, water rights, allowing for increased densities. Question of how to promote healthy communities which does not only focus on OS and Trails. Pocket parks also serve a valuable civic function.

Jerry Powers

Trail system should be designed to go somewhere, not just for recreation within a subdivision. Incompatible user groups should be separated and given separate facilities (e.g. equestrians, cyclists). Santa Fe needs more paved trails. Maintenance is also a problem and should be regulated in the code.

Ed Seery

Connecting A to B. Placement of easements is crucial. Incentives for land owner and developer. Are trails going to go through traditional communities, what will be their impact?

Charlie Leery

Need to have a plan so that the County chooses trails wisely and which allow for good connectivity. If a trail does not accomplish this then there should be requirements for useful parks including pocket

parks. If the County does not require it, then there should be collaboration with Conservation non-profits and incentives.

Brent Bonwell

Differentiation between internal and multi-modal access. Trail easements for multi-modal path should be a requirement in the Code. Trails should be master planned. Off road trails wherever possible. Often maintenance has been problematic (i.e. partial paving of shoulders)

Leslie Mansfield

Best Open Space Places recommends a Strategic Plan. How to incentivize communities for private land owners to share their private trails. There are public health benefits to trails and open space.

Donna Reynolds

Trails are a big draw for home owners in private communities (Homeowners Associations).

Toby Gass

Difficult to make a good system if the County relies entirely on incentives. System should think in terms of spokes and hubs. Recreational and Transportation trails should be separate but integrated. Shared bike systems on roads is important . Separation of bike systems off road is often financially not feasible. Must be careful not to create socio-economic divides. There may be grant funding due to poor public health condition. Bicyclist in SF are worst mannered everywhere. Bike and trail users need to be trained.

What are appropriate Open Space Dedication Standards for recreational, wildlife and cultural historical?

Toby

What do we want and how do we get it? Wildlife standards should be dictated by the needs of wildlife. OS and Trails should not funnel wildlife into places that are inappropriate to wildlife. Cultural historical standards should look at educational opportunities. Recreational Open Space – Allow for increased densities or other incentives for well planned Open Space. There should be ways of enforcing this.

Donna

Engineering and safety are important considerations. Separate Uses, Flexible Standards. Also the community and other funding mechanisms should be explored. Management. Land Use Initiative periodical could be a good resource for Best Practices.

Leslie

County should have strategic plan with both incentives and restrictions (carrot and stick). Broader definition of bio-diversity. Private vs public cultural historic properties should be inventoried

Brent

Treat wildlife and cultural historic differently from recreational OS. A matrix needs to be developed for each use. Needs to be good inter-agency cooperation.

Charlie

Merits of each property should be looked at independently. Enforcement and cooperation with land owners expertise should be utilized. Transportation trails should have a higher priority than recreation. Wildlife and scenic area preservation are not as flexible and may need to be prioritized over trails that are primarily for recreation.

Jerry

Economic considerations. Mandatory Open Space without a way of maintaining it doesn't make sense but places that can be maintained should be emphasized. Best incentives may be an abbreviated/stream-lined process. Open Space for the sake of Open Space is a waste and just increases the price.

Gretchen

Green spaces in the County. There need to be smaller green spaces such as pocket parks or playgrounds. Percentage of Open Space as a requirement makes sense in rural areas, but wherever possible should be publicly accessible. Maintenance and preservation of Wildlife corridors is important which is why clustering makes sense and should be incentivized or even required. Also incentives to restore Open Space property. Stewardship plans from developers should also be an incentive with some financial benefit. Wildlife corridor identified in the Galisteo basin in the SLDP should be made less conceptual.

Adrian

Need to dictate Open Space requirements for new development. New equestrian trails seem to be a thing of the past. Native veg has been impacted. Code should require developers to establish what is open space and be required to maintain the natural condition of the open space, not strip it during construction and call it OS. Incentive plan to compensate for this including tax incentives.

Bill

Albuquerque has a successful OS program. OS is appropriate for the context of NM. SF County should be preserving viewscape.

Martha

Against codifying percentage of land for OS. In development this is just private OS and encourages gated-community. If the development is adjacent to County owned OS, there should be access.

David

How to preserve Open Space for the greater good. We need to have a vision of what we want and where we want to go. Advocate for an OS suitability study. This should be a guide for developing suitability standards that could then apply site by site as part of the development plan application. Cookie cutter standards do not apply.

Kim

There are 2 types of Open Space: Active Open Space (plazas, parks) is density based. Communities must have equal access. On a development by development basis. Other aspect of Open Space with Wildlife, cultural are based on where landmarks are. This requires a sustainability or suitability analysis. This needs to be both County-wide and case by case. Ban on "pre-clearing" – blading off the entire site. (ASLA offers many guides and resources that are useful as alternatives). Turquoise Trail Business Park is one example. Good practice – Sustainable Sites Initiative and Walkable Communities. Open Space and Trails should be desirable amenities. Incentives should not be based on avoiding punishing the developer. Suggested incentive –sliding scale- not fixed percentage of Open Space, but a minimum percentage for Open Space and Trails. Incentives provided for every 10 percent increase in Open Space/Trails (through clustering). Also should be based on whether the OS and trail is publicly accessible. Discourages the trend of the "spirit of the gated community".

Debra

Blading areas shouldn't be considered Open Space at all. Sustainability is for the long term. Cultural historical, wildlife corridor – code needs to address how this land is going to be sustained long term. How do we determine what is important open space?

Debra

GIS layering would be a very useful approach for prioritizing.

Kim

Land suitability analysis very useful but it should have a public input process for the values to confirm this

David

Concurs with the importance of analysis and public review process

Martha

Many reasons to include Open Space

Bill

Needs to be manageable so that it can be prioritized

Adrian

Areas that are not appropriate for development should be mapped

Gretchen

Areas with cultural resources and scenic areas should be prioritized and Open Space that connects to other Open Space. This needs to be taken back to the public after GIS analysis.

Jerry

Common Open Space should be considered where there is density and clustering and where there are other cultural priorities (i.e. horse communities)

Charlie

Science behind which areas should be prioritized

Brent

Need the staff to manage the Open Space in order to maintain and sustain

Leslie

What is Open Space in downtown Santa Fe is different than what it is in the southern portion of the County but there should be priorities to watershed management

Donna

Access to Open Space is essential

There are 2 different ways of measuring Open Space: Per acre percentage (preservation) vs per person percentage (opportunities). Viewsheds. Open Space can be used to preserve viewsheds. How to determine Open Space. Important that Open Space includes respite opportunities, viewsheds, connections, roads. Open Space should create community and should be accessible.

Public comment

Wide scale multi-county GIS Conservation model is being created. This is the Wildlife Habitat/corridor mapping to coordinate between different agencies in SF County and its neighboring Counties.

Margret Alexander – Maintenance. All volunteer organizations partnering with Fat Tire Society. Mountains are important Open Space in Santa Fe. Prevent blading of mountains for utility easements

Ray Seeger- County needs to lay out a plan to ensure connectivity. Planning Staff should come down to the southern area of the County and work with the people who live there. There are areas with water lines. Areas adjudicated for new development. These should be considered as the Open Space and Trails plan is developed. Time to do planning in the southern end of the County.

9/1 Agriculture

Santa Fe County Agriculture Focus Group Meeting September 1st 2:00 PM County Commission Chamber

David Gold provided an introduction to the meeting.

Robert Griego provided a brief overview of the definition of agriculture as defined in the Code and the SGMP and made a distinction between the Code and the property tax agricultural exemptions which is a Special Method of Valuation.

Question 1: What aspects of agriculture and ranching should be regulated in a Land Use Code and how?

William Mee: currently engaged in agriculture. Would agriculture nonconforming and existing uses be grandfathered in? Concerned about permits for farm operations and being over regulated.

Cathy McManus:

- Water use has to be regulated.
- Number of animals per acre
- Pesticides
- Structures and density should be regulated.

Sam King: Stanley farmer/rancher

- No regulations-no more than we have now. Fields are 160 acres. We should be careful we are not overregulating-especially in relation to larger lots. The differences are that we pump water. You can't farm without using common practices. Distinction between northern and southern areas of the County.
- Impact on land use practices

Bud Hagerman: what is the difference between agriculture and ranching? You can get really tangled up in that. There are some things that you cannot regulate such as number of animals per acre. You can't alter viewscapes , they should not be in plan. We are regulated enough, ie., height of windmills.

Pesticides.

This code omits watershed management. This is important all over. Ranchers that use this will not mismanage water. Include watershed management in the code.

Steve Warshawer: Owns agricultural operation on Rowe Mesa also as a representative for SFFPC.

- We already have way too much regulation. The code concepts don't need to be in code. We don't need additional regulations, rather support.
- Remove regulatory barriers. Being able to put in a barn without a permit.
- Access to fencing. Permits for grading, building, just to get to fenceline is burdensome. Fencepost is a good example. Code enforcement is complaint driven.

- We should say agriculture is encouraged everywhere in Santa Fe County.
- If I need to get a permit to get a pole barn and it takes 120 days, then it is no longer needed.
- How do we prevent barns from migrating to another use.
- Map our facilities for agriculture and then there should be no need to go back for a permit.
- Tradeoff-farmers and ranchers should go on record to state farm plan.
 - Register state our plans and purposes to inform. Makes public the intent of the farmer. (Olive branch)

Alonzo Gallegos: Certified organic grower.

- Agrees with the previous speakers. We should concentrate on educating and regulating the newcomers. The laws on the book are adequate.
- New property owners should have to go to Board. Existing farmers should have the ability to express their concerns. What is put into place today should face higher levels of scrutiny.
- County should share responsibility for meeting water conservation requirements.

Michael Coca: Owns land in agriculture-Cundiyo.

- One problem with regulations is enforcement.
- There should be some limitations such as erosion on agriculture.
- Limitations on the amount of development on agricultural land.
- People need to be productive on their lands-regulations may hinder that productivity.
- We need to be cognizant that overdevelopment will limit agriculture and make us dependent on the system
- We need to maintain traditional communities otherwise we will become urban sprawl and encourages selling off of water rights and transfer of water rights.
Sigmund Silber: San Marcos-farmer, animals
- Reasons for regulations, public welfare, nuisances-avoid conflicts with agriculture. We can't disregard.
- We don't need permits to build structures or roads.
- Less regulation the better. We should not be doing things that make it better.
- Not viewscapes.
- No redundancy in regulations with other agencies.

Paul White-Chupadero-water alliance, United Communities, Santa Fe Water

- Riparian restoration should be included in code
- SDA 2 is the Pojoaque are and does not work unless you have Aamodt.
- The Traditional communities have adopted their ordinances.
- Fisheries.
- Wells, How the County approves -
- Water rights transfers-County is trying to protect irrigated lands.
- Definition of agriculture should include cover crops.
- Well monitoring program by County
- Requirement for rain barrels even though the water is being diverted to ag
- Ponding for agriculture should allow permaculture.
- New development requiring agriculture component and water catchment including surface water capture.
- Dry land farming should be defined and included.
- Green houses should not require a permit.
- Road and trail engineering should allow for permaculture.

- GMO seeds impact on local farmers.
 - Municipal sludge. Waste Water treatment allows sludge to be used as fertilizer for agriculture is problematic.
 - Letter from Sherri Tepper-
 - Different mechanism for implementing and enforcing code
 - Should there be agricultural zoning?
- What we have now is agriculture zoning. Changing that would be dangerous. Play on the existing code strength. Make it a responsibility of the property to be rezoned, that should be the burden of the property owner. Remain viable. How do we use sound agricultural principle. Agricultural property food production and resource-it has the right to exist and thrive. How to do that is our goal. Make existing code clearer. Eliminate ambiguities.
 - We are a right to farm state.
Carmen Quintana: Land Grant Activist
 - Land Grants-should be mapped. Notifying people. Identify land grants in Code.
 - County should be helpful to the people. We can do something for the future.
 - Concerned about watersheds. How the County could encourage people to maintain sustainable communities.
Keep existing code language on agriculture

Questions 2 and 3:

- What are the two most important implementation or incentive directives the Land Use Code could provide?
- What other aspects of agriculture and ranching are unique and should be considered in future Concept Decision Point discussions?

Paul White:

- Community farms/open space
- Transfer of development rights

Sig:

- Just look at the code is not a good procedure. There is a need for integration.
- Integration-all things that influence agriculture-property tax, sheriff.
- Do planning before we do the Code.

Alonzo:

- Protection of existing agriculture areas-specifically water.
- Feds, tribal lands, state coordination

Steve W:

- We need a working TDR program. We need TDR program that works for agriculture.
- TDR is a market based incentive. If we keep permitting lots, no TDR program. Should be centerpiece of managing the existing inventory of lots. Not top down. Market based approach.

- TDR projects should be easy and fast. Time is a valuable element. Should help timeline. Triggers. If we tie preservation of agricultural land to TDR, we will have a champion that people can get behind.
- No distinction between agriculture and open space. Value is very different. AG value of land is way below. Meaningful
Bud Hagerman:
- Difficulty for agriculture in finding a good local market. Farmers market in Santa Fe is not a market for all of the county.
- Very painful proposition to sell locally. Small farms do not generate enough funding.
- Incentive to raise and sell products.
- Highest and best use- "You only become successful when you get old and sell your land for a subdivision".

Sam King:

- There is a need for water for agriculture.
- Property rights and water rights should not be taken away.
Carmen:
- GMO seeds-we have to watch the State and Federal views
- Water-water rights for land grants-legal question. Protecting water rights is crucial.
- County needs to be in a powerful position to determine its own future.
William Mee:
- Balance of code of the west and agriculture resolution.
- Family compound to preserve agricultural land.
- More help in community planning.
- Rural protection zones

Paul White:

- Rio Arriba ordinance to protect agriculture/water rights should be reviewed and evaluated

Public Comments:

Joe Miller: Why do we want to change the existing code. There is nothing wrong with it at all.

- Register option that was discussed should be voluntary. We need less government.
- Protect agriculture, more freedom less control by government

Michael Coca:

- Land use and land use code should be based on availability of water. How the land is going to be used. Point system on beneficial use.
- We should plan for 4 or 5 generations ahead. We can only sustain so much in the County.

Ann Murray (remote call):

- High intensity confined feeding operations should be restricted because of pollution and other nuisances as well as health issues related to antibiotics. There should be a distinction made for

ranchers who are temporarily or seasonally feeding stock in times of drought, but are otherwise free range operations.

- Only 1 to 2% of Santa Fe county is blessed with Class one soil. It needs protection. Class one soils should be recognized and protected from development. Master plans should be required to map and recognize class one soil to be protected for open space/agricultural use.
- COLTPAC should include class one soils in their list of desirable lands for county purchase for community agricultural use.
- Wildlife friendly fences should be encouraged.

Subsequent Paul White email (full email under issues)

Posted below are the issues I brought up at yesterdays Ag Focus group meeting.

I'd like to make sure that they get noted along with the other items that Jack was taking notes about and that Arnie was posting on the board.

-Paul

Ag focus group; food for thought

RIPARIAN RESTORATION could be considered ag or critical habitat use.

SDA 2 for Pojoaque without Aamodt doesn't work without imported water.

Traditional communities Ag issues.

Fisheries.

Water use permitted wells, change county well permitting policy to allow for small gardens. Meter reading of wells is not being enforced.

ARI resolution passed in 2006.

Water transfers off of acequia irrigated lands should not be bought by County for municipal use.

Cover crop should be able to be used as definition of ag use, federal and state government allows it.

Buying water rights for offsets for County wells should not come from ag use.

Reinjection wells contaminating agriculture use (organic designation will be violated), reusing waste water for acequias needs to be prohibited in areas that require organic status.

Reuse and return flow credits (water use issue).

Pesticide use, well monitoring to prevent aquifer contamination.

Requirement for rain-barrels for ag land permitting do not work for properties with irrigation rights.

Conservation vs state statute forfeiture.

Ponding and water capture for agriculture, rainwater harvesting.

New developments require ag/community farm component / water collection systems.

Dryland farming added as definition for ag status and open space uses.

Pole barns, greenhouses, cold frames, garden fences, etc. to have (voluntary) registration.

Complaint driven. Already there's a noise ordinance.

Open space in SF County consider open space for ag and permaculture.

Incentives for ag.

Road engineering for runoff can be used for permaculture.

Building moratorium rio Arriba County, SF County should review.

GMO seeds banned for certain crops such as chile and Alfalfa.

Transfer development rights credits.

Municipal sludge not used for fertilizer.

Jacona Ranch issues, barns were defined as commercial, they lost their business due to high taxes.

Transfer of property reverts from ag to residential is now automatic and assumed. If addressed in code

could change assessors requirements. I would suggest a period of review for ag status similar to State of NM forfeiture of water rights as guideline.

Designation of Ag land to residential automatically is contrary to state statute of forfeiture. It essentially starts the process of designating that land as subject to forfeiture and could be used to start the clock regarding the statute.

Agriculture Summary

Agriculture Focus Group Public Comments Summary
9/1/2001

Direct Code Related Issues

Transfer of Development Rights

- Current program failed due to inherent limitation
- Improved TDR program would help agriculture

Structures / Fences

- Should be easy to build agricultural structures, fences and internal roads. Currently no permitting is required if land is designated agricultural by County Accessor.
- Problems with monitoring whether structures like barns are converted to residential or other non-ag uses
- Suggested that people register structures, but don't need permits.

Water

- Protect acequia users water rights
- Well uses in area of agriculture threatens acequias through aquifer depletion effect on surface water
- Include watershed management to protect agriculture
- Use treated grey and black water for agriculture
- Simplify channeling storm runoff for agriculture. Collect from roads and trails. Ponding.
- Well monitoring by county needs improvement to protect aquifer

General Issues

- Avoid over-regulation. Keep current code.
- Plan 4 or 5 generation ahead
- Concern about current non-conforming uses being grandfathered in
- Plan mixes the terms agriculture and ranching. Should all be "agriculture"
- Concern over possible regulation of windmill heights
- Increase of development erodes agriculture, especially in traditional communities.
- No permits for green houses
- Include dry-land farming in code
- Community farms as open space
- High intensity confined feeding operations should be restricted because of pollution and other nuisances as well as health issues related to antibiotics. There should be a distinction made for

ranchers who are temporarily or seasonally feeding stock in times of drought, but are otherwise free range operations.

- Only 1 to 2% of Santa Fe county is blessed with Class one soil. It needs protection. Class one soils should be recognized and protected from development. Master plans should be required to map and recognize class one soil to be protected for open space/agricultural use.
- COLTPAC should include class one soils in their list of desirable lands for county purchase for community agricultural use.

Possible Code Related Issues

GMOs

- GMOs threaten other native and organic growers
- GMOs are necessary for corn growers in south
- More likely subject of an ordinance if considered at all

Pesticides

- Concern about pesticide use
- Already regulated by other state agencies
- More likely subject of an ordinance if considered at all

Non Code Related Issues

These are shown for the convenience of focus group members

Taxes

- Difficulty designation of land as agricultural for small growers
- Default Re-designation of land as residential after sale

Other

- Municipal sludge
- Help with community planning
- Land grants should be mapped

Green Building Standards Summary

[UNV] – Claims or Statistics that remain unvalidated

Energy Efficiency

Reasons to use the existing state energy code (“NM Energy Conservation Code”)

- Existing code provides approximately HERS 82-85. This is a reasonable level of energy efficiency
- Even a small percentage increase prices people out of the market. [UNV]
- Statistics show for 1% increase in the price of a home, 250,000 people are excluded from being able to buy a home nationwide. [UNV]. Also for every \$1000 in added home costs, 100,000 people are precluded from homeownership [UNV]
- In Edgewood a “lot” of people wouldn’t qualify [UNV].
- The market should determine what builders construct.
- Government should not do “social engineering”.
- Government does not have the right to interfere in something is a basically a personal decision.
- Important to make sure additional permit costs don't add too much costs

Incentives?

Pros:

- Would not place economic burden on builder or homeowner
- Possibly reduced cost of permit could help

Cons:

- No incentives identified that would work
- Incentive programs 5% effective [UNV]

Reasons to use a more efficient standard than the existing state code code

- Government has an obligation to assure that people have energy efficient homes in the future.
- Will promote home “affordability”. Ie. Keep the combined monthly mortgage and energy utility bill payments lower than the existing state code.
- Decisions on home energy efficiency will impact our children and grandchildren
- Decisions will impact future buyers.
- People would not be priced out of the market. Those who don’t qualify for the 2% increase could live in a 2% smaller home

- Energy is likely to increase in the future. Future energy costs could put people out of their homes, especially those on fixed incomes.
- Increased use of energy increases the costs for all citizens by raising demand
- Increased use of energy contributes to air pollution, negatively impacts public health and exacerbates global climate change.

Reasons to use a HERS 70 standard

Pros:

- HERS 70 is a good balance that would result in "affordability", i.e. Lowers the combined mortgage and energy utility bill payments.[UNV]
- Total increase in costs and additional inspections should be less than 2% [UNV]
- HERS is a national standard that would require only local inspectors. A County building department would not be necessary.
- Santa Fe City requires HERS 70. This would create consistent requirements between the City and County, which makes it easier for builders to comply..
- Could use just "no inspection" option where HERS inspector reviews plans. This would be less costly but would not ensure that the "as built" home actually meets the HERS 70 standard.

Additional Comments:

- HERS ++ (HERS plus an "thermal bypass check list" and positive fresh air make-up technology) is needed as it completes the function of HERS and safeguards indoor air quality.

Cons:

- HERS does not encourage passive solar.
- HERS in general seals the house and doesn't allow air flow. [Staff comment] This is resolved by including ASHRAE 62.2 requiring positive fresh air intake.
- Does not include other green building attributes.

Alternative Path (proposed by Wayne Nichols)

- Would coexist with HERS 70 path
- An equivalent BTU/sq-ft rating would be identified that was equivalent to HERS 70
- Plans could be checked by engineer or architect
- Could use HEED system, which is used by California
- Would encourage passive solar siting and other alternative methods

Alternative Path (proposed by Tom Winters)

- Former HERS rater does not like HERS
- Suggested requiring 10, 20, 30, 60 ("R Values" insulation for foundation, walls, ceiling) rating

LEED Standard

- Would allow for most green energy issues to be addressed.
- Estimated cost 5%. [UNV]
- Would not require that the County establish a building code department. Verification work is accomplished by the USGBC process.

Open Space and Trails Summary

[UNV] – Statistics that remain unvalidated

Trails

Internal Multi-modal Trails:

Comments related to creating transportation system for bicycles, equestrians and pedestrians within subdivisions

- Trails should create a viable transportation infrastructure to future adjacent developments and other destinations
- Safety issues: trails provide safe transportation for non-vehicle users, children
- Trails should be required, otherwise a system cannot be created
- Off-road trails
- Good for walkers and horses due to safety and noise (startling horses)
- Might not be good for bicycles, because requires pavement. Road might be better because it's unlikely that paved, separate bike trails will be created
- Trails should be appropriate to expected usage. In higher density areas or subdivisions standards should reflect greater expected usage
- In very large lot subdivisions, may not be necessary or appropriate

Internal Recreational Trails:

This is about creating a recreational trail system within subdivisions

- Recreational trails should be associated with a viable destination. May not be appropriate to each subdivision.
- County should plan trails on a map and (suggested choices follow):
 - and purchase them in advance
 - specify them and have developers leave easements
 - specify them and have developers create trail easements

System Wide Trail Considerations:

- **WIDELY SUPPORTED:** Connections to public lands and facilities should NOT be blocked by new development
- Trails should go to "destinations", i.e open space areas, local meeting places
- Trails should go to schools
- County should run long distance trails in addition to local community trails
- Public trails could go through private open spaces and other private areas
- Issues with trails in some traditional communities:
 - Possibly not enough space to locate a trail [El Norte]

- Residents might not want a public trail [La Cienega]
- Not enough safe bicycle trails in city or county
- Community plans should show trails where desired. County should provide a trails map.
- What should happen where there are currently no connections? Should new development be required to create connections anyway in hopes of future connection?
- What about small subdivisions (4 lots)?

Open Space

What is Open Space?

- Parks, plazas
- Recreational open land
- Wildlife Corridors
- Cultural/Historic area
- Scenic Vista

How should quality open space be determined?

- GIS overlays should show wildlife, cultural/historical and quality recreational areas.
- Developers should leave quality open space
- Many people favored having county or area maps to determine quality open space. Assumed that public hearings would be used.
- Questions about what would constitute quality open space.

Should Recreational Open Space Be Required in New Subdivisions?

Pros:

- Many people expressed the idea that open space is important to them on an emotional or internal level
- Open space increases the value of property [UNV]
- Provides a benefit to community if publicly accessible. Value even if public trails pass through private open space.
- Can improve public physical fitness by if recreational opportunities are nearby

Cons:

- Including open space costs developers more money because it reduces individual lot sizes [UNV]
- Open space in conjunction with other requirements (affordable housing) leaves little land to develop
- May not be "quality open space". Could result in open space areas that are unused.
- Issues about who maintains open space and who has access to it
- May not be appropriate in large lot areas, which already are large open spaces

Incentives?

Pros:

- Would not place economic burden on developer or future homeowner
- Streamlining approval process could be a worthwhile incentive

Cons:

- Incentive programs are often not effective
- Density bonus has issues with being a poor tool for overall planning

Issues with Wildlife Corridor

- Use as recreational open space could compromise value as wildlife corridor (arroyos)
- Does not need to be public or community shared open space
- Should be mapped or scientifically identified

Issues with Cultural/Historical

- Use as recreational open space could compromise value
- Does not need to be public or community shared open space
- Should be mapped or scientifically identified

General Issues

- Good access should be assured
- Open space is a by-product of clustering. Requirements may not be necessary in SDA-1 if clustering is required.
- Almost everyone at all meetings supported having open space. Many spoke highly of the COLTPAC program. Issues were whether it should be required and where.
- Open space needs in downtown or urban areas differ from large lot areas.
- Connectivity to other open spaces considered valuable, but it was also felt that having locally available common areas was also valuable
- Blading area should be prohibited until building occurs. Bladed area should not be considered as open space.
- What about small subdivisions (4 lots)? Impact fees for area open spaces?

19 September 2011

TO: Robert Griego, Planning Manager, Santa Fe County
cc: Jack Kolkmeyer, Santa Fe County
Kathy Holian, Santa Fe County Commissioner

FROM: Marion Cox, Santa Fe County Resident

RE: Comments on the draft SLDC

Hi there Robert, et al. I want to first say that I have struggled with wanting to be a focus group member, and having had to be out of town for family issues several times since early summer. As a result, I am requesting that the County no longer consider me an active focus group member [Green Building Codes, etc.]. I would like to continue to be offered the chance to review documents and provide comments. I understand I can do that, at any time, through emails and comments posted to the County's website. I welcome continuing to receive email notices and documents related to the SLDC.

COMMENTS on the DRAFT SLDC

CDP Background and Discussion: Growth Management, Procedures, Impact Fees, Community Plans Draft v1.0 [dated 9/6/2011]

I am supportive of the philosophy behind this update of the SF County comprehensive plan. I congratulate the County staff, and consultants, who have worked hard to improve and expand transparency in bringing forward this SGMP implementation strategy for public review.

I do not spend time or space in this set of comments to tell you the many specific things which I think are terrific and forward-thinking about this plan. Rather, in this document, I present my concerns and suggestions, where appropriate, about several key aspects of the draft SLDC.

- In general, I would characterize my several concerns, as outlined below, as “good governance” issues related to implementation of a new land use code.
- My primary interest in the new code, as a Santa Fe County resident of slightly over 20 years, is how the code will address land management and residential and commercial development in the currently undeveloped, largely residential areas of SF County.
- I am a resident of the La Barbaria Canyon area, and was completely supportive of the old Mountain Special Review District Ordinance. I am sorry to see that many of the provisions of that ordinance are not incorporated into the current draft SLDC.

Issue #1: COMMUNITY PLANNING

I am a huge proponent of meaningful “public involvement” in government programs and processes. However, I am concerned about the role that “community planning” has in the implementation of the County’s Sustainable Land Development Plan [SLDP].

The draft code defines a public engagement process [community planning] that places too much responsibility on the shoulders of communities that may, or may not, fully appreciate the importance of their role in the implementation of the County Plan [ie, the need to have a community plan in place in order to influence land use and development decisions].

The concept is a good one in theory - but, in my view, what is envisioned in the new code is far too complicated for most people to understand what it is all about; therefore, it will be difficult for many residents to fully appreciate and understand how to contribute effectively when opportunities arise for public input.

- People live busy lives and more often than not do not have the time to attend community meetings. They expect that their local government is doing what needs to be done to manage everyday life - including development issues
- People are looking for leadership and “certainty” when they look at the regulations and laws that affect their lives - in particular in “land use planning” decisions.
- The current draft code sets up the County for potentially difficult and contentious issues of “consistency” and equal protection under the law -as this relates to land use regulations, how these regulations are applied, and who might get better or different consideration under the code.

My fear is that due to overall public apathy, the complex process you lay out - however reasonable it may seem on paper - will become the process through which narrow interests will find the vehicle for getting what they want done in the County. Even in the face of a progressive new comprehensive plan and accompanying code, wealthy land owners, and politically influential individuals and entities within the County, are likely to have a significant advantage over ordinary citizens. Individuals or developers who have the money and resources to make the process work to their advantage - e.g., people and/or organizations who have the time and money to pay professionals to spend time contributing to the development of community plans that favor their interests, reviewing draft County Code documents, etc. will prevail.

Pre-application meetings: I do like the “pre-application neighborhood meetings” described in your draft document [pages 10-11]. This is exactly the type of engagement with community members that I think WILL work because it provides an opportunity for people to come out and listen and then raise questions on development issues that are of most concern to them. Basically it gives neighborhood residents the ability to comment on a proposed development that directly affects them without having to have a full-fledged community plan in place at the time they see a problem emerging.

Issue #2 CONSISTENCY of the SLDC and COMMUNITY PLANS

I think most County residents want to see a single code, one that protects the interests of the small and large alike. uniformly enforced rather than a patchwork of different community provisions that will inevitably lead to someone feeling they have not been treated equally and will therefore raise legal challenges to the code based upon their ability to “use” their land as they see fit.

For example, if one community wants building height requirements or does not want ridge top building, and another near-by neighborhood does not care about these issues, litigation is likely. If a property owner wants to do something on his/her property that is allowed anywhere else in the County, they will seek a legal solution to ensure “fairness.”

The reality is that any community that does not have a community plan right now is unlikely to organize itself to develop such a plan unless and until some sort of development [residential or commercial] is proposed that they do not want in their neighborhood. The incentive lies with the “developer” and the resources he/she might bring to bear on their project to either try to meet requirements laid out in the Code, or as is often the case, to hire consultants who will simply provide a different “expert opinion” that differs from the judgement of County staff stating they can do what they want to do - no problem!

I think the County needs to re-examine exactly how to promote public engagement without allowing individual community plans to potentially disrupt the full effectiveness and enforcement of the new County land use code.

Issue #3 ENFORCEMENT and OVERSIGHT

The County has suffered for many years [at least as long as I have lived in the County] from lack of serious enforcement of regulations already on the book, and from some building inspectors who have been willing to give preferential treatment to builders and to individual property owners who are willing to pay the right price. Additionally, the Board of County Commissioners [BCC] has, over many years, routinely ignored the recommendations from County planning staff [I say this based on conversations with many County staff over many years] and granted variances for buildings and residences that, for example, do not even meet the criteria for variance consideration as required in the zoning code.

For example, the Mountain Special Review District [MSRD] ordinance - which most recently applied to my particular part of the County - was intended to limit the “visual impacts” associated with ridge top construction on the natural appearance of the Sangre de Cristos. Clearly, the the fact that variances to the MSRD were routinely granted, took all the “teeth” out of the MSRD. This can be clearly seen by looking at the great number of highly visible residences built since enactment of the MSRD along the slopes and ridges of the mountains surrounding Santa Fe as seen from I-25, Old Pecos

Highway, and Old Santa Fe Trail when alternative planning should have been demanded by land use authorities and the BCC per the code. Unfortunately, we have seen time and again that ordinary landowners [without legal counsel or money to give to someone to get the result they want] are treated differently - where permitting and code enforcement are concerned. Previous County land use codes have been routinely applied differently to different landowners.

One of my major concerns about the new Code is how these types of issues - largely political and personnel integrity issues - will be dealt with differently under a new code? I believe in the philosophy behind the new Code, I think the current County planning and growth management staff, as well as the County Manager want to see positive change occur - but, I am uncertain how deeply ingrained the bad habits of past administrations and staff are, and how these old bad habits might negatively affect this new code.

Issue #4 POLITICAL CONSIDERATIONS AND PERSONNEL INTEGRITY

I believe a new process needs to be put into place for administration and enforcement of this or any other new land use code. I want a “process” in place that I trust will be implemented without political pressures. I want see the “process” of administering and enforcing a new land use code taken OUT OF THE HANDS OF THE BBC - elected officials - and placed in the hands of professionally qualified staff who do not serve at the pleasure of the BCC.

As noted above, the recent past land use codes have not been uniformly enforced nor has the BCC taken adherence to the code as seriously as many residents think they should. Under the new code a newly constituted CDRC will be appointed - a new Planning Commission - by the BCC members. This new planning commission will be very powerful by virtue of the powers it is given. I want more assurance than the current draft code offers that this new Planning Commission will not [as in the past] be subject to political pressures thereby making development decisions that are politically expedient rather than making decisions based on the land use code.

I would like to see a Planning Commission function effectively removed from political pressures of either BCC members or pressure from wealthy or influential individuals, organizations, etc. I would like to see Planning Commission members appointed by some other means than by the BCC - where some planning commission members might feel they owe allegiance.

Similarly, under the newly drafted code, the BCC will be the “appeals board” for individuals who do not like decisions made by the new “planning commission.” This is a mistake and needs to be reconsidered. In the past the BCC has demonstrated time and again that many decisions are political - to help their constituents or to help ensure they get re-elected. It is not, in my view, acceptable to simply state that the BCC is “very responsive” to each and every resident who petitions them for a waiver from the requirements of the land use code; and, therefore, the many, many variances granted

over the past 20 years are “appropriate.” Clearly, the majority of variances granted were not appropriate.

I would like to see a different appeals mechanism that does not bring the really tough decisions [by virtue of the fact that a decision is being appealed] back to the same elected officials who have, in the past, often made decisions that are in their own best interests or in the personal interests of their constituents while ignoring the interests of the wider “public good” and reasonable adherence to the new SLDC which has been so costly to develop and is undergoing wide public review and scrutiny.

Personnel integrity related to land use permitting and enforcement actions: It is an open secret that SF County building inspectors, and code officials have, in the past acted inappropriately in their role as enforcement and permitting staff. I have personally talked with two County Managers, and many County staff over many years, about this issue and it is commonly acknowledged that these situations have existed in the past.

My concern is that SF County does not appear to have any new, or more punitive, measures in place to ensure that County personnel do not abuse their positions for personal gain or for whatever the quid pro quo might be.

Somehow, the County needs to acknowledge [even if not publicly] that these past practices are totally unacceptable, and that with this recognition, the new code, and/or accompanying personnel policies, are issues the County is finally willing to address head on.

Specific Questions:

- Where in the current draft does the new code deal with residential building height? disturbed land on an undeveloped site? and site planning - specifically does the code state that there can not be any building on ridge tops or adjacent to significant natural land-forms (e.g. rock outcroppings)?

THANKS FOR YOUR TIME IN READING and CONSIDERING THESE COMMENTS



Santa Fe County Green Building Standards
Architecture 2030
August 15, 2011

Architecture 2030 is a non-profit, non-partisan building sector research organization located in Santa Fe, New Mexico.

Architecture 2030 recommends that Santa Fe County develop and adopt a residential Green Building Standard (SFC Green Building Standard) that incorporates an energy reduction target of 30% below the 2006 International Energy Conservation Code (IECC). We also recommend that Santa Fe County establish the following three (3) pathways for meeting the energy requirements of the Green Building Standard:

1. Home Energy Rating Standard (HERS) Path – establish HERS 70 as the minimum energy requirement.
2. 2012 IECC Path – establish the 2012 IECC, incorporating the 2009 NMECC Residential Applications Manual for passive solar heating and cooling design, as a path for complying with the SFC Green Building Standard.
3. Simulation Path – modify the Home Energy Efficient Design (HEED) simulation program incorporating Santa Fe weather data, utility rates and a ‘reference building’ that meets the 2006 IECC (see: <http://www.energy-design-tools.aud.ucla.edu/heed/>). The HEED program is available in English and Spanish and simulates passive heating and cooling systems and cool roofs. Incorporate a HEED building simulation that meets or exceeds a 30% energy reduction target from the ‘reference building’ as a path for complying with the SFC Green Building Standard.

Thank you for your consideration of this recommendation.

Edward Mazria, CEO
Architecture 2030



The Santa Fe Food Policy Council
White Paper
August 26, 2011



**Innovating for Food Security and a
Healthy Agriculture Sector
through the Santa Fe County
Sustainable Land Development Code**

In 2010, the Santa Fe Board of County Commissioners unanimously voted to approve the Sustainable Growth Management Plan (SGMP), which includes specific recommendations related to agricultural land use policy developed in partnership between the County and the Santa Fe Food Policy Council. The County is now in the process of drafting its Sustainable Land Development Code (SLDC) to implement the policies outlined in the SGMP.

The economic, social, and environmental landscape of our county depends on the thoughtful use and development of our land base. Until around the late 18th and early 19th century when the United States moved into the Industrial Revolution, our nation was agriculture based. In Santa Fe County, many communities not only relied on agriculture as a source of income, but many people depended on the land to feed their families.



The working of the land to produce food is part of our County’s rich cultural heritage. There was a time when the highest and best use of our land was for agriculture and food production. Overtime we have lost that designation to the detriment of our health and economic welfare.

A Movement for Self Sufficiency and Food Security:

There is a growing local and national movement emphasizing the importance of a local food economy. Here in Santa Fe, there are several networks and alliances working to develop these opportunities. This movement is significant to Santa Fe County. According to the U.S. Department of Agriculture, New Mexico is one of the most food insecure states in the nation. Food insecurity is when people do not have enough local food or have problems accessing food in order to feed themselves. In order to address our food insecurity and loss of productive agricultural land, active participation of the County—through the development and adoption of a truly sustainable development code—is needed.

The Santa Fe Food Policy Council challenges the idea that the “highest and best use” of land is for development. We believe that by understanding the importance a local food supply, and by truly accounting for the full costs of development, critical agricultural lands can be maintained, food insecurity can be minimized, and the result will be a healthier and more stable community, i.e., “sustainable”. With the acknowledgment that appropriate development has an important role in the community, the Santa Fe Food Policy Council advocates for a land development code that strikes a balance between development and other important land uses.

What We Need to Do Now:

There are currently 15,000+ undeveloped lots in Santa Fe County. In lieu of new lot creation—and continued consumption of the limited land base by development—the land development code should focus future growth on the existing inventory of developable lots. The code should also address moving or the densification of resources such as water, utilities, infrastructure, and roads. In contrast with development, land for agriculture cannot be moved as it requires particular land attributes as certain lands are more suited to agriculture than others. The availability of water, soil type and quality, grass condition, and forest balance, for example, are all vital attributes for agricultural production. Creating new lots for development without first utilizing existing lots hinders our ability to promote self sufficiency and food security and the economic benefits that those entail.

Agricultural opportunity starts with availability of land and water. Those resources must be affordable and accessible. At the same time, maintenance of resources is not enough to assure that agricultural land contributes to local food security. There are other factors which must be addressed to reverse the historic depletion of opportunity for small and medium scale producers and food processors. Policies must support existing businesses that contribute to local food security and enhance opportunities for new businesses to start out and become viable economically.



“With the acknowledgment that appropriate development has an important role in the community, the Santa Fe Food Policy Council advocates for a land development code that strikes a balance between development and other important land uses”

Strategies and Recommendations:

The Santa Fe Food Policy Council offers the following strategies and recommendations as guides for the support of agriculture and food business in Santa Fe County.

► Strategies

- Adopt policies that encourage development on existing lots rather than through the continued subdivision of land, including especially agricultural (both ranching and farming) tracts.
- Work to minimize the loss of agricultural acreage, especially acreage with appurtenant water rights, and maintain and provide other resources and infrastructure necessary for agricultural activities.
- Santa Fe County should act in the best interest of the public good by establishing incentives which incubate small and medium scale local farm and food businesses.

► Recommendations

- Develop a TDR (Transfer of Development Rights) program that rewards lot owners and developers for enhancing agricultural opportunities. For example, “bonus” TDR credits could be given “sending areas” currently classified as agricultural or where water rights are tied to the land as part of the agreement not to develop.
- Develop public/private partnerships to create a revolving loan fund to provide bridge financing for conservation innovation on area farms and ranches.
- Develop a PDR (Purchase of Development Rights) program that is funded through a recurring revenue source such as Gross Receipts or Lodging Tax. Such revenues could be funneled through existing programs (such as COLTPAC) but earmarked for agricultural properties.
- Review existing County properties for possible agricultural use especially when such properties have strong agricultural history.
- Develop a management plan for land that the County owns and for future land purchases in order to make it available for agriculture when possible and especially when such lands have strong agricultural potential or history.
- Land exchanges program: Take land that the County already owns and acquires - land that makes more sense to develop, and trade that land to agriculture land holders in order to facilitate reduction of development pressure in sensitive agricultural areas. Creating family transfer zones essentially provides more optimal lands for families to develop on.
- Support training programs in schools including secondary and community college level, FFA and 4H.
- Take an active role in supporting and funding of the Coop Extension Office.



Conclusion:

The drafting of the Sustainable Land Development Code is a golden opportunity to maintain and create opportunities with what little agricultural land we have left. By shifting priorities toward a balance between historically important and currently critical land uses such as agriculture, with conventional priorities such as residential and commercial development and related infrastructure, we begin to prioritize the maintenance of agricultural land by shifting development emphasis elsewhere. This will encourage and strengthen economic development, increase the health and well-being of our residents, and put us on the road to greater self sufficiency and food security.

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