



Galisteo Basin Growth Management Plan

Board of County Commissioners
Community Development Review Committee
June 10, 2008

Bruce Peshoff, Principal



Agenda

- Introduction
- Project Background
 - Planning Team
 - Interim Development Ordinance (IDO)
 - Takings
- Project Scope
 - Issues & Opportunities
 - Next Steps

Planning Team

- Robert Freilich, Miller Barondess
- Bruce Kramer, McGinnis, Lochridge, Kilgore
- Bruce Peshoff, Planning Works
- Geologist, Hydrologist, Petroleum Engineer
(selection in progress)
- Advisory Committee -CDRC
- Technical Team

Project Background

Setting

- County experiencing growth challenges
- In particular, County facing unplanned oil/gas extraction
- Decision to update General Plan
- Decision to update Land Development Regulations
- Recognition that planning efforts will be minimized (and facility/service costs multiplied) without adopting immediate standards and guidelines

Not Just A Santa Fe County Issue

- Executive Order 2008-004
 - January 24, 2008
 - 5-month moratorium
 - For mineral extraction in Galisteo Basin
 - All Executive Agencies to work collaboratively with other governmental agencies

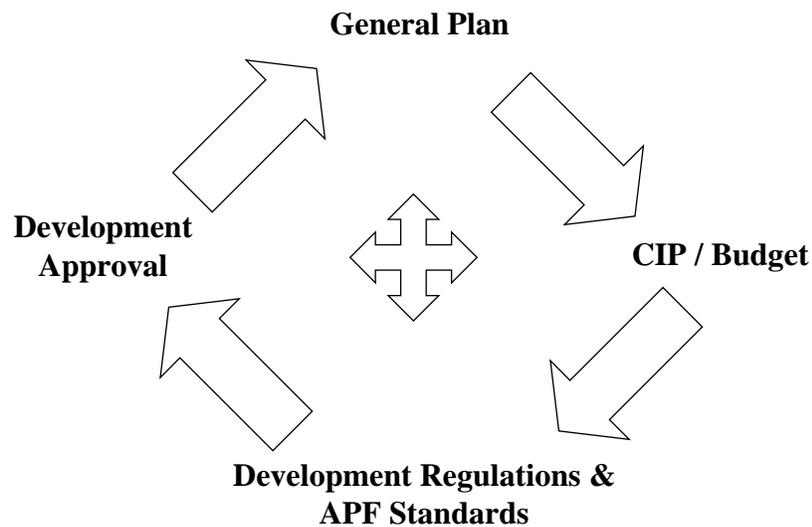
County Responsible for Development and Growth Coordination

- Adequate Public Facilities
- Off-Site Impacts
- Plan Consistency
- Integrated v. Incremental Approach
- Community Character
- Defined Growth Areas / Timing
- Resource Protection
- Economic Development

Plan as Legal Foundation for Growth Management Tools

- Exaction
- Adequate Public Facility Ordinance
- Urban Service Areas (USA)
- Intergovernmental Agreement (IGA)
- Development Agreements
- Fiscal Impact Analysis
- Interim Development Ordinance (IDO)

Coordinated Tools



County Options

- Short-term solution
 - Interim Development Ordinance (IDO)
- Long-term solutions
 - Amend Plan and LDR
 - Establish process to establish guidelines, review development proposals and fund necessary improvements
- Avoid “takings”

“While property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking.”

Pennsylvania Coal v. Mahon

Interim Development Ordinance

Solution = Interim + Development Regulations

temporary

zoning, subdivision

Interim Development Ordinance

- Temporary
 - Pending the completion of a General Plan and update of LDR
- Land use planning controls
 - Generally-accepted planning processes and standards
 - Addresses specific local issues and priorities

Why Consider IDO

- What bad things will happen if we don't act?
What are the risks?
- What are the most reasonable ways to deal with those risks on a temporary basis?
- What are the anticipated permanent solutions?

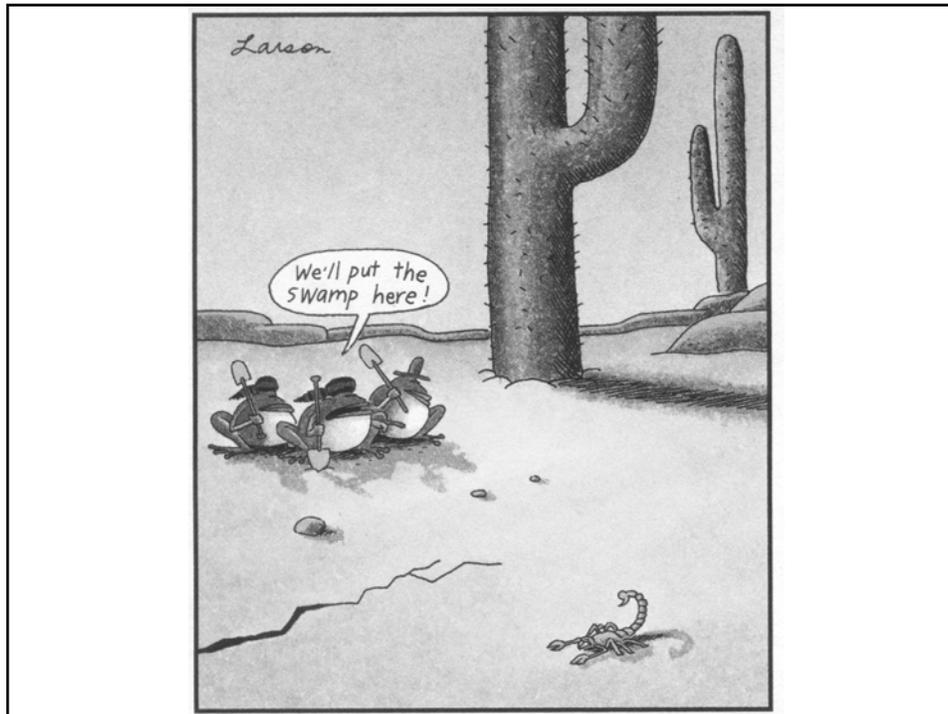
What is the Purpose behind an IDO?

- Protect public discussion and the integrity of the planning process during the Plan and LDR update process
- Support consistency of new development with growth policy directives
 - Avoid nonconforming uses
 - Orderly transition to amended regulations
 - Protect property rights and vested rights

County IDO Provisions

- Applies only to Galisteo Basin
- For one year
- Only applies to drilling or extraction of oil, gas or geo-thermal energy
- Provides for a transparent, open, public process
- Allow time to develop, adopt and implement long-term solutions

Project Scope



Project Scope Tasks

- Adopt a Galisteo Basin GMA Plan
- Amend General Plan
- Adopt overlay ordinance for Galisteo Basin for resource extraction
- Adopt CIP to provide/fund necessary improvements required by resource extraction
- Amend LDR

*The Plan is a document
AND a process*

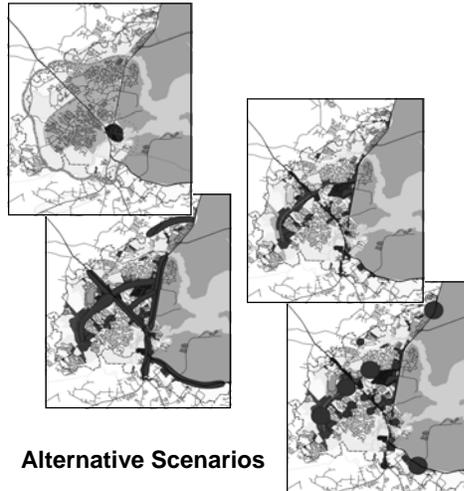
A transparent, open, public process

Partnerships Are Crucial

- Partnerships unite stakeholders
 - Property Owners
 - Interest groups
 - Businesses
 - Service providers
- Opportunity for intergovernmental cooperation and public-private partnerships
- Build on positive County-citizen relationship

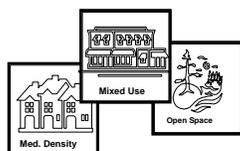
Data-Based Planning: *Using Technology to Enhance Decision-Making*

GIS analysis, 3D modeling and real-time mapping helps communities visualize and measure alternative impacts and projections



Stakeholder Driven Process

Energize the participation process with activity-oriented workshops, public design forums and project website



A 'Wired' Process

- Project Web Page
- Project Journal
- Document Review
- Community Survey
- Comment Center



www.ourplanningworks.com/santafe

Outreach Strategies

- Technical Team
- Advisory Committee – CDRC
- Participatory meetings
 - At least four (4) public workshops
 - Two (2) multi-day design forums (charrettes)
- Web and audio conferences

Issues and Opportunities

Change Is Hard For Everyone



Change is inevitable

Change is inevitable

Survival is optional



Change is inevitable

Survival is optional

Growth should be intentional



Require 'Concurrency'

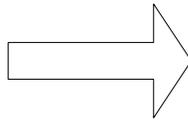
- Public facilities and services
- Needed to maintain adopted level of service standards
- Available simultaneous to, or within a reasonable period of time after, development approval or construction

Adequate Public Facilities Ordinances (APFO'S)

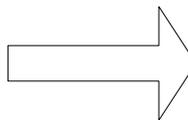
Implement concurrency by creating procedures, standards and enforcement mechanisms to ensure that construction does not proceed where the impact of new development would cause a reduction in the level of service standards

Alternative Scenarios Approach

➤ What are our choices?



➤ What are the impacts?



What Are the Scenarios?

- Recognizes alternatives and options
- Identifies implications
- Three different possibilities
 - County Takes No Action
 - County Reasonably Regulates Extraction
 - County Prohibits Extraction

County Takes No Action

- Alternative 1

- Resource extraction market-based
- Limitations based on nuisance
 - A complaint-driven process
- Numerous individual causes of action

County Reasonably Regulates

- Alternative 2

- What does 'reasonably regulates' mean?
 - Discourage use
 - Encourage use
 - Permit use with conditions
 - Permit use with conditions but not in specific locations/areas

County Reasonably Regulates

- Alternative 2

- Balance needs; achieve goals
- Protect property holders
- Protect County fiscal resources
- Establish levels of service (LOS) and maintain quality of life
- Protect natural, archeological resources
- Preserve viewsheds

County Prohibits

- Alternative 3

- Achieve short-term satisfaction
- Fund long-term litigation
- Not achieve desired end results

What Are The Key Issues?

Next Steps

When Process Fails



Next Steps

- Growth Management Design and Use Forum
 - Interviews, Public Charrette Workshops
- Prepare Draft GM Element and Plan Update
 - Public Workshop, Plan Refinements
- Adoption Public Hearing

- Land Development Regulations – Phase II



www.ourplanningworks.com