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Public Comment:

Exhibit: 1

From: Estancia Growth Management Area Working Group

Dates:

- **September 7, 2010**
- **August 22, 2010**
- **August 21, 2010**
- **August 19, 2010**
- **August 16, 2010**
- **August 15, 2010**

**Estancia Growth Management Area (EGMA) Proposals on
“SLDP Objectives for Plan Elements by Growth Management Area”**

Sep 7, 2010

Chapter 1-Introduction:

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

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

Chapter 2 – Land Use:

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

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

Chapter 3 – Economic Development:

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

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

Chapter 4 – Agriculture:

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

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

Chapter 5 – Resource Conservation:

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

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

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

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

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

Chapter 7 – Renewable Energy & Energy Efficiency:

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

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

Chapter 8 – Green Design & Development:

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

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

Chapter 9 – Public Safety:

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

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

Chapter 10 – Transportation:

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

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

Chapter 11 – Water & Wastewater:

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

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

Chapter 12 – Public Facilities and Financing:

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

Chapter 13 – Housing:

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

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

Chapter 14 – Governance:

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

Chapter 15 – Implementation:

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

Santa Fe County Proposed Sustainable Land Development Plan
Working Group – Estancia Growth Management Area
Chapter 10 – Transportation Element
Comments – Gavin, Hank – 22 Aug 2010

Objectives for EGMA:

1. SLDP should require a District Plan for EGMA which would allow residents to come up with an efficient transportation plan for this area. The District plan should be coordinated with the overall Santa Fe County plan.
2. It is very important that the County follow through on the transportation element of the SLDP. The Working Group supports the objective of safety for pedestrians, bicycles, motor-cycles and vehicular transport.
3. Expenditures on roads, trails, and transportation improvements must be fairly distributed throughout the County, not simply focused around Santa Fe. Even though population density is lower in EGMA, roads through this area are essential to support life in the more densely populated parts of the County. EGMA roads are also often used for recreation by residents of other parts of the County, e.g. for bike runs.
4. The need for improved transportation must be balanced against the need to avoid unsustainable tax burdens. Long-term affordability is the corner stone of sustainability.
5. The main priority for transportation in EGMA is good maintenance of the existing road network.
6. When resources allow, the network of paved, fenced, all-weather roads in EGMA should be expanded.
7. Scarce tax-payer resources should not be diverted into unsustainable public transit schemes which would require perpetual subsidy. Sustainable public transportation is a particularly challenge in EGMA because of the low population density.
8. Santa Fe County should ensure there are no County-level barriers to innovative economically self-supporting public transit schemes.

Objections to current draft SLDP:

1. SLDP is based on outdated information. Public transportation (i.e., bus) has already been withdrawn from EGMA. The highway maintenance plans are 2 years out of date and have not been followed. The maps in the SLDP should be updated and corrected, so that the BCC can use them to make informed decisions.
2. SLDP ignores costs. There are no estimates for the capital costs of the many individually-worthy improvements suggested in the SLDP. Worse, there are no estimates for the continuing essential costs for ongoing required maintenance.

3. SLDP acknowledges in 10.2.2.1 that Santa Fe County has been able to afford only about half of the road improvements planned in 2005. However, the SLDP does not address this inability to afford even existing plans for road improvement. Instead, the SLDP adds many other additional expensive goals.
4. SLDP's Transportation Element ignores the situation in low population density areas like EGMA. Instead, the SLDP is focused on the problems & opportunities in high population density urban and suburban areas of the County.

Recommended Changes in the Current Draft SLDP:

10.2.2.5 – Future Roadway Recommendations

Insert in future roadway recommendations:

- Pave White Lakes Road.
- Pave Simmons Road.

10.2.3 – Transit

Insert at beginning:

Public transit is a worthy goal, but one which many localities are finding to be unsustainably expensive. Santa Fe County will demonstrate leadership by making public a stringent cost/benefit analysis of all proposed public transit expenditures prior to making any commitments.

10.2.5.5 Roundabouts

Delete section.

Santa Fe County should demonstrate leadership by not falling for an awkward European fashion.

10.3 Goals, Policies and Strategies

Insert as first Goal, ahead of Goal 28:

Santa Fe County is required to establish a multi-year plan for proper maintenance of existing roads and for expansion of the existing all-weather, fenced, paved road network. Said plan shall have committed financial support, and shall be fully funded each year before any other transportation expenditures may be considered.

Policy 29.1: Support an efficient and cost effective multi-modal transportation system ...

Replace with: Encourage at low cost to the taxpayer an efficient and cost effective multi-modal transportation system ...

Policy 31.3: Require all roads, including private roads, to be designed, contoured and maintained to prevent erosion.

Replace with: Require all County, State, and Federal roads to be designed, contoured and maintained to prevent erosion.

Santa Fe County Proposed Sustainable Land Development Plan
Working Group – Estancia Growth Management Area
Chapter 9 – Public Safety Element
Proposed Additional Comments – Gavin Longmuir – 21 Aug 2010
(Based on earlier draft by John Michael Richardson)

Objectives for EGMA:

1. Provide adequate public safety at a cost which is truly sustainable over the long term.
2. Preserve and protect public health, safety, welfare and property through adequate provision of law enforcement, fire, emergency response, and emergency communication services tailored to the traditional rural lifestyle of the EGMA, including coordinating public safety efforts fully with other providers in and around EGMA, including the Cities of Edgewood & Moriarty, the Counties of Torrance & Bernalillo, and the State Police which are headquarter in Edgewood. Opportunities for cost savings and service improvements must be continually reviewed and aggressively pursued particularly with a goal of eliminating redundancy of services.
3. Manage public safety within currently-provided taxpayer funds, including recognizing today the potential future budget-busting impact of pension obligations to County public service personnel.
4. Ensure that County employees are held fully accountable for using public monies properly and in a timely fashion. County employees who fail to meet this goal should be immediately terminated.
5. Establish and maintain a 911 public/community outreach program, and work toward better emergency communications coverage, which would require allowing communications towers in most zones in the county.
6. Obtain and utilize the latest and most efficient emergency communications equipment and technology.

Objections to current draft SLDP:

1. Public Safety Element of the SLDP imposes excessive direct and indirect burdens on County residents, far beyond what makes sense in terms of public safety. Those burdens will damage the economy of EGMA, make housing much less affordable, and hurt the sustainability of the area.
2. SLDP ignores costs. SLDP proposes many additional expenditures without estimating the incremental capital & operating cost burdens. SLDP in particular recommends hiring additional public safety personnel without considering the major long-term impact of pension obligations on the County's sustainability.
3. SLDP proposes adopting the International Fire Code and requiring fire sprinklers and on-site water storage in rural areas. The requirement to provide sufficient water flow would be prohibitively expensive (\$12,000 to \$14,000 for a 2500 square foot home) for single dwellings. This would severely limit the availability of affordable housing, hurt the economy in EGMA, and negatively impact the area's sustainability.
4. SLDP is internally inconsistent. The Plan proposes the use of non-combustible building materials, but this could conflict with other Plan elements requiring the use of local natural resources and local building materials.
5. SLDP is internally inconsistent. It would obviously be an unsustainable waste of resources to require sprinklers in every building AND to require an expensive larger fire service.

Recommended Changes in the Current Draft SLDP:

9.1.1 Key Issues

Item 1 (p. 130) "Several residential areas in the County have insufficient water to provide adequate fire flows."

Add:

County Fire Department management have repeatedly failed to spend State funds earmarked to correct such problems in a specific locality. Those failures have not yet been properly investigated by the BCC.

Item 4. (p. 130) "The current emergency response system is not sufficient to service our population today."

Delete. Replace with –

The management of the current emergency response system should be restructured to make more effective use of volunteers and community resources in preparation for handling the low probability event of a large scale emergency.

Item 5. (p.130) "... ensure that adequate financial resources are provided ..."

Delete. Replace with –

The management of County emergency services should be restructured as necessary to ensure that competent administrators provide an adequate level of service using the current level of taxes and fees.

9.1.2 Keys to Sustainability

Item 1. (p. 130) "The County should continue to support the development of a professional Fire Department that combines the dedicated service of volunteers and career staff."

Delete sentence. Replace with –

Sustainability requires that the County make extensive use of well-trained, motivated, experienced volunteers, backed up by a small core of career staff who are thoroughly integrated into the volunteer force. Overhead and administrative staff must be reduced to an absolute minimum.

Item 2. (p. 130) "Volunteer recruitment and retention are critical to the continuing success of the Fire Department"

Add –

The shortcomings of the current County Fire Department in achieving this essential goal must be thoroughly investigated by an external agency, and recommendations proposed to make all necessary changes to improve volunteer recruitment & retention.

9.2 Critical Findings

Add to paragraph on coordination of County Departments –

Coordination must be extended beyond County Departments to neighboring bodies, particularly in EGMA where services should be coordinated with the Cities of Moriarty & Edgewood and the Counties of Bernalillo & Tarrant. Job performance of County Department Heads in accomplishing this coordination must be reported frequently and closely monitored.

9.4.4.1 Funding

First non-indented paragraph on p. 134 "Existing County general funds for personnel are considered insufficient to meet the demand of services expected from the Fire Department by the public."

Delete. Replace with –

Existing plans to increase paid Fire Department staffing are unaffordable and unsustainable. Those plans will have to be modified to live within available funding, including the costs of making full current provision for benefits and eventual pensions. County Fire Department will have to be restructured to make much more effective use of well-trained, motivated volunteer responders. Existing paid responders will have to be integrated much more effectively with the volunteers. Administrative staff will have to be reduced.

9.4.1.4 Levels of Service

Third paragraph (p. 135) – "The Department has been working to increase the number of career staff to overcome the difficulties of recruiting and retaining volunteers ..."

Delete. Replace with –

Budget realities will restrict most growth in career staff. The County Fire Department has in the past suffered from organizational and leadership deficiencies which have impeded the recruiting and retention of volunteers. A thorough study of the Department is required to identify and correct those problems, and provide a framework for a more efficient sustainable Fire Department which makes more effective use of volunteers backed up by a core of career responders.

9.5.3 RECC Funding

Second paragraph in section (p. 138) – "Significant challenges are presented by ever-increasing operational costs to run the RECC."

Add –

Because ever-increasing RECC costs are unsustainable, Santa Fe County must consider all options to reduce costs to the budgeted level. Santa Fe County is currently spending over \$3.6 Million per year for the RECC. Santa Fe County's commitment is to balance the RECC's budget by reducing costs, not by increasing taxes.

9.6 Goals, Policies and Strategies

Goal 24 (p. 140) – “Preserve and protect public health, safety, welfare and property through adequate provision of law enforcement, fire and emergency response, and emergency communication services.”

Add at end of goal – “at affordable cost”.

Strategy 24.1.1

(p. 140) – “Identify and support additional funding sources for public safety agencies ...”

Delete. Replace with –

Santa Fe County makes a commitment to keep the budget for Public Safety within existing available funds, and not to impose any additional tax burdens or fees on County residents.

Add Strategy 24.1.1.a –

Santa Fe County requires Public Safety departments to disseminate a public statement each year of updated long term goals along with their estimated costs; said costs to include the full current burden of meeting all eventual pension and benefit obligations for County employees. The public report will include a progress report on previous goals, and a prioritized schedule for future goals consistent with available funds, making proper provision for contingencies.

Add Strategy 24.1.1.b –

Any failures by County Fire Department personnel to spend allocated Capital Outlay funds resulting in loss of those funds must be reported to the BCC, to allow the BCC to take appropriate action. Any such failures must be notified to County tax payers, with the costs of notification coming out of the existing County Fire Department budget.

Policy 24.2

(p. 140) – “Adopt and support expanded public safety standards related to fire protection..... adopt the International Fire Code; require fire sprinklers and on-site water storage in rural areas ...”

After “fire protection,...” strike “adopt the International Fire Code; require fire sprinklers and on-site water storage in rural areas without water access;” Do not require sprinklers in housing in rural areas. Rationale: The International Fire Code which requires sprinklers and on-site water storage in rural areas would be devastating to affordable housing in the EGMA. The estimated cost of such a system on a 2500 square foot house would add a minimum of \$4.50 to \$5.50 per square foot for sprinkler heads, and in-house plumbing or \$11,250 to \$13,750 or 9% to 10% added to each new home. If back-up power is required, additional plumbing and electrical equipment could add an additional \$3000 to \$4500. Smoke alarms are quite sufficient in rural areas. Since one urban area advantage of sprinklers is to stop a fire from spreading to nearby homes and our homes are usually on 2.5 acres up to 40 acres, our homes are usually a minimum of 300 feet apart. Insurance savings on this sprinkler system will not exceed \$4.00 per month given our level of use of volunteer fire fighters.

Policy 24.3

(p. 140) – “Support training for volunteer firefighters in an effort to enhance recruitment and retention efforts ...”

Add Strategy 24.3.2 –

Santa Fe County places priority on the development of an efficient, cost-effective Fire Department which relies heavily on the use of well-trained volunteers.

Add Strategy 24.3.3 –

Santa Fe County commits to organize an external study into the failure of the County Fire Department to attract & retain a sufficient pool of volunteers. This study will compare the performance of the County Fire Department with “best in class” volunteer and combination volunteer/paid fire services in New Mexico and other States, and provide recommendations directly to the BCC. Costs of this study will be paid from the existing County Fire Department budget.

Policy 24.4

Strategy 24.4.1 (p. 140) “Develop and enforce design standards to require that new developments eliminate emergency access barriers such as ... long driveways ...”

First sentence after “standards”, strike “to require” and add “so” and after “new developments” strike “eliminate” and add “consider...” Rationale: In the EGMA, the preferred large lot developments require long driveways and one-way out access. Emergency vehicles turn-arounds at reasonable intervals along excessively long roadways or drives would be a reasonable alternative to eliminating our required access driveways or roads.

Policy 24.4

Strategy 24.4.2 (p. 140) “Require an access management plan for all new roadways.”

After “plan...all new,” add “public roadways.” Rationale: Private drives for small, large-lot subdivisions should not require including this type of plan.

Policy 24.6

Strategy 24.6.1 (p. 140) “Identify areas with speeding problems ...”

Modify –

Identify urban and suburban areas with speeding problems ...

Add Strategy 24.6.2 –

To reduce the burden on County Sheriffs and to improve relations with the tax-paying public, Santa Fe County commits to raising speed limits on rural roads where practicable and reasonable.

Policy 29.1: Support an efficient and cost effective multi-modal transportation system ...

Replace with:

Encourage at low cost to the taxpayer an efficient and cost effective multi-modal transportation system ...

Policy 24.10

(p. 141) “Limit threats from wildfires and other natural disasters.”

Add Strategy 24.10.3

In grassland areas of Santa Fe County, such as EGMA, Santa Fe County will not adopt inappropriate Wildland Urban Interface fire codes, since these are geared towards very different forested areas. Instead, Santa Fe County will develop techniques appropriate to the real threat of fast-moving grass fires, and will ensure the availability of equipment tailored for this purpose.

CHAPTER 11: WATER MANAGEMENT ELEMENT

OBJECTIVES

1. The SLDP should recognize the private property rights and the right of alienation.
2. Recognize that water rights are private property.
3. Recognize the size of the Estancia Basin as defined by the State Engineer's Office map.
4. Recognize the Estancia Basin Water Plan as a defining document in the EGMA.
5. Recognize water once put to beneficial use cannot be hoarded but can be sold or transferred under the rules of the State Engineer.
6. Recognize that ground water is the sole source of water for the EGMA; there is no surface water in the EGMA.
7. Acknowledge that the Estancia Basin is subject to water use and water conservation programs already in place by entities which supercede Santa Fe County in jurisdiction and authority.

CHAPTER 13 HOUSING ELEMENT

OVERVIEW AND OBJECTIVES

OVERVIEW

Chapter 13 fails in its entirety to recognize the primary reason that affordably priced, and in fact all reasonably priced housing has disappeared in all but the southern portion (EGMA) of Santa Fe county. It is the obvious failure of existing growth management policies, overly burdensome subdivision approval regulations, and unnecessary bureaucratic delays in the building permit process which, when combined, drive the cost of housing out of sight. Many of the added burdens on housing expense suggested in the SLDP will only exasperate and increase the difficulty of providing affordable housing.

The areas of the country currently experiencing the most severe bursting of the housing bubble are victims of failed growth management strategies which have targeted certain limited areas for growth, thereby creating a government-induced false scarcity of developable land which drives prices to artificial and unsustainably high levels. Santa Fe county has also driven housing costs up by failing to promote a streamlined development process which insures that once a property is purchased for development, and which has the appropriate zoning for said project, that following the preset guidelines in a development application will guarantee approval of the project. The county should also strive to educate existing county residents that the potential of development exists on all private property subject only to zoning limitations, and that the county must and will honor these private property rights to development. This “uncertainty” element is causing an additional risk factor in property development which is compensated for by rising costs.

OBJECTIVES

1. The County must open up most land to development and allow the free market to sort out proper pricing in a risk environment not controlled by false scarcity, onerous subdivision regulations and unnecessary bureaucratic delays in development and permitting matters.
2. A streamlined platting and permitting process must be set out in land use regulations that promotes confidence on the part of the development industry that a project properly zoned can in fact be developed by following the rules.
3. The County should stay out of the financing, foreclosure prevention and design issues in housing, as these issues are best handled by state and federal institutions and uniform building codes, for county government participation will only add another level of bureaucracy and cost.

SUGGESTIONS AND CHANGES

Change 1.

13.1.1, Key Issues, Page 220, # 1, 1st line, after “inventory of” add “all housing including...”

Change 2.

13.1.1, Page 220, #2, Eliminate in its entirety and replace with “Needs for affordable housing can best be met by eliminating government interference in the free housing market which causes a false scarcity of useable land (through strict growth management.)”

Change 3.

13.1.1, Page 220, #3, After “remain affordable through...” add “economically practical,” and after the word “design” add “and streamlining the development process.”

Change 4.

13.1.1, Page 220 #4, Eliminate.

Change 5.

13.1.1, Page 220 #5, Eliminate.

Rationale: Both 4 and 5 are areas which county policy cannot help, and if the blockades to affordable housing as set out in the Overview are eliminated, the market, as always, will supply housing as needed.

Change 6.

13.1.2, Page 220 paragraphs 1 and 2, Eliminate.

Rationale: The outrageous expense of land created by our poor growth management policies results in trying to obtain “affordability” by ever-increasing densities. This philosophy places the poorer families into tiny lot developments and eventually in highrise dwellings (Portland, Oregon experience), similar to the “projects” of the East cost and Midwest cities. Since land is “not scarce” in Santa Fe County, especially in the EGMA, freeing county land for development will prove the best strategy for housing “affordability.”

Change 7.

13.1.2, Page220, paragraph 3, 2nd sentence, After “projects” and before “green” add “practical,” and after “will be” strike “required” and add “encouraged.”

Change 8.

13.1.2, Page 220, paragraph 4, Eliminate.

Rationale: Affordability will not come from increased regulation!

Change 9.

13.1.2, Page 220, paragraph 5, Eliminate.

Rationale: The EGMA is currently supplying the most affordable housing in all of Santa Fe County by action of a freer market with few needed government facilities. Why mess it up with directives which are bound to fail?

Change 10.

13.1.2 Page 220, paragraph, Eliminate “non-governmental organizations” (NGO’s) to achieve sustainability.

Rationale: They only add a non-elected group of special interest factions into the housing mix which uses our tax dollars through government grants and special treatment to further their own agendas.

Change 11.

13.2.1, Page 222, top of page, Start first sentence with “Some...” and at the end of the paragraph add the sentence “The EGMA obtains many of these goals through larger lot development, trail systems, and a rural life flavor on the outskirts of its established traditional and incorporated towns.”

Change 12.

13.2.4.7, Page 227, 3rd paragraph, 4th line, “Santa Fe County has adopted water conservation policies...”, after “residential units and this...” add “concept should be reevaluated as to the tremendous cost it adds to housing with little or no reasonable return on investment to the homeowner.”

Change 13.

13.3, Goal 42, page 228, Strategy 42.1.3, end of sentence, After “maintenance” add “balanced with keeping original construction costs to a minimum.”

Change 14.

13.3, page 228, Goal 42, Strategies 42.1.5, 42.1.6, 42.1.7, Eliminate.

Rationale: What do these mean?

Change 15.

13.3, Goal 43, Page 229, Strategy 43.3.1, Eliminate.

Rationale: It would be impossible, i.e. mobile homes are desirably “affordable” even in the SLDP, but cannot meet the requirement of “integrated...architecture.” Also landscaping is a definite personal preference item not subject to county requirement.

Change 16.

13.3, Page 229, Add Goal 45, “Attain a reasonable value for all housing in the county by streamlining the development and permitting process.”

Strategy 45.1.1 Streamline and simplify the platting process for each zone classification.

Strategy 45.1.2 Eliminate all uncertainty in the platting process through simple, sustainable regulations and requirements applicable to District Plans.

Strategy 45.1.3 Eliminate the false scarcity of developable land by making all zoned land available for the development it is zoned for and remove the “preferred area” designation on land.

Strategy 45.1.4 Support all effective policies and regulations which help steer the prices of some of the county’s housing stock towards the national norm of 2.5 to 3.5 times the existing local median income.

To: County Development Review Committee Members
Maria DeAnda, Susan Martin, Juan Jose Gonzales, Jon Paul Romero, Donald Dayton, Charlie Gonzales, Jim Salazar
Planners Jack Kolkmeyer, Robert Griego

From: Estancia Growth Management Area Working Group
Stanley

Date: Thursday, August 19, 2010

Re: **Draft "Sustainable Land Development Plan"**

Following the CDRC meeting in Stanley on July 1, a Working Group was established with broad representation from the Estancia Growth Management Area (EGMA) in Southern Santa Fe County. An organizational meeting was held on July 22, and a Working Group of about 25 people have since been meeting weekly to review the draft Sustainable Land Development Plan (SLDP) and suggest modifications to make it more workable in EGMA.

The Working Group is currently in the process of reviewing each Chapter in the SLDP in detail. Drafts of our comments on the first seven Chapters are attached. We have already identified many significant issues and would like to convey our current overall assessment to CDRC members.

We believe that the SLDP should respect the value of existing District & Community Plans; should encourage the development of new District & Community Plans; and should allow those Plans to differ from the overall County SLDP where necessary to reflect the diverse characteristics of Districts & Communities. Future codes for a District or Community should be based on the District Plan or Community Plan. There should be specific language in the SLDP that allows for District Plans and for the codes for those Districts to differ from the SLDP.

The SLDP should specifically encourage the development of an EGMA District Plan, based on the important differences between EGMA and other parts of Santa Fe County:

1. the dependence of EGMA on ground water rather than surface water, and the responsibility of the State Engineer for conservation of those ground water resources.
2. the current large (95% of all water usage in the Estancia basin) role of agriculture in the economy of EGMA, with major impacts on water and land use.
3. the major economic differences between EGMA and the central & northern parts of Santa Fe County. EGMA is very closely tied to the economies of Torrance & eastern Bernalillo Counties and to the City of Albuquerque. About 62% of the EGMA labor force works in the Albuquerque area; only about 1% works in Santa Fe. EGMA is part of a different Federal Government statistical area than central & northern Santa Fe County.
4. the desire of EGMA residents to continue to allow large-lot residential developments, compatible with the homesteading history of the Estancia Valley. Rather than being

inefficient “sprawl” which causes concerns around the City of Santa Fe, low-density development in EGMA is an effective use of this low carrying-capacity land. Large-lot development in EGMA does not impose any costs on Santa Fe County for services such as water and sewer. Consequently, it would be inappropriate for the SLDP to restrict all future development in EGMA to clustered housing. The incorporated areas of Edgewood and Moriarty, served by water and sewer systems, should take care of most of our higher density needs well into the future.

5. the critical need to avoid driving up the costs of housing in EGMA through additional regulations which are neither appropriate nor necessary in this area. Currently, EGMA is the most affordable area in Santa Fe County for housing. This affordability supports the area’s diversity and sustainability, and some of the misguided green initiatives in the SLDP are of doubtful value, and could cause housing costs to soar.
6. the greater willingness in EGMA to consider appropriate sensitive commercial development, which would add to the area’s sustainability by providing more broadly based employment and tax revenues.

It is our view that a separate EGMA District Plan would be a most efficient way of dealing with the substantial differences between EGMA and other parts of Santa Fe County. This would avoid the need for extensive changes and undue complications in the SLDP itself.

In our review of specific Chapters, we have developed other significant concerns about the SLDP.

The SLDP has substantial internal contradictions. E.g., it promotes both the preservation of viewscapes and the development of wind-farms. The SLDP does not analyze the costs & benefits of such contradictory policies to help determine how the CDRC and BCC should manage the trade-offs between individually-worthy but incompatible goals. Further, we are concerned that some of the policies in the SLDP may undermine its stated goal of sustainable land management.

It is our view that a commitment to a separate EGMA District Plan would be the most efficient way for the CDRC to expedite the completion of the SLDP.

Respectfully,
EGMA Working Group

Attachments: Draft comments on SLDP Chapters 1 – 7

cc: County Commissioners
Santa Fe County Planning Staff

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 1 INTRODUCTION

1. The SLDP must contain a realistic summary of the water resources situation and the traditional and contemporary desired growth patterns of the Estancia Valley GMA and point out why many of the key elements being applied to solve real or perceived problems in the GMAs's around Santa Fe do not apply to the EGMA. This narrative of facts should refer to the existence of the two incorporated towns in close proximity to the EGMA (Edgewood and Moriarty), the existing infrastructure, I-40, private and public water systems, sewer systems, local economic development efforts, and our lack of dependence on the northern portion of the county for jobs, shopping, public services, etc. It should clearly show that most future need for principles of "centeredness" or clustering will be met by our traditional communities already in place, and that larger lot development, mini-ranch concepts, and other types of quasi-rural development are a desired and sustainable aspect of life in the EGMA. Flexibility is very important to our EGMA, therefore clustering, if appropriate, should not be ruled out as another available development concept.
2. All planning dictates of the SLDP should recognize the "real world" underground water source as well as the relatively sparse population density in the EGMA, and therefore all references to the use of surface water as well as "public facilities" should not apply to the Estancia Basin GMA.
3. All mandates for cluster development or specific language that vilifies or discourages our EGMA traditional large lot development should be specifically eliminated from the SLDP. Clear statements that those planning "dictates" do not apply to the EGMA should be inserted into the plan.
4. The SLDP should clearly state that the EGMA has the immediate right to begin its own district plan, should respect the existing or future community plans within its boundaries, and should assert that the EGMA plan is not mandated to adhere to all "dictates" in the SLDP which would logically not apply to the area.

INTERIM PLANNING COMMITTEE SLDP ESTANCIA GMA
Thurs. 29 July, 2010
Suggested Changes to SLDP Draft of June 2010

CHAPTER 1 SUSTAINABLE FUTURE...

Objections and Suggestions

Change 1.

- 1.1 Introduction Page 7, 4th sentence, After “will comprise” strike “the constitution for and controlling document over” and insert “the general planning guidelines for...”

Rationale: This change is needed because of the many contradictions in this document and the obvious need to include the omitted facts relating to the Estancia Valley’s GMA, such as the ample groundwater situation, its existing incorporated traditional towns which the area is tied to, the existing preferred and totally sustainable life styles of its residents, and the collapse of economic viability of some of our existing farms and ranches. The SLDP document, as written, cannot and should not apply to our GMA and there are many dictates in the document which would unnecessarily destroy the Estancia Valley as we know it and want it to remain. If the SLDP is implemented without flexibility, as a “constitution”, this flexibility and adherence to “reality” cannot occur.

Change 2.

- 1.1 Introduction, Page 7, Paragraph 2, Last Sentence, strike the entire sentence and insert the following: “Significant changes in conditions within some of the Growth Management Areas of the county require that the new SLDP replace the General Plan. However, the SLDP must contain sufficient flexibility to promote and nurture the continuance of preferred life styles and traditions in those Growth Management Areas where no compelling circumstances exist to change them.”

Rationale: This wording must be included to add the flexibility needed to not apply unnecessary planning dictates to GMA areas which do not want them and do not need them.

Change 3.

- 1.1 Introduction, Page 7, Paragraph 3 should be stricken in its entirety, or at least, add a period after the words “...survival depends...” and strike the balance of the sentence.

Rationale: The rest of the sentence promotes a “new and different relationship” which is a social engineer’s dream which can only be interpreted to mean the uniqueness of our culture and our cherished lifestyles must now end! No one in the county wants this and there exists no valid reason to inflict this thinking on the residents of the Estancia Valley GMA.

Change 4.

1.1.2 Page 8 Binding Principle, In second sentence after “be consistent with the SLDP,” add “(where applicable.)”

Rationale: This would be the best place to inject some flexibility in the “principles” to head off the inevitable legal challenges and community uproar which the county will encounter by trying to enforce hard dictates which cannot apply to some GMA’s because of the serious reality omissions in the Plan as set out in our Change 1.

Change 5.

1.2.1.1, Page 10, What is “sustainability”? Suggest all references to the U.N. Brundtland Commission and the United Nations vision of “global planning” be eliminated. If this is in fact the vision of Santa Fe County and the basis of this SLDP, then a serious disservice and significant deception are being done to the citizens of the county, which can only result in the destruction of our unique southwestern heritage.

Suggest the phrase “...restoring the natural environment...” be changed to “respecting the natural environment...”

Change 6.

1.3.1 Bullet 1, Page 11, 3rd Sentence after “transportation choices can be provided” add “when feasible and appropriate.”

Change 6A.

1.3.1 Bullet 4, Page 11. For the EGMA, the “discernable edges” could only be the Edgewood Town limits and the exterior boundary of the EGMA or when communities within the EGMA define their own particular boundaries. Also the statement that the county’s “distinctive character is the opposite of sprawl” requires staff to define sprawl with the assertion that planned large lot development as it pertains to the EGMA, does not necessarily mean “sprawl.” An important element in the EGMA and in fact the entire Estancia Valley basin to the south of Santa Fe County depends upon the significant economic contribution sustained by the advent of people who move here to escape a “type of sprawl” by buying and living on lots of 2.5 to 40 acres, and thereby preserving the traditional and most prevalent life style of the EGMA.

Change 7.

1.3.1 Bullet 5, Page 11, add “some” before “specific” at beginning of sentence, and “or can be provided” at the end.

Rationale: Obviously the Estancia GMA, outside of its traditional community and extraterritorial boundaries of those communities, does not desire the dictate of compact growth. Its citizens would prefer the flexibility of choosing this type of community to exist where the local citizens deem it appropriate!

Change 8.

1.3.1 Bullet 6, Page 11, 2nd sentence, after “for place, compact development..” add “(where appropriate)” and delete “the opposites of sprawl.”

Rationale: “compactness” is not a part of the distinctive character of the Estancia GMA outside of our existing incorporated towns.

Change 8A. 1.3.2 Page 11, Bullet 2 After “...fiscal responsibility...,” strike “and” and add “..., fiscal health and fiscal accountability.”

Change 9.

1.3.3, Page 11, “Focus on...”, after the words “Relation to” add “Respecting Existing and...”

Rationale: This is an appropriate spot to emphasize that those communities which have developed existing plans will not have done all their work in vain and will not have to bring their plans into strict compliance with all SLDP requirements as long as the plans and guidelines of the existing plans, goals and codes are reasonably sustainable as to available water resources.

Change 10.

1.3.2 Page 11, Bullet #4, 3rd sentence, after “agricultural activities” add “responsible residential development, building construction...”

Rationale: A huge population of our county, especially within the Estancia GMA is employed in the home building and construction industry, and we do not want to leave them out of the economic equation.

Change 10A.

1.3.3 Page 12, Bullet 1, Strike “...and acts as a mechanism to control sprawl” and add “while protecting individual property rights.”

Change 10B.]

1.3.4 Page 12 1st Bullet, Change “Acquire” to “Purchase”

Change 10C.

1.3.5 Bullet 1, Page 12, Change the word “Ensure” to “Move toward...”

Change 11.

1.3.5 Bullet 2, Page 12, at end of sentence add “only in GMA’s where this is appropriate.”

Change 12.

1.3.6 Bullet 1, Page 12, Replace existing sentence with “Existing hydrological parameters should be only one of many criteria used to determine zoning, and should be retained in the EGMA plan unless existing or potential imported water resources are available.”

Rationale: A major downzoning of the holdings of existing property owners, not justified for any practical reason is a serious “taking” of property rights and values and should not be implemented without a darn good reason other than the whim of bureaucratic planners. Huge county economic liability issues could destroy both landowners and the county treasury.

Change 12A.

1.3.6, Bullet 5 Page 12, Add “logical” between the words “creative” and “sustainable.”

Change 12B. 1.3.8 page 12 Add a third bullet as follows: “Ensure fiscal responsibility and accountability.”

Change 12C.

1.4 Binding Principles

1.4.1, 1.4.2, 1.4.3 “How we design and build...etc.” Many objectionable principles which negatively affect the EGMA are set out within the various bullet points on pages 13 through 17. These objectionable items will be addressed in the details of the chapters where they are found.

Change 12D. 1.4.4.4, Page 18, “Community Planning” should be changed to read “District Planning.”

Change 13.

1.4.4.5, Page 19, New Ruralism..., 1st sentence, after “preference in” add “some GMA’s in...”

Rationale: This concept is new as stated but is not traditional and not a preference of the citizens of the Estancia GMA.

Change 13A.

1.4.4.6 Page 19, New Ruralism Design Elements, Bullets 1,3 and 4 do not fit the EGMA’s stated traditional and desired development criteria and are impractical and inappropriate for the EGMA. Staff should insert here the appropriate language to clear up these conflicting principles.

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 2 LAND USE ELEMENT

1. From the very first sentence in this chapter, it is clear the realities of the water supply, the geographical and practical overlaps of two other counties, the existence of two nearby incorporated towns (Edgewood and Moriarty) and the sustainability of large lot development with no need for expensive County services in the EGMA have been completely ignored in this chapter. The only solution in our view is for us to be allowed to form our own District Plan as soon as is practical.
2. The inevitable break-up of existing large ranch holdings into smaller tracts where western life style endeavors such as equine activities, raising of various popular types of animals for 4-H participation, or personal or commercial use or consumption shall not be discouraged in the EGMA.
3. Clear, concise definitions of the words “green,” “green technologies,” and similar references must be established or the terms should be omitted from the SLDP. The undefined and frequent use of these “green” phrases leaves too much open to anyone’s interpretation.
4. The SLDP should require that all new codes and requirements generated by the Plan undergo a practicality and economic feasibility study to insure such requirements do not inordinately add to the cost of housing or development. Further, the Plan should not mandate the development and use of “green” or “alternative” energy sources which must be publically subsidized in order to be economically viable.
5. All terms used throughout the SLDP which could be misinterpreted by the average citizen should be defined in a Glossary of Terms to be incorporated in a separate chapter of the SLDP.

CHAPTER 2 LAND USE ELEMENT – Objections and Suggestions

Change 14.

2.1.1, paragraph 3, Page 22 “...adequate public facilities” should read “adequate facilities” because all of the water systems in the Estancia GMA are private or co-op.

Change 14A.

2.1.1 Page 22, The SLDP decries “population growth and increasing competition for diminishing natural resources” in Santa Fe County. The fact is the entire county encompasses 1909 square miles (each equivalent to 640 acres) with a population density of 67.7 people per square mile (about 9.5 acres per person.) Subtracting out the population and area figures for the town of Santa Fe leaves the rest of the county at 37 people per square mile or about 17 acres per person. Further, the EGMA is projected to add 2,167 people between 2010 and 2030, or an increase of 1.1% or 4.7 additional people per square mile in the EGMA. Stating that this situation is in danger of contributing to global warming is ludicrous.

Change 15.

2.1.1, paragraph 4, Page 22, This paragraph totally opposes large lot development which is the desired development pattern of the Estancia GMA outside of our traditional communities. Suggest we add in the third line after “low density residential development” the word “often.” Census data yields the fact that the average commute time for workers is 17.5 minutes in the densely occupied city of Santa Fe and 22 minutes for the county as a whole, belying that negative effect of large lot development. Also the county does not offer nor is it expected to offer “expensive” services to the EGMA. The actual close proximity of traditional communities of Edgewood and Moriarty to the balance of our developable land in the Estancia GMA, substantially reduces this implied negative effect, and is not a factor here.

Change 15A.

2.1.2, Page 23, paragraph 1, Encouragement of “green development design,” these terms should be clearly defined in the document.

Change 16.

2.1.2, paragraph 6, page 23, If any part of the Estancia GMA falls under a “priority growth area” then this reference to “compact...development” must be changed to allow our desired flexibility.

Change 17.

2.2.4, Page 38 In line 5, after "...such developments are" insert the word "sometimes" before "excessive," and after "do not" insert "always" followed by "position." This eliminates the absolute negative implication of large lot development in all circumstances.

Change 17A.

2.2.4.1 Page 38 Mixed Uses. In the EGMA, mixed use can mean we raise both horses and goats, work a vegetable garden and tend a few fruit trees. Many of the residents of the EGMA work from their homes, conserve energy, recycle, compost, raise their own meat and vegetables. The SDLP must contain verbiage allowing flexibility in the EGMA to accommodate, not vilify, this lifestyle.

Change 18.

2.2.5.1, Page 40, paragraph 1 After "SDA'a" add "often" followed by "serve as an incentive for compact development," and add "except in those areas in the Estancia Basin where the existing traditional communities' growth usually fills this need."

Change 19.

2.2.5.1, Page 41, paragraph 4 In seventh line after "clustering may be required," add "(not required in Estancia GMA.)" On 9th line after "map" add "(not required in Estancia GMA.)"

Change 20.

2.2.5.2, Page 43, paragraph 2 After "wildlife habitat in this area" add the following. "The primary reason that clustering requirements and surface water requirements must be relaxed in the Estancia GMA is that the traditional communities have already incorporated and are supplying most of the space needed in the foreseeable future for higher density development. The property owners see the traditional larger lot development that has been predominant for the past 50+ years as the ideal growth pattern with the hydrological justifications as the best determinant of lot size. Some clustering should not be ruled out completely as an option where it might become more palatable between Edgewood and Moriarty, but should not be specifically encouraged." The most important fact which sets the Estancia GMA aside from the balance of the county is that it sits upon a huge underground water basin, which is the source of all of its commercial and domestic water. Farming currently uses 95-98% of all water use, and there is no surface water supply. Several farms have taken the steps to begin converting water rights to domestic usage, which cuts in half the allowable water usage and greatly benefits the underground table. Here the water source realities demand that policies related to "surface water usage" cannot apply and this district's planning must reflect this fact.

Change 21.

2.2.5.2, Page 43 cont'd. After paragraph 2, as set out above, add to paragraph 3 after the words "...through the SLDP," "or as set out in the Estancia GMA District plan to continue existing traditional growth patterns, relying on their unique sustainable underground water sources."

Change 22.

2.2.5.2 Page 43, Future Land Use Map. The designation of "rural fringe" is incompatible with existing traditional land use patterns in the Estancia Basin GMA is the "rural" designation area. This strongly emphasizes the need for a community or district plan for the entire Estancia GMA; until such a plan is completed the current hydrologically determined density requirements should remain in effect.

Change 23.

2.2.5.3, Page 43, paragraph 1 Fourth line after "...applicable to all base zoning districts," add "which are encouraged now or in the future to rely eventually on surface water sources."

Change 24.

2.3, Page 53, Goal 1, after "this Plan..." add "where applicable."

Change 25.

2.3 Page 53, Goal 1, Policy 1.1.1, strike this paragraph

Rationale: The same as is set out in our Change 12.

Change 26.

Goal 2, Policy 2.4, Page 53, At end of sentence, add "where appropriate."

Change 27.

Goal 2, Policy 2.8, Page 53, at end of sentence add "where appropriate."

Rationale: This is not appropriate in the Estancia Valley GMA.

Change 28.

Goal 4, Page 54, the Future Land Use map as shown should not be included in the SLDP. The use categories are not adaptable to District and GMA plans, and community plans

which should be crafted by each Planning Area Group. It is implied by the Future Use map that a given category will be assigned a uniform density throughout the county, and this will usurp the authority of all individual District, GMA and community plans to choose their desired density factors.

Change 29.

Goal 5, Policy 5.7, Page 55 At end of sentence, add “only if sources of individual home mortgage financing are verifiably available.”

Change 30.

Goal 6 Page 55, At end of sentence, add “provided the cost of these techniques does not add an excessive cost to construction.”

Change 31.

Goal 7, Page 55 Add at end of sentence “in GMA where these patterns are appropriate.”

Change 32.

Goal 7, Policy 7.1, Page 55, In 1st sentence after “balance...,” add “...in GMA where this is appropriate.”

Rationale: The Estancia GMA will be served by jobs in Moriarty, Edgewood, and the Torrance County portion of the Estancia Valley, and will not have to rely simply on proximity to Santa Fe County for employment.

Change 33.

Goal 7, Page 55 Policy 7.4, At end of sentence add “except where appropriate in low density GMA’s.”

EGMA OBJECTIVES

1. Foster economic strength and diversity through support of private sector industry, responsible land management and development, and good stewardship of water and natural resources.
2. Equal opportunity for all county citizens to benefit from economic policies. Opportunities are not be limited to a select few. Targeted industries to be supported for future economic development should include, but not be limited to, Manufacturing, Renewable Energy, Health Care, Aviation, Construction, Farming, Ranching, Equine Activities, Energy and Water Conservation Technology, Arts & Culture, Film/Media, Agriculture, Ecotourism and Outdoor Recreation.
Simplification of County rules and regulations which impede new business / entrepreneurship.
3. Fair re-distribution of taxes such as impact fees.
4. Fiscal responsibility - reduce costs and size County of government to relieve our tax burden (among the highest in the State). For example, the following New Mexico agencies are tasked with economic development. The County plan will save unnecessary expenditures by avoiding duplicate / overlapping responsibilities.

1. NM Economic Development Department (NMEDD)
2. Regional Economic Development Initiative (REDI)
3. North Central NM Economic Development District (NCNMEDD)
4. United Way of Santa Fe County
5. Santa Fe Business Incubator
6. Santa Fe Community College
7. Santa Fe Alliance
8. Santa Fe Chamber of Commerce
9. Estancia Valley Economic Development Association (EVEDA)
10. Regional Development Corporation (RDC)
11. Northern Rio Grande National Heritage Area

6. While the SLDP addresses the overall economic development needs and concerns for Santa Fe County, it falls short in addressing economic development issues and concerns in the Estancia Valley. In order to address all the basic economic needs to develop a strong Comprehensive Development Plan, it is important to consider the following facts with regard to demographics of the Estancia Valley portion of Santa Fe County, all of which support the EGMA being allowed to have its own district plan and codes:

EGMA Demographics - The SLDP needs to include / incorporate EGMA economic and demographic differences in overall plan, goals, policies and strategies.

1. The two largest incorporated communities in all of Southern Santa Fe, Torrance and Eastern Bernalillo Counties are in the Mid Region Council of Government District, not in the Northern Council of Governments District.
2. The two largest incorporated communities in all of Southern Santa Fe, Torrance and Eastern Bernalillo Counties are in the Albuquerque Metropolitan Statistical Area, not in the Santa Fe Statistical Area.
3. EGMA does not have major shopping resources, except for Wal-Mart. Businesses are primarily small entrepreneurs with smattering of small national outlets (Alco, Dollar Store, McDonalds, etc.)
4. All of the Estancia Valley is in Central NM Electric Cooperatives District with electricity provided by Colorado based TriState Electric, not in PNM's public utility district.
5. The current proposed fiber optic ring for the City of Santa Fe includes only the Northern portions of Santa Fe County not the Southern portion, nor is Santa Fe County or the City of Santa Fe open

to considering the southern portion. All of the Estancia Valley is in EMW Gas District or propane is used for gas needs.

6. All of the Estancia Valley is in Central NM Community College District, not SF Community college district.
7. The Major public school district is Edgewood/Moriarty School District.
8. All of the Estancia Valley shares in their workforce with 62% of the workforce commuting to Albuquerque daily for jobs.
9. All of the Estancia Valley is part of the Central WIA Board. The workforce Investment Act is a federal program implemented in 1998 to funnel funds in a regional effort to provide education dollars for individuals. These dollars are spent in the following industries in the Central area: Manufacturing, Renewable Energy, Health Care, Aviation, and Construction.
10. Because the entire Estancia Valley is considered a rural area; the Estancia Valley qualifies for rural incentives that attract economic-based industries.
11. Consideration should be given to Torrance County, the City of Moriarty and the Town of Edgewood's existing and up-to-date Comprehensive Plan with regard to their direction for economic development when implementing the SLDP.
12. County should not implement harsh zoning rules and laws without taking into consideration the different economic conditions in different parts of the county; (one size does not fit all).
13. EGMA has little in public transportation, except a limited rapid transit bus. Yet, residents are required to support the Rail Runner with no local access.
14. EGMA has little commercial entertainment venues (museums, art galleries, theaters, roller rinks, bowling alleys, family fun centers, Boys & Girls Club, YMCA, and many other youth outlets.) Instead, EGMA activities are mainly agri-related. (Gardening, 4-H and equine.)
15. Farming and ranching is on a much larger scale than the rest of SF County.
16. Community water systems and private wells provide water. (These private water systems are excellent stewards of water resources as overuse is quickly identified.)

In consideration of the above stated facts, it is imperative that a second look be taken with regard to the Economic Development section of SLDP and to incorporate the basic economic development elements that shape the quality of life in the Southern part of Santa Fe County.

Individual objections / suggestions to chapter 3 follow.

Page 56

Chapter 3: Economic Development Element

Change 1: Introductory Paragraph, Page 56 Paragraph 1, line 2, add "property rights" as one of the protections before protections of social and cultural resources

Change 2: Line 5, Support for add "private sector" workforce development

Change 3: line 6, add "but not limited to" in connection with recruited industries

EGMA believes in strong property rights, and promotion of business friendly environment for private sector business, which is not focused on just a few targeted industries.

3.1.1 KEY ISSUES

Change 4: 1. Revise first key issue sentence from "Conventional approaches to economic development have not produced a diversified economy" to say what it really means: "County economic development has been impacted by the downturn in national economy."

Change 5: Item 3. deals with impacts and effects of climate change.

EGMA Concerns/recommendations: There are no resources or strategies significant enough in Santa Fe County to make any impact on climate change. We believe that science supports natural climate changes not created by mankind, and that any effort to address climate change issues would be both futile and financially devastating to the County citizens. Therefore, item 3 above should be deleted as it is far beyond the scope of SLDP.

Change 6: Item 4. on deficient infrastructure, delete " including ecology-based tourism" as it is not essential.

Change 7: Item 5. on business services and support, add new sentence at the end of the paragraph, "Currently, there are several major sections of the Southern portion of Santa Fe County that do not have access to high speed internet, or basic phone service making home based businesses a challenge."

Change 8: Item 6. on workforce training, add at the end of the paragraph "Education dollars for most low income individuals in the Estancia Valley are based on WIA funding sources which have identified the following industries for funding: Manufacturing, Renewable Energy, Healthcare, Aviation, Construction."

Change 9: Item 8. on food security, suggested it be deleted or moved to another chapter, as it does not pertain to economic development.

Change 10: 3.1.2 item 1, delete "cluster", as it does not apply to EGMA.

Page 57

Change 11: Item 3. first paragraph on support for small businesses, the elements need to be expanded to include those stipulated in the Workforce Investment Act in Estancia Valley, and

suggested wording is: "including but not limited to retail, office, media and film, consulting, finance, arts, manufacturing, green industry, outdoor recreation, technology, aviation, construction, healthcare and ecotourism. Other economic based and service industries should also be supported. "

Change 12: Item 4. on partnerships, line 4, change the word "entities" to communities, counties and organizations ...

Change 13: Item 5. on preparation for the effects of climate change, recommend deleting this element as out of scope (same as item 3 above).

Change 14: Item 9. delete word "cluster" for EGMA industries.

Change 15: Item 10. on economic development for targeted industries, change "in accordance with principles outlined in SLDP to "in accordance with the State Economic Development Department."

EGMA concerns/recommendations: This SLDP section contains broad support for resources, training, small business, emerging industries, economic develop activities, existing & future development opportunities including youth, targeted industries, etc. which is highly idealistic and vague. How could they be possibly be financed and implemented in a meaningful way without enormous expense and expansion of State and County Government?

Change 16: Item 11. "Damage to the natural, scenic ...environment has significant impacts on visual and natural resources which results in reduced real estate values in this market." as worded, is not a "key to sustainability". **EGMA concerns:** This item implies a "catchall" provision to stop all development which takes place in any natural, cultural and scenic environment, and clearly states that the undefined term "damage" will "reduce real estate values." Does this mean no roads to subdivisions, no subdivisions, no development anywhere? It promotes a lie about "value," has no reason to be included in an "Economic Development" chapter, and should be deleted in its entirety.

Change 17: **3.2 Critical Findings**, line 5 delete word "green" before industry, as EGMA believes most all industry should be encouraged.

3.2.1 PARTNERSHIPS

EGMA concerns – there are at least 11 overlapping agencies/ organizations with goals to strengthen economic development. The SLDP should step aside and allow these established agencies to do their job, thus avoiding added expense and conflicts of interest.

pg 58

3.2.2 LEADING INDUSTRIES

EGMA concerns: None of these employment tables on pages 58 & 59 include the workforce from Southern Santa Fe County and the Town of Edgewood that work in Albuquerque or in Torrance County.

Change 18: Line 3: To be more accurate on new jobs, "Two sectors" should be changed to "Three sectors, (State & Local Government [third highest in the nation]," Educational and health services; Leisure and hospitality) added most new jobs ...

Page 60

3.2.4 TARGET INDUSTRIES

EGMA Concerns / recommendations: **EGMA supports industry which creates jobs and shows reasonable respect for the environment.** For the most part, SLDP targeted industries in 3.2.4.1 "GREEN" INDUSTRY – ENERGY AND WATER CONSERVATION TECHNOLOGY discriminate against EGMA, and the local support for green industries, creation of a Center for Community Sustainability, workforce training, etc. will not help to make a thriving economy in the Estancia Valley.

Reconsideration of the practicality, expense and benefits for the selected industries should be a high priority in this current economy. At a minimum, This section needs to include target industries in the Estancia Valley such as manufacturing, technology, aviation, healthcare and construction.

Change 19: Under 3.2.4.2 on ARTS AND CULTURE, end first sentence with explosive growth "in and around the city of Santa Fe."

Page 61 - 3.2.4.3 Page 61, line 2 - Film/Media – This paragraph states that for every \$1.00 in foregone taxes the county sacrifices to keep film companies coming back, it receives \$0.56 in revenue. EGMA recommends a careful evaluation of the cost benefit ratio of this industry before making it a favored target industry.

Page 62 - 3.2.4.4 AGRICULTURE

EGMA Concerns: **This section only concentrates on food supply omitting large farm production that provides feed and also provides a significant job force.**

Need to define "value added" production or agriculture in this small section.

Change 20: In Section 3.2.5 INFRASTRUCTURE, introductory paragraph, recommend deleting the word "renewable" before energy.

Change 21: 3.2.5.1 BROADBAND changes "the number one" to "an" infrastructure priority.

3.2.5.2 RENEWABLE ENERGY [also sees EGMA chap 7 recommendations and incorporate here]

EGMA concerns / recommendations: **In view of the loss of jobs, exorbitant cost and lack of infrastructure (e.g. transmission lines) for renewable energy, EGMA desires to foster maintenance of an efficient traditional energy industry. EGMA welcomes renewable energy as long as the costs of any ventures into renewable or green energy are borne solely by private industry with **no subsidies** or taxes imposed on county residents.**

Page 64 Item 3.3 Goals, Policies and Strategies

Change 22: Policy 8.2: "Direct economic development to Opportunity Centers and major transit-oriented development sites served by facilities and services through requirements and incentives" would not apply in Estancia Valley and costs would be discriminatory. Suggest deleting or restricting application to higher population areas.

Change 23: Policy 8.5: Delete words "require and"

Change 24: Soften Policy 8.6: by changing "Require" to "Recommend"

Change 25: Soften Policy 8.7: by changing "Require" to "Recommend"

Change 26: Strategy 8.9.1 discriminates against Estancia Valley, and wording should be revised to state workforce training programs " with local public school districts"...and add "the" to National Laboratories... Delete word "renewable" before energy.

Change 27: Strategy 8.9.2: change LANL to " the National Laboratories"

pg 65

Change 28: Policy 8.10: Paragraph1, delete words "cluster" and "renewable".

Change 29: Strategy 8.10.4 - Change wording from "Develop incentives to encourage" to "Welcome self-sufficient" renewable energy

Change 30: Policy 8.17: Change "Support incentives to" to "Encourage" local businesses to retrofit buildings to achieve code compliance.

ESTANCIA GROWTH MANAGEMENT AREA (EGMA)
CHAPTER 4, AGRICULTURE AND RANCHING ELEMENT OBJECTIVES

1. Recognize EGMA farm and ranch lands for the most part are made up of large farms and ranches with the remainder large lot (defined in 2.2.3.1 paragraph 2 as 2.5-40 acres) parcels where a rural lifestyle encourages equine activities and the raising of animals among other western activities. All EGMA agriculture and ranching lands use underground water with 95% of the consumption used by large farms. EGMA large farms, for the most part, cater to animal feed production not food for human consumption.
2. Many EGMA large farm and ranch owners are faced with diminishing profitability and look to the development or the break-up of land as imminent.
3. EGMA large farms and ranches have been and will continue to decrease in size and large lot hobby ranches should be encouraged.
4. EGMA large farm water use is tremendous and development into large lots would convert water rights to domestic use and cut consumption in half, which will increase aquifer sustainability. This is a key issue and a major goal of the Estancia Basin Water Planning Committee (EBWPC) which is strongly encouraging the cessation of some farming along with conservation practices and must be considered in any SLDP language which affects the EGMA.
5. EGMA's close proximity to Albuquerque allows many to live a country lifestyle including 4-H, equine endeavors, and hobby farms and commute to Albuquerque for work.
6. Recognize that the EGMA does not contain acequias.
7. No mandates in the SLDP shall be applied to the EGMA farms or to the property rights of owners of farms that would force the continuance of farming or inhibit the transfers or conversion of water rights uses (if they remain within the EGMA) when the economics of continuing farming are no longer feasible as determined by the farm owner. This is an imperative objective.
8. This chapter makes a particularly strong case for the development of an EGMA District Plan because of the huge factual differences in water supplies (all sources are underground), the existence of incorporated traditional communities, the preferred sustainable lifestyle traditions of the EGMA population, and the massive dissimilarities of the area's economic development priorities as compared to portions of the county around Santa Fe.

ESTANCIA GROWTH MANAGEMENT AREA (EGMA)
CHAPTER 4, AGRICULTURE AND RANCHING ELEMENT OBJECTIONS &
SUGGESTIONS

Suggestion: The majority of Chapter 4 discusses agriculture in the respect of food production for human consumption and there is a large section on acequias. In the EGMA this does not always relate to our large farm and ranch operations or large lot “hobby ranches” which include equine activities, animal husbandry, 4-H participation, etc., and these activities should be recognized in their positive light in the narrative.

Change 1.

Chapter 4, introductory paragraph, final sentence, pg. 67. This sentence seems to be geared toward other areas of the county not the EGMA. Add El Centro or appropriate GMA to beginning of sentence.

Change 2.

4.1.1 paragraph 6, pg 67. After “land use incompatibilities” add “in appropriate GMA’s.” Add “This type of development may be positive growth in the EGMA...” as it encourages a reduction of aquifer use and adds to sustainability.

Change 3.

4.1.2 paragraph 2, pg 68. Define traditional agriculture, and in 2nd sentence after “be preserved,” add “(in appropriate GMA’s.)”

Change 4.

4.1.2 paragraph 4, pg 68. After the end of the paragraph add “The definition of a compact area may vary in growth management areas where tradition and local determination of lot sizes should prevail if sustainable.”

Change 5.

4.1.2 paragraph 6, pg 68. Paragraph does not mesh with EGMA’s agriculture operations which use 95% of the area’s water, exclusively from groundwater sources. Rain collection is not a viable option for EGMA farmers. Add “In the EGMA, residential and commercial water user conservation methods have not affected the area’s water supply to any significant degree and such proposals should always be analyzed on a cost/benefit basis as they pertain to housing.”

Change 6.

4.2.1.4 Community Based Agriculture, Page 71, 1st paragraph. Doing the math presented here, \$2,000,000 gross sales divided by 150 member families yields a gross annual family income of \$13,333. Most farm net income would average around 20% of gross or \$2,666.60 annual net income, belying the statement that this is realistically a “viable

means of making a living.” Suggest statement be changed to reflect the reality that this source of income may supplement but never supplant the revenue necessary to sustain a family.

Change 7.

4.2.2 Page 72, 1st paragraph, Eliminate the first paragraph as it is full of irrelevant and untrue statements which could lead to misleading or damaging interpretations, such as “Just and Healthy Systems,” “...locally produced food is key to food safety...”, “multiculturalism,” “social justice...” Also the SLDP as written will ensure soaring land prices; it then is contradictory to pretend that county actions will make food cheaper and that “low global food prices” are bad for poor county residents This paragraph is the type of drivel that weakens and raises opposition to the SLDP.

Change 8.

4.4 strategy 9.1.1 Page 79, Replace “Require” with “As appropriate per individual growth management area, suggest . . .”

Change 9.

4.4, Goal 9, Policy 9.2, Strategy 9.2.1, Page 79, 2nd and 3rd sentences, after “districts,” strike “development impact fees and...” Rationale: The state impact fee laws rightly prohibit collection of such fees for any reason other than long life capital improvements. There is no conceivable excuse to charge such fees in support of existing agriculture, and this inclusion is not justified.

Change 10.

4.2.4.5, Page 79, Bullet 1, After “accommodate,” strike “appropriate” and add after “development” “...if appropriate for specific GMA’s.” Rationale: The preservation of all existing farms in the Estancia GMA is not appropriate. EVBWPC is currently promoting conversion of some water rights from farming to domestic use to ease pressure on the aquifer (an immediate reduction of 50% allowable usage) and the SLDP must recognize this highly beneficial sustainability measure as it pertains to underground agricultural water sources.

Change 11.

4.4, Page 79, goal 10, Policy 10.2.1, strike “organic.”

Change 12.

Goal 11, Page 81, Strategy 11.2.2, add “In appropriate GMA’s...” add strategy 11.2.3, at end of sentence add “support water rights banking where these methods might cause a reduction in legal water rights.”

Change 13.

4.4 Page 79, Goal 9, Policy 9.1, strategy 9.1.1, Omit in total.

Change 14.

4.4, Page 79, Goal 9, Policy 9.1.2 Change “standards” to “methods.”

Change 15.

4.4, Page 79, Goal 9. Policy 9.1.5, 4th sentence after “agricultural land,” add “with their legal existing water rights.”

Change 16.

4.4, Page 79, Goal 9, Policy 9.2, strategy 9.2.1 Define “beneficial taxation” or strike it.

Santa Fe County – Sustainable Land Development Plan
Comments by Working Group for Estancia Growth Management Area
Chapter 5 – Resource Conservation Element
Draft Consolidated Comments – 16 Aug – Hank, Ralph, Gavin

OBJECTIVES

- 1) Establish a District Plan for the EGMA which can set out a true sustainable Plan considering the best interests of the local community. EGMA has the necessary infrastructure and knowledge base to be able to work with the County and come up with the best solution for all concerned, e.g.: historic, views, archeological or minerals.
- 2) Balance the needs between preserving the attractive landscapes, wildlife, & archeological/historic sites in Santa Fe County and ensuring the continuation of modest growth necessary to maintain a sustainable infrastructure and employment in the EGMA. This is not being addressed by the SLDP.
- 3) Recognize that trade-offs are unavoidable. For example, there is a massive internal contradiction between the SLDP's support for preserving landscapes and its support for promoting wind & solar power. Choices will have to be made. Those choices will need the full involvement of all citizens.
- 4) Minimize cost impacts that will be generated by the numerous studies and increased bureaucracy called for in the current draft of the SLDP. Any such costs will result in increased taxes, which will hurt the sustainability of the EGMA.
- 5) Clarify that the State is responsible for monitoring & regulating the EGMA's underground water sources, and not Santa Fe County. A single entity should have clear responsibility, to ensure proper accountability and to avoid conflicts, errors and unnecessary costs.
- 6) Firmly establish that all of us must share the costs for preservation. Where we County residents wish to preserve an area which is currently privately owned, we should recognize that prohibiting development is a form of Taking; acting through the County, we citizens should purchase those areas from the current owners at market value. This is our moral & Constitutional duty.

OBJECTIONS

- SLDP proposes major expansions of regulations and bureaucracy. However, the existing codes in Santa Fe County have restricted development in the EGMA to the point where hundreds of jobs (including "green" jobs) have been lost to neighboring Torrance County. Further restrictions, through the SLDP and future codes, will be to the detriment of the Southern portion of the County.
- SLDP fails to recognize that well-intended regulations can impose unsustainable costs. For example, recently-imposed State "Pit Rules" on drilling have resulted in the loss of 40% of oil & gas production activity, which undermines the sustainability of the State by reducing employment and tax revenue. Further regulations may result in more loss of jobs and damage the solvency of the State. The SLDP should

mandate that Santa Fe County leads by carefully assessing costs and benefits before imposing additional County-level regulation.

- SLDP would impact existing land use through additional regulations and burdens. It must be recognized that ranchers and farmers operate on a very thin net profit margin. Increased regulation will eliminate their viability, beginning with elimination of smaller farms. This would adversely affect sustainability in EGMA.
- SLDP calls for the County to undertake expensive mapping projects, to add staff, and to create intrusive regulations (e.g. 5.1.2 item 2). However, the SLDP fails to make any estimates of the costs of these activities. There should first be serious efforts to quantify costs & benefits of each proposed action.
- SLDP's greatly increased scope of regulation will be impossible to enforce fairly, because of excessive complexity and inevitable contradictions between regulations. This will expose Santa Fe County to an unsustainable burden of never-ending litigation alleging favoritism based on non-objective or arbitrary enforcement of regulations and codes.
- SLDP repeatedly refers to tourism as a sustainable form of development (e.g. 5.1.1 item 5). However, tourism is completely dependent on fossil-fueled transportation, which the SLDP calls unsustainable. This contradiction should be resolved.
- Tourism is a very welcome component of Santa Fe County's economy, but it would be dangerously unsustainable to over-rely on it. The three largest income generators in New Mexico are agriculture, oil & gas, and tourism. Of the three, tourism is the most unstable, being dependent on national economic conditions, personal disposable income, and on the whims of fashion.
- SLDP must be based on financial sustainability, as well on sustainability of natural resource use. The SLDP aims to cut back on the use of tax-generating fossil fuels and instead encourage tax-subsidized "renewables". To date in New Mexico, oil & gas has accounted for 95% of the \$550 million education funds raised from state land leases. Wind & solar must demonstrate they can provide replacement funds to insure future education quality.
- SLDP seeks to impose a "one size fits all" approach which denies the great diversity in the County. Because of the lack of surface water in EGMA in historical times, there was very little human habitation until the 20th Century. EGMA does not have the wealth of archaeological resources found in those parts of the County close to surface water; it does not make sense to impose the same regulations on EGMA as on those other parts.
- SLDP requires the use of Environmental Impact Statements (e.g. 5.1.1 item 16, 5.1.2 item 9, 5.1.2 Item 13), despite their poor track record elsewhere in the US. Although the initial intentions were good, the EIS has become an unsustainable subsidy for the activist-litigation complex. Litigation costs must be absorbed by the landowner and can seldom be recovered, no matter how frivolous the lawsuit. This undermines economic viability and sustainability.

- SLDP requires preservation of archaeological and historical sites without also requiring public access to preserved sites. There is little value in preserving something which the tax-paying public can never see.
- SLDP in many areas seeks to put the burden of preserving something of value to the community solely on an individual property owner. This undermines the very concept of community. Further, such "Taking" would contradict the fundamental principles on which this nation was founded and under which it has flourished.

PROPOSED CHANGES

Section 5.5 (p. 99) – Goals, Policies and Strategies

Add an additional policy promoting District Plans

Policy xx.x.1: Support the Estancia Growth Management Area and any other area in Santa Fe County that wishes to develop its own District Plan. District Plans must be prepared with broad community input and may depart from the County SLDP where justified by the specific characteristics of that area.

5.1.2 Item 13 (p. 84)

“The SLDP will require the use of Environmental Impact Studies for all new or expanding development in extraction of resources ...”

Delete. County cannot afford to subsidize the activist-litigation complex.

5.1.2 Item 14 (p. 84)

“Pursue financing of resource conservation through payment of ecosystem services.”

Clarify. Any additional taxes & fees must be clearly specified in the SLDP.

Implementation of those taxes & fees must require voter approval, complete transparency in the disposition of collected funds, and have sunset provisions.

Strategy 12.7.1 (p. 99)

“Create development standards for the siting and installation of renewable energy production facilities.”

Clarify that this should be done to benefit the County as a whole. There is concern in EGMA that this will be done only for the benefit of the central and Northern portions of the County.

Policy 13.3 (p. 99)

“Require use of native vegetation, southwestern plants and draught [sic] tolerant natural landscaping materials in the landscaping of public and private development, including roadway and right-of-way landscaping.”

Delete “Require”. Change to “Encourage”.

Policy 15.1 (p. 100)

“The spread of noxious and invasive species should be prevented and native species should be protected and restored.”

Change to – Santa Fe County should encourage actions to prevent the spread of noxious species. Santa Fe County may also choose to cooperate with individuals and agencies to encourage the preservation of selected “native” species, recognizing that today’s “native” species was yesterday’s invader.

Policy 15.3 (p. 100)

“Wildlife habitat, migration corridors, riparian areas and surface water resources that support wildlife health should be preserved and protected. “

Change to – Santa Fe County may choose to encourage the maintenance of wildlife habitat, migration corridors, etc.

Policy 15.4 (p. 100)

“New development should not cause significant degradation of wildlife or sensitive wildlife habitat, especially to any wildlife listed as threatened or endangered on a state or federal list. “

Delete. Endangered species are already protected by State & Federal governments. Any County function would be an unsustainably-expensive redundancy.

Goal 16 (p. 100)

“Scenic viewsheds should be preserved and protected as an important resource.”

Goal should be reworded to emphasize that the community will not turn the desirable goal of viewshed preservation into an unsustainable & unconstitutional economic burden on private property owners.

Replace with -- Santa Fe County, with voter approval, should have the authority to purchase private property at market value where necessary to preserve & protect scenic viewsheds.

Policies 16.1-16.4 (p. 100)

Policies on siting of developments should be change to delete language on “Require”, “Prohibit”, “Limit”.

Instead, the policies should have Santa Fe County “Encourage” sensitive development, while retaining the right to use the power of Eminent Domain to purchase key properties from the owners at market value to preserve them. Such purchases must require explicit voter approval.

Policy 16.2 – Page 100

“Prohibit development on steep slopes, visible ridges and peaks.”

Policy 16.2 would prevent almost all wind power development in Santa Fe County, which the SLDP wants to promote. We need to make choices between worthy but incompatible goals. A properly-written SLDP should be the start of that process of making choices.

SLDP, CHAPTER 6 “Open Space, Trails, Parks, & Recreation Areas Element”

First, we would ask that the Interim Planning Committee consider adding the following to its “Objectives:”

“The SLDP should provide for diversity by adapting, with input from each district GMA and where feasible, its “Binding Principles,” goals, policies, and strategies to the unique characteristics of each GMA, and it should ‘encourage’ more than ‘mandate’ in order to achieve flexibility and realistic application of these plans.”

“In each County district, there are reasons why it has survived and functioned successfully as an economic, social, and political entity. These reasons should be given priority over any County plans which would place them in jeopardy.”

[Notes in blue: We should identify these reasons as they pertain to the EVGMA; ie, what has fostered sustainable economic, social, and political survival in this area of the County?]

“The County should issue a clear statement of how it will resolve the obvious contradictions among the SLDP’s stated “Binding Principles,” goals, policies, and strategies?”

“The SLDP should define the word ‘sprawl.’ ” *[with the assertion that planned large lot development does not necessarily mean “sprawl.” An important element here is that the Estancia Valley Basin depends upon the significant economic contribution sustained by the advent of people who move here to escape “sprawl” by buying and living on lots of two to forty acres.]*

Second, we wonder whether the following statement to the County and the writers of SLDP would be of use: “The SLDP should not be an idealistic ‘wish list’ but rather a plan designed and written with on-the-ground realities in full view and accounted for as they reflect each of the County’s four districts’ unique characteristics and needs.”

Third, given our conviction that the Board of Commissioners will not countenance substantive changes to the SLDP’s “Binding Principles,” a general question to ourselves is: How can we get what we want within that context?

OBJECTIVES

1. The County should provide assurances that establishing and preserving open space, trails, parks, and recreation areas will not come at the expense or to the detriment of landowner economic viability and property rights. (p. 102, 6.1.1; 6.1.2-3; 6.2.1-bullet 3; p. 106, 6.2.3.4., par. 2; p. 108, Policy 17.6 – *[in keeping with some of the plan’s own Binding Principles, goals, policies, and strategies]*)
2. If in implementing an aspect of the SLDP, the County causes economic or lifestyle hardship to residents of an area, the people who live in that area must be given notice of any development and encouraged to participate in all public hearings related to that development. (Page 106, 6.2.3.2, last paragraph)
3. The SLDP should provide realistic resolutions to the inherent contradictions between preserving and supporting “community needs and values” while

doing the same for scenic vistas, open landscapes, and energy-saving measures such as wind turbines and solar panel arrays.

- 4. The EVGMA Planning Committee should have full participation in the design of the "Official Map" which will identify "existing and planned open space, trails, parks, and recreation areas . . . to achieve landscape preservation." (p. 102, 6.1.2.-8)
- 5. "County transportation network," "all county residents hav[ing] access to . . . an interconnected system of trails and parks . . . within a mile of their residence," and "rails to trails opportunities," as they have little or no relevance to the EVGMA, should be deleted with reference to this area. (p. 102, 6.1.-5; p. 108, Policy 17.7)

**OBJECTIVES, SUGGESTIONS, AND QUESTIONS
regarding how "establishing and preserving open space, trails, parks, and
recreation areas" would be implemented.**

- a. Our fundamental question for changes which the SLDP advocates in Chapter 6 and for the entire document is: Where and how will Binding Principles, goals, policies, and strategies be implemented, who will pay for them, and what current property rights will be abrogated by their implementation? For example, exactly how, where, and at what cost will "Protecting Views and Open Landscapes" (p. 102, 6.2.1., bullet 3) be implemented and achieved?
- b. On page 101-102, 6.1.2 "Keys To Sustainability, " add a tenth key: "Notify local Indian tribes of archeological findings and include them in designing the 'Official Map,' where applicable."
- c. P. 105, Map 6, "Open Space and Trails" – The EVGMA has little-to-no officially-designated county or BLM open spaces or trails but a notable amount of existing state land office property. To implement a County mixed use objective, can open space and trails be incorporated within these state lands? For example, if there's to be a trail system in this part of the County, primary among the only realistic areas will be those containing forested hills, ridges, and mountains. What are the state lands on Rt. 344 north & west of Cedar Grove, near the proposed new road connecting 344 with 41? Could they be part of the park/trails system which the County is advocating?
- d. Explain "a potential ballot measure" to secure funding for land conservation and renewal and further explain what funding alternatives will exist or be pursued if such ballot initiatives fail. (page 107)
- e. Reword P. 108, Policy 17.4, Strategy 17.4.2 to: "*Allow* for the use of transfers of development rights of the owner's land to other lands in zoning districts authorized to receive TDRs or to a County Land Bank when clustering is not feasible, *but preferred.*"

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Santa Fe County Proposed Sustainable Land Development Plan
Working Group – Estancia Growth Management Area
Chapter 7 – Renewable Energy & Energy Efficiency Element
Softened Comments – DRAFT, Gavin Longmuir – 15 Aug 2010

Objectives for EGMA:

1. A continuing adequate supply of affordable energy is necessary to support a sustainable economy in EGMA, providing jobs for residents and tax revenues for the County. Energy is required for water supply, agriculture, business, domestic, and transportation requirements.
2. Energy must continue to be available in multiple forms to meet the diverse needs of the EGMA – electricity, gas, propane, wood, gasoline, diesel, plus alternative energy sources such as wind and solar to whatever extent they can be economically provided.
3. SLDP should not create any unnecessary barriers to the proliferation of economically viable energy sources.
4. SLDP should not create unsustainable distortions in energy supplies through unaffordable subsidies or adopt subsidies tied to property tax payments which would undermine a homeowner's ability to obtain mortgage financing.

Objections to current draft SLDP:

1. Even though there may be many benefits to replacing fossil fuels as the primary source of energy in Santa Fe County, the reality is that they do now provide the vast majority of current energy usage, and the SLDP should at least recognize this reality.
2. SLDP does not provide any estimates of the costs and benefits of the many policies it proposes. Without those estimates, it is impossible to know if any of the policies would achieve its aims, or would even be affordable to the citizens of Santa Fe County.
3. SLDP is largely silent on transportation energy, which nationally accounts for about 40% of all energy use and is particularly important in a rural area such as EGMA. Subsidized public transportation has been tried in this low population density area, and has failed.

Recommended Changes in the Current Draft SLDP:

Introduce an additional Binding Principle:

<p>Santa Fe County recognizes that the key to sustainability is a robust economy which supports jobs and generates tax revenue. Historical and modern evidence proves incontrovertibly that a robust economy depends on a plentiful reliable affordable supply of energy in a number of different forms. Accordingly, Santa Fe County will facilitate the sensitive development of all forms of energy.</p>

7.1.2 – Keys to Sustainability

Item 0 – Insert:

The foundation for sustainability is a robust local economy which provides jobs for County residents and tax revenue for the County. That robust local economy requires plentiful affordable energy in a variety of forms. The key to sustainability for the County is to make sure that energy is available.

7.2 – Critical Findings

7.2.1 – Conventional Energy.

Add 7.2.1.5: Transportation Energy

The continued availability of affordable gasoline & diesel supplies for transportation energy is very important, particularly in the rural EGMA.

7.2.2 – Renewable Energy Resources.

Add a paragraph to the beginning of 7.2.2:

Santa Fe County recognizes that alternate energy sources need to demonstrate they are economically competitive with existing sources.

7.3 Goals, Policies, and Strategies

Goal 18 – Reduce greenhouse gas and non-renewable energies.

Eliminate existing language. Replace with – Ensure that plentiful affordable energy supplies are available in a variety of forms.

Policy 18.6 to 18.7 – Support generation of renewable energy.

Replace with – Support all forms of energy supplies by ensuring there are no unnecessary regulatory barriers.

Add Policy 18.8 – Get explicit citizen support for any proposed subsidies.

All costs of subsidizing any energy source that may be passed on to Santa Fe County taxpayers should be put to a vote of the citizens in a referendum.

Goal 19 – Promote solar and wind.

Replace with – Support solar and wind by ensuring there are no unnecessary regulatory barriers.

CHAPTER 8. SUSTAINABLE GREEN DESIGN AND DEVELOPMENT ELEMENT

OBJECTIVES

1. The County must consider and carefully analyze the cost and benefits prior to the implementation of various green building and development standards, and choose only those with proven and tested positive and affordable results. “LEED” programs are full of costly and relatively inefficient standards with tremendous embodied energy cost in recommended materials and construction standards. Federal Energy-Star recommendations are much more efficient, affordable and reliable and should be the chosen basis for county green sustainability requirements. The EGMA is quite sensitive to regulations which might increase the cost of a lot and a single family home (\$140,000 median home price) and our affordable housing market could be devastated by poorly thought out requirements. The County should also realize that currently there is no credit given by appraisers for the existence of green building standards.
2. The establishment of the EGMA district plan is a major objective here, and the plan must allow reasonable deviation from SLDP requirements especially as they relate to the rechargeable nature of our underground aquifer, water catchment standards, traditional and modern building designs, and the lack of a need for centeredness and high density development which is amply supplied by our existing incorporated villages (Edgewood, and Moriarty.)
3. The continual insistence of this chapter to use “native materials” for building contradicts the meaning of “green.” Stone and pumice and adobe require huge expenditures in their extraction and transportation and are hugely labor intensive at the construction phase. Adobe costs twice as much to construct than a typical wood-framed home and is not energy efficient. Wood-frame housing should be encouraged because it is affordable, adaptable to many “green” design standards and is a very renewable resource (trees re-grow, rocks and adobe pits do not.) Sheetrock is a locally produced material. The EGMA requires flexibility in design and material usage to sustain affordable housing for all classes of people.
4. In the EGMA, development and permitting processes must be simplified, with building permit requirements clearly set out in a “critical path” format and all green or other requirements clearly stated in their entirety in a handout form. “Deemed approved deadlines” should be set. This should eliminate the often 10 to 20 week approval process which would significantly lower building costs and leave the home owner with more capital for “green” initiatives.

CHAPTER 8. SUSTAINABLE GREEN DESIGN AND DEVELOPMENT ELEMENT
OBJECTIONS AND SUGGESTIONS

Change 1.

Page 121, 1st paragraph, 2nd sentence after “the county will,” strike “regulate” and replace it with “...encourage building techniques through incentives related to the... design and construction...” and in the 5th line after “flexibility” add “to merge local traditional and contemporary architectural design,...and permit the use...”

Rationale: The introductory paragraph leads to complete architectural control over housing styles, as set out in later paragraphs, and suggests a very limited exterior design criterion (not energy related) which is quite incompatible with existing and preferred housing styles in some GMA’s far removed from Santa Fe city. The county should limit its “design supervision” and regulation to actual energy saving construction techniques which are economically viable and not control all “exterior design element.”

Change 2.

Page 121, 8.1.1, paragraph 6, After “responsible” add “economically viable.”

Rationale: Cost must always be a factor in consideration of regulations.

Change 2A.

Page 121, 8.1.1 Add #9 as follows: “Huge extra costs are added to commercial and residential construction because of a cumbersome and ineffective permitting process. Need to streamline systems, and deadlines (failure of county to meet a deadline would mean approval is automatic), and create and supply to applicants simple charts of the “critical path” of the permit process and all requirements.

Change 3.

Page 121, 8.1.2, paragraph 2, After “require” add “economically viable.”

Rationale: Many green products and development techniques are too expensive for the often slight benefit they produce and the county must analyze this advantage over cost for any mandated regulation.

Change 4.

Page 122, 8.1.2, paragraph 7, After “building materials,” add “where cost effective” and at end of 2nd sentence add “The county must approve economical methods of quarrying local stone, pumice, plus areas to harvest wood and adobe-making dirt or this “local materials” provision will not be possible. Also on paragraph 8 after “evaluated for” add “initial cost...,” and after “impact on the environment,” add “low maintenance...”

Change 5.

Page 123, 8.2.1.1, 2nd and 3rd paragraphs, These are full of contradictions and misguided statements which would lead one to believe non-industrialized local building materials such as stone, earth and wood are obtainable at minimal cost. Nothing could be further from the truth. The quarries from which stone must be obtained, the pits for adobe-appropriate mud, and the trees sufficient in size for building generally do not exist in Santa Fe County, either because of little to no available harvestable forest land, or government controls barring quarries and large slash pits (a type of mining.) Here a realistic view of the tremendous efficiency of building wood frame type housing should be mentioned. The actual reduced energy intensity of using this renewable construction method should never be overlooked. The huge amount of energy required to collect stone, or to stabilize adobe bricks (oil added) and then the added labor needed to construct with these materials is tremendous, and it is doubtful if any real energy is saved. FACT: Today, a 2500 +/- square foot Energy Star Home, nice house with sufficient insulation costs \$120.00 per square foot to build while an adobe house costs \$220.00 per square foot with higher heating, cooling and maintenance costs, and with higher embodied energy costs.

These paragraphs should be eliminated or rewritten to reflect reality.

Change 6.

Page 124, 8.2.1.1, 1st and 2nd paragraphs, at top of page, The narrative describes a use of dome construction, which cannot be financed, also underground housing with passive solar assisting cannot be financed nor can buildings made of tires, steel cans etc. be financed. The whole section should be eliminated and replaced with a pledge from the county to promote financing sources for economically feasible alternative construction methods.

Change 7.

Page 124, 8.2.1.2 So many wonderful traditional styles of architecture are left out, making this paragraph appear to be the whim of a single or group of narrow-minded individuals. What about Northern N.M. mountain style homes with sharply pitched roofs to handle snow load (Edgewood, N.M. had two 4-foot snowstorms in the past 25 years), or Victorian which is found in the city of Santa Fe and on some of our local ranches, or Western Ranch styles, all of which have embodied local significance. Also modern designs which have been predominant in the GMA are quite aesthetically pleasing and are often more adaptable to greener design. Also the earth (underground) house was often found on the plains in Southern Santa Fe county in our early history (an adaptation of the much-used dugout from the Midwestern plains) and if financeable, would be found more often today. The most affordable home whose price fits the income of a large segment of the county residents and the space needs of their growing families is a manufactured home (county median income of \$65,000 X 2.5 = \$162,500 home but Edgewood median income of \$45,000 X 2.5 = \$112,500 home, with 2.5 times income being the common mortgage factor in assessing affordability) or mobile home which is

left out of this chapter. However in Chapter 13 of the SLDP, the mobile home is cited as a viable answer to many affordable housing needs. In sum, the county should stay out of requiring architectural styles, especially in the EGMA.

Change 8.

Page 125, 8.2.1.3, Minimum Standards...LEED standards are hideously expensive and fail miserably in the embodied energy test, and are unaffordable for most housing and most families in our county. Federal E-star standards work much better as they are cost effective and have the most benefit. Suggest the SLDP encourage the Federal standards only.

Change 9.

Page 125, 8.2.1.4 Energy Efficiency... paragraph 3, This paragraph should be eliminated in its entirety.

Rationale: Almost no residential homeowners can afford to revamp their entire house to new green standards upon adding an addition. These standards must be limited to new additions only regardless of the addition's percent of total dwelling. This will actually discourage or stop many people from adding energy efficient additions to existing homes even when such an addition could greatly increase the average energy efficiency of the total finished product.

Change 10.

Page 125, 8.2.1.4 Rainwater Harvesting. This is a particularly bad requirement and should not be required of all homes. In homes over 2500 square feet, this premise adds \$16,000+ to the cost of construction and destroys affordability and greatly reduces financial opportunities as the system is ignored by appraisers. Also these systems are a total waste for many county residents who do not use the water, or who use native landscaping. Other counties in our state encourage some harvesting and make available low-cost rain barrels to their residents. Also water aquifers such as exist in the EGMA rely on the recharge of rainfall, thus the hoarding of 1500+ gallons of water in a tank does the water basin no good. The idea of requiring a home over a certain square footage to go to the huge expense of placing a system underground implies a misguided class distinction where the richer home owners do not want to see water catchment vessels in their upper class neighborhoods, and the homeowner in the less affluent areas can get by with barrels. The whole concept should encourage not require catchment for all who irrigate and allow above ground vessels for that purpose.

Change 11.

Page 128, 8.3 Goal 21, at end of sentence, after "plan" add "or any subsequent community or district GMA plan."

Change 12.

Page 128, Policy 21.1, Delete after “attain,” “leadership in energy and environmental design (LEED) standards.” Insert after “attain,” “federal Energy Star standards.”

Change 13.

Page 128, Policy 21.3 4th sentence, After “water quality,” add “when appropriate in the GMA.”

Change 14.

Page 128, Policy 22.1, After “environmentally responsible,” add “economically viable...”

Change 15.

Page 128, Policy 22.2, Strategy 22.2.1, This entire strategy is not a county function and best be tied to Tested and Established Federal Standards. It encourages the “good old boy” creation of standards and specifications which often inure to the benefit of a few privileged suppliers or contractors and encourages corruption.



Public Comment:

Exhibit: 2

From: United Communities of Santa Fe County

Date: August 19, 2010

Robert Griego

From: RIII [murlock@raintreecounty.com]
Sent: Thursday, August 19, 2010 2:23 PM
To: Penny Ellis-Green; Robert Griego; Paula Sanchez; Jack Kolkmeier; cdGonzales@comcast.net; smartin31@comcast.net
CC: Mike Anaya; Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Virginia Vigil; WilliamHenryMee@aol.com; EFHirsch@gmail.com; cedickens2@yahoo.com; White@grappawireless.com; vicente.roybal@gmail.com; WaltWait@q.com; murlock@raintreecounty.com; r.n.olson@att.net; hamonyank@cybermesa.com; coyotecall@spiritpath.net; tortuga@cnsf.com; Dave@nets.com; tocino8@cnsf.com; ellen@newmexico.com; drillingsantafe@earthlink.net; LynneNambe@cybermesa.com; pontasue@gmail.com; Raven1680@gmail.com
Subject: SLDP---Comments for CDRC Meeting and Packet from UCSFC
Attachments: SLDP_Final_UC__Concerns.doc; Mining_SLDP_Final.doc
Importance: High

*United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502*

Interim County Manager Penny Ellis-Green
County of Santa Fe
P.O. Box 276
Santa Fe, N.M. 87504-0276

August 19, 2010

Subject:

Dear Ms. Ellis-Green:

United Communities of Santa Fe County (UCSFC) has been communicating our comments on the Sustainable Land Development Plan based on the various redrafts since the May 27th County Development Review Committee meeting. We wish to reaffirm our appreciation for the progress that has been made since this meeting.

The UCSFC is committed to working with the County on SLDP Policies that offer clear protection for Traditional and Contemporary Communities, their Plans and Ordinances.

This mailing contains two document with suggestions for the Final SLDP:

- Needed Revisions/Clarifications for the Final SLDP Draft
- Support For Staff's Recommended Changes on Mining to the Final SLDP Draft

We are open, if need be, to meeting with County Staff ASAP prior to the 26th on any aspects of the SLDP.

The contact with UCSFC in this matter has been delegated to Ross Lockridge, who is on the UCSFC County Review Committee, and may be reached at E-Mail address: murlock@raintreecounty.com (471-9182).

Sincerely,

Murray for the Steering Committee
United Communities of Santa Fe County

UCSFC Steering Committee:

William H. Mee, Agua Fria, WilliamHenryMee@aol.com,

Frank Hirsch, Galisteo, EFHirsch@gmail.com,

Carl Dickens, La Cienega Valley, cedickens2@yahoo.com,

Paul White, Las Tres Villas, White@grappawireless.com,

vicente Roybal, Pojoaque Valley, vicente.roybal@gmail.com,

Walt Wait, San Marcos District, WaltWait@q.com,

Ann Murray, Cerrillos, murlock@raintreecounty.com,

Toni Olsen, San Pedro, r.n.olson@att.net,

Karen Yank, Golden and Turquoise Trail, hamonyank@cybermesa.com

The UCSFC is comprised of representatives of many of the area's community groups, and is dedicated to the advancement of, and protection of the current residents of Santa Fe County.

United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502

August 19, 2010
For the CDRC Document One

Needed Revisions/Clarifications for the Final SLDP Draft

The intent of this document is to persuade and aid the CDRC (Planning Commission) in making recommendations to the BCC on the Final SLDP draft on the 26th. There are a few items that we believe we had reached consensus with staff on, but were not manifested in the writing of the Final SLDP draft. Here we provide the specific needed language along with rationale, clarifications, and interpretations. Language additions in blue, underlined.

Item one: from 2.2.4.4 Flexibility / Certainty [p. 39]

“The SLDP and the SLDC create the path to develop mixed uses, new urban forms and building design as matter of right in a single concurrent hearing process with adequate time and full opportunity for public review. Variances, base district rezoning and conditional use permits are not required to build flexible developments. The specific plan, planned district and opportunity zones allow development to proceed without Euclidean zoning restraints.”

Comment: In the course of workshops and the writing of the Final Draft SLDP, we believe that we have agreement with County staff that the statement above is *not* intended to direct the Code to restrict the number of hearings to one, but rather that adequate time and full opportunity for public review of the plans and developments as listed will be encouraged. Also we trust that this item is not suggesting that types of developments are not predetermined (as a matter of right) without first citizen involvement in the development of such things as Use Tables for an area. We think this must be the protocol.

The suggested addition, underlined, was advised by Dr. David Henkel, UNM planning instructor.

Concerning what’s listed as a “specific plan”, we accept as noted by staff (in the Matrix re Ch. 14 & elsewhere) that this kind of plan will be addressed in the Code and redefined therein with ample public input.

Items two: Comment regarding Figure 2-9: There was positive response at the May 13, CDRC meeting that the phrase "resource-based activities" should be clarified to avert encouragement of unsustainable extraction of resources. This is remedied with the simple insertion of the word "renewable" before the phrase as shown in the following 3 instances in Figure 2-9, p. 45:

Figure 2-9: Future Land Use Categories

1) Ag / Ranch / Agricultural, ranch and equestrian uses. Also may include eco-tourism and renewable resource-based activities.

2) Rural / Agricultural uses, such as the growing of crops and raising of livestock, along with equestrian and very large lot residential uses. Also may include eco-tourism and renewable resource-based activities.

3) Activity Centers: Community Centers / Neighborhood or community scale shopping centers and personal and professional services conveniently located near residential areas. Includes businesses which are agriculture and renewable natural resource-based, Intended to be designed and integrated as part of mixed use / planned development.

Item three: Concerning mining, [see separate document]

Item four: 14.2.1.3 COMMUNITY PLANNING AND COMMUNITY PLANNING COMMITTEES

“Existing community plans will undergo a review and revision process within 3 years after adoption of the SLDC [Code, rather than the Plan] in coordination with the Community Planning Committees.”

Comment and Rationale: this realization didn't occur to us until late in the process. A period of time (3 years) after adoption of the *Code* should be considered instead of after the Plan as citizens (the same citizens) will need to be reviewing the draft Code rather than working on their Plans. If the Code takes, for example, half a year to adopt, then that will cut into the time both citizens and staff (including legal staff) have to work to update the Community Plans. (See also: 14.4.5.1 COMMUNITY PLANS p. 243 and 14.4.5.2 OTHER PLANS p. 243)

Item five: 14.3 INTERGOVERNMENTAL COORDINATION

“Consistency and predictability - of plans, development regulations, policies, implementation actions and development approvals applications between service providers and among neighboring jurisdictions, for residents, businesses and developers that establishes a framework of reasonable expectations and decision-making in the development process.”

Comment: what is intended here? An approved application or that an application will be considered by several agencies? Clarification of language needed.

Item six: 14.4.3.3 TYPES OF APPLICATIONS [p. 240]

Legislative Development Application

“ . . . Legislative development approval applications should be required for the following: ”

Comment: We wish to make sure if what is meant is either, 1) applications are intended for the following.... Or that *approved* applications are necessary for the following.... Clarification of language needed.

Item seven: Quasi-Judicial Development Application [p. 240]

“Such applications should require a public hearings process providing procedural due process.”

Comment: here again we think we had agreement with staff that if more than one hearing is clearly needed, the code will not be so restrictive as this text would otherwise imply, without the suggested addition.

Item eight: Ministerial Application

A public hearing should not be required for any ministerial development application.

Examples include:

-Issuance of building permits, grading permits, minor land use disturbance permits, private road construction and driveway permits.

Comment: this could be misinterpreted without the suggested insert.

Item nine: We've noticed that the word "will" has been repeatedly removed and replaced with the word "may" throughout the "final" redlined SLDP draft. We request that members of the CDRC view the read-lined Final draft SLDP to help assess the degree to which these changes might challenge the sustainability of the SLDP as intended.

Thank you all for your consideration.

2.2.7 MINING

"The County's existing mining ordinance will be incorporated into the SLDC and will be recognized as a Development of Countywide Impact. The mining ordinance ~~should~~ will be incorporated into the SLDC without substantial changes, although it is expected that some aspects of the oil and gas ordinance may also be made applicable to mining. Sand and gravel mining ~~of an area in excess of 2 acres may~~ will also be recognized as a DCI and subject to the requirements of the existing mining ordinance and SLDC. ~~Sand and gravel mining of an area of 2 acres or less should be regulated in accordance with the existing sand and gravel regulations.~~

ALSO THIS UNDER 2.3 GOALS, POLICIES & STRATEGIES:

Goal 5: Clarify zoning regulations and streamline the development review process.

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

Strategy 5.1.1: Incorporate oil and gas ordinance in SLDC.

Strategy 5.1.2: Incorporate existing mining ordinance to include sand and gravel mining ~~over two acres~~ into SLDC. [p. 54]

For reference:

--Existing code with Article III, Sect. 5 - Mineral Exploration And Extraction (p. 63)

--Article XI, Section 1 - Zoning for Extraction of Construction Materials (p. 244):

http://www.santafecounty.org/growth_management/sf_county_code

ARTICLE III, Sect. 5 - Mineral Exploration And Extraction, p. 63

"Final" SLDP Downloads:

<http://www.santafecounty.org/userfiles/SLDPFinalDraftJune.pdf>

& red-lined:

<http://www.santafecounty.org/userfiles/SLDPFinalDraftRedline.pdf>



Public Comment:

Exhibit: 3

From: League of Women Voters of Santa Fe County

Dates:

- **September 13, 2010**
- **September 9, 2010**
- **August 18, 2010**

LEAGUE OF WOMEN VOTERS OF SANTA FE COUNTY

THE SANTA FE COUNTY SUSTAINABLE LAND DEVELOPMENT PLAN

September 13, 2010

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

WATER: Chapter 11.

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

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

RENEWABLE ENERGY AND ENERGY EFFICIENCY Chapter 7

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

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

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

GOVERNANCE Chapter 14

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

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

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

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



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

September 9, 2010

Santa Fe County Board of County Commissioners
102 Grant Avenue
Santa Fe NM 87501

Dear Commissioners:

We are very concerned about the new direction being taken with the Sustainable Land Development Plan (SLDP). It is alarming to see the significant recent changes that result in a serious weakening of the plan. The League of Women Voters of Santa Fe County (League) has monitored the SLDP process for over a year, participating in hearings, staff review meetings to obtain public comments, and reviews of all of the drafts that have been produced. As we stated in our August 18 letter to the County Development Review Committee (CDRC), we were in support of the SLDP as of that date, with some reservations.

As public servants, you have the rare opportunity and the responsibility to make an enormous, long-lasting impact. As we stated in our August 18 letter, we cannot afford to conduct business as we have in the past, or rely on a plan that is outmoded and fails to foresee the consequences of failure to plan well. Please do not weaken the SLDP that was approved by the CDRC in August.

League asks the BCC to ensure that the SLDP constitutes a set of guidelines for land development that is sustainable, that protects our beautiful county so that what we have enjoyed can also be enjoyed by our children and their children.

We commend the county for the transparent and inclusive process used in the development of the SLDC. Staff members have remained open and available to public input and have met with members of our committee on several occasions to answer questions and receive comments. Now, however, the plan has been significantly altered and weakened, apparently to reflect the desires of one group of constituents with little opportunity for other individuals and groups to review and critique these changes.

Recent input from members of the Estancia Growth Management Area (GMA) has resulted in changes to the SLDP that are of great concern to the League. For example, in the redline version of Chapter 1 as updated since the Estancia GMA meetings many parts of the chapter have been weakened by deletions of or substitutions for the original language. "Protecting and restoring" the natural environment has been changed to "respecting" it - a term that has little concrete meaning in this instance. *Requiring* studies, reports and assessments to provide a solid basis for development review decisions has been changed to merely *using* such studies, reports and assessments.

Page 1 of 3

Who will produce the studies and reports - the developers or county staff? Will decisions be based on them? Directives to protect scenic vistas, reduce toxicity in what we consume and create, support local business and attract businesses that provide for a living wage, reduce greenhouse gas emissions, and inform County residents about state and federal tax incentives for energy-efficient buildings are stricken entirely. In general, these changes and many others not cited here reflect a focus on existing desires at the expense of the needs of future generations, the exact opposite of what a "sustainable development" plan must do.

Many of the changes we now see reflect comments submitted by the Estancia GMA after the Plan development and review process, often in contradiction to some of the wording approved by the original work groups that labored for several months earlier this year to produce a mutually acceptable plan. The League finds that the process for submitting these latest comments for public comment is not as transparent as the original workshops. At this writing, individuals and groups trying to stay abreast of these proposed changes have not even been able to see the Estancia GMA's proposals for Chapters 8 - 15, or the staff's responses to them. The county needs to provide time and a process for doing this that is transparent and inclusive, and the League hopes that this process will reverse or at least arrest the new weakening of the plan's focus on sustainability. If the remaining chapters are changed in the same spirit as the recent changes to Chapter 1, the SLDP will serve the county no better than the current version of the 1999 plan.

Regarding the substance of the latest SLDP version, including the recently-added objectives, the League offers these comments:

1. As we told the CDRC, our members believe there should be more emphasis on energy-efficient building in order to take advantage of New Mexico's conditions as well as an increased focus on the appropriate use of new technologies and alternative energy sources. Passive solar should be required of all new construction as the first line because it is economically feasible and has little environmental downside; active technologies must be adapted and used in accordance with environmental concerns.
2. The League continues to be concerned about the relationship between water supply and development, which is not sufficiently addressed in the SLDP. We believe water is a supremely important issue in Santa Fe County and sustainability of supply into the future must be an integral factor in the amount and type of development that is allowed.
3. We reiterate our comment to the CDRC that the SLDP lacks any measurable benchmarks and milestones against which to assess progress and achievement of goals. It is essential that the code be sufficiently strong and specific to accomplish the general goals laid out in the SLDP. The League recommends that a set of concrete benchmarks be established following approval of the SLDP, based on the original draft measures, in order for the County and the community it serves to assess progress and problems along the way. The projected changes to the water code would be a good place to start.

It is of great concern to the League that the first five chapters of the forthcoming Code have apparently been written already, while the SLDP is still undergoing substantial changes. This invalidates the transparency of the process used to create and modify the SLDP, and leads us to wonder under what assumptions the Code writers were working. It appears at best to result in a waste of taxpayers' money, as a review of the Code will need to be undertaken to reconcile it to the approved SLDP in order to ensure compatibility.

In closing, we urge you to support a strong and integrated plan for Santa Fe County, one that has an eye on future generations as well as our own. Please do not approve these latest changes and the general weakening of the Plan.

Sincerely,

A handwritten signature in blue ink that reads "Meredith R. Machen". The signature is written in a cursive, flowing style.

Meredith R. Machen, Ph.D., President

League of Women Voters of Santa Fe County

cc: County Manager Katherine Miller
Planning Manager Robert Griego
Land Use Director Jack Kolkmeier



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

August 18, 2010

Members of the Santa Fe County Development Review Committee
102 Grant Avenue
Santa Fe NM 87501

Dear Committee Members:

Since 1971 the League of Women Voters of Santa Fe County has conducted studies on land use planning, water resources, open space, air and water quality, as well as housing, commercial, and infrastructure development. League members have agreed on several principles and basic elements required for sustainable development in Santa Fe County. Most recently, members have reviewed the 1999 Santa Fe County Growth Management Plan, as well as all of the drafts of the Sustainable Land Use Plan (SLDP).

More than a decade has passed since the promulgation of the last land use plan; in that period we have all become more aware of our finite water, ecological, and cultural resources and the need to protect them for the betterment of our own lives and those of future generations. The League concludes that the SDLP and its implementing code will be critically important for the future of our area, and its development is timely. Although we have not had the privilege of reviewing the code, the SLDP is a step in the right direction over the 1999 Santa Fe County Growth Management Plan. We can no longer continue on the path that even a decade ago we thought was appropriate.

The League of Women Voters continues to be concerned that the SLDP as currently presented still lacks any measurable benchmarks and milestones against which to assess progress and achievement of goals. We believe that it is necessary that the code be sufficiently strong and specific to accomplish the general goals laid out in the SLDP. However, the League continues to believe that a set of concrete benchmarks should be established following approval of the SLDP, based on the original draft measures, in order for the County and the community it serves to assess progress and problems along the way. The projected changes to the water code would be a good place to start.

In addition, our members believe there should be more emphasis on energy-efficient building in order to take advantage of New Mexico's conditions as well as an increased focus on the appropriate use of new technologies and alternative energy sources. Passive solar should be required of all new construction as the first line because it is economically feasible and has little

environmental downside; active technologies must be adapted and used in accordance with environmental concerns.

The League appreciates the major efforts that have gone into the original draft and several revisions. We also appreciate the significant amount of time set aside for citizens to express their concerns. The County employees have been most receptive and listened carefully to the ideas and concerns expressed by those in attendance. It is always a challenge to listen to the concerns of groups while maintaining the integrity of the basic goals and elements of the plan for the benefit of the community as a whole. The League commends the County for its transparency in the development of the SLDP. We strongly encourage even greater transparency as the process continues through the promulgation of the code that will accompany the SLDP.

The LWVSFC believes these times are critical, and that it is essential that rational planning not be beholden to special interests. To that end, we support a plan and a process that is transparent, specific, and strong.

Please contact us if you would like to discuss this further. Meanwhile, we look forward to attending the hearings on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Meredith R. Machen". The signature is fluid and cursive.

Meredith R. Machen
President
League of Women Voters of Santa Fe County

cc: County Manager's Office
Jack Kolkmeier and Robert Griego
Planning Division, Santa Fe County



Public Comment:

Exhibit: 4

From: Turquoise Trail Preservation Trust

Date: August 19, 2010

Subject: FW: Final SLDP Daft Comments from TTPT
Attachments: Mining_SLDP_Final.doc; ATT00001.htm; TTPT_Logo_02b.jpeg; ATT00002.htm

From: karen yank [mailto:hamonyank@cybermesa.com]
Sent: Thursday, August 19, 2010 9:26 AM
To: Jack Kolkmeier; Robert Griego
Cc: Ross Lockridge; Bill Baker; williamhenrymee@aol.com H; Walter Wait; David Gold; Drilling Santa Fe; Elizabeth Prosapio; Michael Madden; Robert Olson; Lundy Sr. Lundy; karen yank
Subject: Final SLDP Daft Comments from TTPT

Dear Jack and Robert,

The Turquoise Trail Preservation Trust has two changes requests concerning the final draft of the SLDP. We would like our comment put into the packet for review by the CDRC.

First, we are concerned about the some what arbitrary boundary determinations of the Galisteo and Estancia Basin. BLM has just finished their lengthy process of writing their Resource Management Plan in which both the San Pedro Neighborhood and the San Pedro Mountains themselves are included in the Galisteo Basin. We suggest that we follow suit with their already laid plans and move the boundaries of the Galisteo Basin in the SLDP to included both the San Pedro Mountains and the San Pedro Neighborhood as well. We feel that this would clear up confusion in the future that will certainly arise from the conflicting boundary usage. We, also, feel this would better represent the needs of the communities involved.

Secondly, your staff including Steve Ross, agreed to put sand and gravel regulations under the existing mining ordinance. We would like that agreement upheld for all operations regardless of size. When writing the code, we will be able to address noncommercial small private use application. The TTPT supports the changes made by Ross Lockridge and Ann Murray in regards to the Mining as treated in the "final" June 2010 SLDP Draft. See below attachment for these corrections.

Respectfully submitted by the TTPT
____ Thank you for all your efforts regarding this matter.

Karen Yank _____



Public Comment:

Exhibit: 5

From: Siebert & Associates (Sand & Gravel Mining)

Date: May 11, 2010

May 11, 2010

Robert Griego
Planning Manager
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87505

Re: Sand & Gravel Operations

Dear Mr. Griego:

Sand and gravel is referred at least thirteen times in the current draft of the SLDP, generally in a negative context and at least once in the context of a "public nuisance". Currently sand and gravel is regulated under the definition of "Mineral Extraction Construction Materials". Current regulations for sand and gravel were established through an extensive process of County staff, CDRC and County Commission review.

The draft of the SLDP purposes to place sand and gravel in the same category as hard Oil and Gas. The administration of sand and gravel would be administered under "Development of County Wide Impact". One of the "Binding Principals" of the SLDP is "utilize local building materials and methods of construction for residential and non-residential development". The over-regulation of sand and gravel is a contradiction to the binding principal. Sand and gravel is one of the most local building materials used in the County. It is supplied by a diverse group of businesses, including small scale companies encouraged in the SLDP. Sand and gravel is used in building foundations, construction of buildings be it brick, concrete or stucco, sidewalks, roads, landscaping, gardening and the manufacture of a variety of products used in building trades, such as sand paper and ceramics. The uses for sand and gravel are endless.

It does not make sense that sand and gravel resources are regulated to the point where these materials must be imported from outside the County. It is not sustainable to truck in sand and gravel resources from Bernalillo or Sandoval Counties in order to satisfy the needs for this commodity. This will drive up the cost of this material as well as increase the consumption of diesel fuel.

The following is a partial listing of companies involved in the sand and gravel business in Santa Fe County.

- Southwest Landscape Materials LLC
- Parker Construction
- Associated Asphalt & Materials
- RL Leeder Construction
- Albert Montaña Sand and Gravel
- Rodriguez Brothers
- Grumpy's Trucking
- Santa Fe Classic Rock
- Lafarge North America
- Ulibarri Land
- Materials Inc
- Waycor Materials
- Santa Fe Concrete
- Concrete to Go of New Mexico
- Bobby Garcia Concrete Construction

In the aggregate these businesses employ hundreds of workers and generate millions of taxable dollars in revenue. Rather than over-regulate this industry to the detriment of Santa Fe's economy the following is recommended for inclusion in the SLDP:

- Sand and gravel should continue to be regulated under regulatory standards established for mineral extraction for construction materials
- Existing approved sand and gravel operations will be recognized in the SLDC.
- Sand and gravel must be recognized as a local material used in a variety of ways in Santa Fe County employing a significant number of workers, generating substantial gross receipts for Santa Fe County.
- Resource areas for sand and gravel should be identified and protected from inappropriate development.

The following companies are in agreement with the above statement.

Name Print

Signature

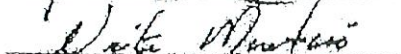
Bobby Leeder



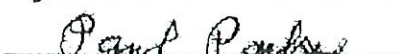
John Leeder




Victor Montano



PAUL PARKER



JEFF LATTANZA





Public Comment:

Exhibit: 6

From: United Communities Comments on Estancia Valley Growth Management Area & Santa Fe Association of Realtors.

Date: September 9, 2010

Melissa S. Holmes

Subject: FW: UCSFC Review / Recommendations on SLDP input from EWG & SFAR
Attachments: Selected_items_re_EWG.pdf; Review_of_EWG_SLDP_Input.pdf; UC_on_Aso_Realtors.pdf
Importance: High

From: RIII [mailto:murlock@raintreecounty.com]
Sent: Thursday, September 09, 2010 1:21 AM
To: MANAGERS OFFICE; Robert Griego; Jack Kolkmeier; Mike Anaya; Harry B. Montoya; Kathy S. Holian; Liz Stefanics; Virginia Vigil
Cc: WilliamHenryMee@aol.com; EFHirsch@gmail.com; cedickens2@yahoo.com; White@grappawireless.com; vicente.roybal@gmail.com; WaltWait@q.com; murlock@raintreecounty.com; r.n.olson@att.net; hamonyank@cybermesa.com; coyotecall@spiritpath.net; tortuga@cnsf.com; Dave@nets.com; tocino8@cnsf.com; ellen@newmexico.com; drillingsantafe@earthlink.net; LynneNambe@cybermesa.com; spontasue@gmail.com; Raven1680@gmail.com; rtaylor503@aol.com; dtlars@aol.com; rebeccafrenkel@mac.com; jkwilliams24@gmail.com
Subject: UCSFC Review / Recommendations on SLDP input from EWG & SFAR
Importance: High

United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502

County Manager Katherine Miller
County of Santa Fe
102 Grant Ave.
Santa Fe, N.M. 87504

September 9, 2010

Subject: UCSFC Review / Recommendations on SLDP input from Estancia Working Group & Santa Fe Association of Realtors.

Dear Ms. Miller:

United Communities of Santa Fe County (UCSFC) has been communicating our comments on the *Sustainable Land Development Plan* based on the various redrafts since the May 27th County Development Review Committee meeting. We wish to reaffirm our appreciation for the progress that has been made since this meeting.

The UCSFC is committed to working with the County on SLDP Policies that offer clear protection for Traditional and Contemporary Communities, their Plans and Ordinances.

[This mailing contains three documents concerning the 2010 SLDP Final Draft:](#)

--**Document 1: Selected Items**--UCSFC Review and Recommendations on Estancia Working Group's SLDP Input, Chapters 1-8, 8/19/10. Please note opening remarks.

--**Document 2: Complete Items**--UCSFC Review and Recommendations on Estancia Working Group's SLDP Input, Chapters 1-8, 8/19/10. This is recommended for Staff's expanded review.

--**Document 3:** UCSFC Review / Recommendations on Santa Fe Association of Realtors August 20, 2010 Memorandum

We always welcome meeting with County Staff on any aspects of the SLDP and if you or the County have any questions, please feel free to contact us.

The contact with UCSFC in this matter has been delegated to Ross Lockridge, who is on the UCSFC County Review Committee, and may be reached at E-Mail address: murlock@raintreecounty.com (471-9182).

Sincerely,

Ann Murray for the Steering Committee
United Communities of Santa Fe County

UCSFC Steering Committee:

William H. Mee, Agua Fria, WilliamHenryMee@aol.com,

Frank Hirsch, Galisteo, EFHirsch@gmail.com,

Carl Dickens, La Cienega Valley, cedickens2@yahoo.com,

Paul White, Las Tres Villas, White@grappawireless.com,

Vicente Roybal, Pojoaque Valley, vicente.roybal@gmail.com,

Walt Wait, San Marcos District, WaltWait@q.com,

Ann Murray, Cerrillos, murlock@raintreecounty.com,

Toni Olsen, San Pedro, r.n.olson@att.net,

Karen Yank, Golden and Turquoise Trail, hamonyank@cybermesa.com

The UCSFC is comprised of representatives of many of the area's community groups, and is dedicated to the advancement of, and protection of the current residents of Santa Fe County.

*United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502*

September 9, 2010
For Santa Fe County Staff & the BCC

**Document 1: Selected Items--UCSFC Review and Recommendations
on Estancia Working Group's SLDP Input, Chapters 1-8, 8/19/10**

~

This document contains selected items from a more comprehensive assessment (see Document 2) entitled "A Review of Estancia Growth Management Area Working Group SLDP Input-Ch. 1-8".

Estancia Working Group's (EWG) desire for local empowerment seems consistent with UCSFC's commitment to community Plans. However we differ, 1) when EWG makes suggestions of a local nature and applies them to rewrite the entire County-wide SLDP &, 2) when EWG suggestions seem contrary to the consensus formerly reached on issues concerning the meaning of sustainability, or that seem based on misinformation or opinions which could encourage questionable decisions.

We share common ground on the need to provide clear guidance to the Code writers that approved District and Community Plans can diverge from the County's plan and that we should assume that radical efforts by ANY group would not be accepted by the County Commission.

This would redirect the efforts of the EWG into their Community or District Plan and allow them to argue their points to the County Commission based on their own vision but NOT a vision for the whole County. As is, we worry that suggested changes would subvert or weaken efforts of County Planners as well as our own.

THIS REVIEW includes examples of such weakening concerning recent Staff edits to Chapter 1 (A Sustainable Future for Santa Fe County), some of which suggest potentially inappropriate impacts county-wide.

First, to summarize, the UCSFC believes in and supports the sustainability of the natural environment, supports taking and allowing action to slow / reverse human induced climate change throughout the County, supports planning of commercial development to directed areas, supports protections for agriculture and "organic" farming, supports the requirement for studies and reports and their financing by developers, supports allowing the County Staff time as needed for review of applications. These positions and others are dealt with below.

PLEASE NOTE: All UC comments and SLDP text quotes below that UC have added, are underlined. Everything else was provided by the EWG. Also note that EWG starts with "Change 1" for each chapter. So there may be some confusing repetitions in this selection from multiple chapters.

~

From: Estancia Growth Management Area Working Group

Stanley [Hank, Ralph, Gavin Longmuir]

To: County Development Review Committee Members

Maria DeAnda, Susan Martin, Juan Jose Gonzales, Jon Paul Romero, Donald Dayton, Charlie Gonzales, Jim Salazar

Planners Jack Kolkmeier, Robert Griego

Date: Thursday, August 19, 2010

Re: **Draft “Sustainable Land Development Plan”**

First selected EWG item:

Change 5.

1.2.1.1 WHAT IS SUSTAINABILITY?

[Note that there are two 1.2.1.1 entries in SLDP draft]

1.2.1.1[a], Page 10, What is “sustainability”? Suggest all references to the U.N. Brundtland Commission and the United Nations vision of “global planning” be eliminated. If this is in fact the vision of Santa Fe County and the basis of this SLDP, then a serious disservice and significant deception are being done to the citizens of the county, which can only result in the destruction of our unique southwestern heritage.

UC notes that the County complied and removed the UN Commission quote:

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

If the County removed the UN quote under EWG's rationale (that such sustainable development would lead to the destruction of SW heritage) we would object. It seems EWG's real problem is fear of the UN and in EWG's words ”global planning” (a phrase not found in the SLDP draft). The UN quote is in reality very generic and probably so because it could find consensus within the broad spectrum of human interest.

[1.2.1.1.[b] WHAT DOES SUSTAINABILITY MEAN FOR SANTA FE COUNTY?

“Sustainable development maintains or enhances economic opportunity and community well-being while **protecting and restoring the natural environment** upon which people, natural systems and economies depend.” (emphasis added)

Suggest the phrase “...restoring the natural environment...” be changed to “respecting the natural environment...”

UC Comment: The county staff inexplicably complied. There is no denying that over-grazing and mining in the past has caused erosion with all of the repercussions to the water table, biodiversity, viewsheds, air quality, flood control etc. Land restoration also provides jobs.

UC recommends returning to the language “protecting and restoring”. We find much that is beneficial and nothing harmful that needs to be deleted from this section.

=====

Change 10A.

1.3.3 Page 12, [#4], Bullet 1, Strike "...and acts as a mechanism to control sprawl" and add "while protecting individual property rights."

County Staff edits: 4. ~~Protect and Restore the~~ Respect the Natural Environment, the Rural Landscape and Open Spaces Between Established and New Communities
o Acquire open space in strategic locations to support healthy communities and provide opportunities for outdoor recreation, resource preservation and conservation programs, ~~and acts as a mechanism to~~ control sprawl, while protecting private property rights.
o ~~Restrict~~ Limit development in identified areas of ecological, archaeological and cultural sensitivity.

Comment: [Here the County rolls back #4 "Protect and Restore the Natural Environment..." and replaces it with "Respect" the Natural Environment..." EWG didn't ask for that change here. But the revision suggests that reclamation may not be a County imperative. The County did however add the EWG's requested phrase to "protect" property rights. So the Plan is instructing that rather than "protecting" the natural environment, what we are redirected to "protect" is property rights. Here, what is to be sustainable is "property rights" only. Further, the County continues, again unasked, and weakens the next bullet point to "limit" rather than "restrict" development in sensitive areas.]

UC Recommends restoring the original language of the "Final draft" as there is otherwise a complete change of intent.

=====

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 1 INTRODUCTION

4. The SLDP should clearly state that the EGMA has the immediate right to begin its own district plan, should respect the existing or future community plans within its boundaries, and should assert that the EGMA plan is not mandated to adhere to all "dictates" in the SLDP which would logically not apply to the area.

Comment: Contrary to the above (that the EGMA plan should not be mandated to adhere to all SLDP dictates), the Estancia Working Group (EWG) has pressed for changes to the entire SLDP--changes that would apply to the whole plan, not just the EGMA. Perhaps EWG is just covering all bases, but many of Staff's edits to Ch. 1 of the Final Draft could allow potential inappropriate impacts upon areas county-wide to happen.

=====

CHAPTER 2 LAND USE ELEMENT – Objections and Suggestions

Change 14A.

2.1.1 KEY ISSUES

1. Population growth and increasing competition for diminishing natural resources. Santa Fe County is reaching a critical point with regard to population growth and land consumption and there is a need to direct future growth to appropriate areas which can be served in a sustainable manner.

4. Unsustainable development patterns negatively impact the environment. Fossil fuel use creates greenhouse gas emissions that contribute to global warming and climate change. Large lot, low-density residential development is resource intensive, expensive to serve, overly consumptive of land, and often results in excessive vehicle miles traveled. These impacts are exacerbated by overly consumptive land development that consumes forests, water resources, wildlife, open spaces and agricultural and ranching lands.

2.1.1 Page 22, [#1] The SLDP decries “population growth and increasing competition for diminishing natural resources” in Santa Fe County. The fact is the entire county encompasses 1909 square miles (each equivalent to 640 acres) with a population density of 67.7 people per square mile (about 9.5 acres per person.) Subtracting out the population and area figures for the town of Santa Fe leaves the rest of the county at 37 people per square mile or about 17 acres per person. Further, the EGMA is projected to add 2,167 people between 2010 and 2030, or an increase of 1.1% or 4.7 additional people per square mile in the EGMA. Stating that this situation is in danger of contributing to global warming is ludicrous.

UC supports both statements numbers 1 & 4 as is.

Comment: EWG rationales, here and elsewhere on global warming, would prevent appropriate action by denying human ability to slow impending calamity. It's irresponsible of them to think they are so special that they need not innovate like the rest of the County.

=====

Change 25.

2.3 Page 53, Goal 1, Policy [Strategy] 1.1.1, strike this paragraph

Strategy 1.1.1: Eliminate Hydrologic Zoning and replace with a more sustainable zoning system.

Rationale: The same as is set out in our Change 12. “Rationale [12]: A major downzoning of the holdings of existing property owners, not justified for any practical reason is a serious “taking” of property rights and values and should not be implemented without a darn good reason other than the whim of bureaucratic planners. Huge county economic liability issues could destroy both landowners and the county treasury. “

UC has 2 questions. 1. Would this apply to the whole county? 2. Could this create a legal loophole in the directive to restrict developers to use a county utility or create their own.

=====

Change 27.

Policy 2.8: Reduce per capita land consumption in the County by directing growth and requiring compact development patterns in primary growth areas.

Goal 2, Policy 2.8, Page 53, at end of sentence add “where appropriate.”

Rationale: This is not appropriate in the Estancia Valley GMA.

Estancia Valley has not gone through a community planning process. One wonders after more of the community is engaged in the process, to what extent the direction now being charted by the EWG might change after more inclusive planning.

=====

Change 33.

Policy 7.4: Allow mixed-use development and direct large scale commercial development to well-defined, compact nodes and centers and prohibit strip commercial development or spot commercial zoning.

Goal 7, Page 55 Policy 7.4, At end of sentence add “except where appropriate in low density GMA’s.”

UC thinks that in low density areas unplanned commercial zoning would not be appropriate.

=====

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 2 LAND USE ELEMENT

3. Clear, concise definitions of the words “green,” “green technologies,” and similar references must be established or the terms should be omitted from the SLDP. The undefined and frequent use of these “green” phrases leaves too much open to anyone’s interpretation.

From “SLDP Glossary Draft 8/19/10: **Green Building**: The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and deconstruction.

This Glossary definition of Green Building addresses fairly well EWG's concern in #3.

=====

4. The SLDP should require that all new codes and requirements generated by the Plan undergo a practicality and economic feasibility study to insure such requirements do not inordinately add to the cost of housing or development. **Further, the Plan should not mandate the development and use of “green” or “alternative” energy sources which must be publically subsidized in order to be economically viable.** (emphasis added)

Comment: UC does not agree with this opinion and notes that many established energy sources have been subsidized. EWG are seeking the status quo that can't be maintained. Unsustainability is not a solution and EWG does not provide a relevant quote from the SLDP to make their case. Also we think there are many situations in which sustainability can be encouraged without subsidies.

=====

Page 56

Chapter 3: Economic Development Element

Change 1: Introductory Paragraph, Page 56 Paragraph 1, line 2, add "property rights" as one of the protections before protections of social and cultural resources

SLDP reference from introductory paragraph: “The County should seek to generate economic activity which enhances our quality of life, provides jobs for our residents, especially our youth, enriches community life and promotes values such as a healthy environment, protection of _____? _____, social and cultural resources, self-reliance, self- sufficiency and entrepreneurship. “

Comment: The sentence in this chapter concerns “generating economic activity” for the enhancement of quality of life, etc. The phrase “property rights” is a legal term concerning the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals. It also comes with some popular baggage that would wedge hierarchical distinctions between the welfare rights of the public and the private, often placing the protection of private property rights above other public values that should be placed in the context of protection. This ultimately tries to argue for deregulation which is one of county government's most important functions. It also confuses the needs of a small business or landowner with that of a (large) corporation who might be less motivated towards the concerns of their “neighbors” than to their stockholders.

The EWG proposal to insert specific property rights protection issues among the general language of the Plan (here meant to further the economic development of the county) seems out of place. Won't this issue of “property rights” be addressed in the Code rather than repeatedly inserted into the Plan as the EWG suggests?

Change 2: Line 5, Support for [add] "private sector" workforce development

For reference: “Support for _____? _____ workforce development to enhance opportunities for both employers and employees; maximize infrastructure investments to support economic development; . . .”

Comment: UC recommends that this suggested change #2 be resisted. Change 2 would be exclusive and would forbid any governmental or stimulus jobs that might ever manifest in the EGMA.

=====

EGMA believes in strong property rights, and promotion of business friendly environment for private sector business, which is not focused on just a few targeted industries.

Least we missed it, the above clarifies. What is often considered “business friendly” might not benefit

the general welfare: low corporate tax (a type of subsidy), and deregulation that often leads to pollution that requires public expense to remedy, etc. We're not convinced that EWG realizes that much of the Plan is directed to keeping developers responsible rather than the taxpayer.

=====

Change 5: Item 3. deals with impacts and effects of climate change.

As the EWG doesn't always post the items, **here is Item 3.** “There is a lack of resources and strategies to prepare for impacts and effects of climate change. The anticipated economic impact of climate change is significant.

EGMA Concerns/recommendations: There are no resources or strategies significant enough in Santa Fe County to make any impact on climate change. We believe that science supports natural climate changes not created by mankind, and that any effort to address climate change issues would be both futile and financially devastating to the County citizens. Therefore, item 3 above should be deleted as it is far beyond the scope of SLDP. (emphasis added)

UC encourages the County to resist any changes to the SLDP based on the false opinion that local efforts to curb climate change would not be helpful or would be counterproductive. The belief that mankind has nothing to do with climate change is absurd. Apart from climate change, the need to diversify energy sources is unquestionable.

=====

Change 11.

4.4, Page 79, goal 10, Policy 10.2.1, strike “organic.”

Strategy 10.2.1: Support opportunities for organic farming.

UC encourages the County to leave the word “organic”. Not all forms of farming are proving sustainable. EWG would support continued petrochemical farming only. There are better, sustainable, healthier, local viable alternatives available, such as organic. This again is a County-wide suggestion.

=====

Change 13.

4.4 Page 79, Goal 9, Policy 9.1, strategy 9.1.1, Omit in total.

4.4 GOALS, POLICIES AND STRATEGIES

Goal 9: Preserve, support, promote and revitalize agriculture and ranching as a critical component of the local economy, culture and character.

Policy 9.1: Protect agricultural and ranching uses by limiting incompatible development in agricultural areas.

Strategy 9.1.1: Require new development in rural or agricultural areas to provide open space buffers adjacent to agricultural uses and adjacent to scenic road[s] as appropriate.

UC recommends that all these should remain in total.

=====

Draft Consolidated Comments – 16 Aug – Hank, Ralph, Gavin

OBJECTIVES

4) Minimize cost impacts that will be generated by the numerous studies and increased bureaucracy called for in the current draft of the SLDP. Any such costs will result in increased taxes, which will hurt the sustainability of the EGMA.

The EWG's rationales to minimize needed studies as called for in the current draft of the SLDP, are not convincing. It's in keeping with their desire for continued deregulation.

=====

OBJECTIONS

• SLDP fails to recognize that well-intended regulations can impose unsustainable costs. For example, recently-imposed State "Pit Rules" on drilling have resulted in the loss of 40% of oil & gas production activity, which undermines the sustainability of the State by reducing employment and tax revenue. Further regulations may result in more loss of jobs and damage the solvency of the State. The SLDP should mandate that Santa Fe County leads by carefully assessing costs and benefits before imposing additional County-level regulation.

EWG slams the Pit Rules making claims that it's the cause of great loss of jobs & revenue. These claims are not based on fact. Rep. Brian Egolf testifies that oil / gas production has held steady compared to other states without the rule.

=====

5.1.2 Item 13 (p. 84)

“The SLDP will require the use of Environmental Impact Studies for all new or expanding development

in extraction of resources ...”

Delete. County cannot afford to subsidize the activist-litigation complex.

13. The SLDP will require the use of Environmental Impact Studies for all new or expanding development in extraction of resources such as sand and gravel to ensure the environmental impacts are minimized, mitigated and to ensure adequate public comment. E.I.S. report will identify incompatibilities with current land use in the area.

UC thinks the county should *not* subsidize developers by paying for these needed studies.

=====

Policy 15.4 (p. 100)

“Policy 15.4: New development should not cause significant degradation of wildlife or sensitive wildlife habitat, especially to any wildlife listed as threatened or endangered on a state or federal list.”

Delete. Endangered species are already protected by State & Federal governments.
Any County function would be an unsustainably-expensive redundancy.

UC is not convinced. Having this in the Plan & Code could only be beneficial to threatened species, especially since the Federal act is often threatened or compromised.

=====

[EWG] Introduce an additional Binding Principle:

Santa Fe County recognizes that the key to sustainability is a robust economy which supports jobs and generates tax revenue. Historical and modern evidence proves incontrovertibly that a robust economy depends on a plentiful reliable affordable supply of energy in a number of different forms. Accordingly, Santa Fe County will facilitate the sensitive development of all forms of energy.

UC recommends against this as a Binding Principle. Above, it seems the use of the word “sustainability” is redefined. Early on the County deleted at EWG's request, a UN statement that contained this: “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” But here the word is redefined to mean “robust economy which supports jobs and generates tax revenues”. In the long run renewable resources are plentiful, reliable and affordable unlike oil /gas that is in decline as well as being controlled by international corporations.

=====

Change 2A.

Page 121, 8.1.1 Add #9 as follows: “Huge extra costs are added to commercial and residential construction because of a cumbersome and ineffective permitting process. Need to streamline systems, and deadlines (failure of county to meet a deadline would mean approval is automatic), and create and supply to applicants simple charts of the “critical path” of the permit process and all requirements.

UC recommends that this above not be adopted. Such deadlines would be abused and undercut public participation.

=====

Change 4.

Page 122, 8.1.2, paragraph 7, After “building materials,” add “where cost effective” and at end of 2nd sentence add “The county must approve economical methods of quarrying local stone, pumice, plus areas to harvest wood and adobe-making dirt or this “local materials” provision will not be possible. Also on paragraph 8 after “evaluated for” add “initial cost...,” and after “impact on the environment,” add “low maintenance...”

7. Utilize local resources for **building materials** and establish a catalog of available recycled materials. Adobe, stone, pumice, wood are all available in Santa Fe County. There are also a variety of recycled materials such as glass, plastic, metals and paper available from transfer

stations and the landfill.

UC would support the first addition (where cost effective), but not the second.

In the second recommendation, the EWG advises that the county “must approve economical methods of quarrying”. UC believes this threatens to weaken performance standards, as if the environment, ie, reclamation, would always be contingent upon current economical conditions?

=====

Change 5.

Page 123, 8.2.1.1, 2nd and 3rd paragraphs, These are full of contradictions and misguided statements which would lead one to believe non-industrialized local building materials such as stone, earth and wood are obtainable at minimal cost. Nothing could be further from the truth. The quarries from which stone must be obtained, the pits for adobe-appropriate mud, and the trees sufficient in size for building generally do not exist in Santa Fe County, either because of little to no available harvestable forest land, or government controls barring quarries and large slash pits (a type of mining.) Here a realistic view of the tremendous efficiency of building wood frame type housing should be mentioned. The actual reduced energy intensity of using this renewable construction method should never be overlooked. The huge amount of energy required to collect stone, or to stabilize adobe bricks (oil added) and then the added labor needed to construct with these materials is tremendous, and it is doubtful if any real energy is saved. FACT: Today, a 2500 +/- square foot Energy Star Home, nice house with sufficient insulation costs \$120.00 per square foot to build while an adobe house costs \$220.00 per square foot with higher heating, cooling and maintenance costs, and with higher embodied energy costs.

These paragraphs should be eliminated or rewritten to reflect reality.

EWG is recommending in “Changes 5 (above) & 6 (below) that most of the paragraphs in this section “Alternative Materials & Methods of Construction” be deleted. There are many well-intended phrases, although perhaps a little esoteric, that may not require such dramatic surgery. EWG would remove this along with the second paragraph: “ Using environmentally sensitive materials and configuring them into structures that utilize natural conditioning methods or bioclimatic designs that tap into solar, wind, and other renewable energy systems will partially address the problem of global warming.”

=====

*United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502*

September 9, 2010
For Santa Fe County Staff & the BCC

**Document 2: Complete Items--UCSFC Review and Recommendations
on Estancia Working Group's SLDP Input, Chapters 1-8, 8/19/10**

UCSFC Recommendations—Sept. 2010

What follows is the complete Estancia Working Group's (EWG) text (minus the formatting, having copied from the pdf) with comments inserted by United Communities of Santa Fe County (UC).

Please see "Document 1: Selected Items, for UC's introductory remarks.

We hope that this more complete version will be all the more helpful for County Staff in their review.

PLEASE NOTE: All UC comments and SLDP text quotes below that UC have added, are underlined. Everything else was provided by the EWG.

~

To: County Development Review Committee Members
Maria DeAnda, Susan Martin, Juan Jose Gonzales, Jon Paul Romero, Donald
Dayton, Charlie Gonzales, Jim Salazar
Planners Jack Kolkmeier, Robert Griego

From: Estancia Growth Management Area Working Group
Stanley [Hank, Ralph, Gavin Longmuir]

Date: Thursday, August 19, 2010

Re: **Draft "Sustainable Land Development Plan"**

Following the CDRC meeting in Stanley on July 1, a Working Group was established with broad representation from the Estancia Growth Management Area (EGMA) in Southern Santa Fe County. An organizational meeting was held on July 22, and a Working Group of about 25 people have since been meeting weekly to review the draft Sustainable Land Development Plan (SLDP) and suggest modifications to make it more workable in EGMA.

The Working Group is currently in the process of reviewing each Chapter in the SLDP in detail. Drafts of our comments on the first seven Chapters are attached. We have already identified many significant issues and would like to convey our current overall assessment to CDRC members.

We believe that the SLDP should respect the value of existing District & Community Plans; should encourage the development of new District & Community Plans; and should allow those Plans to differ from the overall County SLDP where necessary to reflect the diverse characteristics of Districts & Communities. Future codes for a District or Community should be based on the District Plan or Community Plan. There should be specific language in the SLDP that allows for District Plans and for the codes for those Districts to differ from the SLDP.

The SLDP should specifically encourage the development of an EGMA District Plan, based on the important differences between EGMA and other parts of Santa Fe County:

1. the dependence of EGMA on ground water rather than surface water, and the responsibility of the State Engineer for conservation of those ground water resources.
2. the current large (95% of all water usage in the Estancia basin) role of agriculture in the economy of EGMA, with major impacts on water and land use.
3. the major economic differences between EGMA and the central & northern parts of Santa Fe County. EGMA is very closely tied to the economies of Torrance & eastern Bernalillo Counties and to the City of Albuquerque. About 62% of the EGMA labor force works in the Albuquerque area; only about 1% works in Santa Fe. EGMA is part of a different Federal Government statistical area than central & northern Santa Fe County. [[This argues for another county seat?](#)]
4. the desire of EGMA residents to continue to allow large-lot residential developments, compatible with the homesteading history of the Estancia Valley. Rather than being inefficient “sprawl” which causes concerns around the City of Santa Fe, low-density development in EGMA is an effective use of this low carrying-capacity land. Large-lot development in EGMA does not impose any costs on Santa Fe County for services such as water and sewer. Consequently, it would be inappropriate for the SLDP to restrict all future development in EGMA to clustered housing. The incorporated areas of Edgewood and Moriarty, served by water and sewer systems, should take care of most of our higher density needs well into the future.
5. the critical need to avoid driving up the costs of housing in EGMA through additional regulations which are neither appropriate nor necessary in this area. Currently, EGMA is the most affordable area in Santa Fe County for housing. This affordability supports the area’s diversity and sustainability, and some of the misguided green initiatives in the SLDP are of doubtful value, and could cause housing costs to soar.
6. the greater willingness in EGMA to consider appropriate sensitive commercial development, which would add to the area’s sustainability by providing more broadly based employment and tax revenues.

It is our view that a separate EGMA District Plan would be a most efficient way of dealing with the substantial differences between EGMA and other parts of Santa Fe County. This would avoid the need for extensive changes and undue complications in

the SLDP itself.

In our review of specific Chapters, we have developed other significant concerns about the SLDP.

The SLDP has substantial internal contradictions. E.g., it promotes both the preservation of viewscapes and the development of wind-farms. The SLDP does not analyze the costs & benefits of such contradictory policies to help determine how the CDRC and BCC should manage the trade-offs between individually-worthy but incompatible goals. Further, we are concerned that some of the policies in the SLDP may undermine its stated goal of sustainable land management.

It is our view that a commitment to a separate EGMA District Plan would be the most efficient way for the CDRC to expedite the completion of the SLDP.

Respectfully,
EGMA Working Group

UC COMMENT: When EGMA residents go through a process to develop district or community plans, they might be surprised by the results which may differ from the present working group, but only time will tell.

Attachments: Draft comments on SLDP Chapters 1 – 7

cc: County Commissioners
Santa Fe County Planning Staff

1
INTERIM PLANNING COMMITTEE SLDP ESTANCIA GMA
Thurs. 29 July, 2010
Suggested Changes to SLDP Draft of June 2010

CHAPTER 1 SUSTAINABLE FUTURE FOR SANTA FE COUNTY

Objections and Suggestions

Change 1.

1.1 Introduction Page 7, 4th sentence (sic- 3rd sentence). After “will comprise” strike “the constitution for and controlling document over” and insert “the general planning guidelines for...”

3rd sentence reads: The SLDP, and all future amendments to the SLDP, including the Official Map and Capital Improvements Plan (“CIP”), which will be separately adopted, will comprise the constitution for, and controlling document over all planning, environmental, public facility and service, fiscal, land use, housing, resource conservation, renewable energy and green development legislation, administrative regulation, and development applications, financing and fees.

County response: “...will comprise the ~~constitution for, and~~ future direction over ~~controlling document over all~~ planning...”

Rationale: This change is needed because of the many contradictions in this document and the obvious need to include the omitted facts relating to the Estancia Valley's GMA, such as the ample groundwater situation, its existing incorporated traditional towns which the area is tied to, the existing preferred and totally sustainable life styles of its residents, and the collapse of economic viability of some of our existing farms and ranches. The SLDP document, as written, cannot and should not apply to our GMA and there are many dictates in the document which would unnecessarily destroy the Estancia Valley as we know it and want it to remain. If the SLDP is implemented without flexibility, as a "constitution", this flexibility and adherence to "reality" cannot occur.

Change 2.

1.1 Introduction, Page 7, Paragraph 2, Last Sentence, strike the entire sentence and insert the following: "Significant changes in conditions within some of the Growth Management Areas of the county require that the new SLDP replace the General Plan. However, the SLDP must contain sufficient flexibility to promote and nurture the continuance of preferred life styles and traditions in those Growth Management Areas where no compelling circumstances exist to change them."

Rationale: This wording must be included to add the flexibility needed to not apply unnecessary planning dictates to GMA areas which do not want them and do not need them.

[County recommended no change]

Change 3.

1.1 Introduction, Page 7, Paragraph 3 should be stricken in its entirety, or at least, add a period after the words "...survival depends..." and strike the balance of the sentence.

Rationale: The rest of the sentence promotes a "new and different relationship" which is a social engineer's dream which can only be interpreted to mean the uniqueness of our culture and our cherished lifestyles must now end! No one in the county wants this and there exists no valid reason to inflict this thinking on the residents of the Estancia Valley GMA.

[County recommended no change]

Change 4.

1.1.2 Page 8 Binding Principle, In second sentence after "be consistent with the SLDP," add "(where applicable.)"

Rationale: This would be the best place to inject some flexibility in the "principles" to head off the inevitable [threatened] legal challenges and community uproar which the county will encounter by trying to enforce hard dictates which cannot apply to some GMA's because of the serious reality omissions in the Plan as set out in our Change 1.

[Comment: Perhaps in response to this the county has brought back the GMAs.]

Change 5.

1.2.1.1 WHAT IS SUSTAINABILITY?

[Note that there are two 1.2.1.1 entries in SLDP draft]

1.2.1.1[a], Page 10, What is “sustainability”? Suggest all references to the U.N. Brundtland Commission and the United Nations vision of “global planning” be eliminated. If this is in fact the vision of Santa Fe County and the basis of this SLDP, then a serious disservice and significant deception are being done to the citizens of the county, which can only result in the destruction of our unique southwestern heritage.

County complied and removed the UN Commission quote:

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

If the County removed the UN quote under EWG's rationale (that such sustainable development would lead to the destruction of SW heritage) we would object. It seems EWG's real problem is fear of the UN and in EWG's words ”global planning” (a phrase not found in the SLDP draft). The UN quote is in reality very generic and probably so because it could find consensus within the broad spectrum of human interest.

[1.2.1.1.[b] WHAT DOES SUSTAINABILITY MEAN FOR SANTA FE COUNTY?

“Sustainable development maintains or enhances economic opportunity and community well-being while **protecting and restoring the natural environment** upon which people, natural systems and economies depend.” (emphasis added)

Suggest the phrase “...restoring the natural environment...” be changed to “respecting the natural environment...”

UC Comment: The county staff inexplicably complied. There is no denying that over-grazing and mining in the past has caused erosion with all of the repercussions to the water table, biodiversity, viewsheds, air quality, flood control etc. Land restoration also provides jobs.

UC recommends returning to the language “protecting and restoring”. We find much that is beneficial and nothing harmful that needs to be deleted from this section.

Change 6.

1.3.1 Bullet 1, Page 11, 3rd Sentence after “transportation choices can be provided” add “when feasible and appropriate.” [County recommended no change, which is good.]

Change 6A.

1.3.1 Bullet 4, Page 11. For the EGMA, the “discernable edges” could only be the Edgewood Town limits and the exterior boundary of the EGMA or when communities within the EGMA define their own particular boundaries. Also the statement that the county’s “distinctive character is the opposite of sprawl” requires staff to define sprawl with the assertion that planned large lot development as it pertains to the EGMA, does

not necessarily mean “sprawl.” An important element in the EGMA and in fact the entire Estancia Valley basin to the south of Santa Fe County depends upon the significant economic contribution sustained by the advent of people who move here to escape a “type of sprawl” by buying and living on lots of 2.5 to 40 acres, and thereby preserving the traditional and most prevalent life style of the EGMA. [County complies by suggested editing of quoted phrases. This is probably OK.]

Change 7.

1.3.1 Bullet 5, Page 11, add “some” before “specific” at beginning of sentence, and “or can be provided” at the end. [County recommended no change]

3

Rationale: Obviously the Estancia GMA, outside of its traditional community and extraterritorial boundaries of those communities, does not desire the dictate of compact growth. Its citizens would prefer the flexibility of choosing this type of community to exist where the local citizens deem it appropriate!

Change 8.

1.3.1 Bullet 6, Page 11, 2nd sentence, after “for place, compact development..” add “(where appropriate)” and delete “the opposites of sprawl.” [County complies somewhat, replacing “compact development” with “efficient development patterns” and deleting “...sprawl”. EGMA will likely not be too pleased.]

Rationale: “compactness” is not a part of the distinctive character of the Estancia GMA outside of our existing incorporated towns.

Change 8A. 1.3.2 Page 11, Bullet 2 After “...fiscal responsibility...,” strike “and” and add “..., fiscal health and fiscal accountability.” [County recommended no change but it may be a good suggestion.]

Change 9.

1.3.3, Page 11, “Focus on...”, after the words “Relation to” add “Respecting Existing and...” [County complies. This change may be helpful for existing communities & plans]

Rationale: This is an appropriate spot to emphasize that those communities which have developed existing plans will not have done all their work in vain and will not have to bring their plans into strict compliance with all SLDP requirements as long as the plans and guidelines of the existing plans, goals and codes are reasonably sustainable as to available water resources.

Change 10.

1.3.2 Page 11, Bullet #4, 3rd sentence, after “agricultural activities” add “responsible residential development, building construction...” [County recommended no change, as the sentence goes on to conclude with “Industrial Uses.”]

Rationale: A huge population of our county, especially within the Estancia GMA is employed in the home building and construction industry, and we do not want to leave them out of the economic equation.

Change 10A.

1.3.3 Page 12, [#4], Bullet 1, Strike "...and acts as a mechanism to control sprawl" and add "while protecting individual property rights."

4. ~~Protect and Restore the~~ Respect the Natural Environment, the Rural Landscape and Open Spaces Between Established and New Communities
 - o Acquire open space in strategic locations to support healthy communities and provide opportunities for outdoor recreation, resource preservation and conservation programs, ~~and acts as a mechanism to~~ control sprawl, while protecting private property rights.
 - o ~~Restrict~~ Limit development in identified areas of ecological, archaeological and cultural sensitivity.

Comment: Here the County rolls back #4 "Protect and Restore the Natural Environment..." and replaces it with "Respect" the Natural Environment..." EWG didn't ask for that change here. But the revision suggests that reclamation may not be a County imperative. The County did however add the EWG's requested phrase to "protect" property rights. So the Plan is instructing that rather than "protecting" the natural environment, what we are redirected to "protect" is property rights. Here, what is to be sustainable is "property rights" only. Further, the County continues, again unasked, and weakens the next bullet point to "limit" rather than "restrict" development in sensitive areas.

UC Recommends restoring the original language of the "Final draft" as there is otherwise a complete change of intent.

Change 10B.]

1.3.4 Page 12 1st Bullet, Change "Acquire" to "Purchase" County recommended no change

Change 10C.

1.3.5 Bullet 1, Page 12, Change the word "Ensure" to "Move toward..." County recommended no change

Change 11.

1.3.5 Bullet 2, Page 12, at end of sentence add "only in GMA's where this is appropriate." County recommended no change

Change 12.

1.3.6 Bullet 1, Page 12, Replace existing sentence with "Existing hydrological parameters should be only one of many criteria used to determine zoning, and should be retained in the EGMA plan unless existing or potential imported water resources are available."

County complied as follows:

o ~~Eliminate~~ Change existing hydrologic zoning to a more comprehensive zoning approach.

Rationale: A major downzoning of the holdings of existing property owners, not justified for any practical reason is a serious “taking” of property rights and values and should not be implemented without a darn good reason other than the whim of bureaucratic planners. Huge county economic liability issues could destroy both landowners and the county treasury.

Change 12A.

1.3.6, Bullet 5 Page 12, Add “logical” between the words “creative” and “sustainable.” [no change]

Change 12B. 1.3.8 page 12 Add a third bullet as follows: “Ensure fiscal responsibility and accountability.” [no change]

Change 12C.

1.4 Binding Principles

1.4.1, 1.4.2, 1.4.3 “How we design and build...etc.” Many objectionable principles which negatively affect the EGMA are set out within the various bullet points on pages 13 through 17. These objectionable items will be addressed in the details of the chapters where they are found.

Comment: There are many alterations to the Binding Principles that staff has made perhaps reflecting EWG objections to be found in the chapters.

Change 12D. 1.4.4.4, Page 18, “Community Planning” should be changed to read “District Planning.” [no change]

5

Change 13.

1.4.4.5, Page 19, New Ruralism..., 1st sentence, after “preference in” add “some GMA’s in...” [This section is completely rewritten]

Rationale: This concept is new as stated but is not traditional and not a preference of the citizens of the Estancia GMA.

Change 13A.

1.4.4.6 Page 19, New Ruralism Design Elements, Bullets 1,3 and 4 do not fit the EGMA’s stated traditional and desired development criteria and are impractical and inappropriate for the EGMA. Staff should insert here the appropriate language to clear up these conflicting principles. [EWG here targets anything that reflects village-like style development, encl. Neighborhoods, or multi-modal transportation options. County has completely rewritten this section under the heading “1.4.5 REGIONAL PLANNING, PARTNERSHIPS AND COOPERATION”]

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 1 INTRODUCTION

1. The SLDP must contain a realistic summary of the water resources situation and the traditional and contemporary desired growth patterns of the Estancia Valley GMA and point out why many of the key elements being applied to solve real or perceived problems in the GMAs's around Santa Fe do not apply to the EGMA. This narrative of facts should refer to the existence of the two incorporated towns in close proximity to the EGMA (Edgewood and Moriarty), the existing infrastructure, I-40, private and public water systems, sewer systems, local economic development efforts, and our lack of dependence on the northern portion of the county for jobs, shopping, public services, etc. It should clearly show that most future need for principles of "centeredness" or clustering will be met by our traditional communities already in place, and that larger lot development, mini-ranch concepts, and other types of quasi-rural development are a desired and sustainable aspect of life in the EGMA. Flexibility is very important to our EGMA, therefore clustering, if appropriate, should not be ruled out as another available development concept.
2. All planning dictates of the SLDP should recognize the "real world" underground water source as well as the relatively sparse population density in the EGMA, and therefore all references to the use of surface water as well as "public facilities" should not apply to the Estancia Basin GMA.
3. All mandates for cluster development or specific language that vilifies or discourages our EGMA traditional large lot development should be specifically eliminated from the SLDP. Clear statements that those planning "dictates" do not apply to the EGMA should be inserted into the plan.
4. The SLDP should clearly state that the EGMA has the immediate right to begin its own district plan, should respect the existing or future community plans within its boundaries, and should assert that the EGMA plan is not mandated to adhere to all "dictates" in the SLDP which would logically not apply to the area.

Comment: Contrary to the above (that the EGMA plan should not be mandated to adhere to all SLDP dictates), the Estancia Working Group (EWG) has pressed for changes to the entire SLDP--changes that would apply to the whole plan, not just the EGMA. Perhaps EWG is just covering all bases, but many of Staff's edits to Ch. 1 of the Final Draft could allow potential inappropriate impacts upon areas county-wide to happen.

CHAPTER 2 LAND USE ELEMENT – Objections and Suggestions

Change 14.

2.1.1, paragraph 3, Page 22 "...adequate public facilities" should read "adequate facilities" because all of the water systems in the Estancia GMA are private or co-op.

Co-op is rather public.

Change 14A.

2.1.1 KEY ISSUES

1. Population growth and increasing competition for diminishing natural resources. Santa Fe County is reaching a critical point with regard to population growth and land consumption and there is a need to direct future growth to appropriate areas which can be served in a sustainable manner.

4. Unsustainable development patterns negatively impact the environment. Fossil fuel use creates greenhouse gas emissions that contribute to global warming and climate change. Large lot, low-density residential development is resource intensive, expensive to serve, overly consumptive of land, and often results in excessive vehicle miles traveled. These impacts are exacerbated by overly consumptive land development that consumes forests, water resources, wildlife, open spaces and agricultural and ranching lands.

2.1.1 Page 22, [#1] The SLDP decries “population growth and increasing competition for diminishing natural resources” in Santa Fe County. The fact is the entire county encompasses 1909 square miles (each equivalent to 640 acres) with a population density of 67.7 people per square mile (about 9.5 acres per person.) Subtracting out the population and area figures for the town of Santa Fe leaves the rest of the county at 37 people per square mile or about 17 acres per person. Further, the EGMA is projected to add 2,167 people between 2010 and 2030, or an increase of 1.1% or 4.7 additional people per square mile in the EGMA. Stating that this situation is in danger of contributing to global warming is ludicrous.

UC supports both statements numbers 1 & 4 as is.

Comment: EWG rationales, here and elsewhere on global warming, would prevent appropriate action by denying human ability to slow impending calamity. It's irresponsible of them to think they are so special that they need not innovate like the rest of the County. County by county action across the State and Nation can have a tremendous and positive effect. Santa Fe County could become a model for the State and Nation but only if we have the will.

Change 15.

2.1.1, paragraph 4, Page 22, This paragraph totally opposes large lot development which is the desired development pattern of the Estancia GMA outside of our traditional communities. Suggest we add in the third line after “low density residential development” the word “often.” Census data yields the fact that the average commute time for workers is 17.5 minutes in the densely occupied city of Santa Fe and 22 minutes for the county as a whole, belying that negative effect of large lot development. Also the county does not offer nor is it expected to offer “expensive” services to the EGMA. The actual close proximity of traditional communities of Edgewood and Moriarty to the balance of our developable land in the Estancia GMA, substantially reduces this implied negative effect, and is not a factor here.

It's not clear that the EWG has made the case, but perhaps the word “often” won't subvert the intent:

Large lot, low-density residential development [often] is resource intensive, expensive to serve,

overly consumptive of land, and often results in excessive vehicle miles traveled.

Change 15A.

2.1.2, Page 23, paragraph 1, Encouragement of “green development design,” these terms should be clearly defined in the document.

Change 16.

2.1.2, paragraph 6, page 23, If any part of the Estancia GMA falls under a “priority growth area” then this reference to “compact...development” must be changed to allow our desired flexibility.

A specific EGMA exemption requested.

Change 17.

2.2.4, Page 38 In line 5, after “...such developments are” insert the word “sometimes” before “excessive,” and after “do not” insert “always” followed by “position.” This eliminates the absolute negative implication of large lot development in all circumstances.

Perhaps the word “often” would be appropriate instead of “sometimes” if indeed it is accurate:

While rural, large lot development is a popular lifestyle option, the public and private costs of such development are [sometimes] excessive and do not [always] position the County or its residents to attain sustainability.

Change 17A.

2.2.4.1 Page 38 Mixed Uses. In the EGMA, mixed use can mean we raise both horses and goats, work a vegetable garden and tend a few fruit trees. Many of the residents of the EGMA work from their homes, conserve energy, recycle, compost, raise their own meat and vegetables. The SDLP must contain verbiage allowing flexibility in the EGMA to accommodate, not vilify, this lifestyle.

We don't see that any changes are needed in 2.2.4.1 Mixed Uses

Change 18.

2.2.5.1, Page 40, paragraph 1 After “SDA’a” add “often” followed by “serve as an incentive for compact development,” and add “except in those areas in the Estancia Basin where the existing traditional communities’ growth usually fills this need.”

A specific EGMA exemption requested. Is it true that “the existing traditional communities’ growth usually fills this need” & will continue to do so?

Change 19.

2.2.5.1, Page 41, paragraph 4 In seventh line after “clustering may be required,” add “(not required in Estancia GMA.)” On 9th line after “map” add “(not required in Estancia GMA.)”

A specific EGMA exemption requested.

Change 20.

For reference from the Final draft:

2.2.5.2 Future Land Use Map:

Open space protection and clustering requirements may be substantially reduced, compared to the remainder of the County, due to the substantially lesser extent of significant scenic resources and significant wildlife habitat in this area. Open space protection in the Estancia Growth Management Area will be oriented toward an interconnected system of bridle trails that will serve the lifestyle of its residents and protection of the 100-year flood plain where development is already largely prohibited by the County’s land development regulations.

2.2.5.2, Page 43, paragraph 2 After “wildlife habitat in this area” add the following. “The primary reason that clustering requirements and surface water requirements must be relaxed in the Estancia GMA is that the traditional communities have already incorporated and are supplying most of the space needed in the foreseeable future for higher density development. The property owners see the traditional larger lot development that has been predominant for the past 50+ years as the ideal growth pattern with the hydrological justifications as the best determinant of lot size. Some clustering should not be ruled out completely as an option where it might become more palatable between Edgewood and Moriarty, but should not be specifically encouraged.” The most important fact which sets the Estancia GMA aside from the balance of the county is that it sits upon a huge underground water basin, which is the source of all of its commercial and domestic water. Farming currently uses 95-98% of all water use, and there is no surface water supply. Several farms have taken the steps to begin converting water rights to domestic usage, which cuts in half the allowable water usage and greatly benefits the underground table. Here the water source realities demand that policies related to “surface water usage” cannot apply and this district’s planning must reflect this fact.

Change 21.

2.2.5.2, Page 43 cont’d. After paragraph 2, as set out above, add to paragraph 3 after the words “...through the SLDP,” [EWG meant the SLDC] “or as set out in the Estancia GMA District plan to continue existing traditional growth patterns, relying on their unique sustainable underground water sources.”

Change 22.

2.2.5.2 Page 43, Future Land Use Map. The designation of “rural fringe” is incompatible with existing traditional land use patterns in the Estancia Basin GMA is the “rural” designation area. This strongly emphasizes the need for a community or district plan for the entire Estancia GMA; until such a plan is completed the current hydrologically determined density requirements should remain in effect.

Change 23.

For reference: “Intensity and density standards shown in the Future Land Use categories will be applicable to all base zoning districts.”

2.2.5.3, Page 43, paragraph 1 Fourth line after “...applicable to all base zoning districts,” add “which are encouraged now or in the future to rely eventually on surface water sources.”

Note that EWG has no direct comments /changes here regarding the Final Draft's DCI section.

Change 24.

2.3, Page 53, Goal 1, after “this Plan...,” add “where applicable.”

Re: 2.3 GOALS, POLICIES AND STRATEGIES

Goal 1: Land use and development should comply with the binding principles for sustainable land development established in this Plan.

Change 25.

2.3 Page 53, Goal 1, Policy [Strategy] 1.1.1, strike this paragraph

Strategy 1.1.1: Eliminate Hydrologic Zoning and replace with a more sustainable zoning system.

Rationale: The same as is set out in our Change 12. “Rationale [12]: A major downzoning of the holdings of existing property owners, not justified for any practical reason is a serious “taking” of property rights and values and should not be implemented without a darn good reason other than the whim of bureaucratic planners. Huge county economic liability issues could destroy both landowners and the county treasury. “

UC has 2 questions. 1. Would this apply to the whole county? 2. Could this create a legal loophole in the directive to restrict developers to use a county utility or create their own.

Change 26.

Goal 2, Policy 2.4, Page 53, At end of sentence, add “where appropriate.”

Policy 2.4: Establish SDA-3 areas to protect agricultural land, environmentally sensitive land and conservation areas.

Change 27.

Policy 2.8: Reduce per capita land consumption in the County by directing growth and requiring compact development patterns in primary growth areas.

Goal 2, Policy 2.8, Page 53, at end of sentence add “where appropriate.”

Rationale: This is not appropriate in the Estancia Valley GMA.

Estancia Valley has not gone through a community planning process. One wonders after more of the community is engaged in the process, to what extent the direction now being charted by the EWG might change after more inclusive planning.

Change 28.

Goal 4, Page 54, the Future Land Use map as shown should not be included in the SLDP. The use categories are not adaptable to District and GMA plans, and community plans which should be crafted by each Planning Area Group. It is implied by the Future Use map that a given category will be assigned a uniform density throughout the county, and this will usurp the authority of all individual District, GMA and community plans to choose their desired density factors.

UC may be in agreement here.

Change 29.

Policy 5.7: Allow for development of family compounds as an alternative to family transfers.

Goal 5, Policy 5.7, Page 55 At end of sentence, add “only if sources of individual home mortgage financing are verifiably available.”

Change 30.

Goal 6: Ensure that all new development is sustainable by requiring “green” building and development techniques.

Goal 6 Page 55, At end of sentence, add “provided the cost of these techniques does not add an excessive cost to construction.”

Change 31.

Goal 7, Page 55 Add at end of sentence “in GMA where these patterns are appropriate.”

Goal 7: Development patterns should be compact to minimize sprawl and land consumption, provide transit options and meet mixed use objectives through the development of appropriate land use tools and land transfer techniques.

Change 32.

Policy 7.1: Development in priority growth areas should include central, mixed use walkable centers and places, and include a reasonable jobs/housing balance.

Goal 7, Policy 7.1, Page 55, In 1st sentence after “balance...,” add “...in GMA where this is appropriate.”

Rationale: The Estancia GMA will be served by jobs in Moriarty, Edgewood, and the

Torrance County portion of the Estancia Valley, and will not have to rely simply on proximity to Santa Fe County for employment.

Change 33.

Policy 7.4: Allow mixed-use development and direct large scale commercial development to well-defined, compact nodes and centers and prohibit strip commercial development or spot commercial zoning.

Goal 7, Page 55 Policy 7.4, At end of sentence add “except where appropriate in low density GMA’s.”

UC recommends that in low density areas unplanned commercial zoning would not be appropriate.

ESTANCIA GROWTH MANAGEMENT AREA (EVGA) OBJECTIVES

Chapter 2 LAND USE ELEMENT

1. From the very first sentence in this chapter, it is clear the realities of the water supply, the geographical and practical overlaps of two other counties, the existence of two nearby incorporated towns (Edgewood and Moriarty) and the sustainability of large lot development with no need for expensive County services in the EGMA have been completely ignored in this chapter. The only solution in our view is for us to be allowed to form our own District Plan as soon as is practical.
2. The inevitable break-up of existing large ranch holdings into smaller tracts where western life style endeavors such as equine activities, raising of various popular types of animals for 4-H participation, or personal or commercial use or consumption shall not be discouraged in the EGMA.
3. Clear, concise definitions of the words “green,” “green technologies,” and similar references must be established or the terms should be omitted from the SLDP. The undefined and frequent use of these “green” phrases leaves too much open to anyone’s interpretation.

From “SLDP Glossary Draft 8/19/10: **Green Building**: The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and deconstruction.

This Glossary definition of Green Building addresses fairly well EWG's concern in #3.

4. The SLDP should require that all new codes and requirements generated by the Plan undergo a practicality and economic feasibility study to insure such requirements do not inordinately add to the cost of housing or development. **Further, the Plan should not mandate the development and use of “green” or “alternative” energy sources which must be publically subsidized in order to be economically viable.** (emphasis added)

Comment: UC does not agree with this opinion and notes that many established energy sources have been subsidized. EWG are seeking the status quo that can't be maintained. Unsustainability is not a solution and EWG does not provide a relevant quote from the SLDP to make their case. Also we think

there are many situations in which sustainability can be encouraged without subsidies.

5. All terms used throughout the SLDP which could be misinterpreted by the average citizen should be defined in a Glossary of Terms to be incorporated in a separate chapter of the SLDP.

1

Chapter 3: Economic Development Element page 56

EGMA OBJECTIVES

1. Foster economic strength and diversity through support of private sector industry, responsible land management and development, and good stewardship of water and natural resources.
2. Equal opportunity for all county citizens to benefit from economic policies. Opportunities are not be limited to a select few. Targeted industries to be supported for future economic development should include, but not be limited to, Manufacturing, Renewable Energy, Health Care, Aviation, Construction, Farming, Ranching, Equine Activities, Energy and Water Conservation Technology, Arts & Culture, Film/Media, Agriculture, Ecotourism and Outdoor Recreation.
Simplification of County rules and regulations which impede new business / entrepreneurship.

3. Fair re-distribution of taxes such as impact fees.

4. Fiscal responsibility - reduce costs and size County of government to relieve our tax burden (among the highest in the State). For example, the following New Mexico agencies are tasked with economic development. The County plan will save unnecessary expenditures by avoiding duplicate / overlapping responsibilities.

1. NM Economic Development Department (NMEDD)
2. Regional Economic Development Initiative (REDI)
3. North Central NM Economic Development District (NCNMEDD)
4. United Way of Santa Fe County
5. Santa Fe Business Incubator
6. Santa Fe Community College
7. Santa Fe Alliance
8. Santa Fe Chamber of Commerce
9. Estancia Valley Economic Development Association (EVEDA)
10. Regional Development Corporation (RDC)
11. Northern Rio Grande National Heritage Area

6. While the SLDP addresses the overall economic development needs and concerns for Santa Fe County, it falls short in addressing economic development issues and concerns in the Estancia Valley. In order to address all the basic economic needs to develop a strong Comprehensive Development Plan, it is important to consider the following facts with regard to demographics of the Estancia Valley portion of Santa Fe County, all of which support the EGMA being allowed to have its own district plan and codes:

EGMA Demographics - The SLDP needs to include / incorporate EGMA economic and demographic differences in overall plan, goals, policies and strategies.

1. The two largest incorporated communities in all of Southern Santa Fe, Torrance and Eastern Bernalillo Counties are in the Mid Region Council of Government District, not in the Northern

Council of Governments District.

2. The two largest incorporated communities in all of Southern Santa Fe, Torrance and Eastern Bernalillo Counties are in the Albuquerque Metropolitan Statistical Area, not in the Santa Fe Statistical Area.

3. EGMA does not have major shopping resources, except for Wal-Mart. Businesses are primarily small entrepreneurs with smattering of small national outlets (Alco, Dollar Store, McDonalds, etc.)

4. All of the Estancia Valley is in Central NM Electric Cooperatives District with electricity provided by Colorado based TriState Electric, not in PNM's public utility district.

5. The current proposed fiber optic ring for the City of Santa Fe includes only the Northern portions of Santa Fe County not the Southern portion, nor is Santa Fe County or the City of Santa Fe open

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to considering the southern portion. All of the Estancia Valley is in EMW Gas District or propane is used for gas needs.

6. All of the Estancia Valley is in Central NM Community College District, not SF Community college district.

7. The Major public school district is Edgewood/Moriarty School District.

8. All of the Estancia Valley shares in their workforce with 62% of the workforce commuting to Albuquerque daily for jobs.

9. All of the Estancia Valley is part of the Central WIA Board. The workforce Investment Act is a federal program implemented in 1998 to funnel funds in a regional effort to provide education dollars for individuals. These dollars are spent in the following industries in the Central area: Manufacturing, Renewable Energy, Health Care, Aviation, and Construction.

10. Because the entire Estancia Valley is considered a rural area; the Estancia Valley qualifies for rural incentives that attract economic-based industries.

11. Consideration should be given to Torrance County, the City of Moriarty and the Town of Edgewood's existing and up-to-date Comprehensive Plan with regard to their direction for economic development when implementing the SLDP.

12. County should not implement harsh zoning rules and laws without taking into consideration the different economic conditions in different parts of the county; (one size does not fit all).

13. EGMA has little in public transportation, except a limited rapid transit bus. Yet, residents are required to support the Rail Runner with no local access.

14. EGMA has little commercial entertainment venues (museums, art galleries, theaters, roller rinks, bowling alleys, family fun centers, Boys & Girls Club, YMCA, and many other youth outlets.) Instead, EGMA activities are mainly agri-related. (Gardening, 4-H and equine.)

15. Farming and ranching is on a much larger scale than the rest of SF County.

16. Community water systems and private wells provide water. (These private water systems are excellent stewards of water resources as overuse is quickly identified.)

In consideration of the above stated facts, it is imperative that a second look be taken with regard to the Economic Development section of SLDP and to incorporate the basic economic development elements that shape the quality of life in the Southern part of Santa Fe County.

Individual objections / suggestions to chapter 3 follow.

[Frankly, all this argues for a political reorientation away from Santa Fe County.](#)

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Chapter 3: Economic Development Element

Change 1: Introductory Paragraph, Page 56 Paragraph 1, line 2, add "property rights" as one of the protections before protections of social and cultural resources

SLDP reference from introductory paragraph: “The County should seek to generate economic activity which enhances our quality of life, provides jobs for our residents, especially our youth, enriches community life and promotes values such as a healthy environment, protection of _____? _____, social and cultural resources, self-reliance, self- sufficiency and entrepreneurship. “

Comment: The sentence in this chapter concerns “generating economic activity” for the enhancement of quality of life, etc. The phrase “property rights” is a legal term concerning the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals. It also comes with some popular baggage that would wedge hierarchical distinctions between the welfare rights of the public and the private, often placing the protection of private property rights above other public values that should be placed in the context of protection. This ultimately tries to argue for deregulation which is one of county government's most important functions. It also confuses the needs of a small business or landowner with that of a (large) corporation who might be less motivated towards the concerns of their “neighbors” than to their stockholders.

The EWG proposal to insert specific property rights protection issues among the general language of the Plan (here meant to further the economic development of the county) seems out of place. Won't this issue of “property rights” be addressed in the Code rather than repeatedly inserted into the Plan as the EWG suggests?

Change 2: Line 5, Support for [add] "private sector" workforce development

For reference: “Support for _____? _____ workforce development to enhance opportunities for both employers and employees; maximize infrastructure investments to support economic development; . . .”

Comment: Concerning Change 2, this change would be exclusive and would forbid any governmental or stimulus jobs that might ever manifest in the EGMA. This change #2 should be resisted.

Change 3: line 6, add "but not limited to" in connection with recruited industries

. . . and recruit industries beneficial to the County, including _____? _____ agriculture, media, clean technology and renewable energy.

Concerning “Change 3”, adding “but not limited to” seems OK.

EGMA believes in strong property rights, and promotion of business friendly environment for private sector business, which is not focused on just a few targeted industries.

Least we missed it, the above clarifies. What is often considered “business friendly” might not benefit the general welfare: low corporate tax (a type of subsidy), and deregulation that often leads to pollution that requires public expense to remedy, etc. We're not convinced that EWG realizes that much of the Plan is directed to keeping developers responsible rather than the taxpayer.

3.1.1 KEY ISSUES

Change 4: 1. Revise first key issue sentence from "Conventional approaches to economic development have not produced a diversified economy" to say what it really means: "County economic development has been impacted by the downturn in national economy."

Were conventional approaches to economic development working well before the downturn? If not, perhaps both statements are true. One wonders what "conventional approaches" are being considered. Would that include the real estate bubble?

Change 5: Item 3. deals with impacts and effects of climate change.

As the EWG doesn't always post the items, here is Item 3. "There is a lack of resources and strategies to prepare for impacts and effects of climate change. The anticipated economic impact of climate change is significant.

EGMA Concerns/recommendations: There are no resources or strategies significant enough in Santa Fe County to make any impact on climate change. We believe that science supports natural climate changes not created by mankind, and that any effort to address climate change issues would be both futile and financially devastating to the County citizens. Therefore, item 3 above should be deleted as it is far beyond the scope of SLDP. (emphasis added)

UC encourages the County to resist any changes to the SLDP based on the false opinion that local efforts to curb climate change would not be helpful or would be counterproductive. The belief that mankind has nothing to do with climate change is absurd. Apart from climate change, the need to diversify energy sources is unquestionable.

Change 6: Item 4. on deficient infrastructure, delete "including ecology-based tourism" as it is not essential.

Here's item 4. "Deficient essential infrastructure to support appropriate economic development activities. Inadequate infrastructure such as broadband, energy impacts the region's ability to provide services and support appropriate economic activities including ecology-based tourism."

Rather than deleting "ecology-based tourism", this could be expanded and clarified, but certainly not deleted.

Change 7: Item 5. on business services and support, add new sentence at the end of the paragraph, "Currently, there are several major sections of the Southern portion of Santa Fe County that do not have access to high speed internet, or basic phone service making home based businesses a challenge." [Sure, add internet, but drop "Southern portion of" County]

Change 8: Item 6. on workforce training, add at the end of the paragraph "Education dollars for most low income individuals in the Estancia Valley are based on WIA funding sources which have identified the following industries for funding: Manufacturing, Renewable Energy, Healthcare, Aviation, Construction." [Again, this issue need not highlight Estancia]

Change 9: Item 8. on food security, suggested it be deleted or moved to another chapter, as it does not pertain to economic development.

8. Food security and local agricultural production has not been adequately addressed in the region.

During the work sessions on agriculture, we heard testimony that families were doing quite well in small farming. Why couldn't this activity be encouraged and expanded to meet a known need?

Change 10: 3.1.2 item 1, delete "cluster", as it does not apply to EGMA.

FYI: 3.1.2 KEYS TO SUSTAINABILITY

1. The strategic development of cluster industries such as the “green” industry, arts and culture, film,[and] agriculture, outdoor recreation and ecotourism. Other industries that fit the principles of sustainability should also be supported.

This again is an example of EGMA writing their plan into the entire SLDP. However the insertion of and before agriculture would clarify this.

Unrelated to Estancia's input, the industrial area targeted on NM14 near the pen should be “green” industries.

Page 57

Change 11: Item 3. first paragraph on support for small businesses, the elements need to be expanded to include those stipulated in the Workforce Investment Act in Estancia Valley, and suggested wording is: "including but not limited to retail, office, media and film, consulting, finance, arts, manufacturing, green industry, outdoor recreation, technology, aviation, construction, healthcare and ecotourism. Other economic based and service industries should also be supported. "

Change 12: Item 4. on partnerships, line 4, change the word "entities" to communities, counties and organizations ...

Change 13: Item 5. on preparation for the effects of climate change, recommend deleting this element as out of scope (same as item 3 above).

Item on CLIMATE CHANGE, EWG wants deleted: 5. The County needs to prepare for anticipated environmental and economic impacts and address the effects of climate change.

Change 14: Item 9. delete word "cluster" for EGMA industries.

Change 15: Item 10. on economic development for targeted industries, change "in accordance with principles outlined in SLDP to "in accordance with the State Economic Development Department."

EGMA concerns/recommendations: This SLDP section contains broad support for resources, training, small business, emerging industries, economic develop activities, existing & future development opportunities including youth, targeted industries, etc. which is highly idealistic and vague. How could they be possibly be financed and implemented in a meaningful way without enormous expense and expansion of State and County Government?

EWG again appears to be expressing an ideological aversion towards government. One wonders just who are the “highly idealistic” in these discussions.

Change 16: Item 11. "Damage to the natural, scenic [and cultural]... environment has significant impacts on visual and natural resources which results in reduced real estate values in this market." as worded, is not a "key to sustainability". **EGMA concerns:** This item implies a "catchall" provision to stop all development which takes place in any natural, cultural and scenic environment, and clearly states that the undefined term "damage" will "reduce real estate values." Does this mean no roads to subdivisions, no subdivisions, no development anywhere? It promotes a lie about "value," has no reason to be included in an "Economic Development" chapter, and should be deleted in its entirety.

3.1.2.11. Damage to the natural, scenic, and cultural environment has significant impacts on visual and natural resources which results in reduced real estate values in this market.

Item 11 is a fact. This was evident by real estate concerns during the oil/gas proposals. UC supports item 11 as is.

Change 17: **3.2 Critical Findings**, line 5 delete word "green" before industry, as EGMA believes most all industry should be encouraged.

3.2: "The County, in its effort to aid the attraction, expansion and retention of economic investment, has identified several key structural components necessary to develop a sustainable local economy which include target industries such as green industry and media/film, workforce and education, infrastructure, incentives and partnerships."

EWG continues to target the County's mild attempts to encouraging green industry but EWG apparently only wishes the status quo. UC supports 3.2 as is.

3.2.1 PARTNERSHIPS

EGMA concerns – there are at least 11 overlapping agencies / organizations with goals to strengthen economic development. The SLDP should step aside and allow these established agencies to do their job, thus avoiding added expense and conflicts of interest. [Strange comment considering that the County is a player, a partner.]

pg 58

3.2.2 LEADING INDUSTRIES

EGMA concerns: None of these employment tables on pages 58 & 59 include the workforce from Southern Santa Fe County and the Town of Edgewood that work in Albuquerque or in Torrance County.

5

Change 18: Line 3: To be more accurate on new jobs, "Two sectors" should be changed to "*Three sectors, (State & Local Government [third highest in the nation],*" Educational and health services; Leisure and hospitality) added most new jobs ...

Page 60

3.2.4 TARGET INDUSTRIES

EGMA Concerns / recommendations: EGMA supports industry which creates jobs and shows reasonable respect for the environment. For the most part, SLDP targeted industries in 3.2.4.1 “GREEN” INDUSTRY – ENERGY AND WATER CONSERVATION TECHNOLOGY discriminate against EGMA, and the local support for green industries, creation of a Center for Community Sustainability, workforce training, etc. will not help to make a thriving economy in the Estancia Valley.

Reconsideration of the practicality, expense and benefits for the selected industries should be a high priority in this current economy. At a minimum, This section needs to include target industries in the Estancia Valley such as manufacturing, technology, aviation, healthcare and construction.

Above, EWG's de-greening presses on. 3.2.4.1 doesn't restrict other industries but encourages green industries—the very industries that actually will thrive in the future.

Change 19: Under **3.2.4.2 on ARTS AND CULTURE**, end first sentence with explosive growth "*in and around the city of Santa Fe.*"

First sentence: “Since the 1970’s, the arts, culture and tourism industry in Santa Fe County has experienced explosive growth.”

Arts, culture and tourism industry surely are not confined to Santa Fe, but the revenues also effect the County, County-wide.

Page 61 - 3.2.4.3 Page 61, line 2 - Film/Media – This paragraph states that for every \$1.00 in foregone taxes the county sacrifices to keep film companies coming back, it receives \$0.56 in revenue. EGMA recommends a careful evaluation of the cost benefit ratio of this industry before making it a favored target industry.

Page 62 - 3.2.4.4 AGRICULTURE

EGMA Concerns: This section only concentrates on food supply omitting large farm production that provides feed and also provides a significant job force.

Need to define "value added" production or agriculture in this small section.

Change 20: In Section 3.2.5 **INFRASTRUCTURE**, introductory paragraph, recommend deleting the word "renewable" before energy.

The item reads: “. . . the County has identified regional infrastructure development in broadband, renewable energy and agriculture infrastructure, as key to advancing the local economy into the future.”

Again UC supports 3.2.5 as is, with the word “renewable” energy into the future.

Change 21: 3.2.5.1 **BROADBAND** changes "the number one" to "an" infrastructure priority.

3.2.5.2 RENEWABLE ENERGY [also sees EGMA chap 7 recommendations and incorporate here] ***EGMA concerns / recommendations: In view of the loss of jobs, exorbitant cost***

and lack of infrastructure (e.g. transmission lines) for renewable energy, EGMA desires to foster maintenance of an efficient traditional energy industry. EGMA welcomes renewable energy as long as the costs of any ventures into renewable or green energy are borne solely by private industry with no subsidies or taxes imposed on county residents.

To what degree are “traditional’ forms of energy subsidized presently?

Page 64 Item 3.3 Goals, Policies and Strategies

6

Change 22: Policy 8.2: "Direct economic development to Opportunity Centers and major transit-oriented development sites served by facilities and services through requirements and incentives" would not apply in Estancia Valley and costs would be discriminatory. Suggest deleting or restricting application to higher population areas.

Change 23: Policy 8.5: Delete words "require and"

Change 24: Soften Policy 8.6: by changing "Require" to "Recommend"

Policy 8.6: Require planned developments in SDA 1 and SDA 2 to include a broad mix of housing types, with a range of housing costs in support of workforce housing needs.

“Soften” is a revealing choice of words for a policy and for those pressing for deregulation. Being far from the county seat, and perhaps lax enforcement, this may be what they are used to and wish to continue into the future.

Change 25: Soften Policy 8.7: by changing "Require" to "Recommend"

Change 26: Strategy 8.9.1 discriminates against Estancia Valley, and wording should be revised to state workforce training programs " with local public school districts" ...and add "the" to National Laboratories... Delete word "renewable" before energy.

Strategy 8.9.1: Support efforts to establish workforce training programs with the Santa Fe Public Schools, Santa Fe Community College, St. John’s College, College of Santa Fe, University of New Mexico and Los Alamos National Laboratories that focus on targeted industries such as media, **renewable** energy, technology and value-added agriculture.

UC supports leaving the word “renewable”. Strategy 8.9.1 seems intended to be specific to the institutions listed. Strategy 8.9.3 could cover their concerns. Again deleting the word “renewable” is especially counter productive given the context: “. . . National Laboratories that focus on targeted industries such as media, renewable energy, technology and value-added agriculture.” Does EWG wish to host a nuclear power plant?

Change 27: Strategy 8.9.2: change LANL to " the National Laboratories"

pg 65

Change 28: Policy 8.10: Paragraph1, delete words "cluster" and "renewable".

Policy 8.10: Support development of industries with sustainable wages and high quality work

environments, including cluster industries such as value-added agriculture, technology, renewable energy and new media.

UC supports leaving in the word RENEWABLE. The EWG targets not only green sustainability but they are pushing back against support of renewable energy.

Change 29: Strategy 8.10.4 - Change wording from "Develop incentives to encourage" to "Welcome self-sufficient" renewable energy

Strategy 8.10.4: Develop incentives to encourage renewable energy, sustainability-related, and environmentally clean industries to expand or locate in the County.

Again, isn't the EWG deflating support of renewable energy and clean industries? UC recommends that the County uphold this Strategy. Although self sufficient renewable energy is desirable.

Change 30: Policy 8.17: Change "Support incentives to" to "Encourage" local businesses to retrofit buildings to achieve code compliance.

Here, the EWG appears to have a philosophical aversion toward governmental support or incentives towards code compliance. Again, UC requests that this Policy remain.

ESTANCIA GROWTH MANAGEMENT AREA (EGMA) CHAPTER 4, AGRICULTURE AND RANCHING ELEMENT OBJECTIONS & SUGGESTIONS

Suggestion: The majority of Chapter 4 discusses agriculture in the respect of food production for human consumption and there is a large section on acequias. In the EGMA this does not always relate to our large farm and ranch operations or large lot "hobby ranches" which include equine activities, animal husbandry, 4-H participation, etc., and these activities should be recognized in their positive light in the narrative.

Change 1.

Chapter 4, introductory paragraph, final sentence, pg. 67. This sentence seems to be geared toward other areas of the county not the EGMA. Add El Centro or appropriate GMA to beginning of sentence.

Final sentence: "The County's keys to sustainability lie in developing a thriving community-based agricultural system that supports the local production of agricultural products in as many forms as possible, including community gardens, programs to educate its citizens in how to be successful growers, water catchment systems, and through the development of as many markets for the sale of local food as possible."

UC recommends no change.

Change 2.

4.1.1 paragraph 6, pg 67. After "land use incompatibilities" add "in appropriate GMA's."
Add "This type of development may be positive growth in the EGMA..." as it

encourages a reduction of aquifer use and adds to sustainability.

This suggested change is likely too site-specific to be included in the general plan.

Change 3.

4.1.2 paragraph 2, pg 68. Define traditional agriculture, and in 2nd sentence after “be preserved,” add “(in appropriate GMA’s.)”

Change 4.

4.1.2 paragraph 4, pg 68. After the end of the paragraph add “The definition of a compact area may vary in growth management areas where tradition and local determination of lot sizes should prevail if sustainable.”

Change 5.

4.1.2 paragraph 6, pg 68. Paragraph does not mesh with EGMA’s agriculture operations which use 95% of the area’s water, exclusively from groundwater sources. Rain collection is not a viable option for EGMA farmers. Add “In the EGMA, residential and commercial water user conservation methods have not affected the area’s water supply to any significant degree and such proposals should always be analyzed on a cost/benefit basis as they pertain to housing.”

Change 6.

4.2.1.4 Community Based Agriculture, Page 71, 1st paragraph. Doing the math presented here, \$2,000,000 gross sales divided by 150 member families yields a gross annual family income of \$13,333. Most farm net income would average around 20% of gross or \$2,666.60 annual net income, belying the statement that this is realistically a “viable means of making a living.” Suggest statement be changed to reflect the reality that this source of income may supplement but never supplant the revenue necessary to sustain a family.

1st paragraph: Santa Fe County is home to the state’s oldest and largest farmers’ market. Considered one of the top ten in the nation, its 150 farm and ranch families from 15 northern New Mexico Counties sell year-round in a permanent facility in the Railyard District. Of the 150 members of the Santa Fe Farmers’ Market, more than a third of the sellers come from Santa Fe County. Other farmers markets have since been created in the County including La Cienega, Pojoaque and Eldorado, and in nearby Counties in Pecos, Dixon and Los Alamos, giving the smaller scale agricultural producers a viable means of making a living through direct sales. In 2009, gross annual sales at the Santa Fe Farmers’ Market alone exceeded \$2 million annually, serving more than 180,000 people annually.

Does the simple math justify their claim and suggested change? Considering that EWG claims that their area has an abundance of land and water, one wonders why some families couldn't make it on agriculture.

Change 7.

4.2.2 Page 72, 1st paragraph, Eliminate the first paragraph as it is full of irrelevant and untrue statements which could lead to misleading or damaging interpretations, such as “Just and Healthy Systems,” “...locally produced food is key to food safety...”, “multiculturalism,” “social justice...” Also the SLDP as written will ensure soaring land prices; it then is contradictory to pretend that county actions will make food cheaper and that “low global food prices” are bad for poor county residents This paragraph is the type of drivel that weakens and raises opposition to the SLDP.

Here's what the EWG is calling drivel:

4.2.2 LOCAL FOOD SUPPLY / FOOD SECURITY

Santa Fe County residents should have the ability to secure nutritious, culturally appropriate food through just and healthy systems. Locally produced food is key to food safety, multiculturalism, nutrition, environmental sustainability, community development and social justice. Many constituents in the County are struggling with poverty, rising food prices, poor nutrition, and low access to healthy food vendors. Contributing to low quality food systems are the degradation of watersheds, loss of farm land and its impact on diminished access to traditional food sources. Rising costs of land, fertilizers, feed, and other inputs as well as low global food prices are affecting local food production.

UC supports the paragraph as is. Wonder where they are getting their eggs?

Change 8.

4.4 strategy 9.1.1 Page 79, Replace “Require” with “As appropriate per individual growth management area, suggest . . .”

Strategy 9.1.1: Require new development in rural or agricultural areas to provide open space buffers adjacent to agricultural uses and adjacent to scenic road as appropriate.

Is the EWG thinking they are going to make a Plan for the entire GMA in which they reside, and that all the communities therein are going to, as is implied, not want to provide open space buffers “as appropriate”?

Change 9.

4.4, Goal 9, Policy 9.2, Strategy 9.2.1, Page 79, 2nd and 3rd sentences, after “districts,” strike “development impact fees and...” Rationale: The state impact fee laws rightly prohibit collection of such fees for any reason other than long life capital improvements. There is no conceivable excuse to charge such fees in support of existing agriculture, and this inclusion is not justified.

Strategy 9.2.1: Assess and develop resource tools such as cost sharing, temporary and permanent easements, beneficial taxation, improvement districts, development of impact fees and grants to support the viability of agricultural uses.

Then what about development of impact fees for long life capital improvements for agriculture?

Change 10.

4.2.4.5, Page 79, Bullet 1, After “accommodate,” strike “appropriate” and add after “development” “...if appropriate for specific GMA’s.” Rationale: The preservation of all existing farms in the Estancia GMA is not appropriate. EVBWPC is currently promoting conversion of some water rights from farming to domestic use to ease pressure on the aquifer (an immediate reduction of 50% allowable usage) and the SLDP must recognize this highly beneficial sustainability measure as it pertains to underground agricultural water sources.

Change 11.

4.4, Page 79, goal 10, Policy 10.2.1, strike “organic.”

Strategy 10.2.1: Support opportunities for organic farming.

UC encourages the County to leave the word “organic”. Not all forms of farming are proving sustainable. EWG would support continued petrochemical farming only. There are better, sustainable, healthier, local viable alternatives available, such as organic. This again is a County-wide suggestion.

Change 12.

Goal 11, Page 81, Strategy 11.2.2, add “In appropriate GMA’s...” [not needed as the strategy is already specific] add strategy 11.2.3, at end of sentence add “support water rights banking where these methods might cause a reduction in legal water rights.”

Change 13.

4.4 Page 79, Goal 9, Policy 9.1, strategy 9.1.1, Omit in total.

4.4 GOALS, POLICIES AND STRATEGIES

Goal 9: Preserve, support, promote and revitalize agriculture and ranching as a critical component of the local economy, culture and character.

Policy 9.1: Protect agricultural and ranching uses by limiting incompatible development in agricultural areas.

Strategy 9.1.1: Require new development in rural or agricultural areas to provide open space buffers adjacent to agricultural uses and adjacent to scenic road[s] as appropriate.

UC recommends that all these should remain in total.

Change 14.

4.4, Page 79, Goal 9, Policy 9.1.2 Change “standards” to “methods.”

Strategy 9.1.2: Develop standards to protect agricultural lands to prevent the spread of noxious and invasive species in coordination with the County Extension Office.

Methods already exist so why would a strategy for developing methods be needed?

Change 15.

4.4, Page 79, Goal 9. Policy 9.1.5, 4th sentence after “agricultural land,” add “with their legal existing water rights.”

Change 16.

4.4, Page 79, Goal 9, Policy 9.2, strategy 9.2.1 Define “beneficial taxation” or strike it.

ESTANCIA GROWTH MANAGEMENT AREA (EGMA) CHAPTER 4, AGRICULTURE AND RANCHING ELEMENT OBJECTIVES

1. Recognize EGMA farm and ranch lands for the most part are made up of large farms and ranches with the remainder large lot (defined in 2.2.3.1 paragraph 2 as 2.5-40 acres) parcels where a rural lifestyle encourages equine activities and the raising of animals among other western activities. All EGMA agriculture and ranching lands use underground water with 95% of the consumption used by large farms. EGMA large farms, for the most part, cater to animal feed production not food for human consumption.
2. Many EGMA large farm and ranch owners are faced with diminishing profitability and look to the development or the break-up of land as imminent.
3. EGMA large farms and ranches have been and will continue to decrease in size and large lot hobby ranches should be encouraged.
4. EGMA large farm water use is tremendous and development into large lots would convert water rights to domestic use and cut consumption in half, which will increase aquifer sustainability. This is a key issue and a major goal of the Estancia Basin Water Planning Committee (EBWPC) which is strongly encouraging the cessation of some farming along with conservation practices and must be considered in any SLDP language which affects the EGMA.
5. EGMA’s close proximity to Albuquerque allows many to live a country lifestyle including 4-H, equine endeavors, and hobby farms and commute to Albuquerque for work.
6. Recognize that the EGMA does not contain acequias.
7. No mandates in the SLDP shall be applied to the EGMA farms or to the property rights of owners of farms that would force the continuance of farming or inhibit the transfers or conversion of water rights uses (if they remain within the EGMA) when the economics of continuing farming are no longer feasible as determined by the farm owner. This is an imperative objective.
8. This chapter makes a particularly strong case for the development of an EGMA District Plan because of the huge factual differences in water supplies (all sources are underground), the existence of incorporated traditional communities, the preferred sustainable lifestyle traditions of the EGMA population, and the massive dissimilarities of the area’s economic development priorities as compared to portions of the county around Santa Fe.

Sustainable lifestyle traditions? Several of the EWG objectives above seem testimony that what's been traditionally sustainable may be no longer sustainable and is in question.

OBJECTIVES

- 1) Establish a District Plan for the EGMA which can set out a true sustainable Plan considering the best interests of the local community. EGMA has the necessary infrastructure and knowledge base to be able to work with the County and come up with the best solution for all concerned, e.g.: historic, views, archeological or minerals.
- 2) Balance the needs between preserving the attractive landscapes, wildlife, & archeological/historic sites in Santa Fe County and ensuring the continuation of modest growth necessary to maintain a sustainable infrastructure and employment in the EGMA. This is not being addressed by the SLDP.
- 3) Recognize that trade-offs are unavoidable. For example, there is a massive internal contradiction between the SLDP's support for preserving landscapes and its support for promoting wind & solar power. Choices will have to be made. Those choices will need the full involvement of all citizens.
- 4) Minimize cost impacts that will be generated by the numerous studies and increased bureaucracy called for in the current draft of the SLDP. Any such costs will result in increased taxes, which will hurt the sustainability of the EGMA.

The EWG's rationales to minimize needed studies as called for in the current draft of the SLDP, are not convincing. It's in keeping with their desire for continued deregulation.

- 5) Clarify that the State is responsible for monitoring & regulating the EGMA's underground water sources, and not Santa Fe County. A single entity should have clear responsibility, to ensure proper accountability and to avoid conflicts, errors and unnecessary costs.
- 6) Firmly establish that all of us must share the costs for preservation. Where we County residents wish to preserve an area which is currently privately owned, we should recognize that prohibiting development is a form of Taking; acting through the County, we citizens should purchase those areas from the current owners at market value. This is our moral & Constitutional duty.

OBJECTIONS

- SLDP proposes major expansions of regulations and bureaucracy. However, the existing codes in Santa Fe County have restricted development in the EGMA to the point where hundreds of jobs (including “green” jobs) have been lost to neighboring Torrance County. Further restrictions, through the SLDP and future codes, will be to the detriment of the Southern portion of the County.

Details?

- SLDP fails to recognize that well-intended regulations can impose unsustainable costs. For example, recently-imposed State "Pit Rules" on drilling have resulted in the loss of 40% of oil & gas production activity, which undermines the sustainability of the State by reducing employment and tax revenue. Further regulations may result in more loss of jobs and damage the solvency of the State. The SLDP should mandate that Santa Fe County leads by carefully assessing costs and benefits before imposing additional County-level regulation.

EWG slams the Pit Rules making claims that it's the cause of great loss of jobs & revenue. Rep. Brian Egolf testifies that oil / gas production has held steady compared to other states without the rule...

- SLDP would impact existing land use through additional regulations and burdens. It must be recognized that ranchers and farmers operate on a very thin net profit margin. Increased regulation will eliminate their viability, beginning with elimination of smaller farms. This would adversely affect sustainability in EGMA.

- SLDP calls for the County to undertake expensive mapping projects, to add staff, and to create intrusive regulations (e.g. 5.1.2 item 2). However, the SLDP fails to make any estimates of the costs of these activities. There should first be serious efforts to quantify costs & benefits of each proposed action.

- SLDP's greatly increased scope of regulation will be impossible to enforce fairly, because of excessive complexity and inevitable contradictions between regulations. This will expose Santa Fe County to an unsustainable burden of never-ending litigation alleging favoritism based on non-objective or arbitrary enforcement of regulations and codes.

- SLDP repeatedly refers to tourism as a sustainable form of development (e.g. 5.1.1 item 5). However, tourism is completely dependent on fossil-fueled transportation, which the SLDP calls unsustainable. This contradiction should be resolved.

- Tourism is a very welcome component of Santa Fe County's economy, but it would be dangerously unsustainable to over-rely on it. The three largest income generators in New Mexico are agriculture, oil & gas, and tourism. Of the three, tourism is the most unstable, being dependent on national economic conditions, personal disposable income, and on the whims of fashion.

EWG questions the stability of tourism & elsewhere express they are rather negative on support of alternative energy which could transform away from oil. Extractive industries are by definition ultimately not sustainable. There is no excuse for permanently scaring a valued viewshed for a one time use.

- SLDP must be based on financial sustainability, as well on sustainability of natural resource use. The SLDP aims to cut back on the use of tax-generating fossil fuels and instead encourage tax-subsidized "renewables". To date in New Mexico, oil & gas has accounted for 95% of the \$550 million education funds raised from state land leases. Wind & solar must demonstrate they can provide replacement funds to

insure future education quality.

Oil and gas has been subsidized in various ways. For one, the true cost of pollution has not been accounted for. The pit rule was a step towards addressing that.

- SLDP seeks to impose a “one size fits all” approach which denies the great diversity in the County. Because of the lack of surface water in EGMA in historical times, there was very little human habitation until the 20th Century. EGMA does not have the wealth of archaeological resources found in those parts of the County close to surface water; it does not make sense to impose the same regulations on EGMA as on those other parts.

- SLDP requires the use of Environmental Impact Statements (e.g. 5.1.1 item 16, 5.1.2 item 9, 5.1.2 Item 13), despite their poor track record elsewhere in the US. Although the initial intentions were good, the EIS has become an unsustainable subsidy for the activist-litigation complex. Litigation costs must be absorbed by the landowner and can seldom be recovered, no matter how frivolous the lawsuit. This undermines economic viability and sustainability.

Above, anti-environment talking points. Assumptions without details.

- SLDP requires preservation of archaeological and historical sites without also requiring public access to preserved sites. There is little value in preserving something which the tax-paying public can never see.

- SLDP in many areas seeks to put the burden of preserving something of value to the community solely on an individual property owner. This undermines the very concept of community. Further, such "Taking" would contradict the fundamental principles on which this nation was founded and under which it has flourished.

PROPOSED CHANGES

Section 5.5 (p. 99) – Goals, Policies and Strategies

Add an additional policy promoting District Plans

Policy xx.x.1: Support the Estancia Growth Management Area and any other area in Santa Fe County that wishes to develop its own District Plan. District Plans must be prepared with broad community input and may depart from the County SLDP where justified by the specific characteristics of that area.

5.1.2 Item 13 (p. 84)

“The SLDP will require the use of Environmental Impact Studies for all new or expanding development in extraction of resources ...”

Delete. County cannot afford to subsidize the activist-litigation complex.

13. The SLDP will require the use of Environmental Impact Studies for all new or expanding development in extraction of resources such as sand and gravel to ensure the environmental impacts are minimized, mitigated and to ensure adequate public comment. E.I.S. report will identify incompatibilities with current land use in the area.

UC thinks the county should *not* subsidize developers by paying for these needed studies.

5.1.2 Item 14 (p. 84)

“Pursue financing of resource conservation through payment of ecosystem services.”

Clarify. Any additional taxes & fees must be clearly specified in the SLDP.

Implementation of those taxes & fees must require voter approval, complete transparency in the disposition of collected funds, and have sunset provisions.

Strategy 12.7.1 (p. 99)

“Create development standards for the siting and installation of renewable energy production facilities.”

Clarify that this should be done to benefit the County as a whole. There is concern in EGMA that this will be done only for the benefit of the central and Northern portions of the County.

DCI?

Policy 13.3 (p. 99)

“Require use of native vegetation, southwestern plants and draught [sic] tolerant natural landscaping materials in the landscaping of public and private development, including roadway and right-of-way landscaping.”

Delete “Require”. Change to “Encourage”.

Policy 15.1 (p. 100)

“The spread of noxious and invasive species should be prevented and native species should be protected and restored.”

Change to – Santa Fe County should encourage actions to prevent the spread of noxious species. Santa Fe County may also choose to cooperate with individuals and agencies to encourage the preservation of selected “native” species, recognizing that today’s “native” species was yesterday’s invader.

Perhaps. Santa Fe County should encourage *non-toxic* actions...

Policy 15.3 (p. 100)

“Wildlife habitat, migration corridors, riparian areas and surface water resources that support wildlife health should be preserved and protected. “

Change to – Santa Fe County may choose to encourage the maintenance of wildlife habitat, migration corridors, etc.

UC supports the policy to preserve wildlife corridors, etc.

Policy 15.4 (p. 100)

“Policy 15.4: New development should not cause significant degradation of wildlife or sensitive wildlife habitat,

especially to any wildlife listed as threatened or endangered on a state or federal list.”

Delete. Endangered species are already protected by State & Federal governments.

Any County function would be an unsustainably-expensive redundancy.

This is not convincing. Having this in the Plan & Code could only be beneficial to threatened species, especially since the Federal act is often threatened or compromised.

Goal 16 (p. 100)

“Scenic viewsheds should be preserved and protected as an important resource.”

Goal should be reworded to emphasize that the community will not turn the desirable goal of viewshed preservation into an unsustainable & unconstitutional economic burden on private property owners.

Replace with -- Santa Fe County, with voter approval, should have the authority to purchase private property at market value where necessary to preserve & protect scenic viewsheds.

Concerning viewshed protection, the Goal uses the word “should”, not “must”. SF county can purchase property presently and “with voter approval”.

Policies 16.1-16.4 (p. 100)

Policies on siting of developments should be change to delete language on “Require”, “Prohibit”, “Limit”.

Instead, the policies should have Santa Fe County “Encourage” sensitive development, while retaining the right to use the power of Eminent Domain to purchase key properties from the owners at market value to preserve them. Such purchases must require explicit voter approval.

Let's not switch to using the word “encourage”. These policies either offer alternatives “where other more appropriate building sites exist” or they are reasonable.

Policy 16.2 – Page 100

“Prohibit development on steep slopes, visible ridges and peaks.”

Policy 16.2 would prevent almost all wind power development in Santa Fe County, which the SLDP wants to promote. We need to make choices between worthy but incompatible goals. A properly-written SLDP should be the start of that process of making choices.

It's doubtful that windfarms will target steep slopes, visible ridges and peaks. If so, they should be restriced from doing so.

SLDP, CHAPTER 6 “Open Space, Trails, Parks, & Recreation Areas Element”

First, we would ask that the Interim Planning Committee consider adding the following to its “Objectives:”

“The SLDP should provide for diversity by adapting, with input from each district GMA and where feasible, its “Binding Principles,” goals, policies, and strategies to the unique characteristics of each GMA, and it should ‘encourage’ more than ‘mandate’ in order to achieve flexibility and realistic application of these plans.”

“In each County district, there are reasons why it has survived and functioned successfully as an economic, social, and political entity. These reasons should be

given priority over any County plans which would place them in jeopardy.”
[Notes in blue: We should identify these reasons as they pertain to the EVGMA; ie, what has fostered sustainable economic, social, and political survival in this area of the County?]

“The County should issue a clear statement of how it will resolve the obvious contradictions among the SLDP’s stated “Binding Principles,” goals, policies, and strategies?”

“The SLDP should define the word ‘sprawl.’” *[with the assertion that planned large lot development does not necessarily mean “sprawl.” An important element here is that the Estancia Valley Basin depends upon the significant economic contribution sustained by the advent of people who move here to escape “sprawl” by buying and living on lots of two to forty acres.]*

Second, we wonder whether the following statement to the County and the writers of SLDP would be of use: “The SLDP should not be an idealistic ‘wish list’ but rather a plan designed and written with on-the-ground realities in full view and accounted for as they reflect each of the County’s four districts’ unique characteristics and needs.”

UC commends the County of healthy, even visionary goals.

Third, given our conviction that the Board of Commissioners will not countenance substantive changes to the SLDP’s “Binding Principles,” a general question to ourselves is: *How can we get what we want within that context? (emphasis added)*

EWG may have not intended to leave this in their submittal. We can see how they have gone about attempting to get what they want by infusing their philosophy (not always sustainable in the sense the draft has been intending) throughout the draft county Plan. We don't begrudge them the attempt, but it's also often regressive in our (long time participants) view.

OBJECTIVES

1. The County should provide assurances that establishing and preserving open space, trails, parks, and recreation areas will not come at the expense or to the detriment of landowner economic viability and property rights. (p. 102, 6.1.1; 6.1.2-3; 6.2.1-bullet 3; p. 106, 6.2.3.4., par. 2; p. 108, Policy 17.6 – *[in keeping with some of the plan’s own Binding Principles, goals, policies, and strategies]*)
2. If in implementing an aspect of the SLDP, the County causes economic or lifestyle hardship to residents of an area, the people who live in that area must be given notice of any development and encouraged to participate in all public hearings related to that development. (Page 106, 6.2.3.2, last paragraph)
3. The SLDP should provide realistic resolutions to the inherent contradictions between preserving and supporting “community needs and values” while

doing the same for scenic vistas, open landscapes, and energy-saving measures such as wind turbines and solar panel arrays.

4. The EVGMA Planning Committee should have full participation in the design of the “Official Map” which will identify “existing and planned open space, trails, parks, and recreation areas . . . to achieve landscape preservation.” (p. 102, 6.1.2.-8)

5. “County transportation network,” “all county residents hav[ing] access to . . . an interconnected system of trails and parks . . . within a mile of their residence,” and “rails to trails opportunities,” as they have little or no relevance to the EVGMA, should be deleted with reference to this area. (p. 102, 6.1.-5; p. 108, Policy 17.7)

[Doesn't equestrian trail systems fit here?](#)

**OBJECTIVES, SUGGESTIONS, AND QUESTIONS
regarding how “establishing and preserving open space, trails, parks, and recreation areas” would be implemented.**

a. Our fundamental question for changes which the SLDP advocates in Chapter 6 and for the entire document is: Where and how will Binding Principles, goals, policies, and strategies be implemented, who will pay for them, and what current property rights will be abrogated by their implementation? For example, exactly how, where, and at what cost will “Protecting Views and Open Landscapes” (p. 102, 6.2.1., bullet 3) be implemented and achieved?

b. On page 101-102, 6.1.2 “Keys To Sustainability, ” add a tenth key: “Notify local Indian tribes of archeological findings and include them in designing the ‘Official Map,’ where applicable.”

c. P. 105, Map 6, “Open Space and Trails” – The EVGMA has little-to-no officially-designated county or BLM open spaces or trails but a notable amount of existing state land office property. To implement a County mixed use objective, can open space and trails be incorporated within these state lands? For example, if there’s to be a trail system in this part of the County, primary among the only realistic areas will be those containing forested hills, ridges, and mountains. What are the state lands on Rt. 344 north & west of Cedar Grove, near the proposed new road connecting 344 with 41? Could they be part of the park/trails system which the County is advocating?

d. Explain “a potential ballot measure” to secure funding for land conservation and renewal and further explain what funding alternatives will exist or be pursued if such ballot initiatives fail. (page 107)

e. Reword P. 108, Policy 17.4, Strategy 17.4.2 to: “*Allow* for the use of transfers of development rights of the owner’s land to other lands in zoning districts authorized to receive TDRs or to a County Land Bank when clustering is not feasible, *but preferred.*”

=====

Santa Fe County Proposed Sustainable Land Development Plan
Working Group – Estancia Growth Management Area
Chapter 7 – Renewable Energy & Energy Efficiency Element
Softened Comments – DRAFT, Gavin Longmuir – 15 Aug 2010

Objectives for EGMA:

1. A continuing adequate supply of affordable energy is necessary to support a sustainable economy in EGMA, providing jobs for residents and tax revenues for the County. Energy is required for water supply, agriculture, business, domestic, and transportation requirements.
2. Energy must continue to be available in multiple forms to meet the diverse needs of the EGMA – electricity, gas, propane, wood, gasoline, diesel, plus alternative energy sources such as wind and solar to whatever extent they can be economically provided.
3. SLDP should not create any unnecessary barriers to the proliferation of economically viable energy sources.
4. SLDP should not create unsustainable distortions in energy supplies through unaffordable subsidies or adopt subsidies tied to property tax payments which would undermine a homeowner’s ability to obtain mortgage financing.

Objections to current draft SLDP:

1. Even though there may be many benefits to replacing fossil fuels as the primary source of energy in Santa Fe County, the reality is that they do now provide the vast majority of current energy usage, and the SLDP should at least recognize this reality.
2. SLDP does not provide any estimates of the costs and benefits of the many policies it proposes. Without those estimates, it is impossible to know if any of the policies would achieve its aims, or would even be affordable to the citizens of Santa Fe County.
3. SLDP is largely silent on transportation energy, which nationally accounts for about 40% of all energy use and is particularly important in a rural area such as EGMA. Subsidized public transportation has been tried in this low population density area, and has failed.

Recommended Changes in the Current Draft SLDP:

Introduce an additional Binding Principle:

Santa Fe County recognizes that the key to sustainability is a robust economy which supports jobs and generates tax revenue. Historical and modern evidence proves

incontrovertibly that a robust economy depends on a plentiful reliable affordable supply of energy in a number of different forms. Accordingly, Santa Fe County will facilitate the sensitive development of all forms of energy.

UC recommends against this as a Binding Principle. Above, it seems the use of the word “sustainability” is redefined. Early on the County deleted at EWG's request, a UN statement that contained this: “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” But here the word is redefined to mean “robust economy which supports jobs and generates tax revenues”. In the long run renewable resources are plentiful, reliable and affordable unlike oil /gas that is in decline as well as being controlled by international corporations.

7.1.2 – Keys to Sustainability

Item 0 – Insert:

The foundation for sustainability is a robust local economy which provides jobs for County residents and tax revenue for the County. That robust local economy requires plentiful affordable energy in a variety of forms. The key to sustainability for the County is to make sure that energy is available.

A repeat of their suggested addition to Binding Principles.

7.2 – Critical Findings

7.2.1 – Conventional Energy.

Add 7.2.1.5: Transportation Energy

The continued availability of affordable gasoline & diesel supplies for transportation energy is very important, particularly in the rural EGMA.

7.2.2 – Renewable Energy Resources.

Add a paragraph to the beginning of 7.2.2:

Santa Fe County recognizes that alternate energy sources need to demonstrate they are economically competitive with existing [often subsidized] sources.

7.3 Goals, Policies, and Strategies

Goal 18 – Reduce greenhouse gas and non-renewable energies. (sic)

Eliminate existing language. Replace with – Ensure that plentiful affordable energy supplies are available in a variety of forms.

UC recommends no change to Goal 18. Goal 18 is mis-quoted above. It should read: “Reduce greenhouse gas **emissions and dependence on non-renewable energy use.**” It's interesting that EWG wished to delete the phrase “. . .emissions and dependence on. . .”. It's as if they wish not to confront the problem.

Policy 18.6 to 18.7 – Support generation of renewable energy. (sic)

Replace with – Support all forms of energy supplies by ensuring there are no unnecessary regulatory barriers.

UC recommends no change to Policies 18.6 to 18.7.

Add Policy 18.8 – Get explicit citizen support for any proposed subsidies.
All costs of subsidizing any energy source that may be passed on to Santa Fe County taxpayers should be put to a vote of the citizens in a referendum.

NM does not have a referendum. Local subsidies might be about the only way to level the field to compete with external subsidized forms of non-renewable energies.

Goal 19 – Promote solar and wind.
Replace with – Support solar and wind by ensuring there are no unnecessary regulatory barriers.

Goal 19 actually reads: Promote and encourage the development and use of sustainable, renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use.

UC recommends no change to Goal 19.

1

CHAPTER 8. SUSTAINABLE GREEN DESIGN AND DEVELOPMENT ELEMENT

OBJECTIONS AND SUGGESTIONS

Change 1.

Page 121, 1st paragraph, 2nd sentence after “the county will,” strike “regulate” and replace it with “...encourage building techniques through incentives related to the... design and construction...” and in the 5th line after “flexibility” add “to merge local traditional and contemporary architectural design,...and permit the use...”

Rationale: The introductory paragraph leads to complete architectural control over housing styles, as set out in later paragraphs, and suggests a very limited exterior design criterion (not energy related) which is quite incompatible with existing and preferred housing styles in some GMA’s far removed from Santa Fe city. The county should limit its “design supervision” and regulation to actual energy saving construction techniques which are economically viable and not control all “exterior design element.”

For reference, here is the referenced 2nd sentence:

“In order to protect the public health, safety and welfare, the County will regulate the design and construction of buildings with the intent to conserve energy, water and other natural resources, preserve the health of our environment through requirements related to design, construction, operations, recycling, and deconstruction; while providing flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy and to reduce greenhouse gas emissions in Santa Fe County.”

UC recommends no change to this well-written opening paragraph.

Change 2.

Page 121, 8.1.1, paragraph 6, After “responsible” add “economically viable.”

Rationale: Cost must always be a factor in consideration of regulations.

6. Need for environmentally responsible sustainable green building development and design

standards.

#6 isn't a standard, it's an issue. When it comes to writing standards, cost conceivably could be considered.

UC recommends no change.

Change 2A.

Page 121, 8.1.1 Add #9 as follows: “Huge extra costs are added to commercial and residential construction because of a cumbersome and ineffective permitting process. Need to streamline systems, and deadlines (failure of county to meet a deadline would mean approval is automatic), and create and supply to applicants simple charts of the “critical path” of the permit process and all requirements.

UC recommends that this above not be adopted. Such deadlines would be abused and undercut public participation.

Change 3.

Page 121, 8.1.2, paragraph 2, After “require” add “economically viable.”

Rationale: Many greed [sic] green products and development techniques are too expensive for the often slight benefit they produce and the county must analyze this advantage over cost for any mandated regulation.

2. Require green development; conservation of energy and production of renewable energy; reduction of greenhouse gas emissions and air pollution; protecting water quality and quantity and capturing rainwater and graywater for treatment and use.

UC recommends no change. This “Key to Sustainability” is clearly meant to apply to developments and consequently it seems fine as is.

Change 4.

Page 122, 8.1.2, paragraph 7, After “building materials,” add “where cost effective” and at end of 2nd sentence add “The county must approve economical methods of quarrying local stone, pumice, plus areas to harvest wood and adobe-making dirt or this “local materials” provision will not be possible. Also on paragraph 8 after “evaluated for” add “initial cost...,” and after “impact on the environment,” add “low maintenance...”

7. Utilize local resources for **building materials** and establish a catalog of available recycled materials. Adobe, stone, pumice, wood are all available in Santa Fe County. There are also a variety of recycled materials such as glass, plastic, metals and paper available from transfer stations and the landfill.

UC would support the first addition (where cost effective), but not the second.

In the second recommendation, the EWG advises that the county “must approve economical methods of quarrying”. UC believes this threatens to weaken performance standards, as if the environment, ie,

reclamation, would always be contingent upon current economical conditions?

Concerning Key 8, the key uses the word “promote” not “require”: “Promote Durability and longevity in the design and construction of residential and commercial structures. Building materials should be chosen and evaluated for low embodied energy, low impact on the environment and ability to last for generations similar to many historic structures.”

UC recommend no change. Clearly if building is to take place, durability and low impact on the environment would be preferred. Promotion of such building would fail if costs were not addressed.

Change 5.

Page 123, 8.2.1.1, 2nd and 3rd paragraphs, These are full of contradictions and misguided statements which would lead one to believe non-industrialized local building materials such as stone, earth and wood are obtainable at minimal cost. Nothing could be further from the truth. The quarries from which stone must be obtained, the pits for adobe-appropriate mud, and the trees sufficient in size for building generally do not exist in Santa Fe County, either because of little to no available harvestable forest land, or government controls barring quarries and large slash pits (a type of mining.) Here a realistic view of the tremendous efficiency of building wood frame type housing should be mentioned. The actual reduced energy intensity of using this renewable construction method should never be overlooked. The huge amount of energy required to collect stone, or to stabilize adobe bricks (oil added) and then the added labor needed to construct with these materials is tremendous, and it is doubtful if any real energy is saved. FACT: Today, a 2500 +/- square foot Energy Star Home, nice house with sufficient insulation costs \$120.00 per square foot to build while an adobe house costs \$220.00 per square foot with higher heating, cooling and maintenance costs, and with higher embodied energy costs.

These paragraphs should be eliminated or rewritten to reflect reality.

EWG is recommending in “Changes 5 (above) & 6 (below) that most of the paragraphs in this section “Alternative Materials & Methods of Construction” be deleted. There are many well-intended phrases, although perhaps a little esoteric, that may not require such dramatic surgery. EWG would remove this along with the second paragraph: “ Using environmentally sensitive materials and configuring them into structures that utilize natural conditioning methods or bioclimatic designs that tap into solar, wind, and other renewable energy systems will partially address the problem of global warming.”

UC intends to have a builder that uses alternative materials, speak to this section in light of EWG's comments. But recycled materials should be emphasized.

Change 6.

Page 124, 8.2.1.1, 1st and 2nd paragraphs, at top of page, The narrative describes a use of dome construction, which cannot be financed, also underground housing with passive solar assisting cannot be financed nor can buildings made of tires, steel cans etc. be financed. The whole section should be eliminated and replaced with a pledge from the county to promote financing sources for economically feasible alternative construction methods.

Change 7.

Page 124, 8.2.1.2 [re BUILDING TYPES AND REGIONAL MATERIALS] So many wonderful traditional styles of architecture are left out, making this paragraph appear to be the whim of a single or group of narrow-minded individuals. What about Northern N.M. mountain style homes with sharply pitched roofs to handle snow load (Edgewood, N.M. had two 4-foot snowstorms in the past 25 years), or Victorian which is found in the city of Santa Fe and on some of our local ranches, or Western Ranch styles, all of which have embodied local significance. Also modern designs which have been predominant in the GMA are quite aesthetically pleasing and are often more adaptable to greener design. Also the earth (underground) house was often found on the plains in Southern Santa Fe county in our early history (an adaptation of the much-used dugout from the Midwestern plains) and if financeable, would be found more often today. The most affordable home whose price fits the income of a large segment of the county residents and the space needs of their growing families is a manufactured home (county median income of \$65,000 X 2.5 = \$162,500 home but Edgewood median income of \$45,000 X 2.5 = \$112,500 home, with 2.5 times income being the common mortgage factor in assessing affordability) or mobile home which is left out of this chapter. However in Chapter 13 of the SLDP, the mobile home is cited as a viable answer to many affordable housing needs. In sum, the county should stay out of requiring architectural styles, especially in the EGMA.

Change 8.

Page 125, 8.2.1.3, Minimum Standards... [- BUILD GREEN NEW MEXICO, ANSI/ASHRAE/IESNA AND] LEED standards are hideously expensive and fail miserably in the embodied energy test, and are unaffordable for most housing and most families in our county. Federal E-star standards work much better as they are cost effective and have the most benefit. Suggest the SLDP encourage the Federal standards only.

Change 9.

Page 125, 8.2.1.4 [“MINIMUM ENERGY EFFICIENCY REQUIREMENTS” inserted below for reference] Energy Efficiency... paragraph 3, This paragraph should be eliminated in its entirety. Rationale: Almost no residential homeowners can afford to revamp their entire house to new green standards upon adding an addition. These standards must be limited to new additions only regardless of the addition's percent of total dwelling. This will actually discourage or stop many people from adding energy efficient additions to existing homes even when such an addition could greatly increase the average energy efficiency of the total finished product.

Energy Efficiency. The County may [may] require compliance with energy efficiency standards in all (1) new buildings, systems and equipment; (2) additions, extensions or increases in the floor area or height of a building outside of the existing building envelope (3) alterations to all or portions of buildings and their systems, where the work area exceeds fifty (50) percent of the aggregate area of the building; or (4) buildings or spaces undergoing a change of occupancy that would result in an increased demand for either fossil fuel or electrical energy; but not in buildings (i) that do not use fossil fuels or electricity produced by fossil fuels; (ii) that meet the minimum

certification requirements of LEED Silver; (iii) that qualify as historic buildings.

UC recommends no change. This paragraph is not unequivocally demanding that “homeowners . . . revamp their entire house to new green standards upon adding an addition.

Change 10.

Page 125, 8.2.1.4 Rainwater Harvesting. This is a particularly bad requirement and should not be required of all homes. In homes over 2500 square feet, this premise adds \$16,000+ to the cost of construction and destroys affordability and greatly reduces financial opportunities as the system is ignored by appraisers. Also these systems are a total waste for many county residents who do not use the water, or who use native landscaping. Other counties in our state encourage some harvesting and make available low-cost rain barrels to their residents. Also water aquifers such as exist in the EGMA rely on the recharge of rainfall, thus the hoarding of 1500+ gallons of water in a tank does the water basin no good. The idea of requiring a home over a certain square footage to go to the huge expense of placing a system underground implies a misguided class distinction where the richer home owners do not want to see water catchment vessels in their upper class neighborhoods, and the homeowner in the less affluent areas can get by with barrels. The whole concept should encourage not require catchment for all who irrigate and allow above ground vessels for that purpose.

For reference:

Rainwater Harvesting. All new development will include a rainwater harvesting system to capture all drainage from the roofed area for use as landscape irrigation. All new development of 2,500 sq. ft. of heated area or greater will include a cistern that is buried, partially buried or within an insulated structure and is connected to a pump and a drip irrigation system to serve all landscaped areas. Cisterns should be sized to hold 1.15 gallons per square foot of heated area but this figure may be adjusted based on proposed landscaping. All new development of up to 2,500 sq. ft. of heated area will install rain barrels, cisterns or other water catchment basins to capture drainage. Any covenant, restriction or condition contained in any deed, contract, security agreement or other instrument instrument affecting the transfer or sale of, or any interest in, real property which effectively prohibits the installation or use of a rainwater harvesting system is void and unenforceable.

Isn't this already in effect and working in the present code?

Change 11.

Page 128, 8.3 Goal 21, at end of sentence, after “plan” add “or any subsequent community or district GMA plan.”

Goal 21: Development should comply with the principles of sustainability and conservation established in this Plan.

Interesting idea.

Change 12.

Page 128, Policy 21.1, Delete after “attain,” “leadership in energy and environmental design (LEED) standards.” Insert after “attain,” “federal Energy Star standards.” [???

Change 13.

Page 128, Policy 21.3 4th sentence, After “water quality,” add “when appropriate in the GMA.”

Change 14.

Page 128, Policy 22.1, After “environmentally responsible,” add “economically viable...”

Policy 22.1: Promote environmentally responsible sustainable green building, site and community design, improvement and development standards.

UC recommends no change. The policy says Promote, not Require.

Change 15.

Page 128, Policy 22.2, Strategy 22.2.1, This entire strategy is not a county function and best be tied to Tested and Established Federal Standards. It encourages the “good old boy” creation of standards and specifications which often inure to the benefit of a few privileged suppliers or contractors and encourages corruption.

Strategy 22.2.1: Establish comprehensive sustainable design and improvement standards for green development and renewable energy systems.

In theory we are all here to watch over the writing of the Code and standards.

CHAPTER 8. SUSTAINABLE GREEN DESIGN AND DEVELOPMENT ELEMENT

OBJECTIVES [These need to be reviewed by someone familiar with the subjects covered.]

1. The County must consider and carefully analyze the cost and benefits prior to the implementation of various green building and development standards, and choose only those with proven and tested positive and affordable results. “LEED” programs are full of costly and relatively inefficient standards with tremendous embodied energy cost in recommended materials and construction standards. Federal Energy-Star recommendations are much more efficient, affordable and reliable and should be the chosen basis for county green sustainability requirements. The EGMA is quite sensitive to regulations which might increase the cost of a lot and a single family home (\$140,000 median home price) and our affordable housing market could be devastated by poorly thought out requirements. The County should also realize that currently there is no credit given by appraisers for the existence of green building standards.
2. The establishment of the EGMA district plan is a major objective here, and the plan must allow reasonable deviation from SLDP requirements especially as they relate to the rechargeable nature of our underground aquifer, water catchment

standards, traditional and modern building designs, and the lack of a need for centeredness and high density development which is amply supplied by our existing incorporated villages (Edgewood, and Moriarty.)

3. The continual insistence of this chapter to use “native materials” for building contradicts the meaning of “green.” Stone and pumice and adobe require huge expenditures in their extraction and transportation and are hugely labor intensive at the construction phase. Adobe costs twice as much to construct than a typical wood-framed home and is not energy efficient. Wood-frame housing should be encouraged because it is affordable, adaptable to many “green” design standards and is a very renewable resource (trees re-grow, rocks and adobe pits do not.)

Sheetrock is a locally produced material. The EGMA requires flexibility in design and material usage to sustain affordable housing for all classes of people.

4. In the EGMA, development and permitting processes must be simplified, with building permit requirements clearly set out in a “critical path” format and all green or other requirements clearly stated in their entirety in a handout form.

“Deemed approved deadlines” should be set. This should eliminate the often 10 to 20 week approval process which would significantly lower building costs and leave the home owner with more capital for “green” initiatives.

United Communities of Santa Fe County
P.O. Box 23554
Santa Fe, N.M. 87502

September 9, 2010
For Santa Fe County Staff & the BCC

Document 3: UCSFC Review / Recommendations
on Santa Fe Association of Realtors August 20, 2010 Memorandum
Revised County Sustainable Land Development Plan

UCSFC Recommendations—Sept. 8 2010

This document contains selected items from the Santa Fe Association of Realtors (the Association) Memorandum.

NOTE: All United Communities of Santa Fe County (UC) comments and SLDP text quotes below that UC have added, are underlined. Everything else was provided by the Association.

EXECUTIVE SUMMARY

New Issues. In this memorandum, we identify and address four new issues: (1) the 2010 SLDP Final Draft's approach to public facility financing is poorly supported and too burdensome on new development;

Comment: UC continues to support the Policies for financing of adequate public facilities (APF) along with the "tools" for this as listed. We think that the details might be largely covered in the Code. We recommend that any decisions that might slide the funding of such public facilities onto the taxpayer be avoided. We further wish to discourage allowing developments to get way out ahead of APF through special development agreements.

(2) Policy 40.6 in the 2010 SLDP Final Draft, which requires that the APF assessment "ensure that the cumulative impacts of development are measured and considered," is undefined as to scope and the 2010 SLDP Final Draft does not provide any guidance as to how "cumulative impacts of development" are to be "measured and considered"; [clip]

Recommendation: The Association requests that the requirement to measure and consider the "cumulative impacts of development" be eliminated from the 2010 SLDP Final Draft.

Comment: UC supports analysis of cumulative impacts. Perhaps the SLDP only needs to direct that this be addressed in the Code. Not to consider cumulative impacts in planning or growth is and would be shortsighted.

(3) Policy 41.1 in the 2010 SLDP Final Draft, which requires that new development provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure indirectly attributed to the project, may not be authorized under the New Mexico statutes; . .

Comment: Clearly this Policy is conditioned by the phrase “with the *degree* of impact”. Perhaps defining just what kinds of impacts might be “indirect” need to be defined in the Code.

Policy 41.1: New development should provide for and finance improvements consistent **with the degree of impact** to public services and/or infrastructure directly or indirectly attributed to the project.

Previously Identified Issues That Remain Unaddressed. [clip]

(5) the 2010 SLDP Final Draft continues to lack **appropriate** administrative appeal standing requirements for Community Organizations

Issue: The 2010 SLDP Final Draft should include additional administrative appeal standing requirements for Community Organizations for standing in administrative appeals.

Comment:: UC strongly opposes the Association’s request to burden COs with stipulations that if they wish to be engaged and have standing in County processes concerning applications or any administrative appeals, they *must first prove* that they have been deeply engaged with an issue under review. The Association is suggesting that the SLDP direct that COs, 1) first must *prove* they have been in attendance of “the hearing” whether or not there was any formal records made of the attendance, and 2) that they must have already submitted written opinions.

UC believes that placing upon potentially “aggrieved” parties to first prove they have attended “the public hearing” (perhaps unrecorded and without any written record of attendance) and further, be forced by requirements that they must have submitted written comments, would be unfair and burdensome.

UC believes that citizens should continue to have the right to attend hearings if only to hear the issues and not be forced to make verbal, let alone written presentations to achieve some future standing. These kinds of requirements as the Association is suggesting, are not even required at BCC meetings and would be subversive of democratic rights.

UC maintains that administrative decisions be noticed giving sufficient time for the public (including ROs, COs, individuals) to assess if they may in fact be “aggrieved”. If an appeal is raised by some not previously recorded as being engaged, the process wouldn’t necessarily be lengthened inordinately. This should not be a real problem for developers engaged in an application process.

Ultimately it is the courts who are the arbiter any issues of standing.

To deny or encumber such rights is then questionable. Clearly it is in the best interest of the County to allow public oversight as much as is reasonably possible. If anything, ROs are not given (in the SLDP) the rights for administrative appeal standing apart from COs and probably should be. Currently ROs are only recognized in the context of COs:

“CO Rights and Responsibilities. . . . [No.] 5. The right to coordinate with ROs, property owners, business owners and residents within the boundaries of the CO in matters related to a pending discretionary development review or administrative adjudicatory application;”

We believe that ROs, like COs, should likewise have the recourse to be fully engaged in County processes including administrative appeals and without the additional requirements that the Association has suggested.

UC is concerned that an organization’s or citizen’s input and interaction (and standing) within the County framework should *not* be unnecessarily encumbered.

Parks, Recreation, Trails, Trailheads, and Open Space Areas. The adopted levels of service would increase the existing levels of service for trails and trailheads. ***2010 SLDP Final Draft:*** There continues to be very little justification or supporting data for the proposed increase.

Recommendation: Given the significant implications that an adequate public facilities program can have for the timing, location, nature and extent of development, the Association requests that the County address these shortcomings in the program and clarify its analysis and discussion of public facilities levels of service, in order to provide a better understanding of the County’s existing levels of service and the potential consequences of imposing newly adopted levels of service in the adequate public facilities program.

With increased growth and density along with the public’s general desire for such facilities, increased LOS seems reasonable.

Issue: The 2010 SLDP Final Draft proposes consistency review requirements that are potentially burdensome.

[clip]

Recommendation: The Association request [sic] that the County eliminate the requirement that decisions on development applications be made subject to individual consistency reviews, given that the 2010 SLDP Final Draft requires consistency for all ordinances, maps and regulations, which obviates the need to re-evaluate a proposed project for consistency with the SLDP.

UC recommends that an individual consistency review be retained on the grounds that a development may better meet the standards of the Plan or a local Community Plan, if an applicant knows that consistency with the local area (like an established use table) will be reviewed.

Issue: The 2010 SLDP Final Draft’s analysis of future growth in the County is based on what appears to be questionable data.

2010 SLDP Final Draft: The 2010 SLDP Final Draft’s data, like the data in the prior drafts, is premised on the Pitts Study data. There has been little modification to this section, and no additional justification for the assumptions used in the Pitts study or by the County when applying the projections in the SLDP. All of the previously identified concerns about the County’s use of potentially flawed growth and population projections remain unaddressed. . . .

Recommendation: The Association requests that the County revisit the population and housing unit projections to ensure that they are as accurate as possible in assessing the future growth of the unincorporated areas of the County This discussion is essential in the event that the County's actual growth is more consistent with the slower growth projections contained in the Pitt study's slow-growth alternative or with the U.S. Census Bureau estimates, as slower realized growth will factor into the analysis of Levels of Service for public facilities.

UC agrees that a lower growth rate alternative should be considered. Our concern is that developments waiting for anticipated LOS based on inaccurate timeframes could leave developments dependent upon future facilities that are decades away rather than a projected few years.



Public Comment:

Exhibit: 7

From: Santa Fe Association of Realtors

Dates:

September 21, 2010

August 20, 2010

Santa Fe



Association of REALTORS®

September 21, 2010

Robert A. Griego
Planning Manager
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

Dear Robert,

The Santa Fe Association of REALTORS® is hosting an Affordable Housing Dialogue in collaboration with a number of local housing and community organizations on October 7, 2010 from 11:00 a.m. to 2:00 p.m. at the Santa Fe Community Convention Center. The goal of the dialogue is to reach agreement on a number of public policy initiatives as well as implementation strategies that will increase affordable housing.

Thank you for agreeing to participate in the event. It will be very important to have elected officials participating to ensure that the policy initiatives are ones where agreement can be reached and workable for both the County and City of Santa Fe. Our team of housing experts has been working over the last year to identify a number of public policy initiatives for consideration by the community.

Details of the event and a meeting agenda are attached for your use. Please feel free to contact me directly with any questions or issues.

Thank you in advance for your valuable time and energy given this important community issue.

Sincerely yours,

A handwritten signature in blue ink that reads "Donna". The signature is written in a cursive, flowing style.

Donna Reynolds, Chief Executive
Santa Fe Association of REALTORS®

Santa Fe Affordable Housing Task Force
Action Planning Forum

Santa Fe Convention Center • October 7, 2010 • 11:00 a.m. – 2:00 p.m.

Agenda

Objectives:

1. To create a detailed 12-month action plan to move Task Force policy initiatives to implementation.
2. To align ideas, energy and responsibilities of Task Force members and partners.

Estimated Times:

10:30 Gathering

11:00 Welcome, Introductions & Overview

- This will include a brief review of recommendations the Task Force Technical Team has worked on for a year and is bringing forward.

11:20 Action Planning for 2010-11

- We will use an interactive action planning process to identify specific, first-year objectives for each recommendation and design a path to meet all objectives.
- Before lunch, the whole group will briefly analyze the current status of the recommendations, clarify the scope of effort for the first year, and form working groups around each recommendation.

Noon Working Lunch

12:30 Action Planning (continued)

- Working groups will design specific, measurable objectives and major milestone activities, as well as leadership and other responsibilities.
- Groups will report and collectively create a wall-sized timeline. The whole group will agree on the sequence of activities and all 12-month objectives.
- Ongoing communication and other practical items will be clarified, and next steps outlined.

2:00 Adjourn

AFFORDABLE HOUSING DIALOGUE
OCTOBER 7, 2010



Santa Fe Community Convention Center

11 am – 2 pm

Nambe/Pojoaque/Ohkay Owingeh Room (upstairs)

Complimentary boxed lunches and soft drinks will be served and parking passes for the underground parking lot are available upon request.

Regrets Only: Donna Reynolds, CE Santa Fe Association of REALTORS® at donna@sfar.com or 505 982-8385

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SANTA FE ASSOCIATION OF REALTORS®

MEMORANDUM

Revised County Sustainable Land Development Plan Santa Fe, New Mexico

August 20, 2010

BACKGROUND

Santa Fe County is proposing to revise and update its current General Plan with a new plan entitled “The Sustainable Land Development Plan.” The 2010 SLDP Final Draft is proposed as “a comprehensive revision and update of the Santa Fe County Growth Management Plan (General Plan) adopted in 1999.”¹ As stated in the 2010 SLDP Final Draft:

The SLDP, and all future amendments to the SLDP, including the Official Map and Capital Improvements Plan (“CIP”), which will be separately adopted, will comprise the constitution for, and controlling document over all planning, environmental, public facility and service, fiscal, land use, housing, resource conservation, renewable energy and green development legislation, administrative regulation, and development approvals, financing and fees.²

The 2010 SLDP Final Draft is composed of the following parts:

- Chapter 1: A Sustainable Future for Santa Fe County
- Chapter 2: Land Use Element
- Chapter 3: Economic Development Element
- Chapter 4: Agricultural and Ranching Element
- Chapter 5: Resource Conservation Element
- Chapter 6: Open Space, Trails, Parks and Recreation Areas Element
- Chapter 7: Renewable Energy and Energy Efficiency Element
- Chapter 8: Sustainable Green Design and Development Element
- Chapter 9: Public Safety Element
- Chapter 10: Transportation Element
- Chapter 11: Water, Wastewater and Stormwater Management Element
- Chapter 12: Adequate Public Facilities and Financing Element
- Chapter 13: Housing Element
- Chapter 14: Governance Element
- Chapter 15: Implementation
- Appendix A: Participation and Acknowledgements

Chapters 2 through 14 address the elements of the 2010 SLDP Final Draft. Each chapter contains a list of goals, policies, and strategies. Various figures and maps are incorporated into the plan as well.

¹ 2010 SLDP Final Draft at 1.

² *Id.*

EXECUTIVE SUMMARY

New Issues. In this memorandum, we identify and address four new issues: (1) the 2010 SLDP Final Draft's approach to public facility financing is poorly supported and too burdensome on new development; (2) Policy 40.6 in the 2010 SLDP Final Draft, which requires that the APF assessment "ensure that the cumulative impacts of development are measured and considered," is undefined as to scope and the 2010 SLDP Final Draft does not provide any guidance as to how "cumulative impacts of development" are to be "measured and considered"; (3) Policy 41.1 in the 2010 SLDP Final Draft, which requires that new development provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure *indirectly* attributed to the project, may not be authorized under the New Mexico statutes; and (4) the 2010 SLDP Final Draft's proposed "Binding Principles" concept is unnecessary and questionable as the basis for consistency determinations under the New Mexico statutes.

Previously Identified Issues That Remain Unaddressed. We also re-state the following previously identified issues, with comments adjusted, as appropriate, to reflect the extent to which these issues have been addressed in the 2010 SLDP Final Draft: (1) the 2010 SLDP Final Draft's explanation of levels of service for the Adequate Public Facilities program is inadequate and confusing; (2) the 2010 SLDP Final Draft proposes consistency review requirements that are burdensome; (3) the 2010 SLDP Final Draft's analysis of future growth in the County is based on what appears to be questionable data; (4) the 2010 SLDP Final Draft creates a complex administrative process for development review and approval that will increase the cost of development and may be difficult for the County to implement; (5) the 2010 SLDP Final Draft continues to lack appropriate administrative appeal standing requirements for Community Organizations; and (6) the County has not yet made available larger scale copies of the maps for public review and/or provided a web-based GIS application for viewing the maps in greater detail.

Previously Identified Issues That Have Been Addressed. We also discuss, at the start of the analysis in this memorandum, three issues that have been addressed in the 2010 SLDP Final Draft: (1) the removal of Specific Plans as the primary vehicle for mixed use and transit oriented development; (2) the revision of many of the SLDP's Sustainable and Green Development requirements; and (3) the clarification regarding the use of the Sustainable Land Development Suitability Model.

ANALYSIS

PREVIOUSLY IDENTIFIED ISSUES THAT HAVE BEEN ADEQUATELY ADDRESSED IN THE 2010 SLDP FINAL DRAFT

The 2010 SLDP Final Draft has addressed several issues previously raised in prior Memorandums. Specifically:

Removal of Specific Plans as Vehicle for Mixed Use/TOD. The 2010 SLDP Final Draft has removed the use of specific plans as the primary means by which mixed use and transit oriented development would be proposed in the County.

Instead, the 2010 SLDP Final Draft incorporates the use of mixed use zoning and proposes a host of incentive programs to be incorporated into the Sustainable Land Development Code to encourage mixed use and transit oriented development.

Revision of Sustainable and Green Development Requirements. The 2010 SLDP Final Draft revises several of the potentially burdensome requirements and policies related to sustainable and green development, modifying many of the Minimum Energy Efficiency Requirements that must be fulfilled as part of the site plan approval process.

Clarification Regarding the Use of the Sustainable Land Development Suitability Model. The 2010 SLDP Final Draft amends certain provisions related to the use of the Sustainable Land Development Suitability Model, clarifying that the model is not suitable for use in the evaluation of individual development approvals and discussing an approach for future updates to the model and weighting of the input factors.

However, there are other issues we previously identified that are not adequately addressed by the 2010 SLDP Final Draft. We provide an updated analysis of these issues below, following the discussion of the four new issues.

NEW ISSUES REGARDING THE 2010 SLDP FINAL DRAFT

Issue: The 2010 SLDP Final Draft’s approach to public facility financing is poorly supported and its concepts are insufficiently integrated.

Chapter 12 of the 2010 SLDP Final Draft contains the *Adequate Public Facilities and Financing Element*. As described in the chapter, the 2010 SLDP Final Draft proposes to implement an assortment of regulatory tools designed to maintain adequate levels of public services and to ensure that new development pay for infrastructure and public services needed for the development. The chapter discusses and proposes the use of adequate public facilities (“APF”) and concurrency requirements, special assessments and improvement districts, impacts fees, exactions and dedications, and development agreements as tools for the County to ensure that public facilities are provided for by new development.

One problem with this chapter is that it is disorganized and poorly written. There are several sections that appear to be largely redundant of one another. For example, the discussion of impact fees contained in Section 12.2.8 is almost entirely repeated in Section 12.3.8.2.³ Also, in the middle of the chapter, there is a section on Fiscal Impact Analysis (Section 12.3.4) and a section on the Costs of Sprawl (Section 12.3.5). These provide various cost projections related to growth in the County, but both omit any meaningful data to support the analysis, and any explanation of how the data are related to the regulatory tools proposed in the chapter. The Costs of Sprawl discussion utilizes the “Rutgers Road Model” and the “Rutgers Structure Model”

³ This repetition is similar for the discussions of special assessments and improvement districts (Sections 12.2.7 and 12.3.8.1), exactions and dedications (Sections 12.2.9 and 12.3.8.3) and development agreements (Sections 12.2.10 and 12.3.8.4).

without ever introducing these models or providing supporting data and assumptions to support their validity for use in this context.

A more significant concern is that the general approach to APF financing in this chapter is based upon the imposition of numerous regulatory tools that will impose costs and fees on new development, without any indication that there will be meaningful integration or coordination in the application of these tools. The chapter suggests that the County will utilize all of the regulatory tools — PIDs; Impact Fees; Exactions, Mitigations Fees and Dedications; and Development Agreements — to “ensure” that new development pays its “fair share” of the cost of delivering services. Many of the policies at the end of the chapter reflect this aggressive approach:

- Policy 39.4: Ensure the fiscal sustainability of the County through the efficient provision and phasing of public facilities and services, the use of fiscal impact assessments, and the use of the full range of revenue-generating tools.
- Policy 39.5: Establish and assess public improvement districts to finance on-site development public facilities construction, operation, maintenance and repair.
- Policy 39.7: Establish impact fees for new development for the provision of off-site public facilities and services, including but not limited to law enforcement, fire and emergency medical service, roads, water, sewer and stormwater, open space and trails.
- Policy 39.8: Require new development to fund the proportionate share of on- and off-site public facilities and services, the need for which is generated by the development.
- Policy 39.9: Use development agreements to encourage the advancement of facilities for projects that would otherwise be denied development approval for lack of adequate public facilities; for design, engineering and installation of on-site facilities for regional use (oversizing) and establish policies for reimbursement of the developer.
- Policy 40.4: Require adequate public facilities in a timely manner as a required precondition to development approval in order to assure a positive fiscal impact for the County, provide a high quality of life through infrastructure and service provision and protect the health, safety and general welfare of the County.
- Policy 40.5: Require an adequate public facilities and services assessment (APF assessment) for all new development. Use APF assessments to approve or deny applications or to conditionally approve applications by phasing development approval of the project over a period of years but [*sic*] will be available for the initial or subsequent phases of the project for a future year in which the CIP shows adequate public facilities and services to be built and available based on the scheduled availability of public facilities and services as shown in the CIP.

Policy 40.6: Require the adequate public facility assessment for facilities and services to ensure that the cumulative impacts of development are measured and considered.

Policy 40.7: Require every applicant obtaining discretionary development approval to enter into a development agreement with the County, and any other applicable service provider, to implement the conditions of development approval for adequate public facilities and services.

Policy 41.1: New development should provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure directly or indirectly attributed to the project.

Policy 41.2: Require that all costs of upgrading and/or constructing public and community facilities, and basic infrastructure exclusively needed to serve new development be the responsibility of new development and not existing residents.

Several of these policies appear to be inconsistent with other aspects of the 2010 SLDP Final Draft. For example, in Section 12.3.8.4, the 2010 SLDP Final Draft states “A voluntary development agreement may be sought by a developer to avoid denial, or timing and phasing of the project by reason of failure to meet the adequate public facilities requirements of the SLDC.” However, Policy 40.7 (quoted above) suggests that every applicant for a discretionary approval would need to enter into a development agreement, whether or not there is a timing or phasing issue related to the provision of public services. This requirement does not make any sense, particularly if the County has adopted an impact fee to cover the cost of providing the public services.

These policies also do not reflect or require any integration among the different proposed regulatory tools or coordination in how they would be applied to new development. As the 2010 SLDP Final Draft is written, it is conceivable that a development project could be subject to a special assessment (under a PID, for example), an impact fee, an exaction/dedication, and a development agreement as part of the APF review. However, there is significant overlap in the scope of County services potentially covered by impact fees, dedications and development agreements. In fairness to any person seeking approval of a development application, the County’s plan policies and implementing regulations must explicitly ensure that “the use of the full range of revenue generating tools” does not result in charging the same development multiple times for its impact on public facilities and services.

This point is particularly important with regard to the use of impact fees, as New Mexico’s impact fee enabling statute requires a credit for “[a]ny construction of, contributions to or dedications of on-site or off-site facilities, improvements, or real or personal property with off-site benefits not required to serve the new development, in excess of minimum municipal and county standards established by a previously adopted and valid ordinance or regulation and required by a municipality or county as a condition of development approval shall be credited against impact fees otherwise due from the development.”⁴ Therefore, a developer who, through

⁴ NMSA § 5-8-15.

a development agreement, proposes to install a certain public facility should not also be required to pay the impact fee amount that covers the cost of this type of facility. The same concern can be raised with respect to any combination of the proposed revenue generating tools. The 2010 SLDP Final Draft does not provide sufficient recognition and explanation of how these multiple regulatory tools will be coordinated in addressing the APF financing.

While an APF program has the potential to benefit the County by preventing new development from adding demand that strains or exceeds the capacity of existing infrastructure,⁵ it is critical to ensure that such a program is *fair* in how it allocates costs to new development. This allocation must take into consideration in a comprehensive way the cost of new facilities, existing and future revenue sources that will be used to pay for the facilities, and any appropriate credit for public facilities installed by the developer.⁶ The 2010 SLDP Final Draft lacks sufficient explanation of how all of the regulatory tools proposed under the *Adequate Public Facilities and Financing Element* will be coordinated to ensure that they are fairly applied.

Recommendation: The Association requests that the entire Chapter 12 be revised to make it more concise and comprehensible. The Fiscal Impact Analysis and Costs of Sprawl sections should be revised to add better supporting data and documentation (in the form of footnotes or in a references section⁷) and to better integrate them with the rest of the chapter. The discussion of the regulatory tools for APF planning and financing, and the accompanying policies and strategies, should all be revised to demonstrate a more coordinated and integrated approach to APF financing that will ensure that APF financing requirements will be applied equitably to new development in the County.

Issue: Policy 40.6 in the 2010 SLDP Final Draft requiring that the APF assessment “ensure that the cumulative impacts of development are measured and considered,” is undefined as to scope and the 2010 SLDP Final Draft does not provide any guidance as to how “cumulative impacts of development” are to be “measured and considered.”

Policy 40.6 in the 2010 SLDP Final Draft states:

Policy 40.6: Require the adequate public facility assessment for facilities and services to ensure that the cumulative impacts of development are measured and considered.

The consideration of the “cumulative impacts of development” is a very broad-based and potentially far-reaching concept. The SLDP does not contain any limitations on the evaluation of these impacts, nor does it provide any guidance on how they are to be measured and considered. To fully understand a project’s “cumulative impacts,” a person performing an APF assessment may need to look at historical development patterns and data on service and infrastructure conditions, and data from projects that are beyond the control or knowledge of an

⁵ See National Association of Industrial and Office Properties (NAIOP), *Growing to Greatness* [hereinafter *Growing to Greatness*] (1999) at 25.

⁶ Arthur C. Nelson, et al., *A Guide to Impact Fees and Housing Affordability* (Island Press 2008) at 27-28.

⁷ The entire 2010 SLDP Final Draft would benefit from inclusion of a reference section, as many of the sources are not fully documented.

individual property owner or developer. An impact assessment could potentially even require research and evaluation of regional or state-wide factors. Such extensive analysis to support an APF assessment for an individual project appears to be unreasonable.

In addition, the County will presumably have performed a complete assessment of public services and infrastructure to support its proposed use of special assessments and improvement districts, impacts fees, exactions and dedications, and development agreements. The regulatory ordinances adopted pursuant to the SLDP will require future development projects to consider their own impacts to public services and infrastructure. If impact fees are to be used, for example, the County will be assessing a proportionate-share fee that is applied to each development project individually. If each development project is subjected to a reasonably assessed, proportionate-share fee, it does not appear that the measurement and consideration of cumulative impacts for individual projects will be necessary. In short, the County will have addressed the “cumulative impacts of development” through its planning policies and implementing regulations, and “consideration of cumulative impacts of development” for individual projects should not be required.

Recommendation: The Association requests that the requirement to measure and consider the “cumulative impacts of development” be eliminated from the 2010 SLDP Final Draft.

Issue: Policy 41.1 in the 2010 SLDP Final Draft that requires that new development provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure *indirectly* attributed to the project, may not be authorized under the New Mexico statutes.

Policy 41.1 in the 2010 SLDP Final Draft states:

Policy 41.1: New development should provide for and finance improvements consistent with the degree of impact to public services and/or infrastructure directly or indirectly attributed to the project. (Emphasis added)

The 2010 SLDP Final Draft provides no additional description of how to assess indirect impacts of a development project or how the cost of such impacts would be calculated. This omission is a concern because it is possible that a particular development project could have indirect impacts that are difficult or impossible to determine or quantify. An individual project could, for example, impact market conditions, which could, in turn, affect population or growth rates in a way that might be inconsistent with the assumptions contained in the SLDP. Population or growth rate changes could affect the level, timing, and location of demand for public services or infrastructure. However, it is highly questionable whether such *indirect* impacts could ever be accurately attributed to the particular development project with the kind of precision that would be necessary if the development is to be charged an impact fee on the basis of such indirect impacts.

With respect to the use of impact fees as means of financing improvements, New Mexico's Development Fees Act (the "Act")⁸ states that impact fees cannot "exceed the cost to pay for a proportionate share of the cost of system improvements, based upon service units, needed to serve new development."⁹ A project of a certain number of service units cannot be subjected to a fee that exceeds the cost of providing the service required for that project. This "proportionate share" requirement is consistent with the "dual rational nexus test," which is used as the standard by many jurisdictions when creating legally defensible impact fee programs.¹⁰ The proportionate share requirement helps to ensure that there is a reasonable connection (or "rational nexus") between the impacts of new development and the fees imposed to finance public services or infrastructure.

Requiring a development project to provide for or finance public services and infrastructure associated with its *direct* impacts is fair because these impacts are reasonably connected to the costs of providing or financing the services and infrastructure. Requiring such provisions or financing for *indirect* impacts, however, appears to be excessive, as there is unlikely to be the same reasonable connection between a particular development of a given size and potential indirect impacts on services or infrastructure. The proportionate share requirements would therefore appear to warrant that only direct impacts to public services or infrastructure be considered when evaluating the impact fee assessed on a particular development project.

Recommendation: The Association requests that the requirement that a developer address impacts that are "indirectly" attributed to a project be removed from Policy 41.1.

Issue: **The 2010 SLDP Final Draft's proposed "Binding Principles" are unnecessary and questionable as the basis for consistency determinations under the New Mexico statutes.**

Chapter 1 of the 2010 SLDP Final Draft introduces a revised set of the so-called "Binding Principles" for the plan and it defines a "binding principle" as "[t]he mandated direction[s] pursuant to which legislation, administrative regulations, resolutions, policies, and action programs should be consistent with the SLDP."¹¹ The concept of the "Binding Principles" was previously included in the February draft of the SLDP, although these Binding Principles were shorter and less specific statements contained within each element of the plan. The 2010 SLDP Final Draft consolidates the Binding Principles into Section 1.4 of the 2010 SLDP Final Draft, which contains approximately 40 of these principles, divided among the following categories and subcategories:

⁸ The Act is codified at Sections 5-8-1 through 5-8-43 of the New Mexico Statutes Annotated (NMSA).

⁹ NMSA § 5-8-7.

¹⁰ Michael A. Zizka et al., State and Local Government Land Use Liability § 18:9 (2009).

¹¹ 2010 SLDP Final Draft at 8.

ENVIRONMENTAL RESPONSIBILITY

How we design and build
How we conserve and protect
How we consume
How we restore

ECONOMIC STRENGTH AND DIVERSITY

How we produce
How we sustain
How we prepare

COMMUNITY LIVABILITY AND QUALITY OF LIFE

How we live and interact
How we enjoy
How we support and maintain
How we evolve

Many of the “Binding Principles” are similar to the goals, policies, and strategies introduced in the later chapters of the plan. For example, the Binding Principle to “[a]llow higher densities in designated priority growth areas to efficiently expand centralized water and wastewater systems”¹² is very similar to policies 2.1 and 2.2, which are:

- Policy 2.1: Establish Sustainable Development Areas (SDA) to maintain a balanced, sustainable land use pattern based on the availability, timing, adequacy and equitable funding of necessary infrastructure and services.
- Policy 2.2: Establish SDA-1 as priority growth areas to accommodate new compact development that is likely and reasonable to occur within the next 10 years

There are many other examples of similarities between the Binding Principles and the plan policies and it therefore is unclear why the Binding Principles are necessary at all. It appears that the concept of “Binding Principles” is a device designed to create a category above the well-recognized hierarchy of goals, policies and strategies in a comprehensive plan so as to create additional regulatory leverage in the measures adopted to implement the 2010 SLDP. In other words, because the Binding Principles provide the measure for consistency for all “legislation, administrative regulations, resolutions, policies, and action programs,” then, to the extent that a Binding Principle relating to a 2010 SLDP goal and policy is defined more stringently, proof of *consistency* with the 2010 SLDP will likely be more difficult that it would be under the goal/policy language in the SLDP.

We are not aware of any other New Mexico jurisdiction or any other jurisdiction in the United States that has used this overarching “Binding Principle” concept as proposed in the 2010 SLDP Final Draft. Based on a review of the Community Planning Information contained on the New

¹² 2010 SLDP Final Draft at 13.

Mexico Department of Finance and Administration's Local Government Division's website,¹³ it does not appear to be an approach that is recommended by the state in its comprehensive plan template.¹⁴ New Mexico's statutes also do not appear to recognize this distinction between "Binding Principles" and other aspects of a plan, such as the goals, policies and strategies. Therefore it is not clear whether the County has the authority to utilize this new concept as the basis for making consistency determinations.

Several of the Binding Principles are also poorly phrased. For example, the first two Binding Principles under the subheading "How we design and build" are:

Design and build energy efficient structures that incorporate site sensitive planning, green building standards, operate efficiently, economically and require low maintenance.

Design compact, mixed use places in priority growth areas to maximize open space, create service efficiencies, support walkability and multi-modal transportation opportunities.

Obviously, the County is not responsible for the actual design and construction of structures or places. Landowners and developers actually undertake this work. The County is responsible for planning for the desired growth and for accommodating it through its plan and codes. While the drafters of these Binding Principles surely understand this point, if the Binding Principles remain in the 2010 SLDP, these particular Binding Principles should be revised to read:

Promote the design and construction of energy efficient structures that incorporate site sensitive planning, green building standards, operate efficiently, economically and require low maintenance.

Encourage the design of compact, mixed use places in priority growth areas to maximize open space, create service efficiencies, support walkability and multi-modal transportation opportunities.

Several of the other Binding Principles would benefit from similar rephrasing.¹⁵

Recommendation: The Association requests that the County reconsider the need for the Binding Principles as they appear to be redundant with other, more specific, goals and policies within the plan. The Association asks the County on what basis it believes it has the authority to

¹³ See website at:

<http://cpi.nmdfa.state.nm.us/content.asp?CustComKey=202534&CategoryKey=202733&pn=Page&DomName=cpi.nmdfa.state.nm.us>, which contains several presentations and informational documents on community planning in New Mexico, including a Comprehensive Plan template.

¹⁴ See Comprehensive Plan Template, prepared by Steven Burnstein, AICP, available at:

<http://cpi.nmdfa.state.nm.us/cms/kunde/its/cpinmdfastatenmus/docs/202764649-06-29-2006-15-56-30.pdf>.

¹⁵ Other Binding Principles that could potentially benefit from rephrasing are: "Utilize local building materials and methods of construction for residential and non-residential development." (2010 SLDP Final Draft at 13); "Produce more food locally and organically." (2010 SLDP Final Draft at 14); "Retrofit and upgrade buildings and infrastructure for energy, water conservation and other sustainability elements." (2010 SLDP Final Draft at 14); "Design community places that are enjoyable, creative and walkable." (2010 SLDP Final Draft at 16).

create and use “Binding Principles” as the basis for consistency determinations. The Association also requests that the Binding Principles identified in this memorandum be appropriately rephrased, if they are going to remain in the SLDP.

PREVIOUSLY IDENTIFIED THAT REMAIN UNADDRESSED IN THE 2010 SLDP FINAL DRAFT

Issue: The 2010 SLDP Final Draft’s explanation of levels of service for the Adequate Public Facilities program is inadequate and confusing.

Chapter 12 of the SLDP describes the existing levels of service for community facilities as well as proposed levels of service the County will adopt to meet the adequacy levels provided in its Capital Improvements Plan (“CIP”) (“adopted levels of service”). *2010 SLDP Final Draft:* The assessment of existing and proposed levels of service in the 2010 SLDP Final Draft is essentially the same as that contained in the February, 2010 draft of the SLDP and therefore many of the issues identified with that draft remain unresolved.

The existing levels of service are discussed in Sections 12.3.6.2 (Transportation), 12.3.6.3 (Law Enforcement, Fire, and EMS), and 12.3.6.4 (Parks, Trails, Trailheads and Open Space). The adopted levels of service are then discussed in Sections 12.3.7.1 (Transportation), 12.3.7.2 (Law Enforcement, Fire, and Emergency Response), and 12.3.7.3 (Water and Sewer Lines, Treatment Plants and Related Facilities) and 12.3.7.4 (Parks, Recreation, Trails, Trailheads and Open Space Areas). We note the following issues, organized by public facility type:

Transportation. The existing levels of service are provided in miles per 1,000 residents and public employees assigned to roads per 1,000 residents. The proposed adopted levels of service are provided in a lettered scale assessment of roadway service capacity (e.g., “D” and “C”). This approach provides no basis for comparing existing levels of service to the adopted levels of service for roads. It is not clear why the existing and adopted levels of service are not presented using common units of measurement. Common units of measurement between existing and adopted standards are necessary to ensure that the adopted standards are appropriate and achievable.¹⁶ *2010 SLDP Final Draft:* Sections 12.3.6.2 and 12.3.7.1 have not been revised since the February Draft, and therefore these same issues with LOS for transportation remain.

Law Enforcement, Fire, and Emergency Response. The existing levels of service for the sheriff’s offices and fire/EMS are 1.44 officers per 1,000 residents and 1.09 officers per 1,000 residents, respectively.¹⁷ However, the discussion of adopted levels of service in the 2010 SLDP Final Draft states that there are currently 0.85 sheriff’s officers and office personnel per 1,000 residents and 0.93 paid employees in the fire department per 1,000 residents (although Figure 12-2 indicates that these values are expressed in “officers per 1,000 residents”).¹⁸ *2010 SLDP Final Draft:* It remains unclear why there is a discrepancy in these numbers and whether the levels should be expressed in terms of “officers per 1,000 residents” or “officers and office personnel per 1,000 residents.” Establishing level of service standards with common units of measurement

¹⁶ James C. Nicholas et al., *A Practitioner’s Guide to Development Impact Fees* (Planners Press 1991) at 82-87.

¹⁷ Figure 12-1, 2010 SLDP Final Draft at 207.

¹⁸ Figure 12-2, 2010 SLDP Final Draft at 210.

is critically important to an adequate public facilities and services program and the lack of such standards may lead to invalidation of regulations.¹⁹

Water and Sewer Lines, Treatment Plans and Related Facilities. There is no separate discussion of water and sewer facilities in the existing conditions subsection of the SLDP. *2010 SLDP Final Draft:* For the adopted levels of service, the 2010 SLDP Final Draft provides information on maximum desired service levels (expressed in acre-feet per dwelling unit per year or acre-feet per 10,000 square feet of development per year), employees per 1,000 residents, and capital improvements per 1,000 residents. While it appears that the County is operating at or near these adopted levels of service, it is not clear whether the adopted service levels are reflective of the 2010 SLDP Final Draft's water conservation goals, which could presumably lower the appropriate service levels in the future. In addition, Figure 12-2 lists stormwater management as a public facility, but the 2010 SLDP Final Draft provides no discussion of levels of service for stormwater.

Parks, Recreation, Trails, Trailheads, and Open Space Areas. The adopted levels of service would increase the existing levels of service for trails and trailheads. *2010 SLDP Final Draft:* There continues to be very little justification or supporting data for the proposed increase.

Recommendation: Given the significant implications that an adequate public facilities program can have for the timing, location, nature and extent of development, the Association requests that the County address these shortcomings in the program and clarify its analysis and discussion of public facilities levels of service, in order to provide a better understanding of the County's existing levels of service and the potential consequences of imposing newly adopted levels of service in the adequate public facilities program.

Issue: The 2010 SLDP Final Draft proposes consistency review requirements that are potentially burdensome.

The February draft of the SLDP stated that:

The SLDP should be the standard against which all development approvals, the SLDC, other applicable ordinances, codes, regulations and decisions are made, requiring consistency with all elements of the SLDP, the CIP, the Official Map and all applicable area, specific or community plans.²⁰

A similar requirement for consistency review was also incorporated into the July draft of the SLDC, which required that an applicant for a discretionary development approval demonstrate consistency with the General Plan and area or specific plans through the submission of a Consistency Report.²¹

We previously expressed concern about the consistency requirements contained in the February draft of the SLDP and the consistency reporting requirement contained in the July SLDC because

¹⁹ Ziegler, Edward H. Jr., *Rathkopf's The Law of Zoning and Planning* § 15:32 (4th ed.).

²⁰ February Draft of the SLDP at 258.

²¹ Section 5.5.10.7 of the SLDC.

these requirements were unnecessary, assuming that the County implements a truly vertical consistency program, in which all ordinances and regulations adopted pursuant to the SLDP are consistent with it. Under a properly designed vertical consistency program, a proposed development that meets the use and dimensional and other standards of a zoning district as outlined in the SLDC should already be consistent with the SLDP, subject, at most, to a limited form of site plan review.²²

2010 SLDP Final Draft: The 2010 SLDP Final Draft revises this statement slightly and incorporates it into Policy 48.2, which is:

The SLDP is the standard against which all development applications, the SLDC, other applicable ordinances, codes, regulations and decisions are made.²³

While the policy proposed in the 2010 SLDP Final Draft has been improved when compared to the February draft, the policy still appears to imply that “development applications” will be measured directly against the SLDP as the “standard” for decision-making. For this reason, we remain concerned about the potential inclusion of a consistency review requirement for “development applications” in light of the vertical consistency system set forth throughout the 2010 SLDP Final Draft. A development application that meets the use, dimensional and other standards of a zoning ordinance adopted pursuant to the SLDP should not be subject to additional review for consistency.

Recommendation: The Association requests that the County eliminate the requirement that decisions on development applications be made subject to individual consistency reviews, given that the 2010 SLDP Final Draft requires consistency for all ordinances, maps and regulations, which obviates the need to re-evaluate a proposed project for consistency with the SLDP.

Issue: The 2010 SLDP Final Draft’s analysis of future growth in the County is based on what appears to be questionable data.

Chapter 2 of the SLDP contains the County’s growth trends and projections. The growth projections are divided between the incorporated areas and the unincorporated areas, with a further breakdown of the unincorporated areas projections into projections for the four identified growth management areas. The growth trends and projects appear to be based on a 2009 study by Al Pitts (“Pitts study”). This study, available on the County’s website,²⁴ contains County population and housing unit projections for 2006 through 2050. The Pitts study contains an introductory discussion of the population projections, explaining why its projections are notably higher than those provided by the U.S. Census Bureau and how the study’s author chose between two alternative growth projections for the County. The Pitts study divides the population and housing projections between the “Santa Fe Urban Region” and the remainder of Santa Fe

²² We refer to a “limited” form of site plan review process here, noting that the scope of site plan review described in the July draft of the SLDC is far too expansive. We anticipate making comments on future revisions and additional chapters of the SLDC to emphasize this point.

²³ Policy 48.2, 2010 SLDP Final Draft at 245.

²⁴ Pitts, A. *Regional Housing and Population Projections, Santa Fe County, 2000-2050*, June 15, 2009, available at http://www.santafecounty.org/about_us/documents/Project_Projections.pdf.

County.²⁵ The Santa Fe Urban Region includes the City of Santa Fe and its proposed annexation area.²⁶

We previously expressed concern about the population and housing projections presented in the Pitts study after preparation of the October 2009 draft of the SLDP. These concerns are as follows:

First, the study's selection of a more aggressive growth trend for the County is not sufficiently supported. The aggressive growth trend and the slower growth trend projections that the author uses in his analysis are both based on data prepared by the Bureau of Business and Economic Research (BBER) at the University of New Mexico. The more aggressive growth projections are based on older projections prepared by the BBER in September of 2000, which predict that the County's population will rise to approximately 177,000 by 2020. The slower growth projections are based on more recent projections prepared by the BBER in August of 2008, which predict a more modest rise to approximately 166,000 by 2020. The stated justification for selecting the 2000 data for the basis of these projections is that the projections prepared by the BBER in 2000 proved to be accurate through 2008.²⁷ The study does not explain why it rejects BBER's updated projections even though it acknowledges that the same agency provided reliable predictions in 2000. The study lacks an adequate explanation for why the more recently developed slow growth projections are "less probable" than the older projections of faster growth.

The second problem with the Pitts study is that it does not clearly differentiate between the unincorporated County (i.e., the area for which the SLDP is being prepared and over which the County has regulatory jurisdiction) and incorporated areas other than the City of Santa Fe, such as the City of Espanola and the Town of Edgewood. It also does not address population and housing within the tribal lands in the County, which encompass a sizeable area over which the County's jurisdiction is limited. The Pitts study also fails to provide any description of the methodology used to allocate the population and housing projections between the Santa Fe Urban Region and the remainder of the County. It also does not explain on what basis it allocates the "remainder of the County" projections into the four growth regions. This data overlap and the shortage of methodological information make it difficult to determine whether the study's projections are likely to be reliable for the sub-areas, let alone for the County as a whole.

A third problem with the population and housing projections, and with the SLDP's growth projections section, is that they fail to adequately address the timing of annexation for land around the City of Santa Fe. This omission leaves it unclear how annexation should factor into the County's growth projections.

These problems create legitimate concerns as to whether the County has been using and continues to use accurate population and housing projections in the SLDP. Accurate population

²⁵ *Id.*, See Table A-01, Total Population, and Table A-02, Total Housing Units.

²⁶ *Id.*, Context Map.

²⁷ Pitts at 2. (stating "... the BBER 2000 (Series A) projection correctly foresaw that the County's growth would remain steady through 2008. And it produced a very accurate prediction of the County's cumulative growth rate during that period.")

and housing projections are necessary in order to ensure that the County has the most relevant and reliable bases for projecting the future number of housing units the County needs, and the future demand for County services, such as schools, fire and police services, and infrastructure. The accuracy of the projections is also critical because they will be used as the basis for any impact fee and adequate public facilities programs that are established pursuant to the SLDP.

2010 SLDP Final Draft: The 2010 SLDP Final Draft's data, like the data in the prior drafts, is premised on the Pitts Study data. There has been little modification to this section, and no additional justification for the assumptions used in the Pitts study or by the County when applying the projections in the SLDP. All of the previously identified concerns about the County's use of potentially flawed growth and population projections remain unaddressed. In addition, in the 2010 SLDP Final Draft, the same growth projections are used to support the Fiscal Impact Analysis in Section 12.3.4 in the context of the APF program. The use of the questionable growth projection data calls into question whether the proposed adequate public facilities program is appropriately justified.

Recommendation: The Association requests that the County revisit the population and housing unit projections to ensure that they are as accurate as possible in assessing the future growth of the unincorporated areas of the County and that they also, particularly, account for the annexation of land around the City of Santa Fe. The revised projections should include a description of the methodology used to allocate growth between incorporated and unincorporated areas and within growth regions of the unincorporated County. The revised projections should also account for any issues related to timing of annexation for land around the City of Santa Fe. The County should also incorporate into the 2010 SLDP Final Draft a discussion of the Pitts study and the assumptions which form the basis of the County's population and housing projections. This discussion is essential in the event that the County's actual growth is more consistent with the slower growth projections contained in the Pitt study's slow-growth alternative or with the U.S. Census Bureau estimates, as slower realized growth will factor into the analysis of Levels of Service for public facilities.

Issue: **The 2010 SLDP Final Draft creates a complex administrative process for development review and approval that will increase the cost of development and may be difficult for the County to implement.**

As discussed in a prior Memorandum with respect to the July 2009 draft of the SLDC, the County proposes an elaborate regulatory structure, with a very extensive and time-consuming process for development approvals, particularly for discretionary development approvals such as plan amendments, map and text amendments to the code, major and minor subdivisions, conditional use permits, site plans, development agreements, area variances, and beneficial use and value determinations. Such a burdensome and time-consuming process for development review will increase development costs, which may stifle opportunities for new development in the County.

The level of detail associated with the development review process also invites questions as to the County's ability to administer the approval process.

2010 SLDP Final Draft: As with the February draft of the SLDP, the regulatory structure proposed in Chapter 14 of the 2010 SLDP Final Draft is very similar to that proposed in the draft chapters of the July SLDC. The 2010 SLDP Final Draft does not contain any new information relating to the County's ability to administer the proposed development approval process and therefore these concerns remain unaddressed. Additional staffing may be necessary to fill the various roles in the review process created by the 2010 SLDP Final Draft, which could further strain the County's resources or, if review costs are shifted to those seeking approvals, further add to the development cost burden.

Recommendation: The Association requests that the County evaluate the likely implications of the 2010 SLDP Final Draft on the cost and timing of development approvals in the County. This evaluation should take the form of a cost-benefit analysis. The Association requests that the County address the level of staffing and additional revenues that the County would need to properly administer the regulatory structure proposed in the 2010 SLDP Final Draft.

Issue: The 2010 SLDP Final Draft should include additional administrative appeal standing requirements for Community Organizations for standing in administrative appeals.

The Governance Element contained in Chapter 14 of the SLDP creates a role for community input into the development approval process through the creation of Community Organizations ("COs") and Registered Organizations ("ROs").²⁸ The chapter identifies certain requirements for the establishment and management of COs and ROs, and allows for their input during the development approval process through public notice requirements and inclusion at pre-application meetings. In addition, COs are given standing in administrative appeals of development approvals.²⁹

The provisions for public notice to COs and attendance at pre-application meetings should help to facilitate community involvement in the application review process. However, giving the COs standing to appeal a development approval would potentially allow an organization to unjustifiably delay a project even if it does not participate in the review process or have any particularized interest in the project.

Normally, standing to appeal zoning decisions is limited to persons "aggrieved" by the decision—those who have been or will be adversely affected by the decision.³⁰ This requirement is echoed in the New Mexico statutes, which permit an "aggrieved person" to initiate an appeal to a zoning authority.³¹ However, the SLDP appears to grant COs automatic standing to initiate appeals and does not impose any requirement for them to assert an aggrieved status.

²⁸ 2010 SLDP Final Draft at 232-3.

²⁹ 2010 SLDP Final Draft at 232 ("COs will have the following rights and responsibilities, upon recognition of the CO by the Board ... The right to participate as a party in administrative adjudicatory proceedings pending within the area designated in the resolution of the Board recognizing the CO, and as such will, as appropriate, be permitted to present evidence and witnesses at a quasi-judicial hearing before the Board, Planning Commission, or Hearing Officer.").

³⁰ *Rathkopf's* at § 63:3.

³¹ N. M. S. A. § 3-21-8 (2009).

The County should require that a CO demonstrate a meaningful level of involvement in a development review process as a prerequisite for being able to initiate or take part in an appeal of a development approval. For example, the SLDP could require that a CO have both attended the public hearing and submitted substantive written comments during the review process. Such a requirement would help to ensure that the appeal process is not used to delay the approval process and put financial pressure on a developer. In addition, such a requirement could also be more consistent with New Mexico's requirements for demonstrating aggrieved party status, as the CO's participation and involvement during the review process would help define its potential concerns about a development project, making it more evident whether the CO will potentially be adversely affected by a decision.

2010 SLDP Final Draft: The 2010 SLDP Final Draft contains the same provisions for CO standing as was provided in the previous draft and therefore this concern remains unaddressed.

Recommendation: The Association requests that the County limit the right of COs to initiate administrative appeals of development approvals by requiring that they produce evidence of attendance at hearings and the submittal of written comments during the review process that demonstrates a particularized interest in the development under consideration. The Association believes that in order to establish standing for appeal a CO must have both attended the hearings on the project and submitted written comments.

Issue: **The County should has not yet made available larger scale copies of the maps for public review and/or provided a web-based GIS application for viewing the maps in greater detail.**

In general, the maps contained within the SLDP appear to be well prepared and they encompass a very broad scope of information. The only major flaw in the maps continues to be the scale at which they are drawn and distributed. The portable document format (pdf) version of the maps does not provide sufficient resolution of the maps to zoom into certain areas, such as the more densely developed areas around the City of Santa Fe. This inability to see the specific details of the Sustainable Development Area boundaries, or the Future Land Use designation boundaries could make it difficult for a property owner to understand the specific implications of these maps for its property.

2010 SLDP Final Draft: The 2010 SLDP Final Draft does not contain any new larger-scale copies of maps, nor has the County provided a link to a web-based GIS application for map viewing and therefore this concern remains unaddressed.

Recommendation: The Association requests that the County provide the maps in a format that permits them to be viewed in greater resolution, either by creating large scale versions of the maps, providing expanded sections, or providing a web-based Geographic Information Systems tool that is readily available to the public.



Public Comment:

Exhibit: 8

From: Dianne Elise Strauss

Date: August 26, 2010

Melissa S. Holmes

Subject: FW: SUGGESTED MAP CORRECTION FOR PROPOSED FUTURE LAND USE MAP

From: Delise9999 [mailto:delise9999@aol.com]
Sent: Thursday, August 26, 2010 10:33 AM
To: Tim Cannon
Subject: SUGGESTED MAP CORRECTION FOR PROPOSED FUTURE LAND USE MAP

Dear Tim:

The lands delineated to the West of La Cienga are in question as to why this is being listed on the current "Proposed Future Land Use Map (2010-2030) as RESIDENTIAL FRINGE ?

These lands fall more into the rural character of conservation, agricultural and ranch lands than residential fringe.

Please formally note and record for tonight's meeting. This is the appropriate term and falls in line with the long standing ordinance of La Cienga -- as well as the residents of Santa Fe County desire to keep open space. Thank you.

Best.

Dianne Elise Strauss



Public Comment:

Exhibit: 9

From: Teresa Seamster

Dates:

August 26, 2010

August 25, 2010

Melissa S. Holmes

Subject: FW: SLDP - Chpt 5 & 10 Wildlife
Attachments: SDLP-Chpts5-10-Final.doc; SDLP-Chpts5-10-EDITS.doc; SFCNatResAssess.doc

From: Teresa Seamster [mailto:tcseam@qwest.net]
Sent: Thursday, August 26, 2010 8:53 AM
To: Arnold A. Valdez; Andrew Jandacek
Subject: SLDP - Chpt 5 & 10 Wildlife

Hi Andrew and Arnie,

Thank you for meeting with me and Tom Gorman Monday. We will work on a test camera trap location on Cerro Pelon near NM41-CR42, and evaluate how we want to proceed before requesting an MOU w/ the County on accessing the CR - ROW.

Tom and I have made a few SLDP recommendations in the form of specific changes to 3 existing Strategies in Chapter 5, and adding one additional Strategy in Chapter 10.

These changes reflect the concerns we discussed Monday regarding the primary threats to wildlife in the county.

I hope these are useful to you. (I'm attaching the final version and the edits version - so you can see the actual changes from your SLDP, also an e-version of the Natural Resource Assessment (NRA) that we sent to Commissioner Holian last month that she liked "as is".)

It was great to see you both - as always!

Teresa
505-466-8964

To: Santa Fe County Land Use Planning Department

RE: Suggested Edits to SLDP

August 25, 2010

Arnie:

Suggested Changes to Chapter 5, Page 100:

Policy 15.3: Preserve and protect wildlife habitat, migration corridors, riparian areas and surface water resources that support wildlife health.

Strategy 15.3.1: Coordinate with wildlife conservation organizations and state agencies to create a county-wide natural resource conservation plan.

Strategy 15.3.2: New development must submit a Natural Resource Assessment (NRA) with data that can be used in Santa Fe County's Wildlife and Habitat Management Program.

Policy 15.4: New development should not cause significant degradation of wildlife or sensitive wildlife habitat, especially to any wildlife listed as threatened or endangered on a state or federal list.

Policy 15.5: Coordinate with environmental NGOs (non-governmental organizations) such as the Galisteo Watershed Partnership to protect and rehabilitate local creeks, wildlife habitat, wildlife corridors and other environmentally sensitive areas.

Strategy 15.5.1: Coordinate with wildlife conservation organizations to identify and preserve crucial wildlife habitat and wildlife corridors.

Strategy 15.5.2: Integrate data from wildlife conservation organizations and from required Natural Resource Assessments to develop an inventory of local wildlife and to further the County's Wildlife and Habitat Management Program that promotes humane wildlife practices and prohibits inhuman handling or trapping of wildlife on public lands within Santa Fe County.

Strategy 15.5.3: Coordinate with conservation organizations and state agencies to develop wildlife corridors and the ongoing monitoring of those corridors.

Andrew:

Suggested Addition in Chapter 10, Page 169:

Policy 33.4: Road improvement projects and new road construction projects will be evaluated and prioritized based on the need for a higher level of service, the character of the road (i.e. rural or sub-urban), the environmental suitability of the road project, and whether the proposed project would provide improved connectivity to services.

Strategy 33.4.1: The traffic demands of the full spectrum of roadway users, including local and commuter traffic, emergency services, commercial users, and multi-modal users including pedestrians, cyclists and equestrians, should be considered for all proposed road improvements and new road construction projects.

Strategy 33.4.2: Coordinate with wildlife conservation organizations, state and federal agencies to determine high frequency wildlife crossing areas within Santa Fe County and to sign such areas with caution signs and other measures (reduced speed zones, flashing lights, rumble strips) to alert motorists to the potential presence of wildlife on the road.

Submitted by:

Teresa Seamster & Thomas Seamster, Ph.D.

Wildlife Habitat of New Mexico

wildlifehabitat@qwest.net

To: Santa Fe County Land Use Planning Department
RE: Suggested Edits to SLDP
August 25, 2010

Policy 15.3: ~~Wildlife~~ Preserve and protect wildlife habitat, migration corridors, riparian areas and surface water resources that support wildlife health ~~should be preserved and protected.~~

Strategy 15.3.1: Coordinate with wildlife conservation organizations and state agencies to create a county-wide natural resource conservation plan.

Strategy 15.3.2: New development must submit a Natural Resource Assessment (NRA) with data that can be used in Santa Fe County's Wildlife and Habitat Management Program.

Policy 15.4: New development should not cause significant degradation of wildlife or sensitive wildlife habitat, especially to any wildlife listed as threatened or endangered on a state or federal list.

Policy 15.5: Coordinate with environmental NGOs (non-governmental organizations) such as the Galisteo Watershed Planning Partnership to protect and rehabilitate local creeks, wildlife habitat, wildlife corridors and other environmentally sensitive areas.

~~Strategy 15.5.1: Coordinate with wildlife conservation organizations to identify crucial focal and indicator species and establish~~ and preserve crucial wildlife habitat and wildlife corridors.

~~Strategy 15.5.2: Develop~~ Integrate data from wildlife conservation organizations and from required Natural Resource Assessments to develop an inventory of local wildlife and to further the County's Wildlife and Habitat M and wildlife habitat areas, a wildlife management and protection pProgram and a wildlife corridor study that promotes humane wildlife practices and prohibits inhuman handling or trapping of wildlife on public lands within Santa Fe County.

Strategy 15.5.3: Coordinate with conservation organizations and state agencies to develop wildlife corridors and the ongoing monitoring of those corridors.

Andrew, please consider the following change in Chapter 10, p. 169:

Policy 33.4: Road improvement projects and new road construction projects will be evaluated and prioritized based on the need for a higher level of service, the character of the road (i.e. rural or sub-urban), the environmental suitability of the road project, and whether the proposed project would provide improved connectivity to services.

Strategy 33.4.1: The traffic demands of the full spectrum of roadway users, including local and commuter traffic, emergency services, commercial users, and multi-modal users including pedestrians, cyclists and equestrians, should be considered for all proposed road improvements and new road construction projects.

Strategy 33.4.2: Coordinate with wildlife conservation organizations, state and federal agencies to determine high frequency wildlife crossing areas within Santa Fe County and to sign such areas with caution signs and other measures (reduced speed zones, flashing lights, rumble strips) to alert motorists to the potential presence of wildlife on the road.

Submitted by:
Teresa Seamster & Thomas Seamster, Ph.D.

Santa Fe County Natural Resource Assessment

The Santa Fe Board of County Commissioners require development applicants of parcels 35 acres or larger located in Santa Fe County prepare the following Natural Resources Assessment as part of the Development Plan Application.

The Natural Resource Assessment must present a specific landscape assessment of the parcel (criteria and terms available in COLTPAC list of “Significant Resources and Definitions, Open Land & Trails Plan), and a brief description of how the land has been used in the past.

Natural Resource Assessment should include but is not limited to:

___ Description of surface water bodies and ephemeral surface water channels on the parcel, along with a description of the (buffer) areas besides these surface water bodies and ephemeral channels of a width of 300 feet measured from the top of the bank of the channels/water bodies. These descriptions should include soils, surface hydrology, vegetation, and wildlife occurring on the land. Descriptions should also mention views and scenic values, archaeological and historical features, geological features, and land use features.

___ Description of wildlife habitat and pathways across the entire parcel and their relationships to surrounding parcels or properties.

___ Location and description of habitat for threatened, endangered and priority (focal) species, including location of critical habitat as defined under County Conservation Priorities Map: areas identified as necessary to protect, sustain or restore plant or animal populations identified in county, state or federal recovery plans.

___ A conceptual plan for the implementation of protective measures of biological, physical, and historical land use features on the property, especially regarding the surface water bodies and ephemeral channels and their 300-foot buffer areas, and regarding the wildlife habitat and pathways on the property.

___ A conceptual plan for maximum storm water interception and excess storm water overflow management with a view to supporting and protecting the ecosystem.

___ Areas of critical water supply including but not limited to important water supply areas: drainage areas, wetland areas, aquifer recharge areas, source water protection areas, riparian areas and irrigated and acequia lands.

___ Location of public open space, public lands, including natural and private conservation areas, private or public wildlife refuges, proposed key wildlife habitats and corridors, and conservation easements, if known, within a five (5) mile radius of the applicant’s property

___ Natural features such as steep slopes, rock formations and volcanic ridges, forest cover, and hydrography.

___ Watershed boundaries (ie. HUC 14)

Additional Requirement: Build Out Capacity Analysis

Under the current zoning maps of Santa Fe County, the applicant will prepare an estimate of the potential location and amount of residential, commercial or industrial development possible at build out for the County based on current planning, ordinances and regulations, and submit it at the time of this application. Based on that build out analysis, the County, *if requested* by the Board of County Commissioners, must also submit an inventory of the available natural and built infrastructure along with an analysis of estimated capacity of the infrastructure to accommodate the outcome of the plan at build out.

___ DRAFT Prepared July 19, 2010:

Charles O’Leary, Santa Fe Conservation Trust, Jan-Willems Jansen, Earth Works Institute, Teresa Seamster, Wildlife Habitat of NM



Public Comment:

Exhibit: 10

From: Estancia Basin Water Planning Committee

Date: September 10, 2010

ESTANCIA BASIN WATER PLANNING COMMITTEE

Ryan Schwebach

Chair

East Torrance SWCD position

Randy Autrey

Vice-Chair

Torrance County Agricultural Position

John L. Jones

Secretary/ Treasurer

*Bernalillo County, Municipal Developer/
Utility Position*

H.L. Hagerman

Committee Member

Santa Fe County, Agricultural Position

J. Brian Greene

Committee Member

Claunch-Pinto SWCD Position

Leo Smith

Committee Member

Edgewood SWCD Position

Daniel McGregor

Committee Member

*CPG Bernalillo County, Government
Position*

Gene Winn

Committee Member

Torrance County Government Position

Vacant

Committee Member

*P.E. Santa Fe County Government
Position*

Tom Spindle

Committee Member

*Santa Fe County, Municipal Developer/
Utility Position*

Vacant

Committee Member

Torrance County Agricultural Position

Rita-Loy Simmons

Committee Member

At-Large Position

David Tixier

*Torrance County, Municipal Developer/
Utility Position*

Charles T. Duamrs

*Law & Resource Planning Associates,
P.C.*

Cheri Lujan

Committee Recorder

P.O. Box 58
Estancia, NM 87016
505-384-2272 Ext.103
505-384-3043 (fax)



September 10, 2010

Robert Griego
Director, Santa Fe County Land Use
102 Grant Avenue
PO Box 276
Santa Fe, NM 87504-0276

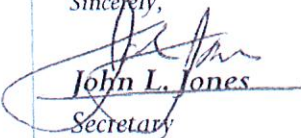
Dear Mr. Griego:

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

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

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

Sincerely,


John L. Jones

Secretary

Estancia Basin Water Planning Committee

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

Chapter 4 – Agriculture

4.1.1, Key Issues

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

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

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

4. Shifting climate patterns. No comment.

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

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

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

4.1.2 Keys to Sustainability.

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

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

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

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



Public Comment:

Exhibit: 11

From: Santa Fe Planning Group, Inc.

Date: August 26, 2010

SANTA FE PLANNING GROUP, INC.

**P.O. BOX 1761
SANTA FE, NM 87504
(505) 983-1134, FAX 983-4884**

August 26, 2010

Mr. Jack Kolkmeier
Mr. Robert Griego
Santa Fe County Growth Management Department
102 Grant Avenue
Santa Fe, NM 87501

Re: La Bajada Site - 5,421-acres

Dear Jack & Robert:

Thank you for your time spent yesterday in discussing the 5,421 acres south of I-25 in the vicinity of La Bajada Hill. This meeting gave us a more clear understanding of the long term planning efforts involved with the Santa Fe County Sustainable Land Development Plan, and your reasoning for the various land use designations currently shown on the Future Land Use Plan.

As discussed during the meeting, our clients object to the designation of their property as Rural or Ag/Ranch, when similar property owned by the County across the highway is designated as Residential Fringe and land directly south (in the vicinity of Madrid) is designated as Rural Fringe. The subject property is in close proximity to I-25 and within the "railroad corridor," which becomes an apparent boundary for future development on the Future Land Use Plan. While we support the long range planning process, we request that this land be further studied and the future land use designation be reconsidered. At the meeting you mentioned that the zoning process would provide language that would provide a mechanism (performance standards) to develop a higher density than what is identified for the various future land use designations. We would like to have the opportunity to participate with you in the preparation of this language, which would be a part of the Proposed Future Land Use Map, the Santa Fe County Sustainable Land Development Plan, and future zoning.

We look forward to hearing from you.

Best Regards,

Al Lilly
Scott Hoefft



Public Comment:

Exhibit: 12

From: University of New Mexico Prevention Research Center

Date: September 10, 2010

Melissa S. Holmes

Subject: FW: Santa Fe County SLDP Public Health comment
Attachments: Santa Fe County SLDP_Public Health Comment.PDF

From: Emily Piltch [mailto:EPiltch@salud.unm.edu]
Sent: Friday, September 10, 2010 2:35 PM
To: Jack Kolkmeier; Robert Griego; Harry B. Montoya; Kathy S. Holian; Liz Stefanics; MANAGERS OFFICE; Mike Anaya; Virginia Vigil
Cc: Linda Penaloza
Subject: Santa Fe County SLDP Public Health comment

To: Katherine Miller, Santa Fe County Manager
Santa Fe County Board of County Commissioners
Jack Kolkmeier, Santa Fe County Land Use Director
Robert Griego, Santa Fe County Planning Manager

I write to you as a public health professional who works with communities throughout the state on initiatives that bridge public health and safety with land use and transportation planning. I attended the Santa Fe County Sustainable Land Development Plan (SLDP) Estancia Charrette in March 2009 where I shared my perspective that land use planning needs to intentionally incorporate public health and safety dimensions into long-range planning documents to ensure that development promotes health equity and community well-being.

We applaud you for including several public health concepts in the Plan (e.g., encouraging walkability, expanding the trails network, multi-modal transportation, local food systems and food security and access to a range of housing options). However, as the SLDP provides the vision of the future for the County through 2025, you have an extraordinary opportunity to include additional public health and community safety concepts not currently reflected in the document. The attached letter provides some ways in which you could increase visibility of public health promotion and disease prevention in the SLDP. This letter is also from Dr. Linda Peñaloza who is the President of the New Mexico Public Health Association. We would be glad to provide more specific suggestions and clarification of these concepts upon your request.

Thank you for your time,

Emily Piltch

Associate Scientist

UNM Prevention Research Center

MSC 116145
1 University of New Mexico
Albuquerque, NM 87131
epiltch@salud.unm.edu

Ph: 505.272.4462
Fax: 505.272.4857

September 10, 2010

To: Katherine Miller, Santa Fe County Manager
Santa Fe County Board of County Commissioners
Jack Kolkmeier, Santa Fe County Land Use Director
Robert Griego, Santa Fe County Planning Manager

As the Santa Fe County Sustainable Land Development Plan (SLDP) process moves forward, we are writing to commend you for your hard work and for the careful consideration you have given to the wide array of dimensions that promote a safe and healthy community for all residents.

We are writing as public health professionals: one of us, Dr. Peñaloza, is president of the New Mexico Public Health Association (NMPHA), made up of more than 200 individuals and organizations committed to a vision of New Mexico as a place where the resources, socioeconomic conditions, and environment exist in which all people can be healthy; the other of us is a public health researcher and practitioner who works with communities throughout the state on initiatives that bridge public health and land use/transportation planning and who attended the SLDP Estancia Charrette in March 2009.

As you are well aware, planning and development can have significant impacts on community health and well-being. Alarming rates of childhood and adult obesity, heart disease, diabetes, asthma and other chronic diseases can be linked to aspects of the built environment including access to healthy foods and physical activity, quality affordable housing and transportation options.¹ At the charrette in March, we promoted the idea that land use planning needs to intentionally incorporate public health and safety dimensions into long-range planning documents to ensure that development promotes health equity and community well-being.

We applaud you for including several public health concepts in the Plan (e.g., encouraging walkability, expanding the trails network, multi-modal transportation, local food systems and food security and access to a range of housing options). However, as the SLDP provides the vision of the future for the County through 2025, you have an extraordinary opportunity to include additional public health and community safety concepts not currently reflected in the document. Below are some ways in which you could increase visibility of public health promotion and disease prevention in the SLDP. We would be glad to provide more specific suggestions and clarification of these concepts upon your request.

Chapter 1: Sustainable Vision

Recommendations:

- Under key issues (p. 1), clearly state that there is a strong relationship between our environment, the built environment and human health and safety.
- Under vision statement (p.3) include a statement connecting sustainability to human health and safety (suggestion: Santa Fe County is a place of sustainable communities where: public health and safety are protected and promoted).
- Under sustainability principles (p.4) incorporate human health into the definition of a sustainable community.

Chapter 2: Land Use Element

Recommendations:

- As a general consideration comment: provide language that addresses social isolation such as “encourage neighborhoods that sustain mental health and promote social capital”ⁱ
- Under section 2.3.3.4 Existing Public, Institutional, and Utilities Land Use and Zoning (p. 19) include language encouraging development of joint use agreements to provide access to school land after hours.

Chapter 6: Open Space, Trails, Parks and Recreation Areas Element

Recommendation:

- Under Policy 20.18: Create and maintain safe access, parking, and trailheads for public lands and other open spaces (p.95) (or another more appropriate location), include the following: “Ensure safe streets, walkways, and bike paths around parks or open spaces.”ⁱⁱⁱ

Chapter 8: Sustainable Green Design and Development Element

Recommendation:

- Include language such as “require safe facilities for walkers, bicyclists, and people using wheelchairs in all new developments.”

Chapter 9: Public Safety Element

Recommendations:

- Change Chapter 9 title to “Public Health and Safety Element” and provide inclusive language with public health complimentary to public safety (but not one-in-the-same).
- The Santa Fe County SLDP Executive Summary Draft-August, 2010 (p.3) states in the first bullet point: “Preserve and protect public health, safety, welfare and property through adequate provision of law enforcement, fire and emergency response, and emergency h communication services.” This sentence is the only place in this chapter where the term public health is used in general terms. It appears that public health (prevention) is only considered with regard to emergency preparedness planning and not in relation to public health defined more broadly.

Thank you again for your tremendous effort in the development of the Plan. As you consider the above recommendations, please do not hesitate to contact us. We would be glad to provide more information or suggest additional language. We can be contacted at: 505-272-4462 and Emily: epiltch@salud.unm.edu; Dr. Peñaloza: LPenaloz@salud.unm.edu.



Emily Piltch, MPH
Associate Scientist
University of New Mexico Prevention Research Center



Linda Peñaloza, PhD
President
New Mexico Public Health Association

ⁱ Healthy Planning Guide. Public Health Law and Policy Planning For Healthy Places. Accessed at http://www.barhii.org/resources/downloads/barhii_healthy_planning_guide.pdf on September 9, 2010.

ⁱⁱ Healthy Planning Guide.

ⁱⁱⁱ Healthy Planning Guide



Public Comment:

Exhibit: 13

From: Pueblo de Cochiti

Date: September 15, 2010

Vernon M. Garcia
Governor



J. Leroy Arquero
Lt. Governor

P.O. Box 70
255 Cochiti Street
Cochiti Pueblo, NM 87072-0070
PH# (505) 465-2244 FAX# (505) 465-1135

September 15, 2010

Robert Griego, Manager
Santa Fe County Commission
County Development Review Committee
Santa Fe, NM

Re: Sustainable Land Development Plan (SLDP)

The Pueblo of Cochiti would like to express its appreciation to the County Commission for its vision, time and energy invested in developing the Sustainable Land Development Plan as an integral guide for its decision making to preserve our rich heritage, as reflected in these lands. It speaks volumes of a deep understanding as so eloquently stated of, "an appreciation for the gravity of the limits of our natural resources, the fragility of the web of the living 'system' and the wealth of cultural resource sites that is the heart and soul that creates the spirit so unique to our homelands. This is our collective sacred trust and, therefore, we are grateful for the efforts to create new relationships and partnerships to fulfill our stewardship of such a unique heritage that is our inheritance that future generations should also have the benefit to enjoy if we fulfill our sacred trust.

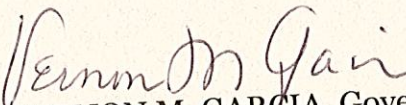
The preservation of lands through acquisition for cultural heritage preservation, protection of extraordinary views of open lands and the mesmerizing and breathtaking views of the landscape is the Commission's hallmark. It recognizes the essence of what open space means to a quality of life. In Cochiti's reacquisition of what is known as the Santa Cruz Spring Tract immediately west of La Cienega featuring the Tetilla Peak, it was with the same intent of preserving open space that we consciously made a policy decision that these lands would never be developed, even though we realized that it would reduce any chance for economic development for our benefit. There are some things that we cannot put a price tag on. This reflects a coveted shared value when we consciously committed that the 25,000 acre tract would never be developed. With that in mind, we applauded the Commission's recent purchase of the 400 acre tract for

similar consideration. It is our hope and dream that someday we might realize a connected corridor of open space that would stretch into the Jemez.

Therefore, we would like to go on record to support that this tract recently purchased from Jim and Rick Borrego remain designated as open space. We feel very strongly that any other designation would be a fundamental departure from our collective ability to protect this critical area from incompatible development. With potential new relationships and partnership we must keep our options open that we can create connecting corridors to protect archaeological, historical and cultural resources across jurisdictions for the ultimate benefit of our shared constituencies.

We thank the County Development Review Committee for all your work and for allowing this to be made part of the record.

Sincerely,


VERNON M. GARCIA, Governor
Pueblo de Cochiti

VMG/RP:dsh