

Dear Santa Fe residents:

Our last BCC meeting was a doozy. We started around 9:00 a.m. with various auxiliary board meetings (such as the Indigent Health Board). The main part of the BCC meeting started at 1:00 p.m. and went on to around 5:30 p.m. Then we had a special study session devoted to three topics that have been under recent study by our staff for the new Sustainable Land Development Code: 1) green building, 2) open space and trails, and 3) agriculture.

Our Land Use staff has been soliciting input from the public on these topics. In addition, there have been focus groups for each of the three topics to consider the outstanding questions that have to be answered before actual code is written.

In this message, I would like to focus entirely on the main points that came out of our study session. I would also like to solicit your input. At this point in time, you have a unique opportunity to influence how the County deals with each of these issues. I would like to add that **a well-focused and well-reasoned argument for a particular position can have a great deal of influence on the eventual outcome of what our new Code looks like.**

It is also important to note that our discussion revolved only around issues related to the Code, not to programs that exist (or might exist in the future). So, for example, we talked about whether open space should be required for new development, but not about how our Open Space and Trails Program that purchases open space and easements for trails should be operated.

One other important point is that the Code must implement the vision of the Sustainable Growth Management Plan. This Plan was developed with a great deal of public input and the Commission voted unanimously to approve it last November.

So, please e-mail comments to me and to our Land Use Department. The best way is to use our public input data base. If you go to http://www.santafecounty.org/growth_management/slhc there is a link to the location where you can input your comments on the right hand side. There are also instructional videos that give directions on how to input comments and feedback. You can also email Robert Griego <rgriego@co.santa-fe.nm.us> at the Land Use Department.

If you would like more information on the issues outlined below, I can send you a pdf file of our staff recommendations and background material. This file is also accessible at the website listed above.

Sincerely,
-Kathy

Green Building:

The primary question for green building is whether the County should implement standards through regulation. Green building, though, can mean quite a few different things. It can

encompass energy efficiency, but it can also be much more comprehensive -- up to and including regulating the types of materials used for buildings.

The consensus of the focus group and the general sentiment expressed in the public input meetings was that the emphasis of the County Code should be on creating an "Energy Efficient Building Code," rather than going all the way to a comprehensive "Green Building Code." There was general support for a true "Green Building Code", but there was also concern that this would place an added cost burden in a market that is already quite weak. Requiring energy efficiency, on the other hand, can have an immediate payback. That is, since the homeowner can amortize the cost of energy efficiency improvements over 30 years, the increased mortgage payment can be offset (or often more than offset) by savings on utility bills.

There was also general agreement that any standards should be "performance-based", rather than "prescriptive". A performance-based standard sets an overall energy efficiency target and leaves decisions about how to implement that to the builder. A prescriptive standard is a rigid list of specific measures that must be adhered to.

Since at this point in time the County does not have a specific department devoted to building code enforcement, but rather relies on the State Construction Industries Division (CID) for enforcement, it was felt that the County should not rely on enforcement of specialized building codes to implement a green building standard.

The staff outlined three options for the County:

Option 1: No increased building standards beyond what the State currently requires.

Option 2: Require a Home Energy Performance Standard (HERS) rating verified by a third-party, or some other equivalent. This option establishes a system that requires that homes are designed and built to achieve a standard of energy efficiency performance. Qualified independent professionals would verify that the finished residence does indeed meet the standard. A HERS rating of 70 would be the benchmark. However, other paths to this level of performance would be allowed, as long as there were an equivalent level of energy efficiency performance, measured in BTU/sq. foot.

Option 3: Require a certain green building rating as measured by the Leadership in Energy and Environmental Design (LEED) rating system. LEED has four levels of increasingly aggressive green building standards: LEED Certified, Silver, Gold, and Platinum. The LEED system does not directly measure energy efficiency. Rather it encourages building practices that use sustainable building methods, as well as materials that are sustainably produced and non-toxic. For example, it looks at how much fossil fuel, water, and other natural resources are used in the building process; and whether the waste materials can be recycled. The LEED rating is also determined by a trained independent third-party. It is a bit more expensive to determine this rating as there are more factors involved.

Our County staff recommended Option 2.

The public then was allowed to comment at the Study Session. A number of the people present were in agreement with staff recommendations.

However, there was a vocal contingent (primarily from the southern part of the County) who objected to any regulation whatsoever. There are those who are opposed for philosophical reasons -- that is, they do not believe in government regulation at all. However, there were also concerns that this would add too much to the cost of constructing a home.

Our staff estimates that building to increase energy performance would raise the upfront cost of building by 0.5% to 1.0%. In addition, the cost of the independent third party verification (incurred by the builder) would be from \$500 to \$1000. However, there would be a future savings in utility bills to offset the additional cost of the building.

Just to reiterate, now is an excellent time to give our staff feedback on what you think the County should do (or not do) to encourage green building.

Open Space and Trails:

The primary question on the open space and trails issue for our new Code is whether there should be baseline requirements for open space and trails for new development around the County. It is also important to note that there could be different requirements for different parts of the County.

However, staff recommended that all new development (of 5 lots or more) be required to include open space. In addition to new development providing open space, the staff made the following recommendations for any new development:

1) Streams, arroyos, wetlands, and all riparian areas should be buffered by at least 100 feet of open space beyond the 100-year flood zone.

2) Fencing across the floodway or within any arroyo or riparian corridor should be prohibited.

3) Sites of historical or archaeological importance should be protected through conservation easements or designated open space.

4) New development adjacent to public lands must provide public access to those lands.

5) Critical wildlife habitat should be placed in a conservation easement or designated as open space.

6) Pre-clearing of sites before construction should be prohibited.

Staff also made recommendations on basic trails requirements:

1) Trails or "complete streets" should connect all lots in a new development to any existing or planned regional trail networks or to any public trails.

2) Trails or "complete streets" should connect to any existing or planned public facility such as a school, library, fire station, or community center, or to any commercial center adjacent to the development.

3) At least one public pedestrian/bicycle trail should be designated within new development, allowing for connectivity within the development.

In addition, the concept of "overlay districts" was proposed. For example, the Galisteo Basin Archaeological Sites Protection Overlay District already exists to protect archaeological sites within that area. However, the County could also create overlay districts for "Critical Wildlife Corridors" and for "Scenic Byways", for example.

I would like to emphasize on this issue that staff recommendations were based on feedback in the public meetings that were organized, as well as on the consensus views of the members of the Open Space and Trails Focus Group. However, again, there has been some feedback from people in the southern part of the County that does not agree with the concept of mandating open space in new development. However, almost everyone agreed that trail connectivity is a desired outcome of our Code.

Agriculture:

The question posed on this issue to the public is, "How should agricultural land be treated in the County's new Code?" Also, what mechanisms should be implemented to protect agricultural land and to perhaps encourage agriculture?

Staff recommendations (again based on public input and on the Agricultural Focus Group):

1) Agricultural, grazing, and ranching uses (including greenhouses, small barns, and sheds) should be allowed by right anywhere.

2) The County should establish an "Acequia Protection Overlay Zone" to protect all acequia systems anywhere in the County.

3) The County should establish tools and incentives to encourage protection of agricultural land.

The latter recommendation would include such incentives as Transfer of Development Rights (TDR's) and Purchase of Development Rights (PDR's), so that owners of agricultural lands would be in essence paid not to develop. In addition, a new concept for development -- the Clustered Housing Conservation Subdivision -- would be defined. This type of subdivision would include clustered housing along with permanently dedicated open space and/or agricultural land on sites that are 2 acres or greater. This is the way that development occurred

in the early part of our history in this region, so this method would be a way of reverting to our historic land use patterns.

There will be more to come on this important topic of agricultural lands.

-Kathy Holian
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