

New Mexico Chapter of the American Planning Association

POLICY GUIDE ON GROWTH MANAGEMENT AND PLANNING ENABLING LEGISLATION

Adopted by the Membership on October 1, 1998.

STATEMENT OF THE ISSUES

Our tools are outdated for the times we live in. Our planning statues in New Mexico descend from two model acts drafted by an advisory committee of the U.S. Department of Commerce in the 1920s, under Commerce Secretary (and later President) Herbert Hoover. In the 1920s, government was simpler and planning was a local activity, not something that was expected of all levels of government. Now the intergovernmental dimension is more complex. Increasingly, the federal government has devolved or placed greater responsibility on the state and local governments for making transportation, environmental and public facilities planning decisions when federal monies are involved. Moreover, the repercussions of decisions on developments whose impacts spill over jurisdictional boundaries are no longer ignored.

In many communities and regions in New Mexico, high rates of growth have prompted concern over cost of services, availability of sufficient water supplies, adverse impacts on the environment and quality of life, and the balance between jobs and housing. We also have a different view of land. People no longer believe, as they did in the nineteenth century, that land is merely a commodity to be bought and sold. We now regard land as a resource that has qualities that should be protected for the benefit of future generations. Land has competing values – it can be used for the construction of affordable housing, for the continuation of agriculture, for the inherent qualities associated with open space, among other uses.

Our communities are consuming more land as we grow and sprawl. How we develop our land – at what density and intensity – will have consequences for the form and relative compactness of our metropolitan areas, which in turn will affect how much we have to travel back and forth from work and even the quality of the air we breathe.

New Mexicans expect more of planning now. In the 1920s, community plans tended to be prepared by consultants working for elite groups who sought little broad-based public support or involvement. What opportunities there were for citizen participation were

rudimentary and perfunctory – a single public hearing after the major planning decisions had already been made. As a consequence, such plans were not often implemented. Citizens now expect to be involved in the planning process and expect that the plans will be implemented.

There is also a more challenging legal environment for planning. Land use controls are being employed to solve or prevent environmental problems, maintain open space, exact public improvements for roads, sewer and water, and preserve agricultural land. The line between protecting the public from nuisances – the focus of the 1920s – and securing public benefits has blurred over the past 70 years.

The planning basis for our development decisions becomes even more significant as the justification for the regulatory and public expenditure systems it underpins.

FACTORS TO CONSIDER IN REVISING PLANNING STATUTES

- The capacity of local government to design and implement planning systems.
- Sensitivity to the operation of the private market.
- The fiscal impacts of development decisions on local government.
- Ongoing problems of housing affordability, traffic congestion, environmental degradation.
- The obligation to promote social equity in the face of economic and spatial separation.
- Encouragement of compact development patterns to conserve resources.
- The need to quantify and offset impacts of development that go beyond the borders of one jurisdiction.
- The challenge of managing growth in undeveloped and developing areas while encouraging reinvestment in older areas.

GENERAL POLICY POSITION

The NM-APA Chapter supports a comprehensive revision of the planning, subdivision and land use enabling statutes in New Mexico to:

1. Provide state goals for areas of statewide concern or interest.
2. Ensure adequate funding and support to facilitate the planning process.
3. Eliminate inconsistencies and conflicts in the current enabling laws.

4. Require an integrated and mandatory planning framework for all levels of government (state, regional, counties, and municipalities) while recognizing the varying capacities of each.
5. Provide clear direction on the substantive requirements of local comprehensive plans (with required and optional elements, level of specificity for each element and internal consistency between different elements).
6. Provide clear procedural requirements for adoption and revision of comprehensive plans, including early, continuing and meaningful public participation in the process.
7. Require consistency between a community's plan, regulations and development decisions.
8. Require a streamlined development review process that provides a measure of certainty and predictability to all stakeholders.
9. Provide effective processes for planning and cooperation at the regional level.
10. Require that new development be phased in with the provision of adequate public facilities, services, and infrastructure, while addressing infrastructure rehabilitation and deficiencies in already developed areas with adequate funding.
11. Provide clear statutory authority for communities to use innovative tools to accomplish the goals and policies in their comprehensive plans (such as unified development ordinances, adequate public facility ordinances, urban service areas, urban growth boundaries, transfer of development rights, development impact fees, environmental review and mitigation monitoring processes).
12. Ensure that local and regional plans are consistent with state planning goals, encouraging flexibility and local autonomy to best address the challenges at the local level.
13. Provide both incentives and disincentives to ensure that communities undertake meaningful planning for the 21st century.
14. Provide a level of review (either at the state or regional level) to ensure that local comprehensive plans are consistent with statutory requirements.
15. Reinvigorate a state planning office to coordinate state wide planning activities at all levels and to provide necessary technical assistance and review.