

# **Section 3**

Urban Growth  
Management  
in Other  
Communities

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# 10.0 Growth Strategy Techniques Used in Other Locations

## 10.1 Executive Summary

**A**s illustrated in this chapter, growth management strategies have been successfully implemented in numerous locations throughout the country. There are a number of commonalities, favorite techniques, and tools. What follows is an executive summary of main lessons learned and their potential applicability for Albuquerque and Bernalillo County.

### 10.1.1 Common Growth Management Techniques

- Most frequently implemented are programs that phase in growth by guiding the location and timing of new development based on community plans. Some locations have designated outside limits for growth. Consistent land-use, zoning, and facilities plans are established to implement the growth management principles.
- “Adequate Public Facilities” and “Concurrency,” assuring that infrastructure are funded and in place prior to new development, are also frequently utilized.
- Some locations purchase open space to preserve land from development, create recreational land and trails, and form a buffer to neighbors.
- Locating growth where existing facilities and services are already in place is seen as the first step. Revitalizing downtown often becomes an integral part of the plan. Funding or procedural mechanisms often are used to help redirect commercial and residential development to the urban core.

### 10.1.2 Implementation Strategies

#### Legal

- The key to the success and consistency of a growth management strategy is that it becomes incorporated into the land-use,

zoning, or other sections of the Municipal Code. Codification provides authority to designate location and timing of growth and assures that development adheres to plans. It provides authority for plans to prevail in land-use decisions and, if applicable, sets up adequate public facilities structure and operation.

- Intergovernmental agreements, e.g., between a city and a county, are frequently used to assure consistency.

#### Planning

- Growth strategies are incorporated into a Comprehensive Plan. Detailed sector, facility, and other plans follow. Plans are consistent - the location, timing, and general development principles are laid out in the code and Comprehensive Plan.
- Subplans are required and prevail for building permit decisions. Construction permits are delayed until a sector plan is approved.
- Interviewed locations stick to their plan. If a development proposes to go outside the planned urban area, the ordinance would have to be modified. Exceptions need council approval or in some cases, voter approval.
- Design standards are often incorporated in the plans.
- A supply of affordable housing often slips unless the city creates incentives or set-asides, e.g., fee waivers or tax rebates

#### Procedural

- Most locations require development to pay its own way. Some use the Capital Improvements Program as an incentive for development to locate in target areas. Others require developers to pay all costs associated with new infrastructure, including offsite facilities (e.g., freeway ramps).

- Impact Fees are often structured as an incentive to guide location to desired areas.
- On the whole the nineteen interviewed locations determine the amount of land needed for the next 10 years. They target development first to locate in areas with existing facilities and services; then expand to land contiguous to existing development and infrastructure. They phase in new areas or increase density in existing areas as the urbanizing areas are built out.
- Even if development pays for infrastructure through “adequate public facilities” requirements or “concurrency,” new land to be developed is identified in a plan designating timing and location of growth because the city is responsible for operating and maintaining facilities and services.
- Frequently, downtowns and transportation corridors are upzoned to create high density pockets as an alternative to building in new areas. Transfer of Development Rights from locations outside the urbanizing area can be purchased and used for increasing density in these areas.

### 10.1.3 Partnerships

- Most locations hold intergovernmental agreements between the city and county specifying that urban growth and urban services locate within the city limits. If county land is to be developed, it is annexed to the city prior to development.
- Many locations involve citizens in shaping the growth management plan principles and neighborhood planning.
- Partnerships are created between regional governments to diminish competition and provide a more level playing field.
- Many cities have successfully revitalized their downtowns or transit corridors through public/private partnerships and incentives.
- Some cities purchase blighted land, make improvements, and sell it for redevelop-

ment. They are careful to use tax incentives and make investments that are likely to produce a 10-year return on investment.

### 10.1.4 Positive and Negative Consequences

- Housing costs did increase somewhat, but other factors were involved, such as the economic boom and desirability of the location. The increase in prices did not dampen the market. If people move to surrounding areas seeking less expensive housing, they receive fewer services and the interviewees say this situation would have occurred in the absence of the growth management program. Most locations are beginning to foster affordable housing programs through public incentives because they found that the market is not constructing housing available to low- and moderate-income families.
- Housing and jobs, on the whole, did not jump over the growth boundaries. If they did, other factors were involved that would be present in the absence of the growth management program. As areas experience economic expansion, people want to live in the main urban area to be close to infrastructure and jobs. Another key factor is the widespread use of intergovernmental agreements with the surrounding county designating location and timing of urban growth. In some cases, there are regional agreements.
- Traffic did not seem to be affected by growth management programs. One location increased density in the downtown, and traffic increased as a result, but this is seen as a livable consequence. Public transportation is offered as an alternative. Interviewed locations have had mixed results with increasing use of public transportation. Some locations have installed or are raising funds toward a light rail system. Use of alternative modes of transportation have not increased.
- In many cases, jobs have moved closer to housing. The number and quality of jobs

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seem to be unaffected by the growth management program, except that desirable places to live become magnets for new businesses. Many interviewees said that growth management has helped them become a more desirable place to live. Many locations have benefited from the high technology industry boom and cite the availability of high speed Internet connection (e.g., broad band cable) as an attraction for business, especially downtown.

- Infrastructure has been able to keep better pace with growth. Almost all locations say they now have a better handle on their Capital Improvements Program budgets and are able to build up infrastructure to level of service standards. Upkeep of existing and new infrastructure remains a challenge, but it is in much better shape than would be the case if there were no growth management system in place.
- Locations that incorporated design standards into their program are happy with the results. More effort is made to create pedestrian friendly, “human scale” development that fosters a sense of community and neighborhood character.
- Some areas took a long time to transition to the new program when there was a rush to get projects approved before the rules changed.

#### 10.1.5 Applicability to Albuquerque

- The characteristics of interviewed locations varied. Some were urban centers in a booming metropolitan area, while others were in agricultural areas. Some were close to other urban centers and starting to merge. Some locations implemented growth management because state law told them they had to. Others were motivated by residents who wanted to retain the beauty and size of their town and did not want to share in the cost of development. In a sense, no location is in exactly the situation of Albuquerque and Bernalillo County. We are faced with different challenges because we do not have a state law requiring all urban centers to implement growth

management, we are not in a multiurban area with a growing number of high paying jobs; up until this point (mid-2000), we have not been wired for the high technology boom, we have a large amount of open land with landowners eager to develop, we are not surrounded by agriculture, we do not have a large affluent population and surplus economic resources, we have a limited water supply, we have a significant backlog of rehabilitation and repair needs on existing infrastructure, and we have not had a consistent plan to follow.

- Albuquerque and Bernalillo County are at an important juncture. Many of the approaches taken by other locations are transferable to Albuquerque and Bernalillo County. Developing a growth management strategy can improve the quality of life and make it more attractive for current residents and future business, provide more efficient public spending, and maintain a high quality of urban services. Financially, local governments can not afford to be overextended with facilities and services. The Planned Growth Strategy, Part 1 - Findings report estimated \$2.4 billion worth of rehabilitation repair and deficiency correction on existing infrastructure (public cost, Downtown Scenario). Even if development pays for all new costs associated with extending new infrastructure and services, the city and county will be responsible for operation, maintenance and repair.
- Albuquerque and Bernalillo County could cap fees or incentives or require a 10-year return on investment. Infusion of public funds to redevelop blighted areas could become a measured investment, in which public money is seen as seed money to stimulate the private market investment.
- The growth management concepts implemented by other locations can be applied to Albuquerque and Bernalillo County. The Planned Growth Strategy is taking inventory of current land and infrastructure available to accommodate expected population growth. The Planned Growth

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Strategy will also help assess the facility and service cost of developing in different locations. The question lies in where to expand and when. Albuquerque and Bernalillo County could find success as did the other locations by grouping new development around existing facilities and by planning new facilities and services in areas expected to absorb new growth in 10-year increments. Concurrency requirements could assist the city and county in assuring that facilities and services meet level of service standards. An agreement between the county and city would create a partnership rather than set up the parties as competitors for new growth.

- Albuquerque and Bernalillo County could integrate location, timing, and method and level of service standards for new facilities and services in the Land Use Code, Capital Improvements Program, Line Extension Policy, and Development Process Manual. Building permits could be subject to these guidelines.
- Given that water is a scarce and increasingly costly resource, land-use planning and water resource planning could be more closely linked. In addition, transfer of water rights could be considered a condition of annexation.

## 10.2 Research Methodology

Planners from nineteen locations were interviewed (interview form is attached in Appendix A and the list of locations in Appendix B). What follows is a draft summary of findings from growth management approaches or “tools in the toolbox” used by Cities and Counties in other parts of the country. The large amount of information collected is organized in different ways for quick review and comparison.

- Section 10.3 organizes findings according to major growth management issues raised by the Planned Growth Strategy Management Committee. Each section covers a topic and objectives by summarizing how different locations handled the challenge.

- Section 10.4 provides a city-by-city summary of growth strategy techniques implemented, lessons learned, applicability to Albuquerque and Bernalillo County, and documents on file and contacts/websites.
- Tables 61–64 (at the end of the chapter) summarize information in matrix form, location-by-location, and are organized in three ways:
  1. Response to questions of benefits and problems resulting from the growth management program.
  2. Demographic and statistical information; and
  3. Growth management techniques and approaches implemented;

This research task was originally divided into eight growth management techniques:

1. Urban Service Areas/Tiered Growth;
2. Urban Growth Boundaries;
3. Transit-Led Infrastructure Planning;
4. Zoning Incentives;
5. Adequate Public Facilities Requirements/Concurrency;
6. Focused Public Investment Plans or Project Specific Capital Improvements Program;
7. Infill and Redevelopment; and
8. Building Permit or Utility Hook-up Quotas.

As interviews progressed, the separation between techniques started to blur. Metrowide techniques had commonalities and involved a combination of various tools depending on the objective, situation, and point in time. It comes as no surprise that urban land-use planning involves many considerations, such as existing urban form, urban or rural character of surrounding areas, economic development, and local trends for population and economic growth. The other locations used program development processes similar to those used for the Planned Growth Strategy.

Techniques found in categories three through eight are viewed as useful program elements, but would not serve as long-term or metrowide principles. The best strategies seem to be ones that are integrated into the municipal and county Land Use Codes and Comprehensive Plan. Statutory backing is key. Though instituted in ordinance and planning documents, they also needed to periodically make changes to achieve new objectives or address unintended outcomes (usually accomplished through the Comprehensive Planning process). Further, it appears that the concepts of “Urban Service Areas” and “Urban Growth Boundaries” were the most commonly used and were successful because they contained a

broad enough scope to accomplish metrowide growth management. Localities emphasized that these techniques are not necessarily growth controls or growth limits. Rather, they are tools to foster responsible growth through efficient use of land and limited financial resources.

The presentation of lessons learned from other cities is organized by issues and the “tools” to address them (see summary box on the next page). Keep in mind that the most successful approaches addressed these issues within the context of a metrowide Comprehensive Plan incorporating detailed targeting of the location and timing of growth.

### 10.3 Issue Analysis

#### How did other locations address these goals and objectives?

This part of the analysis is structured according to the main issues identified by the Planned Growth Strategy Management Team.

#### 10.3.1 Financial

- Develop at no net expense to the city or county

#### 10.3.2 Planning

##### Location and Timing

- Identify target areas for current development and phasing for future development
- Guide development to target areas
- Provide financial and procedural incentives to target growth to defined areas

##### Zoning

- Integrate design standards into growth strategy planning
- Change zoning standards to fit objectives, e.g., mixed used development on transit corridors, increase density, etc.

##### Infill and Redevelopment

- Encourage infill and redevelopment
- Revitalize downtown

##### Affordable Housing

- Encourage creation of low- and moderate-income housing

##### Policy Documents

- Incorporate land-use policies into the Comprehensive Plan
- Establish rules for determining which developments will be approved or not approved.

#### 10.3.3 Legal

- Establish ordinances to back up the growth strategy

#### 10.3.4 Facilities Planning Public Works and Capital Improvements Program

- Base Capital Improvements Program on Comprehensive Plan and growth strategy

- Coordinate water and wastewater extension with growth strategy
- Coordinate public works planning with growth strategy
- Coordinate transportation planning with growth strategy
- Balance operation and maintenance of existing infrastructure with new construction

##### Transit

- Encourage development along transit corridors
- Enhance transit alternatives and ridership

#### 10.3.5 Partnerships

- Coordinate with the county and neighboring jurisdictions
- Involve neighborhood and community planning groups

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## 10.3.1 Financial

### How did other locations address these financial objectives?

- **Develop at no net expense to the city or county**

**San Diego, California** In the early 1980s the “Facilities Benefit Assessment” ordinance created a method to distribute 100% of the actual cost of facilities to developers based on the location, type, and size of the proposed construction. The financing plan goes 30 years into the future and is adjusted annually. The fee amounts vary greatly depending on location (e.g., urbanized area with existing infrastructure or new area with no infrastructure). The Facilities Benefit Assessment is assessed for each property and is attached as a lien, paid upon pulling a building permit. Off-site infrastructure supporting the development, such as freeway interchanges or collector roads are also part of the Facilities Benefit Assessment. Because the true cost of facilities construction is built into the Facilities Benefit Assessment, location of development becomes dependent upon whether the market can support the cost rather than requiring or denying location of development. (An average fee is \$15,000–20,000, ranging from \$5,000 in the inner city to \$29,000 where no facilities exist).

An alternative method in the suburban areas is based on state legislation (Mello-Roos) that allows bonding of facilities. The home buyer pays a fee on their tax assessment for 20-30 years.

**Lincoln, Nebraska** Comprehensive Plan has language in land-use plan to “protect existing public and private investments in services, infrastructure, and improvements by requiring new developments to pay their “fair share” of public costs by analyzing the costs/benefits of the developments and consider the impacts on the Capital Improvements Program. No impact fee system. Extensions of utilities are negotiated case-by-case in annexation

agreements. This process is less predictable, and there can be large discrepancies in amounts paid. There is always cost sharing by developers, even when the project is in the Capital Improvements Program.

**Fort Collins, Colorado** Growth pays its “fair share” through impact fees that cover roads, water/sewer, parks, schools, and governmental services to cover police, fire, libraries (approx. \$15,000). The county and city adopted a regional transportation fee to benefit the region. Facilities for new development are generally not in the Capital Improvements Program.

**Carlsbad, California** Each acre of vacant land is assessed with a “local facilities management fee” established to pay for improvements or facilities identified in a local facilities management plan. The fee may also be used to pay for a portion identified in the citywide facilities and improvements plan attributed to development. The fee is assessed to the property as a tax prior to development with a balance due when the building permit is pulled.

## 10.3.2 Planning

### How did other places address these location and timing objectives?

- **Identify target areas for current development and phasing for future development**
- **Guide development to target areas**
- **Provide financial and procedural incentives to target growth to defined areas**

**San Diego, California** Market driven based on impact fee. Impact Fees are lower with existing infrastructure and higher where new facilities have to be built. Not permitted to waive impact fees by state law.

**Lincoln, Nebraska** Required by charter to include in the Comprehensive Plan. Comprehensive Plan examines growth trends, estimates the number of residen-

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tial and commercial units needed in the next 10 years and determines what contiguous areas to annex and expand to. They do not build water or sewer lines unless it is in an area targeted to absorb the expected amount of growth.

**Fort Collins, Colorado** Land Use policies include: (1) Urban Growth Areas - no rezoning or development applications are accepted as part of an annexation petition if proposed development is located outside the Urban Growth Area. They develop only in annexed areas. (2) Compact Urban Growth Policy - development is contingent on contiguity.  $\frac{1}{6}$  of the proposed development area must be contiguous with existing development. (3) Agreement with county that adopted a cooperative planning area policy in the City Plan that includes an urban growth area identifying land-use policies (i.e., urban growth locates in city limits, and development standards). The agreement was adopted in 1980 and is revised every couple years. (4) Adequate Public Facilities Management System - public facilities and services necessary to support development must be available concurrently with development. Facilities need to meet level of service standards for transportation, water, wastewater, drainage, emergency services, electrical power, and any other public facility services required by the city before complete development review and issuance of building permit.

**Austin, Texas** An incentive system was developed to reward development in targeted areas. A matrix provides a list of urban design elements, location specific criteria and policy components to be scored according to achievement of the city council's goals. Filling out the matrix is voluntary and can result in up to 100% waiver of impact fees and accelerated installation of infrastructure. A scoresheet assesses whether a development project can receive financial incentives to encourage a particular style, form, and location for growth to quantify measurement of the goals and policy direction as apply to projects.

**Carlsbad, California** Their ordinance ties timing and location of development to the provision of public facilities and improvements established by the citywide facilities plan. It also controls the timing and location of development by tying the pace to the provision of public facilities at Capital Improvements Program intervals.

**King County, Washington** Regional planning body works together to identify where to absorb projected housing and job growth within the county.

### How did other locations address these zoning objectives?

- **Integrate design standards into growth strategy planning**
- **Change zoning standards to fit objectives, e.g., mixed-used development on transit corridors, increase density, establish Transfer of Development Rights, etc.**

**San Diego, California** To encourage transit-oriented development, they encourage mixed use and allow 18 dwelling units per acre on light rail, bus, or trolley lines. Parking requirements are reduced. Not permitted to waive impact fees.

When the zoning system was seen as getting in the way of implementing growth management policies, the zoning ordinance was overhauled to be more consistent with such policies

**Fort Collins, Colorado** Replaced performance based zoning with a new Land Use Code in 1997. Rather than a point system for various criteria, the new code sets standards to achieve compact development and design objectives. (Performance zoning allowed leapfrog development because it awarded points for contiguity but did not require it). Design guidelines are incorporated in the zoning code to encourage pedestrian friendly developments with interconnected neighborhoods. The Code is based on feedback from a community process on visual preferences (e.g., maximum block size, no

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gated communities, discourage garage dominated development, sidewalks and signage). Performance based zoning allowed flexibility but was less predictable. Now they have prescriptive zoning that is more predictable but is less flexible. Developers and neighborhoods prefer more predictability but do not want totally traditional zoning.

Transfer of Development Units is a tool to pull development away from areas that are preferred to remain open space or rural and allow for higher densities in the urban core. It is not used for developing new units.

New administrative process with hearing officer. Developers wanted this in order to shorten processing time and remove from political process. 60% of projects are approved through administrative process. Neighborhoods approved this process if city raised the bar on design standards to make it more prescriptive. The hearing officer determines if criteria are met. If developers want more discretion, they can go to the planning and zoning board.

**Portland Metro, Oregon** Zoning is specific and targeted for areas designated by the plan to conform to densities of 6, 8, or 10 units per acre. Half of the zoning is to allow for multifamily housing. Density in the central city has increased.

### How did other locations address these infill and redevelopment objectives?

- **Encourage infill and redevelopment**
- **Revitalize downtown**

**San Diego, California** Downtown has attracted substantial commercial development.

**Lincoln, Nebraska** Downtown has several target areas. The Urban Development Department is a separate city agency that creates redevelopment plans using Tax Increment Financing and Community Development Block Grant funds. Comprehensive Plan states “The vitality of

downtown and of the surrounding neighborhoods are closely linked; those neighborhoods should be maintained and strengthened as attractive and desirable residential neighborhoods. Maximize the use of existing public and private infrastructure... downtown.”

**King County, Washington** Urban growth boundary requires the larger cities to upzone to fit in the number of housing units for the next 20 years of population, based on the assumption that there is enough opportunity to absorb this population through infill. Benchmark #30 identifies 13 urban centers for increased density (e.g., 15 du/acre).

Redmond is growing so fast that it could not get funding quickly enough from state and federal governments to build adequate roads. A moratorium was put on downtown Redmond unless commercial was mixed with housing and that created mixed use at the scale needed.

**Austin, Texas** To “restore community and vitality to the Urban Core by investing in the City,” Austin provides Impact Fee breaks. The maximum incentive is set to be equal to the total present value, over a fixed period (5-10 years) of the incremental increase in the property taxes accruing to the city as a result of project. The amount of the incentive package can include waivers up to 100% of applicable fees, utility investments (at a 10-year break even level), and the cost of planned infrastructure accelerated in time for the project.

For instance, a 250 unit multifamily development downtown received between \$250,000-\$300,000 rebate in fees for an \$18 million project. Other offsets could include the city paying the bill to build 1,000 feet of 16" wastewater line that could cost \$1 million.

**Tempe, Arizona** The city works with neighborhoods on detailed strategic redevelopment plans with objectives such as mixed-use development and targeting parking to

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areas which would not negatively impact neighborhoods. When an area is getting blighted, the city buys up land and prepares it for private development. The City of Tempe has successfully involved itself in the business of redevelopment. Yet the city never invests in something for which they do not forecast an economic payback in 10 years. Tax abatement and Impact Fee discounts are provided to help a developer leverage private money, but the bottom line is always kept in mind. Incentives are only provided if it appears that the developer could not make it work on his own.

The city partners with private developers on parking structures and helps make the best day and evening use out of the space. Downtown created vitality and life 24 hours a day because people live there and go there for restaurants and entertainment as well as work. Tempe started the ball rolling by providing incentives to a major employer (America West Airlines) to become an anchor. They also have attracted high tech and software businesses because of their advanced cable system, and they plan to provide wireless capabilities so that people can access the Internet from anywhere in town, e.g., work on laptop while having coffee. They have become a high tech “hub” because of these capabilities.

### **How did other locations address these affordable housing objectives?**

- **Encourage creation of low- and moderate-income housing**

**San Diego, California** No financial incentives. Allow reduced parking requirements. Central city has overcrowding in housing and schools.

**Fort Collins, Colorado** Impact Fees waived for affordable housing.

**King County, Washington** Benchmark reports require each area to develop a certain number of affordable housing units,

but there is no method to enforce this and they are not reaching targets. Slowly starting to be able to think as a regional group for the whole county. Jurisdictions are better able to set aside specific issues to consider the region as a whole.

**Boulder, Colorado** Access to affordable housing has suffered, so the code was amended to allocate a portion of the limited number of building permits available to low- and moderate-income housing.

**Tempe, Arizona** Affordable housing has become an issue, so they provide 100% Impact Fee discounts and other incentives to promote affordable housing.

**Portland, Oregon** Half of all residential zoning is required to allow multifamily use and minimum density targets of six to 10 units per acre are established for all jurisdictions in the region.

### **How did other locations include these growth management objectives in policy documents?**

- **Incorporate land-use policies into the Comprehensive Plan**
- **Establish rules for determining which developments will be approved or not approved.**

**San Diego, California** Forty area land-use and subarea plans make up the Comprehensive Plan. If developments are not in a community plan, they have to seek a plan amendment and go through planning process. Then they are put in the financing plan. Financing identifies the funding source and determines facility and timing required and puts lien on property. Otherwise they can be denied through the land-use process.

**Lincoln, Nebraska** City charter has included growth criteria since the 1950s. Provides legal basis and policy direction to include growth management in the Comprehensive Plan. Requires development to occur within proximity to existing

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boundaries and utilities. Charter requires capital improvement expenditures to conform with Comprehensive Plan. Comprehensive Plan rewrites include redrawing boundaries of urban limit. Boundaries predicated on gravity sewer system.

Comprehensive Plan has phasing in the implementation chapter. If a development is not in an area designated by the plan, they do not get a building permit.

**Fort Collins, Colorado** All major growth management elements (i.e., urban growth area, contiguous growth, agreement with county and adequate public facilities) are included in the Land Use Code. The Land Use Code is part of the Zoning Code and Municipal Code. This carries more weight than the Comprehensive Plan.

If the development does not follow the plan, the development does not get approved.

**King County, Washington** County oversees urban growth area plan that divides housing and employment in the 39 cities and draws urban growth boundaries. This plan is approved by the state and is implemented through individual Comprehensive Plans. A Benchmark report provides guidelines for monitoring achievement of goals and objectives.

**Lexington, Kentucky** During Comprehensive Plan update process, they evaluated: should they expand urban growth boundary? If so, by how much? Where? The planning commission determined expansion was needed. Then they looked at the most reasonable places to allow expansion and developed detailed plans for those areas, including facility plans, exactions, affordable housing, open space/park dedications, and Transfer of Development Rights.

### 10.3.3 Legal

#### How did other locations include these growth management objectives in legal or statutory documents?

- **Establish ordinances to back up the growth strategy**

**San Diego, California** Facilities Benefit Assessment Ordinance created a methodology to calculate and distribute actual cost of infrastructure to properties through liens and assessments. state legislation allows bond issues for infrastructure to be paid back through property taxes. Cost Reimbursement Districts (similar to Special Assessment Districts) are allowed by state law which provides for cost reimbursement. The developer pays up-front for facilities large enough to serve the area and gets paid back from property owners.

**Lincoln, Nebraska** City charter has included growth criteria since the 1950s. Provides legal basis and policy direction to include growth management in the Comprehensive Plan. Requires development to occur within proximity to existing boundaries and utilities. Charter requires capital improvement expenditures to conform with Comprehensive Plan. Comprehensive Plan includes urban limit boundaries.

**Fort Collins, Colorado** All major growth management elements (i.e., urban growth area, contiguous growth specifications, agreement with county and adequate public facilities) are included in the Land Use Code. The Land Use Code is part of the Zoning Code and Municipal Code. This carries more weight than the Comprehensive Plan. An Intergovernmental Agreement with Larimer County is established in the city's Land Use Code and adopts an urban growth area and requires development to be within city limits (through annexation).

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**King County, Washington** The state passed legislation in 1991 and 1992 requiring counties to develop growth management plans. If the legislative goals are not addressed, state holds back road funds. County oversees urban growth area plan which divides housing and employment in the 39 cities and draws urban growth boundaries. This plan is approved by the state and is implemented through individual city Comprehensive Plans.

**Boulder, Colorado** Land Use Regulation is adopted by ordinance and is in the Land Use Code.

**Carlsbad, California** The Municipal Code contains a growth management chapter in the Zoning Title. An adequate facilities ordinance requires development to follow facilities management plans and ties building permits to payment of facilities fees and timely installation of infrastructure. The ordinance provides detail on expectation for citywide and area infrastructure and gives the city authority to deny building permits until fees are paid and capital improvements are installed and operating to the required level of service standards. When the facilities management plans were being developed, an ordinance established a moratorium on building until the plans were completed.

**Oregon** The state passed a law in 1973 requiring cities to define urban growth boundaries separating areas intended for development from those expected to remain in agricultural or forest use.

### 10.3.4 Facilities Planning

#### How did other locations address these public works and Capital Improvements Program objectives?

- **Base Capital Improvements Program on Comprehensive Plan and growth strategy**
- **Coordinate water and wastewater extensions with growth strategy**

- **Coordinate public works planning with growth strategy**
- **Coordinate transportation planning with growth strategy**
- **Balance operation and maintenance of existing infrastructure with new construction**

**San Diego, California** City does not use Capital Improvements Program funds to build infrastructure for new development in the Developing Urban Area. It is very restricted in its ability to keep up with operation and maintenance with limited funds. Development Impact Fees pay for all facilities. But constraints on timing of use of funds can prevent accumulating enough to build certain facilities, e.g., parks or fire stations. If certain facilities are not being built, e.g., parks, because the area is not built up enough to collect enough Impact Fees to build a park, the city tells developers they can not build more houses in the area until they have enough to produce parks. This motivates developers to collaborate. The developer finds a way to get the facility built, e.g., fronts the cost and the city reimburses them as they collect funds from future development.

**Lincoln, Nebraska** Capital Improvements Program is based on the Comprehensive Plan and all facility extensions are planned through the Capital Improvements Program. If an area is shown in the Comprehensive Plan, the city will subsidize some portion of sewer and water through the Capital Improvements Program.

**Fort Collins, Colorado** Adequate Public Facilities Management System - public facilities and services necessary to support development must be available concurrently with development. Facilities need to meet level of service standards for transportation, water, wastewater, drainage, emergency services, electrical power and any other public facility services required by the city before complete devel-

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opment review and issuance of building permit.

In the 1970s, before an intergovernmental agreement with Larimer County, Fort Collins, Colorado tried using extension of water and sewer as a tool to control the location and rate of growth. The county commissioners wanted growth and developed special water and sewer districts circling the city boundaries. As a result, sewer and water is available in all of the current urban growth boundary.

Operation and maintenance funding is a problem because Impact Fees can not cover this and though private developers pay for new construction, it adds to burden of city operation and maintenance.

**King County, Washington** Cities link Comprehensive Plan to Capital Improvements Program. Have to locate within urban growth area.

**Lexington, Kentucky** A subdivision outside the urban growth boundary had septic problems that had to be alleviated by the city extending a (narrow) sewer line. The city did not allow development of the intervening 500 acres of properties to hook into the sewer line because it was installed to ameliorate a problem, it was outside the Urban Growth Boundary, and it was not sized to safely accommodate more capacity. 20 years later, the city is growing in that direction and will expand the system. The subdivision with septic problems paid for the sewer extension and new developments will pay for the current expansion.

**Boulder, Colorado** The “blue line” was adopted by popular vote in 1960. The line is drawn around the city at points averaging 400 feet above the city’s elevation (5,350) and proposed that development stay below it. The reasoning was that water should not be pumped uphill from the reservoir.

**Carlsbad, California** An adequate facilities ordinance requires facilities and services to be available concurrently with develop-

ment. Assessments on each vacant property cover infrastructure needed for that parcel as well as the pro-rata share for facilities shared citywide. A portion of the development fees is put in a set-aside fund that finances Capital Improvements Program projects for citywide improvements.

### **How did other locations address these transit objectives?**

- **Encourage development along transit corridors**
- **Enhance transit alternatives and ridership**

**San Diego, California** Voters approved a one-half cent sales tax to fund transportation. One-third used for highways,  $\frac{1}{3}$  for streets and  $\frac{1}{3}$  for transit. Needs to be renewed 2007. They developed a light rail line and have expanded the lines to cover more of the city. They have not yet achieved the objective of a citywide transit program to create high density and mixed-use development along transit lines or nodes.

**Fort Collins, Colorado** Transit tax lost last ballot initiative.

**King County, Washington** Regional organization in Puget Sound called “Sound Transit” planning to have light rail on the I-5 corridor from Everett to Tacoma. Though Benchmark plan indicates upzoning for centers of larger towns, they are not necessarily identifying transit corridors.

**Austin, Texas** The smart growth system rewards transit friendly development in advance of light rail funding and installation. The voters will help determine if Austin will invest in a \$700 million light rail system.

**Portland Metro, Oregon** Instead of constructing a new freeway, the region invested in a light rail system. Higher density development is required in urban areas and around transit stations.

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### 10.3.5 Partnerships

#### How did other locations address these partnership objectives?

- **Coordinate with the county and neighboring jurisdictions**
- **Involve neighborhood and community planning groups**

**San Diego, California** Forty community planning groups advise planning commission for their area.

**Lincoln, Nebraska** The city has an agreement with the county that all the urban-type development will happen within the city limits.

**Fort Collins, Colorado** An intergovernmental agreement with Larimer County is established in the city's Land Use Code. It adopts the urban growth area and requires development to be within city limits. All urbanized land will be annexed, and to be annexed, the proposed development must be contiguous. The county realized that with a growing population, they needed to supply urban services such as police, street maintenance, air pollution, etc., and could not afford it.

Created voluntary body of regional managers along the I-25 corridor. They decided not to merge into a large metro area and created policy of open space community separators. There is regional concern about the inconsistent quality of development along the corridor, and they are moving toward regional land-use guidelines. Also moving toward concept of revenue sharing to avoid competition for sales and property tax. Fort Collins, Colorado perceives that they would have the most to lose, though, because they are the largest.

**King County, Washington** State requires county and Cities to work together to make a plan. The City of Seattle did not trust King County to make the plan so they created a Growth Management Planning Council made up of caucuses

dividing 39 cities into thirds (now fourths) by population. The Planning Council has 15 elected officials. The city did not have confidence that the recommendations of the Growth Management Planning Council should only go to the county council (because of a fear that they would change the boundary lines) so the city inserted a process for the city to ratify it after the county council, and finally it goes to the other cities for ratification (need  $\frac{2}{3}$ ). Private sector and environmentalists nervous about the county agreeing to draw line and "lock up land resources." They created a benchmark document that tracks achievement of countywide policy. The Benchmark report took one year to create and covers economic development, environment, land use, affordable housing and transportation.<sup>1</sup> If a city does not follow their Comprehensive Plan, they can be brought before a state "Growth Hearing Board." King County planning office held numerous public meetings and subcommittees to "draw the lines" and assess potential impacts.

**Lafayette, Kentucky** Benchmark report took one year to create and covers economic development, environment, land use, affordable housing, and transportation.

**Austin, Texas** The Smart Growth Initiative was developed by a subcommittee of the Austin city council in conjunction with a larger Focus Group drawn from the Austin community. The concepts found in the Smart Growth Initiative were originally described by the Citizen's Planning Committee beginning in 1994. The Committee was comprised of civic leaders appointed by the city council to examine issues of growth and development in the Austin area.

**Boulder, Colorado** Boulder has had an agreement with the legal standing of a contract with Boulder County about location of urban growth since 1970. Boulder Valley works together as a region, planning land use through the Valley Comprehensive Plan since 1978. Only the

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city provides water and sewer services, so development occurs within city limits.

**San Diego, California** The area is growing so fast that the region is working together to distribute projected population to different areas and project construction needed to meet future demands.

**Portland Metro, Oregon** The regional planning body, Metro, undertook a survey of citizens' attitudes, conducted stakeholder interviews and workshops, convened two regional conferences, and mailed out newsletters and other surveys to determine the issues important to citizens. They found that people liked their neighborhoods, open space, and natural setting, but disliked traffic congestion and rapid growth. Sixty percent of telephone survey respondents believed that the region's quality of life would deteriorate. People favored investing in transit over roads, providing a wide choice of living environments, and focusing growth in developed areas.

### What unanticipated impacts occurred as a result of the growth management programs?

**San Diego, California** They have both more crowding in the inner city as well as people commuting from long distances.

**Fort Collins, Colorado** Requirement for  $\frac{1}{6}$  of land to be contiguous can create problems if interpreted literally because the next property over can not develop if the intervening property owner is not interested in building. They are concerned that it may drive up the price of land with  $\frac{1}{6}$  contiguity. Other unintended consequences have resulted since the 1997 plan, so the code will be revised.

**King County, Washington** Slowly, they are starting to think regionally. Jurisdictions are better able to set aside specific issues beyond their own town and consider the region as a whole. Because they lack sophisticated GIS, they will not revisit boundaries for 10 years.

## 10.4 Analysis by Location

What follows is a location-by-location summary of approaches taken by cities and counties in other parts of the country. Interview results and literature findings are boiled down for quick review and comparison. Growth Management findings for each interviewed location are analyzed by the following topics:

- Growth Strategy Techniques Implemented
- Lessons Learned
- Applicability to Albuquerque
- Planned Growth Documents on File
- Website and Contact Person

Though different locations implemented a variety and combination of techniques, they seemed to have some common threads. For instance, a metrowide effort could not be accomplished through use of piecemeal approaches or tools with a narrow purview. Though the literature cited approaches such as "Transit led infrastructure planning" or "Building Permit Quotas," few if any locations used these tools as long-term or metrowide guiding principles. This research effort started with eight separate categories to establish if concepts beside the Urban Growth Boundary or Urban Service Areas were successfully implemented to guide growth and development.<sup>2</sup> As interviews progressed, the categories began to blur and Urban Growth Boundaries and Urban Service Areas stood out as most commonly utilized in an effective and comprehensive manner. The other categories were often used as tools to achieve the growth management goals.

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This section examines the following questions.

- What growth management solutions did these locations seek?
  - What types of planning tools were used?
  - How did they structure incentives and requirements to achieve their objectives?
- Where did the impetus come from?
  - Are their lessons transferable to Albuquerque?

Findings in the next section are organized alphabetically by the locations interviewed.

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### 10.4.1 Austin, Texas

#### Growth Strategy Techniques Implemented

- Urban Service Areas
- Public purchase of land to preserve Open Space
- Voluntary program to apply for Impact Fee discounts
- Capped fee incentives for meeting location or other criteria based on program objectives
- Incentives for downtown development
- Encourage development pattern anticipating transit

Austin's Smart Growth Initiative is designed to invest in existing areas and decrease sprawl. Austin uses a combination of tools based on Urban Service Areas boosted by Impact Fee incentives. The Smart Growth program was preceded by and based on an environmental protection program to preserve the aquifer and fragile habitats. An appointed citizen planning committee worked with the city council to develop guiding principles of the Smart Growth program. A map shows zones defining where development should occur. Zones, such as the Desired Development Zone and Water Protection Zone are driven by water protection. In general, Texas does not have zoning outside city limits, so an urban growth boundary concept is not applicable. The city spent \$105 million in the last three years (\$200 million in the last 10 years) purchasing land to preserve it from development. They created a noncontigu-

ous green belt of parks with endangered species habitat and aquifer protection areas around the "Development Zone." Impact Fees are scaled according to central location. An incentive system was created to reward developers with reduced fees for projects that meet goals. Goals include location in desired development zone (downtown gets the biggest break). Developers can voluntarily fill out a matrix to qualify for financial incentives. Based on criteria outlined to help achieve policy goals set by council, a score sheet is used to assess whether a development project can receive financial incentives to encourage location, form, or style. Identified areas are encouraged to grow in a transit friendly manner to prepare for light rail. No light rail transit exists now—a referendum will be on the November 7, 2000 ballot. An estimated \$700 million is needed for a 15-mile line through downtown.

The city protects itself from providing incentives that surpass potential property tax income. A maximum development fee waiver is calculated for each project to equal the estimated property tax revenue expected for 5 or 10 years. That amount establishes the maximum incentives (fee waivers), from a variety of fees, such as for permit application, capital recovery, wastewater, development, or impact or building permit fees. Property tax relief is not provided, rather its equivalent is provided as incentive through fee waivers. Another incentive can be infrastructure improvements (e.g., upgraded water lines). If infrastructure to support that project is included in a long-range Capital Improvements Program, the city can accelerate construction (e.g., move it from year five to year one).

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## Lessons Learned

To preserve and build up downtown, Austin provides financial incentives for development, aimed at redirecting construction that otherwise would locate in suburban areas. The “Smart Growth Matrix” is designed to quantify whether development follows the goals and policy direction of the council. Calculation can be complex, but since it is voluntary and provides a significant financial advantage, the development community has not complained.

To encourage infill, Impact Fee waivers are allowed. An economic development property tax incentive is offered to businesses doing more than 50% export and creating jobs. To protect the city from providing excess abatement, the maximum incentive for waiving fees is set to be equal to the total present value, over a fixed period (5-10 years) of the incremental increase in the property taxes accruing to the city as a result of project. The amount of the incentive package can include waivers up to 100% of applicable fees, utility investments (at a 10-year break even level), and the cost of planned infrastructure accelerated in time for the project.

They are planning in advance for transit-oriented development even though they do not have funding in place.

## Applicability to Albuquerque

Austin is a large city. Texas law does not allow zoning outside of city limits. Land use planning is motivated by protecting the fragile environ-

ment and aquifer within city limits. Austin has more financial resources than Albuquerque.

The concept of desired development zones or urban service areas are applicable to Albuquerque. Austin used an incentive program to entice development downtown and to other target areas, as well as attract business to target locations. The procedure benefits developers in that it is voluntary and not a requirement. By calculating potential property tax returns from a new development and capping the fee waiver to that amount, the city protects itself from providing more incentives than can potentially be gained. Albuquerque has raised funds through its open space portion of the gross receipts tax to purchase land for preservation. The tax could be renewed and targeted to creating a linked open space reserve for recreational trails, and aquifer and habitat preservation.

## Planned Growth Documents on File

Smart Growth Criteria Matrix, Map of Development Zones, Smart Growth Q & A

## Website and Contact Person

[www.ci.austin.tx.us/smartgrowth](http://www.ci.austin.tx.us/smartgrowth)

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## 10.4.2 Boulder, Colorado

### Growth Strategy Techniques Implemented

- “Blue Line” limits water service to elevation 400 feet higher than reservoir (1958)
- “Danish Plan” set up a competition for limited number of building permits (1976)
- Revised Plan limits growth to 1% (approx. 400 units). If demand exceeds supply, building permits are allocated as fractional portions. (1995)
- City and county have a joint agreement (contract) (1970)
- Regional (85 sq. mi.) Comprehensive Plan (1978)
- Urban Service Areas defined for both the city and Valley (region)
- Public purchase of land surrounding the city to retain as open space
- Charge new development for the full cost of services
- Transfer of Development Rights to increase density

Since 1976, Boulder has implemented a few iterations of growth management based on a building permit quotas and performance based applications to achieve limits on growth and to target growth to desired locations. The first plan in 1976 responded to a voter initiative. Building permits were capped at a 2% increase in population. Projects competed for the limited number of building permits using a point system based on criteria such as proximity to urban services, design, provision of moderate-income housing, and energy conservation features. The intergovernmental agreement established in 1978 requires the county to approve any changes to the Comprehensive Plan, annexations, and Capital Improvements Program proposed by the city. As a result, the city and county review growth proposals put forth by the other. The county reinforces the urban services area by limiting rural growth and by not providing urban services or facilities.

In 1981, the system changed to a portion of permits provided on a first come, first served basis until the number of permits reached a trigger point, when it switched to the competition based system. Population growth was still capped at 2% per year. In 1984, the council revised the ordinance to simplify the system to address the problem of complex application materials, extensive staff needs, and Planning Board review time. The third ordinance allocated permits quarterly. If demand exceeded supply, (which it almost always did), the applicants receive prorated shares of building permits up to a maximum per development. Two major changes were adopted by the city council in 1995. First, the number of new residential units eligible for permit was reduced to 1% of existing housing stock (equal to approximately 400 units/year). Second, available allocations were divided into pools). Units for affordable housing are set aside in a separate pool and very low-income units are exempt from needing an allocation to address the concern that new housing is not affordable to the city’s workforce. The criteria for location, moderate-income housing, and energy conservation were translated to performance standards applied to all new development. Though primarily a city effort, the city and county jointly adopted a Long Range Comprehensive Plan. The city divides the limited building permits into “allocations.” In order to build a residential unit, a developer must obtain an allocation equal to one unit (single family or one unit of a multifamily development). Developers apply quarterly for allocations. If requests outweigh supply, allocations are divided among all requests into fractions. It can take several years to accumulate enough allocations to build out a planned development.

Urban service areas distinguish urban and non-urban land. Area I (19 sq. mi.) has the full range of urban services and higher densities (25-30 units/acre). Area II (7.5 sq. mi. in the county) is targeted to be annexed and receive complete services within 3 to 15 years. Area III (59 sq. mi.) is not projected to have urban services for at least 15 years.

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Beginning in 1967, the City of Boulder implemented a 0.4% permanent sales tax to support an open space program (it subsequently increased to the current 0.73%). With total principal expenditures of \$128 million and current annual revenues of about \$17 million, the program has bought almost 29,000 acres (average \$4,452 per acre). When coupled with park lands, water treatment protection areas, and county Open Space, almost two-thirds of the Boulder Valley is held in protected status. Most of the open space lies outside the city limits and is bigger than the city itself by nearly 20%. Boulder has successfully created a buffer between it and nearby Denver.

The city has reached 90% of residential and 75% of non-residential buildout under its Comprehensive Plan. Ultimately, aside from 648 acres in Area II (the remaining unannexed service area), and 400 acres in the Planning Reserve area set aside under the Comprehensive Plan, the city intends to preserve all of the remaining open lands that can be preserved within the Boulder Valley planning area. The Open Space Program has purchased all water rights available with each land purchase. A study concluded that all the policies working together (Blue Line, the Open Space Program, the Boulder Valley Comprehensive Plan, and the Danish Plan) created the effect of going from a 25-year growth rate of 5% to 1% annually (limiting residential growth in the city to 450 building permits per year).

Transfer of Development Rights allows a developer to purchase development rights from a “sending” site in an effort to preserve agricultural and open space land in the county. A Transfer of Development Rights acts as an allocation.

### **Lessons Learned**

Boulder’s residents have been the driving force for growth controls since 1958. The impetus came from a voter referendum in 1976 limiting growth to 2%. Residents continue to assert pressure to limit growth.

A failed effort at growth management resulted from a program in the 1960s using a concept called “spokes of the wheel” with the center of the city as the hub and new development was to be directed along major corridors to villages on the periphery. An annexation program was to be the way to control growth outside its borders. But it resulted in leapfrog development centered on an IBM plant and a housing subdivision built in the mid-1960s. The city lost a lawsuit and was forced to extend water and sewer to the subdivision even though it lay outside the city limits and refused annexation. The court said that a public utility could not refuse water and sewer services in the area of its jurisdiction because the proposed development would be inconsistent with the city’s growth policies.

### **Applicability to Albuquerque**

Boulder is a more affluent city and region and is located in a more mountainous area with more natural boundaries. Close to Denver, it resists becoming part of its metropolitan area. Boulder’s residents are involved in the growth dialogue and voted in referendums to limit growth to 1%.

Applicable lessons include the identification of urban service areas (Area 1 as urban, Area 2 as short term urbanizing, and Area 3 as long-term future urban). Preservation of open space at the outset retains land and view corridors for recreation and habitat preservation. It has served to attract new business because the area is more desirable. The land could be sold off if that is allowed in the land trust agreement. The Growth Management Policy Agreement between the City of Boulder and the county and region states that urban development will be contained in the city limits and provides consistency, cooperation and collaboration so that competitive forces do not usurp the plan. Albuquerque can learn from Boulder’s experience that an annexation program alone is not a long-term growth management solution. The city ended up supporting water and sewer in unintended areas outside the city limits.

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## Planned Growth Documents on File

Land Use Code found at  
[ci.boulder.co.us/cao/brc/brc1981.html](http://ci.boulder.co.us/cao/brc/brc1981.html)  
Title 9: Intent and Scope

Residential Growth Management Summary  
<http://www.ci.boulder.co.us/cao/x-opn-srl.html> From Lefthand to Coal Creek:

Boulder's Open Space Program, 1999 by Joseph N. de Raismes III, Boulder City Attorney, 1979-present.

## Website and Contact Person

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### 10.4.3 Carlsbad, California

#### Growth Strategy Techniques Implemented

- Adequate Public Facilities required prior to development (1986)
- Level of service (performance) standards on 11 facilities
- Defined boundaries of 25 local facility management zones (similar to urban service areas)
- Facility cost prepaid as tax assessment on vacant land, balloon at permit
- 5 subarea plans developed between property owners and city including detailed financing mechanism for provision of public facilities.

A growth management plan was adopted in 1986 as a composite of two ballot measures (one citizen and one preemptively by the city). The Growth Management program is included in the Municipal Code, Title 21, Chapter 21.90. As directed by the 1986 Proposition, the plan requires that public facilities and improvements be available concurrently with new development. It also controls the timing and location of development by tying the pace to the provision of public facilities at Capital Improvements Program intervals. The city is divided into facilities management zones requiring a plan for each zone (plans are paid for by property owners, even if the city prepares the plan). Eleven categories of facilities and services (ranging from sewers to open space) with performance standards are established.

Carlsbad learned from San Diego's experience and takes a slightly different approach. In San Diego, the Facilities Benefit Assessment is collected when the building permits are pulled. As a result, funding for some services may lag behind until build-out. Carlsbad calculates facility impact assessments for each parcel of vacant land in an area slated for development. They know the facility cost for each acre of vacant land (rather than by dwelling unit) and collect assessments as an annual tax from the property owner, even if they do not plan to build at the moment. Upon construction, they pay the balance of the assessment when they pull a building permit. Since assessments are paid even before the land is developed, funds are set aside to support facilities in the area and the burden is not on the "first one in" to put in facilities, nor do they have to wait for the "last one in" to build supporting facilities such as parks. This method creates predictability and a level playing field, and guarantees that sufficient resources will be collected to pay for all facilities. Density is established through a general plan, not by zoning. In Carlsbad's case, all land is designated for urban development. Facilities are planned at either the quadrant level or in 25 subareas. Financing plans are created for each area and are negotiated between the developers and city. Landowners hire an engineer and economic team who develop a draft facilities plan and the city reviews it. If the landowner refuses to do a plan, the city develops one and charges the landowner on the assessment. Collectively used facilities, such as roads and even freeway interchanges, are prorated into the assessments and help fund the Capital Improvements Program. Proposition 13 in

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California pressures Cities to have development pay its own way.<sup>3</sup>

## Lessons Learned

A general planning question is: Who should pay for new development?—the developer, passing costs through to future residents or the community at large. Given their constraints (Proposition 13) Carlsbad decided that development should pay its own way.

Carlsbad passed an ordinance providing a moratorium on building permits until the facility plan for the zone was completed. Level of service standards were developed by the city for 11 facilities and are built into facility assessments on properties. If any part of the infrastructure fails to meet standards, they hold off on development until it is fixed.

The San Diego County region is growing so fast, they are running out of land to place projected growth. They do not want to extend infrastructure out to the desert in the west because it is inefficient to serve outlying areas.

Housing has not jumped over the growth boundary because there is a regional consensus on growth. Employment is growing because they are a desirable place to live. They have an economic development strategy including determining how many miles of fiber optic cable to lay and now have attracted high tech business. After some initial resistance, builders and landowners now say they like the system because it is predictable and rational and they know capital facilities and infrastructure will be available and what the costs are.

## Applicability to Albuquerque

Carlsbad is a very affluent town on the Coast just north of San Diego. They have more money to work with and land prices can absorb the cost for facility assessments.

Albuquerque could implement facility management zones and plans. The cost of infrastructure for areas designated as urbanizing could be calculated and placed as an assessment on the vacant parcels slated for development to accumulate funds for capital improvements. Carlsbad's procedure and ordinance could be a useful guide for Albuquerque's policy development.

## Planned Growth Documents on File

Citywide Facilities and  
Improvement Plan 1986

Growth Management, Code Chapter  
21.90 Community Development Fees,  
September 1998

Development Monitoring Report,  
December 1999

Managing Growth Brochure

## Website and Contact Person

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[www.ci.carlsbad.ca.us](http://www.ci.carlsbad.ca.us)  
city hall, municipal code or  
[http://ordlink.com/codes/carlsbad/DATA/TITLE21/Chapter21.90 GROWTH MANAGEMENT 21 90.html](http://ordlink.com/codes/carlsbad/DATA/TITLE21/Chapter21.90%20GROWTH%20MANAGEMENT%2021%2090.html)

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## 10.4.4 Flagstaff, Arizona

### Growth Strategy

#### Techniques Implemented

- Urban Service Boundaries (1980)
- Intergovernmental agreement
- Regional agreement

#### Lessons Learned

Flagstaff's Urban Service Boundary is smaller than its city limits. Because the area is mountainous, it is difficult and costly to supply water at higher elevations, even if annexed. About 3 years ago, they joined with Coconino County and the National Forest Service, State Land Dept, US Game and Fish, National Park Service to develop a "greenways and development" plan. The plan designates land from primitive to urban. This partnership helps protect the city's plan from being undermined by government agencies (who own a substantial amount of land in the city) from selling off land for development in non-urban service area plan locations. Currently, they are finishing up a regional plan covering 525 square miles (city covers 65 sq. mi.) to designate urban and rural growth boundaries to prevent jurisdictional turf wars.

Flagstaff has a significant amount of public forest land. People were coming from Phoenix to get away from the heat. Flagstaff adopted a plan to protect wilderness and open space land. Lands next to currently developed land are called "neighborhoods" and designated as recreation areas.

The idea for the Urban Service Boundary came from a city planner concerned about the situation of land and water. Flagstaff is the first city

and county in the state to do regional planning. They are currently setting up rural growth boundaries and urban growth boundaries to prevent jurisdictional turf wars. The regional plan covers 525 square miles. The only exception has been for Gore Industries (Gore-tex) that brought in high paying jobs and paid 100% of development costs to go outside the Urban Growth Boundary. It is otherwise not possible to jump the boundary in the city without redrawing the boundaries with the planning and zoning commission and city council. People do not move out into the county because they can not get fire, paved roads, or other services. Infrastructure is provided at cost to a developer to a level of service standard prescribed by the city. The city uses the Capital Improvements Program to upgrade old infrastructure.

#### Applicability to Albuquerque

Flagstaff has a large land area with ownership by federal government and has worked hard to create inter-governmental land-use policies. Albuquerque could also get the developer to pay for new infrastructure so that the Capital Improvements Program can focus on maintenance and repair. Flagstaff has held fast to their urban service area policy and do not permit development in areas not designated for urban development.

#### Planned Growth Documents on File

Flagstaff Community Profile

#### Website and Contact Person

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## 10.4.5 Fort Collins, Colorado

### Growth Strategy Techniques Implemented

- Defined Urban Growth Areas and policies for annexation
- Urban Growth Boundary identified in an intergovernmental agreement with Larimer County
- Compact urban growth policy requires a property to be at least  $\frac{1}{6}$  contiguous to existing urban development and be within the urban growth boundary to be developed.
- Adequate Public Facilities Management System assures that public facilities and services needed to support development are available concurrently with development.
- Building permits are not issued until the above criteria are met.
- Transfer of Development Rights allows higher density in planned projects (not used for developing new units in new areas). Transfer of Development Rights is a tool to pull development away from areas identified as open space or rural and allow higher densities in the urban core.
- Design guidelines are based on a community process surveying visual preferences. Citizens want “human scale” pedestrian oriented development with interconnected neighborhoods, maximum block sizes and no gated communities.
- Growth pays its “fair share” through Impact Fees (e.g., \$15,000). Impact Fees are waived for affordable housing.
- A voluntary body of regional managers and elected officials meets monthly to discuss regional planning issues, especially along the I-25 corridor in order to create more consistency in the quality of development.

### Lessons Learned

The growth management tools are in the Land Use Code as part of the Zoning Code and Municipal Code. This carries more weight than

the Comprehensive Plan. They may loosen the contiguity requirement to allow the “next property over” to be developed. Fort Collins, Colorado rescinded their performance based zoning system “Land Development Guidance System” (for PUD’s) and replaced it with the new Land Use Code that incorporates design and quality standards. They see efforts as growth management, not growth controls, because the adequate public facilities plan identifies location, and facilities planning manages the time frame.

In the 1970s, the city tried using extension of sewer and water as a tool to control the rate of growth and location. The county commissioners promoted growth and developed special water and sewer districts circling the city boundaries. They ended up with sewer and water available in all of the Urban Growth Boundary. For them, adequate public facilities relate more to streets, bicycle paths, pedestrian paths. They find the contiguity requirement more effective for guiding location of growth. But this approach has unintended consequences like performance zoning did. There are concerns that it might drive up the cost of land and some areas might be stalled by a contiguous landowner uninterested in development “blocking the way” for others. In response to developers, development approvals are 60% approved by administrative officer rather than board. In order to do that, the neighborhoods said, “ok, but raise the design bar and make development more prescriptive and predictable.” If the developer wants to vary from that, they can go to the planning and zoning board.

The county now sees that it is in its best interest to have an agreement with the city to identify where to urbanize. The county sees itself as rural and unable to provide the services needed and demanded by urban dwellers, such as police, street maintenance, etc. The county could not afford and did not want to get into the business of providing urban services. They also started to see significant air quality problems.

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## Applicability to Albuquerque

Fort Collins, Colorado tried performance based zoning to create community and village areas in new developments. This effort was not seen as adequate to address the main growth management challenges. Design criteria are incorporated into the current approach.

Larimer County's intergovernmental agreement document cites "Intergovernmental agreements present a united, cooperative city/county front toward developmental goals and policies within the greater metropolitan areas which represent significant steps toward effectively managing development." Albuquerque and Bernalillo County could also work together in this way to set a policy that establishes an urban growth area and that urban development (> 2 du/acre) locate in the Urban Growth Area. The city agrees not to annex property outside the Urban Growth Area without first amending the boundary through established procedures.

## Planned Growth Documents on File

Intergovernmental Agreement for the Fort Collins Urban Growth Area (Larimer County) (1991)

Land Use Code downloaded from web

Capital Improvement Expansion Fee Schedule (Impact Fees)

Performance Zoning (Land Development Guidance System) (1981)

## Website and Contact Person

[www.fort-collins.co.us](http://www.fort-collins.co.us) Land Use Code in advanced planning section

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### 10.4.6 King County, Washington

#### Growth Strategy Techniques Implemented

State of Washington passed a law in 1991 and 1992 requiring cities and counties to develop a growth management plan. This got the 39 cities (including Seattle) of King County working together for a combined vision of growth, including:

- Urban Growth Boundary
- Regional Planning
- Benchmark Performance Indicators track progress
- Infill and upzoning to increase density

#### Lessons Learned

King County has 1.7 million people (1/3 Seattle, 1/3 suburban, and 1/3 unincorporated county) and is the most populous county in the state. The state requires counties to create a Comprehensive Plan containing a growth

management plan identifying how it will accommodate housing and job growth for the next 20 years. If a county does not comply, the state can take road funds away. They actually did take road funds away from another county for six months. If jurisdictions in the county do not follow the plan, they can be taken to the State Growth Hearings Board or to court to gain compliance. The plan creates a 20-year target for each city to absorb expected population growth.

The cities did not trust the county to create a plan so the cities created a new group "Growth Management Planning Council" made up of caucuses, a population based process to bring in city representation with the membership comprised of elected officials. The cities also created a process in which the cities would ratify the growth management plan after the county council passed it to assure that changes would not be made to the document by the county council after the regional council worked on it. If 2/3 of the cities ratify the plan, it passes.

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The City of Redmond was having difficulty keeping up with the growth. They could not get money fast enough from the state and federal government to build adequate roads. So they put a moratorium on downtown development unless developers would create mixed use of commercial and housing. As a result, they created mixed use at the scale needed.

The private sector and environmentalists were nervous about how the county would agree to draw the line and “lock up land and resources,” how it would affect quality of life, and how to assure that the goals and objectives were being met. In 1995 they created a “Benchmark” performance measurement process. The 1999 report executive summary states: “The King County Countywide Planning Policies - the policies adopted by the Growth Management Planning Council mandate that quality of life issues are measured and tracked. In 1995, the Growth Management Planning Council and citizens throughout the county helped develop 45 indicators, which directly relate to the policies in the countywide plan. The Benchmark report reviews progress. The 1999 Benchmark report indicates that quality of life is improving in areas like air quality, water consumption, new housing unit production, parks and open space, rural, and resource lands. In other areas (amount of affordable housing and traffic congestion) data from the report shows a need for improvement.”

This performance-based approach identifies a number of quantifiable criteria. The full report can be found at the following address: <http://www.metrokc.gov/exec/orpp/benchmrk/bench99/>

Cities have to integrate the growth plan into their Comprehensive Plans. A Growth Hearing Board is a 3-person state appointed board that hears appeals of anyone who thinks the Comprehensive Plans are not being followed. The cities have to abide by the findings of the growth hearing board.

### **Applicability to Albuquerque**

The State of Washington’s legislation has provided the impetus for counties to create regional

plans. They are in the position of creating a plan or having their road funding withheld. We are not subject to such requirements. The benchmark system can help evaluate the progress and accomplishments of a growth management program and can be used for amending the program as needed. Such performance-based factors can help with future decisions about the effectiveness of different aspects of a planned growth strategy.

### **Planned Growth Documents on File**

Washington State Growth Management Act is on Website for State of WA Dept of Community Trade and Economic Development

The Countywide planning policies, the King County Comprehensive Plan as well as Comprehensive Plans for 39 cities in King Co available [www.metrokc.gov](http://www.metrokc.gov) at Countywide Planning Policies

Benchmark report tracking progress on performance based objectives also available at the Office of Regional Policy and Planning [www.metrokc.gov/exec/orpp](http://www.metrokc.gov/exec/orpp)

### **Website and Contact Person**

[www.metrokc.gov](http://www.metrokc.gov) Cynthia Moffit, Principle Planner for Long Range Planning, King County Metro Government 206-205-0709 [Cynthia.Moffit@metrokc.gov](mailto:Cynthia.Moffit@metrokc.gov)

A contact for downtown redevelopment: Roberta Lewandowski, Planning Director for Redmond, WA [rlewandowski@ci.redmond.wa.us](mailto:rlewandowski@ci.redmond.wa.us)

Contacts for transportation: Don Ding, head of transportation for unincorporated king county 206-689-4702

Ron Posthuma, Acting Deputy Director for Metropolitan King County Transportation Department 206-684-1007 Henry Markus 684-6738

Don Ding can also answer questions about financing infrastructure construction, operation and maintenance.

The list of benchmark indicators follows:

**Economic Development:**

- #1 Real wages per worker
- #2 Personal and median household income: King County compared to USA
- #3 Percentage of population below the poverty level
- #4 New businesses created
- #5 New jobs created by employment sector
- #6 Employment in industries that export from the region
- #7 Educational background of adult population
- #8 High school graduation rate

**Environment:**

- #9 Land cover changes in urban and rural areas over time
- #10 Air quality
- #11 Energy consumption
- #12 Vehicle miles traveled per year
- #13 Surface water and groundwater quality  
Map: Tri-County Watersheds and Major Streams
- #14 Water consumption
- #15 Change in groundwater levels
- #16 Change in wetland acreage and functions
- #17 Continuity of terrestrial and aquatic habitat networks

- #18 Change in number of salmon
- #19 Rate of increase in noise from vehicles, planes, and yard equipment
- #20 Pounds of waste disposed and recycled per capita

**Affordable Housing:**

- #21 Supply and demand for affordable housing
- #22 Percent of income paid for housing
- #23 Homelessness
- #24 Home purchase affordability gap for buyers
- #25 Home ownership rate  
Map: King County Home Ownership Rate
- #26 Apartment vacancy rate  
Map: Rural and Urban Subareas of King County
- #27 Trend of housing costs vs. income
- #28 Public dollars spent for low-income housing
- #29 Housing affordable to low-income households  
Map: Affordable Housing in King County

**Land Use:**

- #30 New housing units in Urban Areas and Rural/Resource Areas, and in Urban Centers  
Maps: Urban Centers
- #31 Employment in Urban and Rural/Resource Areas, Urban and Manufacturing/

- Industrial Centers
- #32 New housing units built through redevelopment
- #33 Ratio of land consumption to population growth
- #34 Ratio of achieved density to allowed density of residential development
- #35 Ratio of land capacity to 20-year job and household targets
- #36 Land with six years of infrastructure capacity
- #37 Acres of urban parks and open space
- #38 Ratio of jobs to housing in Central Puget Sound counties, and King County sub-regions
- #39 Acres in forest land and farm land
- #40 Number and average size of farms

**Transportation:**

- #41 Percent of residents who commute one way within 30 minutes
- #42 Transit trips per person
- #43 Percent of residents who use alternatives to the single occupant vehicle
- #44 Ability of goods and services to move efficiently and cost effectively throughout the region
- #45 Number of lane miles of city, county and state roads in need of repair and preservation

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## 10.4.7 Lexington/Fayette County, Kentucky

### Growth Strategy Techniques Implemented

- Urban Growth Boundaries (1958)
- Urban Service Areas - included detailed economic and demographic projections and plans for expansion of public and private facilities.
- Adequate Public Facilities
- Impact Fees
- Transfer of Development Rights
- Small area plans/historic zoning overlay
- City and county merged in 1974

Lexington was the first city in the country to adopt the concept of urban growth boundaries (in 1958). They have never departed from the plan, though they have expanded boundaries over time and modified techniques. Boundaries are changed as part of the Comprehensive Plan update. Public meetings for the Comprehensive Plan allow for citizen input into boundary proposals. They also have a citizen committee that advises the Planning Commission. Originally, the growth management plan emphasized public facility coordination and efficiency, especially regarding sanitary sewers. Objectives now include agricultural land preservation and maintaining the inner city. They use Community Development Block Grant funds to improve inner city infrastructure and neighborhoods, and historic overlay zoning to encourage rehabilitation. Underutilized (e.g., surface parking downtown) or vacant land in the central city greatly diminished. Building permits and sewer extensions are not provided outside the urban growth boundaries.

The growth management plan is linked to an overall facility plan, particularly regarding sanitary sewers (water is provided through a private utility). Most sewers are funded by developers. The Capital Improvements Program is used to a very limited extent. The primary tool is to require developers to construct adequate facilities themselves. Major trunk lines are

funded by exaction fees. If a developer constructs the trunk line at his expense, he gets reimbursed over time through the exaction fee program as others hook in. Developers pay approximately 80% of facility costs, city/county supports the approximately 20% remaining.

Impact Fees vary by location and are charged per acre. The older urban service areas do not have Impact Fees because they are already served. New suburban areas have higher fees. For instance, the sewer exaction varies from \$1,100–\$3,000 per acre.

### Lessons Learned

In the 1960s, before city/county consolidation, the county permitted a subdivision outside the urban growth boundary that ended up with severe septic problems that had to be alleviated by the city. The city extended a narrow sewer line to service that area. The city did not allow development of the intervening 500 acres to hook into the sewer line because it was installed to ameliorate a problem, it was outside the Urban Growth Boundary, and it was not sized to safely accommodate more capacity. Twenty years later the city is growing in that direction and will expand the system. The subdivision with septic problems had to pay for the sewer extension and new developments will pay for the current expansion.

Housing has not jumped the boundary into the rural area. All counties in the area have a five-acre minimum per rural dwelling unit. Since the county and city merged, they are able to share benefits. They depend more on income and employment taxes than property or sales taxes. Affordable housing is not charged Impact Fees or subject to density caps. Since Impact Fees are charged on a per-acre basis, there is no disincentive for the builder to put more units on the land. Fees are higher on land suited for higher density.

### Applicability to Albuquerque

The following goals excerpted from the Lexington/Fayette Comprehensive Plan, (the document that supports their urban growth

management concepts) appear to be applicable to Albuquerque.

- Provide for citizen participation in planning and zoning decisions and encourage citizen involvement in the implementation of programs for the benefit of the community.
- Guide the physical development of the community.
- Support and uphold the urban service area concept.
- Provide business and employment opportunities for the entire community.
- Establish and promote planned employment centers.
- Ensure the vitality of downtown.
- Establish and promote urban activity centers to provide appropriate services to multineighborhood areas.
- Provide housing opportunities to meet the needs of all citizens.
- Preserve, protect, and enhance existing neighborhoods.
- Protect and preserve Fayette County's significant historic and cultural heritage.
- Promote land use which is sensitive to the natural and built environment.
- Promote neighborhood and community atmosphere in new developments.
- Provide essential public facilities for urban development.
- Plan and program the installation of all essential public facilities to reasonably coincide with the occurrence of development.
- Provide sanitary sewer service to the entire urban service area through public and private cooperative efforts in financing, easement acquisition, and construction.
- Provide and maintain a comprehensive transportation system.
- Provide for a range of facilities and services such as public safety and social services.
- Maintain the boundaries and soundly manage land use in established rural activity centers.
- Create no new rural activity centers.
- Maintain and enhance the agricultural economy and rural character in the rural service area.
- Encourage regional planning and coordination.

The Comprehensive Plan includes Urban Service Boundary Criteria created to assure efficiency, effectiveness, and fairness in determining the boundary. These criteria could be helpful to Albuquerque's urban growth planning. The criteria state that an Urban Service Area Boundary should be:

- Located so as to achieve or enhance major plan themes and goals.
- Located to encourage cost effective and efficient use of public facilities.
- Land within the boundary should be sufficient in quantity to accommodate 20 years of projected population growth and economic development.
- Land should be economically suitable for development.
- Direct development away from significant or scenic landscapes as defined in the Greenspace Plan.
- Located to direct development away from prime agricultural land and horse farms.
- Located to direct development away from environmentally sensitive and geologic hazard areas.
- Located so as to exclude public facilities that conflict with or inhibit urban development.
- Follow significant natural or man-made features, such as large lakes, minor and major drainage boundaries, parks, railroads and principal arterials or freeways, wherever appropriate.
- Urban development should be compact and must be contiguous.
- Located along the tops of ridgelines within drainage basins to allow sewerage of the urban service area in an efficient and economical way, while not putting development pressure on land outside the urban service area.
- Include existing development that is contiguous to the existing or planned urban areas.
- May, but does not have to, follow property lines.

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## Planned Growth Documents on File

1996 Comprehensive Plan, Expansion Area Master Plan

Website ([www.lfucg.com](http://www.lfucg.com) through the Division of Planning) shows Rural Land Management Plan and newsletter announcing Compre-

hensive Plan update. Their land-use plan map and zoning map can be found under the “GIS café” at [www.lfucg.com](http://www.lfucg.com)

## Website and Contact Person

[www.lfucg.com](http://www.lfucg.com) Bob Joice, Long Range Planning Manager [boj@lfucg.com](mailto:boj@lfucg.com)

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### 10.4.8 Lincoln, Nebraska

#### Growth Strategy Techniques Implemented

- Urban Service Boundaries (1961)
- City charter includes direction on Comprehensive Plan and location and timing of facility expansion

#### Lessons Learned

Lincoln is about 40 miles southwest of Omaha and is 450 miles from Denver. It is home to the capital and university and has grown at an average annual rate of 2% employment and 1.2% population since 1980. Lincoln has a policy to develop gradually and contiguously and annexes land as it develops so it only develops within the city limits. Urban service areas were implemented in 1961 and are defined for phasing to include (1) existing facility lines and (2) future urbanizing areas.

The city charter has included growth criteria since the 1950s and provides the legal basis and policy direction to include growth management in the Comprehensive Plan. Including growth management principles in the city charter is helpful if they would ever be challenged in court on growth decisions. To date, nobody has challenged the basic planning principles. The impetus came from the original planning director in 1951 who wanted Lincoln to retain a sense of community, control its destiny, and grow contiguously. Extraterritorial jurisdiction is also included in the charter.

The charter is written in general terms but includes a set of criteria such as: (1) Where—

Growth shall occur in proximity to existing boundaries and utilities. This is accomplished through a policy that controls the extension of utilities, and the Comprehensive Plan directs sewer lines to be laid contiguously. (2) Scale—Magnitude and densities of development are designated relative to available or planned services and facilities. (3) When—Phasing is in the implementation chapter of the Comprehensive Plan. It is directed to follow a logical pattern. (4) What—Facilities and service extensions are incorporated into the Comprehensive Plan.

Lincoln’s citizens are closely involved in the planning process. A community congress defined community goals and objectives, adopted a 150-goal statement by the city and county, and a task force considered five key issues. Citizens have been involved in downtown development as well as concentric and contiguous development.

The Comprehensive Plan undergoes an annual review and is revised every five to seven years. During this process, they can change the location of boundaries and direction of growth. (Generally the service areas expand, but between 1977–1985, the area was reduced). They generally predicate direction of growth to follow the natural gravity line for sewer utilities. Currently, Lincoln is considering whether to expand eastward into a different drainage basin. They have a policy that will not allow pumping over a ridge. An exception was made for a major employer who wanted to relocate on the fringe but was convinced to move in five miles on a major arterial. The employer paid for the wastewater pumping and water supply and was held responsible for maintenance of the lines.

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A local planner said the plan has been very effective in managing growth, though the development community feels like they are a bit restricted. The city does not allow too many Special Assessment Districts because when they go bankrupt, the city buys them out. They learned the lesson from Omaha where footing the bill for failed Special Assessment Districts contributed to a budget crisis. Instead, Lincoln provides a revolving fund to which developers can apply to subsidize extension of utilities and infrastructure for new development.

Lincoln does not have an Impact Fee system. Instead, utility extension is negotiated on a case-by-case basis in the annexation agreement. Some developers say they would prefer an Impact Fee system because it would be more predictable and there would not be a ten-fold discrepancy of who pays for what. There is always cost sharing between the city and private developers because the city can not afford to pay for it all. Even when a project is included in the Capital Improvements Program, the developer has to contribute funds as well.

The facilities extension plan and Capital Improvements Program are based on the Comprehensive Plan. The city charter requires that any capital expenditure must conform with the Comprehensive Plan. Water and sewer are municipally owned, and electricity is quasi-municipal. Some say that housing costs increased, but the planner I spoke with said that most people think it is a wash. In comparison with Omaha, Lincoln is a more desirable place to live, and construction of houses of equal value are built better in Lincoln. One or two percent of the housing stock jumped over the boundary in the form of elite estate-type dwellings on large plots with no city services.

### **Applicability to Albuquerque**

Albuquerque could use a Planned Growth Strategy ordinance as Lincoln uses its city charter to back up the growth management plan contained in a section of the Comprehensive

Plan and could require the Comprehensive Plan to address future location and timing of growth. This could provide a legal basis and direction for the Comprehensive Plan.

Lincoln looks at expected growth based on trends. They estimate the number of dwelling and commercial units needed in the next 10 years and determine what contiguous areas to annex and expand into. They do not build water or sewer lines unless they are in an area that is targeted to absorb the expected amount of growth. The Capital Improvements Program reflects these projects.

Lincoln only extends water and sewer where it is economical and reasonable in terms of their gravity system and drainage basin. Growth and the extension of services are intertwined. They determine what direction they want to grow in and put that in the Comprehensive Plan. The Capital Improvements Program follows the plan. The city annexes land it wants to develop, and they have an agreement with the county that all urban-type development will take place within the city limits.

The Capital Improvements Program process is similar to Albuquerque, except the direction of new facility construction is coordinated with a growth plan defining location and timing of growth, and the Capital Improvements Program is directly related to the Comprehensive Plan. Lincoln is quite conscious of the costs associated with construction and maintenance of new facilities and therefore requires cost-sharing, even if included in the Capital Improvements Program.

If a development does not follow the plan, they do not get a building permit. As a result of the plan, infrastructure has been better able to keep pace with growth, and there is more predictability. Operation and maintenance of infrastructure is financed through a combination of sources: (1) utilities pay out of fees collected through enterprise fund, (2) roads are maintained through a wheel tax, gas tax, and state and federal funds; and (3) Capital Improvements Program.

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The Comprehensive Plan contains the following annexation considerations that could be useful for Albuquerque: (Chapter VIII, page 191)

- The boundaries for providing municipal services should generally coincide with the jurisdictional boundaries of the community.
- The extension of water or sewer service shall be predicated upon an annexation, which shall occur before the land is provided with water or sewer service.
- Land that is remote from the limits of the City of Lincoln will not be annexed; land that is contiguous and generally urban in character may be annexed; and land which is engulfed by the city should be annexed.

The Lincoln city charter contains the following language regarding the Comprehensive Plan (Sec. 4) that could be useful for Albuquerque's planned growth ordinance:

- (6) The general location of existing and proposed public buildings, structures, and facilities.

The Comprehensive Plan shall include a land-use plan showing the proposed general distribution and general location of business and industry, residential areas, utilities, and recreational, educational, and other categories of public and private land uses. The land-use plan shall also show recommended standards of population density and building intensity based upon population estimates and providing for activities for which space should be supplied within the area covered by the plan. The Comprehensive Plan shall include and show proposals for acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale and other actions affecting public improvements. (amendment of March 3, 1959)

Section 7 of the Lincoln city charter on Capital Improvements includes the following language

which could help guide Albuquerque's ordinance:

The planning director shall examine each recommended project for conformity to the Comprehensive Plan and shall prepare a consolidated schedule of the projects recommended by the departments, which schedule shall describe the character and degree of conformity or non-conformity of each project as it relates to the Comprehensive Plan.

1994 Lincoln Comprehensive Plan amendments from April 6, 1999 include helpful language regarding cost sharing for facilities.

#### Chapter II: Land Use Plan

Protect existing public and private investments in services, infrastructure and improvements by requiring new commercial developments to pay their "fair share" of public costs of such developments. In the analysis of "fair share" also do an analysis of the costs/benefits of the development and consider an analysis of impacts on the Capital Improvements Program.

#### Planned Growth Documents on File

Comprehensive Plan 1994 with 1999 updates incorporated into the document.

City Charter Article IX-B "City Planning Department"

Profiles in Growth Management, Urban Land Institute

#### Website and Contact Person

Kent Morgan, Assistant Director for Long Range Planning: 402-441-6363  
[kmorgan@ci.lincoln.ne.us](mailto:kmorgan@ci.lincoln.ne.us)  
[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Urban redevelopment using Tax Increment Financing and Community Development Block Grant, contact Mark Wullschleger 402-441-7120

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## 10.4.9 Madison, Wisconsin

### Growth Strategy Techniques Implemented

- Urban Service Boundary
- Brief moratorium on urban service expansion in 1990
- Short-term cap on building permits during water tower construction

### Lessons Learned

Madison has an Urban Service Boundary based on protecting water quality and permission to extend sewers. Authority to extend sewers is held by a regional planning commission and the state. The city has a development plan for peripheral areas (three mile extraterritorial jurisdiction) identifying priority areas for urban expansion and growth, setting a phasing sequence. Before urban development is initiated, they require a neighborhood plan including urban services and phasing. Building is not permitted unless sewer lines are present; septic is not allowed in the city. Currently they have a one-year cap on building permits until some elevated reservoirs are built. Platting is allowed, but timing is an issue. It has limited construction of several hundred homes or more.

Madison implemented a brief moratorium on urban service expansion 10 years ago. The planner interviewed said the moratorium was “more trouble than it was worth because growth did not approach the urban service boundary and the idea just made developers mad.” The county has competing interests with the city and tends to approve township development on the edge. An example is a landowner with 56 acres who requested and received approval to develop from the planning commission, resulting in opening 12,000 acres for development. The property is not in the urban phasing plan and is not contiguous (a University research farm operates between the current boundary and the land). Since a regional planning commission has authority over sewer extensions, there is a stopgap opportunity to deny developments that break out of the plan.

The City of Madison has recently drafted a Tax Incremental Finance Plan with the following objectives and policies. Tax Incremental Financing is a governmental finance tool that the city uses to provide funds to construct public infrastructure, promote development opportunities, and expand the future tax base. Tax incremental finance assistance in Madison is only used when the proposed development would not occur "but for" city assistance. The proposed development should be consistent with and reinforce all city plans and lead to the consolidation and redevelopment of underused properties.

### Applicability to Albuquerque

The concept of Tax Increment Financing and the objectives and policies it strives to achieve are a useful approach, though property taxes are not the main source of revenue for the city and county. However, the Madison standards could be a model for other forms of public-private partnerships.

The moratorium on urban service expansion made the developers unhappy at the city and did not accomplish much because growth was not near the boundary. The county has rural and township interests and does not “like” the City of Madison. It tends to approve township development on the edge and tends to undermine the urban service area objectives.

The 1990 peripheral development plan is continually updated. The planner interviewed voiced disappointment that they did not incorporate design standards into the plan because it was a missed opportunity at building neighborhoods with character and quality. They also did not organize commercial areas well. They have not been able to increase densities. Since increased density is in the plan but not in an ordinance, the developers or neighborhoods can insist on providing exemption for a development, and the court upholds the planning staff decision because they say it is equivalent to amending the plan. We can learn from this experience by determining what objectives and standards should be in the ordinance.

In order to use tax incremental financing effectively, the city has produced planning, project, and developer review policies to direct public and private investment toward meeting the following community objectives:

**Downtown Revitalization**

The proposed development should support continued revitalization of the downtown by one or more of the following:

Improving the public infrastructure. Providing a variety of housing choices, through renovation and rehabilitation of existing buildings and higher-density new construction in selected areas to increase the number and diversity of downtown residents.

Attracting, retaining, or expanding businesses.

Encouraging the development of higher concentrations and mixes of commercial, retail, business, and professional office uses, with parking, within mixed-use projects.

Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of commercial districts by adding interest and activity on the first floor of mixed-use buildings.

**Support Neighborhood Revitalization**

The proposed development should support the recommendations of adopted neighborhood plans and other revitalization efforts by:

Improving the public infrastructure.

Stimulating the rehabilitation or removal of deteriorated or dilapidated housing and the creation of mixed-use in-fill redevelopment.

Providing the full range of basic neighborhood goods and services and employment opportunities.

Providing transportation linkages and other urban amenities.

Increasing the supply and variety of high-quality home ownership opportunities.

Increasing residential densities at selected locations as identified in the adopted neighborhood plans or the downtown master plan.

**Support Economic Development**

Support economic development activities intended to stabilize and diversify the city's economic base by:

Improving the public infrastructure.

Supporting development of industrial parks to attract new industries and provide suitable locations for expansion and relocation of existing industries.

Providing financial assistance to new and existing businesses.

**Finance Policies**

Eligible uses of tax incremental finance (not in priority order):

Downtown owner-occupied housing development.

Assisting revitalization of historic or architecturally significant buildings.

Supporting projects that are consistent with adopted neighborhood plans.

Public infrastructure project costs.

Attracting, retaining, or expanding businesses.

Ineligible uses of tax incremental finance:

Speculative office development.

Office development that consists of moving a downtown office or business to another downtown location for purposes other than to retain or substantially expand the business.

Write-downs for land purchases that greatly exceed the assessed value of the current land use(s), as determined by the city.

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**Finance Policies on Housing**

The city wishes to encourage the creation of high-quality, owner-occupied housing projects.

For all owner-occupied projects of 20 units or more, the developer must provide one (1) new or rehabilitated, affordable dwelling unit, in the surrounding neighborhood, for every ten (10) new, owner-occupied dwelling units. The affordable dwelling units shall be made available to income-certified households at 80% of the county median income, adjusted by family size. The term “affordable” is generally defined to mean a mortgage payment that does not exceed 30% of monthly gross income.

For large-scale projects of five acres or more which are predominantly owner-occupied, the city will consider providing tax incremental finance funds for rental housing that preserves historic structures, rehabilitates existing housing, or meets other city goals and objectives.

For all rental housing that occurs as a result of the above, 20% of all rental units must be affordable to income-certified households at 80% of the county median income, adjusted by family size. The affordable rental units shall remain affordable until the tax incremental

finance debt is repaid. The term “affordable” is generally defined to mean a rent that does not exceed 30% of monthly gross income.

**Underwriting Policies for Private Development Projects**

Each project must demonstrate sufficient need for the city’s financial assistance, so that without that assistance, there would be no project.

Every other financial alternative is to be exhausted prior to the use of tax incremental finance, including equity participation, other federal and state funds, bonds, tax credits, loans, etc.

Tax incremental finance assistance will be utilized as gap financing.

Tax incremental finance assistance will be limited to the amount necessary to make a project competitive with other similar projects in the Madison metropolitan market area. The intent is not to provide below-market sales prices or rent subsidies to assisted projects, except as applied to assist affordable housing.

No more than 50% of the net present value of the tax increment generated by a private development project shall be made available to that project as gap financing.

Each project demonstrating a need for tax incremental finance assistance must generate sufficient tax increment to cover or repay both the tax incremental finance contribution to the project and a portion of the planned public infrastructure costs within the tax incremental district.

No increment from other private development projects within a tax increment district may be used to supplement another project’s inability to generate sufficient tax increment.

Each project must demonstrate probability of economic success.

The city will require a personal guaranty for tax incremental finance assistance.

The city will not provide mortgage guarantees.

The developer(s) shall provide a minimum of 10% of the total estimated project costs as equity.

As set forth in Wis. Stats., Tax Incremental Finance may not be used to pay for public infrastructure expenditures that are otherwise paid for by “any income, special assessments, or other revenues, including user fees or charges, other than tax increments, reasonably expected to be received by the city in connection with the implementation of the plan.”

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## 10.4.10 Metropolitan Council, Minnesota

### Growth Strategy Techniques Implemented

- Urban Service Areas
- Revenue Sharing
- Transportation-led planning

### Lessons Learned

The Metropolitan Council is a state-authorized body (established in 1967) that coordinates regional planning and guides development in the seven-county area surrounding the Twin Cities (Minneapolis and St. Paul). This area involves 3,000 square miles and 2.5 million people. The council operates regional services, including wastewater, transit, low-income public housing, and affordable housing. The council also establishes policies for airports, regional parks, highways, transit, sewer, air and water quality, land use, and affordable housing and provides planning and technical assistance to communities in the Twin Cities region. The Metropolitan Council sets the direction for the timing, location, and capacity of regional systems, issues bonds to finance capital improvements, and coordinates extension of services to newly developed areas. Holding funding and bonding authority and operating the airport and regional transportation systems provides actual planning authority to the Metropolitan Council.

The original Urban Service Area plan from the 1970s called for rings of development, or tiers, to grow out from the core. The current strategy recognizes the nuances in communities as they move out in concentric rings, and the new plan is more corridor and transportation driven. By the 1990s, the region grew in size, population, and diversity and does not stick to the original ring pattern.

Revenue sharing, or the “fiscal disparities program,” was enacted by the 1971 legislature in response to concerns about high property taxes, large differences in tax base among

communities, and competition for development by using fiscal incentives that did not always produce the best development decisions. Revenue sharing was a way to make the Twin Cities region a single economic unit, though it contains nearly 300 cities, counties, and special districts within its 3,000 square mile area. It contributes to efficiency in regional infrastructure and capitalizes on location of economic development.

In 1976, the legislature passed the Metropolitan Land Planning Act requiring all local governments in the seven county region to adopt Comprehensive Plans consistent with regional policies and within regional systems capacities, including sewers, transportation, parks and airports. In 1994, under threat from the Governor to disband the council unless it became more “relevant,” the council adopted new regional growth management policies.

Recently, the Metropolitan Council updated their Urban Service Areas concept. The definition of urban core changed to include the older neighborhoods in addition to downtown. They also looked at a more efficient way to set boundaries and stage growth patterns. They have set a 2040 line as a maximum growth boundary for the next 40 years and a 2020 line negotiated with communities to accommodate interim residential and employment growth. The objective is to have better land use, use infrastructure more efficiently, and increase density. They embarked on an effort to clean up Brownfields, encourage infill, develop in a transit friendly way, and create transit nodes.

A public-private partnership created a mixed-use development and transit node in a busy section of an older suburb. A shopping strip at a major transportation and employment center had declined. A partnership between the Metropolitan Council, the City of St. Louis Park, and a private developer tore down the shopping strip and put in a mixed-use development. They built higher density housing (townhomes and condominiums), a transit node, and some commercial to support the neighboring office buildings. The city used eminent domain

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to buy the land and sold it to a developer. A combination of different financing mechanisms were used: (1) Tax Increment Financing; (2) Metropolitan Council's "Tax based revitalization account" for environmental cleanup; (3) Metropolitan Council's "Livable communities demonstration fund" that can finance transit-oriented development; (4) Metropolitan Council's planning grant for the city to "re-vision" the area; (5) Metropolitan Council's livable communities grant paid for public infrastructure including a new plaza to connect to a parkway; (6) the city relocated streets and utilities through Tax Increment Financing; and (7) Private developers are constructing a mixed-use development with condominiums, office, and commercial. (Industrial Revenue Bonds were not used in this case, but are available for use if appropriate).

Next to this shopping strip was another run-down building with an asbestos problem. It had become tax forfeited, and the city took it over. The Metropolitan Council gave the city a grant to clean up asbestos during demolition, providing more land for redevelopment.

How does Tax Increment Financing work? Tax Increment Financing uses present and future values. For instance, a property may currently generate only \$1,000 in taxes (e.g., the shopping strip with diminished value). If a mixed-use development is completed, the tax value may increase to \$10,000. The difference, or increment, can be used to pay off a bond (of \$9,000, for example). Now they have \$10,000 worth of development. The owner of the building pays the taxes on the \$10,000. The city uses the increment to pay off the bond. The beneficiaries of the property tax get their share of the former value (e.g., portions of the \$1,000) until the bond is paid off. So, for instance, if the property tax is shared  $\frac{1}{3}$  city,  $\frac{1}{3}$  county, and  $\frac{1}{3}$  school district, they each get \$333 instead of \$3,300. But the community benefits because the development generates more gross receipts taxes and stimulates the local area for further development, keeping in mind that the current use did not generate tax money either. Assumption of risk is negotiated between the city and the developer. If the

property does not generate revenue, the city could take it over. Most often in the Twin Cities, the backup is assumed by the developer because these enterprises are usually successful and competition is good. Developers in the market are showing more confidence.

The Metropolitan Council works toward linking regional and local plans. Local Comprehensive Plans are submitted to the Metropolitan Council for review. After approval, they try to coordinate the location of regional services. For instance, they designate town centers as redevelopment areas to target denser housing and jobs to facilitate success of locating a transit station in the development. They provide grants for demonstrations, parks, and open space. For example, the Metropolitan Council is planning a transit center using "T-21" federal transit program funds. Streetscapes and highway improvements are also funded by T-21.

Farther out from the center, they support efforts through affordable housing grants. The housing initiative account helps underwrite the cost of construction or rehabilitation through a grant for certain income groups, e.g., 30% or 60% of median income. Housing developments can contain mixed income units—out of 60 units, 10 are slated for 30% of median income, 10 are slated for 60% of median income, and 40 are at market rate. The planner interviewed said, "It becomes difficult to tell which are subsidized units by looking at them."

Overall, Metropolitan Council planning is driven by the Urban Service Areas concept. They do a 25-year forecast to plan how to accommodate future populations. Then they ratchet down to communities and send the proposed projections out to the seven counties who say whether they agree, disagree, or want to negotiate. They have found that they have been accurate with projections for population and jobs, but less accurate with housing units. Then the Metropolitan Council looks at how they will provide sewer service, highway, transit, parks, and the communities plan how to accommodate additional houses and jobs. A

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built out area may have infill, and a newer area will suggest staging of development of land in five-year increments, depending on how big they are and how fast they are growing. May have an annual staging area.

### **Applicability to Albuquerque**

Much of the motivation to plan regionally has been for fiscal efficiency and to spread the costs and benefits of regional centers (e.g., Mall of America in a suburb, new arena in downtown of city, etc.). As a region, they recognized that they could not afford to provide every landowner with equal amounts of sewer, water, and transportation. They make investments in stages. They put the plan out for discussion and comment before implementation.

Albuquerque is not located in as large a metropolitan region as the Twin Cities Metropolitan Area and does not have as diverse an economy that hosts numerous large and small employers paying high wages. The Twin Cities contains a significant number of corporate and financial headquarters that create a strong economic base.

The concept of purchasing land for improvements and initiating mixed-use development has promise, as has the public/private partnership to revitalize a declining area that has great potential for improvement.

The Metropolitan Council is not merely a planning body but operates major metropolitan services (airport, transit, and wastewater), and has bonding authority and a budget to fund projects and implement plans. They have authority based on state legislation and funding. Though there is still municipal distrust of a larger, regional authority making local decisions, the Metropolitan Council appears to have more planning authority than, say, the Council of Governments model. Regardless, the concept of making a regional plan for land use and regional infrastructure needs for the next 20 and 40 years could be applicable to our area.

### **Planned Growth Documents on File**

“Regional Blueprint” December 1996.

“A Smart Growth Strategy for Transforming Sprawl into Livable Communities: Regional Growth Strategy for the Twin Cities Metropolitan Area” by John Kari, October 1999.

“Metro 2040: A Growth Strategy for the Region” from the Website.

### **Website and Contact Person**

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## 10.4.11 Minneapolis, Minnesota

### Growth Strategy Techniques Implemented

- Infill and Redevelopment
- Downtown Revitalization
- Neighborhood Planning and Revitalization
- Public/Private Partnerships
- Revenue Sharing

### Lessons Learned

Minneapolis submits its Comprehensive Plan to the Metropolitan Council, taking into account the growth projections that were provided by the Metropolitan Council. Minneapolis continues to experience an economic boom, and growth is expected to be 10,000 new households by 2020 and an increase in downtown office space. Though population has gradually shifted to the suburbs since 1950, there has also been a significant influx of immigrants and racial minorities. The planner interviewed said that the Tiered Growth Concept used by the Metropolitan Council does not apply to Minneapolis because it is a fully developed city that can not expand its borders. Any growth has to be internal. As the city is built out, they are identifying potential housing sites where the land could be redeveloped into moderate or high-density housing. The downtown warehouse district is the place where most of the city's new housing is currently being developed. It is on an old rail area along the river that has been cleaned and is filling up, with at least 1,500 units planned (and many already built) so far.

In 1991, Minneapolis established a neighborhood revitalization effort. The state legislature allowed the city to refinance bond funds to back off payments for the program (\$400 million). Each of the 81 residential neighborhoods could come up with their own plan and make requests depending upon their own priorities, e.g., more police patrol, lighting, gyms, playgrounds, etc. They went through hearings and then were funded. Much funding went to housing and economic development in the

neighborhoods. A separate agency, the Minneapolis Community Development Agency rehabilitates or razes houses and builds infill. They receive funding from the city and federal government.

Minneapolis worked hard for a number of years to revitalize and maintain the vitality of downtown. This effort has been very successful, and the downtown is busy day and night. A partnership between the downtown council, Chamber of Commerce and city worked together. Theaters were refurbished with Minneapolis Community Development Agency money. The Target Arena hosts a professional basketball team and concerts and draws people into bars and restaurants. It has diminished as an employment center, though there still are a number of corporate headquarters and a great deal of commercial (retail center with major department stores, boutiques, a variety of restaurants, art galleries, and upscale stores and hotels). There is also an increasing number of residential condominiums—26,000–27,000 people live downtown— attracted to the urban life, with skyways leading to shopping, orchestra hall, arena, theaters, etc.). Artistic, one-of-a-kind and low impact signage contributes to the atmosphere and was a joint effort by the downtown council and city. The downtown is very much a planned area. The Comprehensive Plan for downtown is to keep it compact so it would grow up and not out. Parking structures around the perimeter are financed primarily by the city. By keeping parking on the periphery, the 150,000 people employed downtown would stay in the central area to eat and shop. Downtown has become a prestigious location and is attractive to developers and businesses.

Where incentives are needed, gap financing is provided and the Minneapolis Community Development Agency provides funding. Zoning adjustments are also made to facilitate projects. Outside downtown, the city writes down land for industrial development. The city takes the property through eminent domain (the public purpose is to bring in industry and jobs). Sometimes the city acts as a developer or partner for an industrial park. Sometimes the

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city is disappointed by developers who employ people who are not city residents (The goal was to hire city residents and the disadvantaged).

The good relationship between the city and private business started in the 1960s when they created the Nicollet Street mall (a street that crosses the entire downtown and runs past major retail and employment centers with a wide pedestrian walkway and only allows buses, taxis and bicycles on the road.) Dayton's department store started the 5% club that gives 5% of pretax profits to the community, which induced many other private firms to do the same. As local businesses are being acquired, such giving has diminished.

Tax revenue sharing is based on a complex formula for which every jurisdiction contributes approximately 40% of tax revenues and the Metropolitan Council redistributes the funds throughout the seven-county metro area. In this way, the older sections of the city do not subsidize the new infrastructure for the developing suburbs, and the Mall of America in Bloomington pays taxes to support roads leading to the area.

Have requirements caused a jump over boundaries? The planner said that industries which wanted to expand could not be accommodated fast enough. Brownfields remaining still need clean-up, and land is cheaper and more available in the suburbs.

Housing and apartment rents are dramatically increasing. The median sales price for homes in the first quarter of 1998 was \$89,000 and has risen to \$97,750 in 1999. The median rent at midyear in 1998 was \$495 and has risen to \$575 in mid-1999. The housing crunch is not related to the growth management program, rather it is related to the economic boom and desirability of Minneapolis as a place to live, because the Urban Service Area concept from the Metropolitan Council applies to the seven-county metropolitan area and not to the City of Minneapolis alone.

The housing shortage and price increases have caused the city council to establish task forces

to look at affordable housing and homelessness. Last year the city passed a resolution on affordable housing with the major emphasis on requiring any multiunit rental building of 10 or more units with a city subsidy to contain at least 20% affordable housing units. The full resolution is on the Website.

The main transportation issue in the region is the first Light Rail Transit line that is proposed to go from the Mall of America, through the airport, to end in downtown Minneapolis. It is awaiting final appropriation from Congress this fall. In general, congestion is rising throughout the region, and many are realizing that they can not just keep widening the freeways. The Metropolitan Council is the lead on planning regional transportation and also runs the bus system.

The number of housing units in the city has generally been decreasing over the 1990s. The city has been very assertive in removing condemned buildings if they could not be rehabilitated within certain cost limits. In 1998, the city began major demolition of roughly 1,000 public housing units which were concentrated. The site will be redeveloped as mixed income housing with roughly 900 units going back in on site. With the downtown housing and the public housing site redevelopment, housing numbers should start to increase in 2000 and 2001.

### **Applicability to Albuquerque**

Minneapolis has a strong economy and has a history of planning. The demographics of the city have changed as an influx of low-income residents have moved in and higher income families move to the suburbs. Minneapolis has had a long and successful effort revitalizing and maintaining the downtown as an attractive area for residential, commercial and arts. The city worked as a team with the downtown council in revitalization efforts. The downtown is a strong employment and residential center and is a good example of mixed-use. (Part of the area started to grow with the influx of artists and art galleries, and grant-supported activities.) The arena is downtown and has had positive and negative impacts.

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It is also intriguing how the city purchased land through eminent domain to be used for industrial park development in blighted areas. The city is conscious of its position of losing higher income families to the suburbs and has made a strong effort to retain commercial and employment centers as well as families. The city is committed to improving access to affordable housing by changing policies that might act as a deterrent. The neighborhood planning effort is also an useful idea to get small areas involved in improving their neighborhood—at a size they can relate to.

### Planned Growth Documents on File

State of the city report is at [www.ci.minneapolis.mn.us/planning](http://www.ci.minneapolis.mn.us/planning)

### Website and Contact Person

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Minneapolis Community Development Agency handles affordable housing:  
<http://www.mcda.org/>

State of the City has info on population, housing and other factors.  
<http://www.ci.minneapolis.mn.us/city-work/planning/soc99/2-population.pdf> and [soc99/3-housing.pdf](http://www.ci.minneapolis.mn.us/city-work/planning/soc99/3-housing.pdf)

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## 10.4.12 Montgomery County, Maryland

### Growth Strategy Techniques Implemented

- Wedges and Corridors General Plan (water and sewer “envelope”) (1969)
- Adequate Public Facilities Ordinance (1973)
- Transfer of Development Rights (Agricultural Land Preservation) (1980)
- Transit-based planning
- Purchase of open space

### Lessons Learned

Montgomery County is a suburb of Washington, D.C. with approximately 760,000 residents. The Wedges and Corridors general plan adopted in 1969 provided the policy framework to guide development to two major corridors. First they drew a map with a water and sewer “envelope.” According to the policy, if sewer was planned for an area in the future, but the county was not ready to install it, the developer had to put in both septic and water and sewer pipes for future hook-up. No one devel-

oped in those areas because of the marginal expense (It added 10% to the cost of the house). This policy was never challenged in court. The county did not establish a growth boundary, but the sewer envelope created a similar effect. Homes that decided to build outside the zone are large, elite \$600,000 estates with septic. (Septic requirements are quite specific and not allowed everywhere because soil conditions do not allow for adequate percolation.)

In 1973, an adequate public facilities ordinance was adopted. As a condition for project approval, several types of facilities must prove capacity available to serve prospective development. In 1994, the adequate public facilities ordinance requirements were revised to permit continued development near the Metrorail stations as well as for affordable housing. This amendment responded to the discovery that the original requirements were prohibiting higher density growth in these transit areas. The adequate public facilities ordinance sets up six infrastructure “tests” for projects to meet: water, sewer, fire, police response time, schools, and transportation. The planning director stated that it has been helpful to have

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a system in place to tell people what is planned in the Capital Improvements Program for the future six years, but not approve permits until infrastructure meets the level of service and capacity at that time. Density is currently 6 or 7 units/acre, and the northern section is 3 or 4 units/acre. With a good design (e.g., townhouses with courtyards in the middle and interior parking), the neighboring residents are willing to approve 20 units/acre.

They redraw the sewer envelope every two to five years, depending upon growth. They allow for traffic congestion to promote higher density and infill. Public transit system use has stayed stable (while ridership in other locations has declined). Many commuters use the Metrorail to get into D.C. and surrounding employment centers.

The county adopted an agricultural land preservation program in 1980 that provides for Transfer of Development Rights from farmland. Density limit is one unit per 25 acres. Landowners can sell their Transfer of Development Rights to receiving areas designated by maps. The planning director said that Transfer of Development Rights complicates things and does not necessarily help development but does provide equity to rural landowners. They do not use it around metro stations for upzoning, but use Transfer of Development Rights to increase density around the edges. The program is not too difficult to administer. The local bar association and real estate industry know it trades like real estate. Transfer of Development Rights can be banked, and the value can appreciate or depreciate over time (ranges between \$7,000 and \$15,000 per unit). The Transfer of Development Rights is only used for increase in residential density.

The objectives of the growth management program were to “shape development.” They wanted higher density corridors and accessibility to green space within several miles of homes. (The county acquired parks to extend a green belt). Growth management was motivated by designing and maintaining the character they wanted for the county, as much as for finan-

cial concerns. Zoning techniques were also used to shape character using different densities for different areas.

When a proposed development does not follow the plan, they are not permitted to build, based on site plan enforcement. The county has acted as banker of Impact Fees to reimburse the first one in. Impact Fees are collected for all facilities and are paid for each fixture.

Development of affordable housing is required. In 1973, as housing prices were increasing, the county adopted an inclusionary housing program requiring developers of 50 or more residential units to set aside 15% of the units for low- and moderate-income housing. In return, the developers can obtain an increase in permitted density. Within 20 years, they created 9,200 affordable housing units, and the county added another 800 units with other programs.

The Capital Improvements Program has increased in amount but has less of a shortfall because of the growth strategy. It has not created an increase in taxes or utility rates.

### **Applicability to Albuquerque**

Montgomery County’s growth management system has evolved through decades of voter-supported and increasingly sophisticated development planning. The effort has been helped by the support of county residents and leadership shown by planners and elected officials.

The planning director interviewed advised that development here should be viewed in terms of the best use of limited opportunities. We are faced with a set of choices about how to develop and can make decisions in terms of what is in the best financial interest (e.g., most efficient use of infrastructure), what yields a better cost/benefit outcome and what builds the kind of character we want to see in our communities. With adequate public facilities ordinance, partnering between private financing of infrastructure and targeted use of the Capital Improvements Program becomes very clear. The Capital Improvements Program is expect-

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ed to stay consistent with and implement the master plan. In Montgomery County, if a project does not make it into the Capital Improvements Program, a limited amount of funds are still available to cost-share with a developer to build infrastructure.

### Planned Growth Documents on File

Clarksburg Master Plan and Hyattstown Special Study Area, June 1994

Profiles in Growth Management, Urban Land Institute

### Website and Contact Person

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Carl Moritz, current Adequate Public Facilities Program coordinator  
301-495-4555

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## 10.4.13 Orlando, Florida

### Growth Strategy Techniques Implemented

- State Law requires Growth Management Plans (1978)
- Growth Management Plan (1980, 1985, 1991, 2000)
- Concurrency/Adequate Public Facilities (1991)
- Mixed-use activity centers (1991)
- Joint Planning Agreement with Orange County

### Lessons Learned

Orlando is located in Central Florida and has a population of approximately 184,000 in 95 square miles. They have had a Comprehensive Plan since 1926 and created a growth management plan in response to State Statute in 1980. Universal Studios is within the city limits.

According to the city's Growth Management Plan executive summary, from 1980 to 1995, the city expanded by 32,000 acres or 118% and increased the value of its tax base by \$1 billion. A downtown revitalization effort was launched in 1981, and the assessed value of the downtown tax base has increased from \$137 million to \$996 million, holding office and government jobs.

In 1981, Orlando initiated an activity center planning concept, comprised of a concentrated mixed-use core; a fringe of medium intensity uses, and a periphery of low intensity residential uses. In recent revisions, the city adopted a growth management plan with 13 elements. Each element has a section with specific policies related to land development and urban design. Sector plans go into further detail with policies for areas ranging from one parcel to 1,000 acres. They created a land-use map and identified future land use, transportation, housing, and infrastructure. The land-use map established allowable land uses in different areas. The zoning map has to be consistent with it. Main objectives are to (1) protect neighborhoods; (2) enhance amenity framework (e.g., lakes, big streets with big trees); (3) multi-modal transit. (A \$600 million light rail transit project was defeated by the city council).

In 1997, they adopted a transportation concurrency exception area (26,000 acres) to promote infill and discourage sprawl because of the lack of transportation capacity in the city. Higher traffic congestion has led to increased transit ridership.

The Joint Planning Agreement with Orange County defines extraterritorial areas suited for annexation to the city. Yet, the Orange County council believes that the county should be urban, which is not consistent with their Comprehensive Plan. The city has taken on an aggressive annexation policy to bring in vacant

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property for future development. They do have a water and wastewater territorial agreement so as not to duplicate the supply of services. Development has not jumped over the city boundary because developers want the police and fire protection, as well as the accountability of services. Impact Fees in the city and county are similar.

Concurrency works with level of service standards adopted for water, sewer, parks, transportation, drainage and solid waste. Concurrency establishes the expectation that developers build all their infrastructure including water, sewer, and roads. If they build a major collector or arterial, they get Impact Fee credits, or the city constructs it. A project area must be included in the Capital Improvements Program before it is built. The city's economic development office will sometimes negotiate with landowners for annexation and create agreements that can include, for instance, stormwater drainage improvements or adjusted fees. If a project does not follow the plan, they do not get a permit. State law backs up the authority of the "future land-use map." The Capital Improvements Program is targeted to support development in identified plan areas.

The Southeast Sector Plan was a combined effort between the city and 12 major landowners. The cost for the master plan and design guidelines for 20,000 acres was split half by landowners and half by the city. The plan located commercial development in clusters rather than strips and requires retention of wetlands to be connected with "uplands" to preserve land. Transportation corridors had to be laid out. At the end, the private developers hired another consultant and negotiated the final result.

### **Planned Growth Documents on File**

Vision Statement from the City of Orlando's Growth Management Plan and the 1995 Growth Management Plan Executive Summary

### **Website and Contact Person**

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## **10.4.14 Petaluma, California**

### **Growth Strategy Techniques Implemented**

- Building Permit Quotas (1987)
- Urban Service Areas (1987)
- Urban Growth Boundaries (1998)

### **Lessons Learned**

Petaluma is located 45 minutes south of San Francisco. Petaluma has had building permit quotas in effect since 1987. The system is designed to regulate the number of residential allotments granted according to the General Plan. The city council can grant a maximum average of 500 allotments per calendar year (for the succeeding year), no more than 1,000 allotments in any one year and no more than 1,500 allotments in any consecutive 3-year

period. Senior and low-income projects are exempt. The process requires allotments to be procured prior to submittal of a subdivision map and building permit application. If a project wishing to construct 30 units only obtains 10 allocations, they can build the 10 but have to wait to get the full allocation. Design guidelines must be followed for approval of a permit; for instance pedestrian orientation. They tried using a scoring system to achieve objectives (e.g., reduced car trips) but abandoned the system. For years in which building permit requests are far lower than 500, the allotment system is not used. The building permit quotas are now obsolete, according to the planning director, because the 500 unit maximum is not approached.

In 1998, Petaluma adopted a 20-year urban growth boundary. The planning director said that it is not much different from the Urban

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Services Areas (“sphere of influence”) already in place but is a political message to communicate compact urban form. They are finding that new development puts a strain on long-term operation and maintenance of infrastructure because current fees do not pay for additional capacity needed to service new homes off site (e.g., four-lane arterials feeding the area). They are looking at increasing development fees or rejecting developments that cost too much in upkeep or skew the balance of fragile environments (e.g., floodplains). They charge Impact Fees averaging \$20,000 per single-family house, and the planning director stated that this amount is still inadequate in the long term.

They have an affordable housing incentive system including city offset of Impact Fees and an option to provide affordable housing or contribute to an “in-lieu” affordable housing fund. If a proposed development does not fit a plan, the building permit is denied, and the city does not participate in any of the infrastructure.

Revenue or tax base sharing is done for open space and highway corridors. The growth strategy has helped reduce the budget shortfall for capital improvements. The positive unanticipated outcome has been the preservation of the city’s identity achieved by preventing sprawl and creating a green belt separating them and the neighboring municipalities.

## **Applicability to Albuquerque**

Petaluma’s growth management effort has been more city driven than county driven. The city of Petaluma has done platting and created redevelopment districts with reduced Impact Fees and has refurbished infrastructure to attract development to blighted areas. The city constructs infrastructure in key locations to provide a boost to revitalizing an area, e.g., a boardwalk on the riverfront, parking garages, new roadways, or storm drainage systems.

Petaluma is increasingly aware of the long-term responsibility for operation and maintenance of all new infrastructure built for development and incorporates the sharing of responsibility into Impact Fees, level of service standards, and permit approvals.

## **Planned Growth Documents on File**

“City of Petaluma Residential Growth Management System” User’s guide, September 1991

## **Website and Contact Person**

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Capital Improvements Program contact:  
Mike Evert 707-778-4439

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## 10.4.15 Portland Metro, Oregon

### Growth Strategy Techniques Implemented

- Urban Growth Boundary (1979)
- 2040 Regional Growth Concept (1995)
- Functional Plan (1996)

### Lessons Learned

The State of Oregon passed legislation in 1973 establishing a requirement for all cities to define Urban Growth Boundaries separating areas intended for development from those areas to remain and be preserved as farm and forest land. The objectives for the City of Portland were to preserve neighborhood livability and revitalize the downtown. As it became apparent that Portland needed a unified boundary around all jurisdictions in the region, the growth management plan was developed and administered by a regional planning authority called “Metro.”

Metro is an elected regional government comprised of three counties: Multnomah (Portland), Clackamass, and Washington and contains 24 cities. The area covers 460 square miles, 369 of which are in the urban growth boundary. Metro was formed in 1979, when voters of the region approved the transition from an appointed council of governments (Columbia Region Association of Governments - CRAG) to an elected body. In 1992 voters approved a home-rule charter that established Metro as having primary responsibility for regional land-use and transportation planning. The charter also outlines Metro's other responsibilities, such as solid waste disposal; operation of arts and cultural facilities, parks and the zoo; and any other functions assigned to Metro by the voters.

Metro created a boundary to provide a 20-year capacity for growth that was based on established sewer service areas. Metro works closely with Tri-Met, the regional transit agency that set up the light rail system.

More recently, Metro has been working with local governments to develop the “Region 2040” planning process to set basic policies for the form and character of the area for the next 50 years. A 50-year planning horizon allows planners to overcome limitations of a 20-year horizon, anticipating major long-term shifts in settlement patterns, effects of new road and transit networks on location, and density of development and rural development outside the Urban Growth Boundary.

An affordable housing policy requires half of all residential zoning to allow multifamily use and establishes minimum density targets of six to 10 units per acre for each jurisdiction. A large-scale public involvement process surveyed and interviewed citizens about what issues are important to them.

### Applicability to Albuquerque

Developers criticized the formation of the boundary because it was too tight, especially for industrial development or because they were being forced to develop in less desirable areas. Scarce vacant land created a situation of higher density development with lot sizes at half of what they were previously. Because growth management has been required, there has been a considerable amount of coordination and planning for the last 25 years, and citizens are very conscious, knowledgeable, and involved in planning issues.

One motivation for growth management was to preserve agricultural and forest land surrounding the urban areas. Albuquerque has some of these land uses in surrounding areas but may not have the same pressure for preservation.

The process used by Metro in its current growth planning project sounds similar to the Planned Growth Strategy. Metro developed and evaluated three growth alternatives

Based on the technical findings of the alternatives evaluated and almost 17,000 responses from a citizen's survey, the Metro staff constructed a recommended plan for considera-

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tion and adoption by the Metro council. The plan's central objective is to house 1.8 million residents, including 720,000 new residents, within the present growth boundary through development and redevelopment of compact centers and corridors served by high-capacity rail and bus systems. The plan includes:

- Limit the expansion of the Urban Growth Boundary to 14,500 acres of urban reserve, phased in over 50 years.
- Increase density of single-family homes by reducing the average lot size from 13,000 to 6,700 square feet and accommodating 20% of this market into townhouses, duplexes, or small-lot developments.
- Focus  $\frac{1}{3}$  of residential development in transit corridors and station areas.
- Redevelop 19,000 acres of developed land for more intensive uses and designate  $\frac{1}{3}$  of the region's buildable land for mixed-use development.
- Accommodate  $\frac{2}{3}$  of new jobs in centers or along corridors and main streets served by transit.
- Focus compact development, redevelopment, and transit and highway improvements in seven regional centers in addition to central Portland, all of which would be connected by light rail lines.
- Recognize that significant growth of both housing and jobs will occur in neighboring cities.

Metro's implementation style involves educating the citizenry and building consensus rather than imposing regulatory control. It works through local agencies to accomplish most of its aims.

### **Portland, Oregon Transit**

Instead of building a new freeway, a light rail transit line was developed. The first line built by Tri-Met was from Portland east to Gresham, the second line went west to Hillsboro, and a third north/south line is planned. Bus and rail account for 3% of all trips.

### **Planned Growth Documents on File**

2040 Metro Plan from Website

Profiles in Growth Management, Doug Porter, Urban Land Institute

### **Website and Contact Person**

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Capital Improvements Program and Budget info available at 503-797-1616

Growth Management Plan available at <http://www.metro-region.org/growth/tfplan/funcsum.html>

Maps available at [http://mazama.metro-region.org/mapoptix\\_metromap/metromap-start.cfm](http://mazama.metro-region.org/mapoptix_metromap/metromap-start.cfm)

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## 10.4.16 Salem, Oregon

### Growth Strategy Techniques Implemented

- Urban Growth Boundary (1972)
- Council Designates Urban Service Areas (facilities) (1979)
- Intergovernmental agreements
- Growth management and land-use decisions must be incorporated into Comprehensive Plans and consistent with neighboring jurisdictions
- Zoning code implements the plan
- Target areas included in the Capital Improvements Program

Urban growth boundary predicts land needed for 20-year supply of residential, commercial, and industrial development. All neighboring jurisdictions are part of the boundary plan and law requires complete consensus to change boundaries. Within the Urban Growth Boundary, the council designates an urban service area (urban facilities area) and can redraw the boundaries guided by municipal code Chapter 66 “Urban Growth Management.” The line can be redrawn only if facilities are in place or fully committed (e.g., budgeted in the Capital Improvements Program). If a developer goes outside the urban service boundary (but within the urban growth boundary) the developer pays all facilities and services. If new developments fill in, Impact Fees may pay back the first developer. No incentives are provided through the impact fee system. Target areas are included in the Capital Improvements Program.

### Lessons Learned

Oregon state law prohibits extending beyond urban growth boundaries. State law creates a level playing field in which all jurisdictions have to develop growth management plans and agree on boundaries. The necessity for

consensus with neighbors makes it difficult to change boundaries. Mediation is sometimes needed to get areas to expand. Ballot initiative is being circulated to require voter approval each time an area would be annexed. The zoning code chapter covering growth management requires compliance with the Comprehensive Plan, and cites need to collect an increased share of the costs of growth through “system development charges” collected from that growth because of public reluctance to accept continual increases in the cost of local government. The urban service area is adjusted periodically to insure that a 10-year supply of land is available to prevent artificial increases in prices.

### Applicability to Albuquerque

The council and commission could designate urban service areas funded through the Capital Improvements Program and Impact Fees. Salem found that a 10 year supply of land is adequate to keep prices down and keep infrastructure development manageable.

### Planned Growth Documents on File

Chapter 66, Urban Growth Management of the City of Salem Municipal Code.

### Website and Contact Person

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## 10.4.17 San Diego, California

### Growth Strategy Techniques Implemented

- Urban Service Areas/Tiered Growth (1979)
- Adequate Public Facilities/Concurrency (1970s)
- Transit-Led Infrastructure Planning (1986)
- Facilities Benefit Assessment/Variiegated Impact Fees (1982)
- Some areas use the “Mello-Roos” approach for funding facilities<sup>4</sup>

### Lessons Learned

San Diego (1995 population 1.2 million, 320 square miles) is California’s southernmost large city and is one of the fastest growing metropolitan areas in California and the nation. From 1975–1990, the region gained an average of 55,000 new residents per year. During the 1980s the region attracted 175,000 new jobs (85% in high tech industries).

In the 1970s, they adopted a policy to require adequate public facilities concurrently with proposed developments. In 1979, the city adopted the “Tiered Growth” program aimed to promote infill and redevelopment while ensuring funding for adequate facilities at the urbanizing fringe. The plan established four tiers of development going out in concentric circles from the core: (1) Urbanized; (2) Planned Urbanizing; (3) Future Urbanizing (Urban Reserve); and (4) Parks and Open Space. Fees are set at different levels to reflect actual cost and help target development. Infill and redevelopment are not charged any Impact Fees while fringe development is charged substantial fees. Originally, the plan was intended to redirect suburban growth to the central city and to use property tax revenues for improving facilities in inner neighborhoods. However, this policy was derailed before it could take effect because of Proposition 13 (1978) which rolled back property assessments to their 1975 market value and limited property taxes to 1% of property value. A year later, the Gann initiative tied the

growth of state and local spending to inflation and population growth rates. The second event that undermined San Diego’s central-city development policy was the uncertain legal status of Impact Fees as a funding device. To respond to this issue, the city formulated the Facilities Benefit Assessment program in 1982 to allocate facility costs to development. Capital improvements for transportation, parks, fire protection, libraries, and other facilities were mapped out and costs were estimated. The cost estimates were allocated to anticipated development and paid upon permit request. The revenues remained on deposit in a special fund until expended for planned facilities. However, development groups brought a legal challenge to the fees. The collected fees were in limbo for several years during litigation, holding up improvements. The reliance on revenues from Impact Fees to pay for facilities meant that the city had limited funds to invest in facilities in inner-city neighborhoods because Impact Fees in the inner city were negligible and there is no Capital Improvements Program. The court established the city’s right to levy fees in 1987. Funding facilities in the inner city remains problematic.

Since the early 1980s, the Facilities Benefit Assessment ordinance created a method to distribute the actual cost of facilities to developers based on the location, type, and size of the proposed construction. The financing plan goes 30 years into the future and is adjusted annually. These fees are paid by the developer, and the price varies greatly if it is in an urbanized area with existing infrastructure or in a new area with no existing infrastructure. The Facilities Benefit Assessment is attached to each property as a lien. The Facilities Benefit Assessment is paid when a building permit is pulled. Developers pay for all infrastructure costs associated with a development, even freeway interchanges or collector roads if applicable. Because the true cost of facilities construction is built into the Facilities Benefit Assessment, location of development becomes dependent upon whether the market can support the cost rather than requiring or denying location of development. (Average fee is \$15,000

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-\$20,000, ranging from \$5,000 in the inner city to \$29,000 where no facilities exist). An alternative method in the suburban areas is based on state legislation (Mello-Roos) that allows bonding of facilities; the home buyer pays a fee on their tax assessment for 20-30 years. One problem with the Facilities Benefit Assessment system is that some facilities, such as parks, can not be built until enough development has occurred to build up the bank of those fees.

A project can not be built or expanded unless it is in a community plan. If a developer still wants to build, a plan amendment is needed to get a facilities financing plan.

In 1985, a voter initiative required voter approval for reclassifying future urbanizing land to allow development. The city council also did not want to reclassify this land. In 1987, the council enacted an 18-month Interim Development Ordinance that limited building permits throughout the city to 8,000 per year (about half the demand of the previous year). Almost all the communities surrounding San Diego also adopted growth limits.

San Diego has instituted a public transit system with light rail and bus connections. The San Diego Metropolitan Transit Development Board was created by the state in 1975 and opened the first light rail line in 1981. The original 16 miles have been extended to more than double that. In 1986, the city council enacted a policy to support public transit by having transit as an integral component of all major planning programs. And in 1992, San Diego became the first jurisdiction in the nation to adopt transit-oriented development and design guidelines. The planner interviewed said that they have not had great success implementing transit-led infrastructure planning citywide but do encourage denser development at transit nodes and have a few examples to show, such as the trolley stations located at the region's largest office project, a new shopping mall, and a multi-modal center downtown. As a result, they have increased transit commuting by 40%

in the 1980s, and air quality has improved and congestion is not as bad as it could be.

In his book, *Profiles in Growth Management*, Doug Porter points out flaws in the San Diego system. The system resulted in a significant increase in central city development. However, much of the infill was poorly designed and incompatible with existing residential neighborhoods. They had a policy on paper to require compatibility but did not enforce it. "Unattractive apartment buildings sprang up in low density sites and structures rose on prime waterfront sites blocking views. The failure of the facilities funding program to deliver needed facilities in changing neighborhoods has never been resolved." The administration seemed to focus on short-term planning crises and not on long-range planning. They have waited a long time to replace their "antiquated" zoning system. Developers have had difficulty dealing with an "increasingly militant citizenry and developing in a high-cost environment that is subject to many kinds of fees and exactions and progressively restrictive regulations. More than in most areas, however, developers who win project approval in San Diego stand to gain from their semi-monopolistic status."

In Doug Porter's view, "The tier system is almost certainly responsible for San Diego's escalating housing costs (due to scarcity of developable land) and for stimulating development outside the city boundaries in a host of suburban communities, thus dispersing the future city across more territories. These are effects of the growth management system." Porter asserts that the tier system was both too broad because it lacked detailed neighborhood planning and not broad enough because it should have involved a county-level growth policy. On the forgiving side, San Diego had an unusually high rate of growth and development to cope with, and the tier system and pay-as-you-go infrastructure financing has produced high quality facilities. Also, a large influx of immigrant population put stress on the inner-city housing and school system, leading to overcrowding.

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## Applicability to Albuquerque

According to an Urban Land Institute analysis, San Diego provides the lesson that stop-and-go planning in a growth environment is not sufficient. “The establishment of growth sectors is not a stand-alone policy, a growth sectors policy must recognize the likely implications for regional development and anticipate needs for neighborhood level planning and programming.” Similarly, it demonstrates that Impact Fees can not be the sole source of funds for facilities. San Diego’s center city is harmed by the lack of a Capital Improvements Program and the restrictions set forth from public referendums such as Proposition 13.

Development in San Diego jumped over the boundaries into the county. They would have benefited from a countywide planning program. The tier system is not enough as a stand-alone policy but needs to be supported by both neighborhood level planning and broader regional planning and programming. It is a long-term effort and would need to be dynamic to stay relevant to the changing needs of the area.

## Planned Growth Documents on File

Profiles in Growth Management, by Doug Porter, The Urban Institute, 1996.

## Website and Contact Person

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San Diego Regional Association of Government: George Frank

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New Growth Strategy being developed:  
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### 10.4.18 Tempe, Arizona

#### Growth Strategy Techniques Implemented

- Infill and Redevelopment

#### Lessons Learned

Tempe is a fixed boundary community that is surrounded by three million people in the Phoenix metro area. All facilities and services are in place, and there is no place to expand boundaries. Two years ago, they developed a Comprehensive Plan specifically for the planning process for infill and redevelopment. They divided the city into nine planning areas and are going systematically area by area, taking inventory to determine what is good and bad in the community and working with neighborhoods to put together specific area plans. Implementation plans follow. They started with the older sections and looked for the full

range of mixed-use zoning to lead to dense/intense development. Neighborhoods are seeking more pedestrian friendly designs and access to small “mom and pop” shops. They are looking at developing new ground level shops and upper level residential or commercial.

The downtown is attracting residential and commercial activity through creative use of land and structures. At the Shared Vision Town Hall, David Fackler, the Tempe planner showed an example of rebuilding structures downtown where parking is at street level and a “mini-neighborhood” of multifamily dwellings are built on top with a plaza area. They are installing wireless service downtown so that commerce can be flexible and mobile (“A business person can operate out of the local coffee shop through their laptop and wireless connection”).

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The city also stimulates redevelopment by acquiring property and creating a seed development. They acquire blighted property and make improvements and put out an RFP on the development site. Backed by the power of redevelopment funds and eminent domain, the have acquired, relocated, demolished, and cleaned up environmental problems and then sold properties. Budget surpluses are earmarked to a redevelopment fund for these purposes.

Impact Fees are reduced in target areas. They use a creative tax financing technique to provide a property tax discount to development of new buildings. Through government lease-back of new or renovated buildings, they lower the effective tax approximately 20%. In redevelopment areas, the state can abate the "giblet" tax for up to eight years. These tools are used for attracting large-scale developments and major corporate offices to downtown. They are not used for every development because the city does not want to end up with a white elephant. Another incentive to attract development included government funded parking structures for employees of a major employer during the day and for entertainment seekers at night. For instance, America West Airlines brought in 2,400 employees downtown and requested the city to pay for 1,300 parking spaces. The city always expects a 10-year pay-back on tax incentives or other development boosts. They do not go into a development unless it is a good investment.

### **Applicability to Albuquerque**

The land values in Tempe are high because they in the middle of the booming Phoenix metro area. The airport is located in Tempe, and a lot of traffic passes through. Downtown can support high end housing and commercial because of the location.

Albuquerque could benefit from having wireless technology or cable modem or other fast-Internet connections in commercial districts, if

not citywide. This will help Albuquerque tap into the high technology boom and attract and retain dynamic and expanding businesses.

Since Mr. Fackler stayed in downtown Albuquerque in October 1999, he offered suggestions to make the area feel more welcoming. Though the Doubletree Hotel is located just several blocks from the historic district, he felt like it was disconnected and isolated. He thought that Civic plaza could have some kiosk restaurants and café's built into the corners to make it more inviting and lively. It could become a more usable public space if there were reasons for people in the surrounding buildings to come and eat lunch there, etc. He said that shutting off the trolley at 5:30 gave visitors a message that there is nothing to do or go to. He also thought buildings are turning their back on the street and suggested creating more of a "street edge" with window shopping or other ways to make walking down the street more comfortable and safe. He thought making downtown a "destination point" after 5:30 p.m. would help.

The concept of using a budget surplus for redevelopment is intriguing. It also is intriguing for the city to approach redevelopment as a "seed" effort by purchasing blighted properties, improving them, and packaging them for redevelopment and sale. Like Austin, Tempe does not enter into a redevelopment project or provide tax incentives unless it is a good investment. Tempe always expects a 10-year pay-back on tax incentives or other development boosts.

### **Planned Growth Documents on File**

Shared Vision Town Hall documents

### **Website and Contact Person**

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## 10.4.19 Thurston County, Washington

### Growth Strategy Techniques Implemented

- Urban Growth Boundaries (1983, 1990)
- Transfer of Development Rights

### Lessons Learned

Thurston County is located in the southern part of western Washington at Puget Sound. It contains 735 square miles, of which nearly 93% is unincorporated and includes Olympia, Tumwater, Lacey, and smaller cities.

In 1983, the three largest cities in the county established boundaries for the extension of utilities, as a response to residents' concerns about sprawl during the 1970s. The State of Washington passed the Growth Management Act in 1990 requiring counties to create plans among cities and Comprehensive Plans to implement the plan. The state act also requires capital facility plans designed to implement the land-use plan and annual budget. The plan should demonstrate how services will be provided for the anticipated population for the next six years and is tied to levels of service. By encouraging development within the boundaries, the rural area can be reserved for timber, agriculture, and gravel mining. Joint plans between the cities established final growth boundaries in 1995. Requirements for density were the tool used for establishing urban and rural areas. The urban area has a minimum of four dwelling units per acre, and the rural areas have a maximum of one dwelling unit per five acres. Though the state law requires zoning and density regulations to be consistent with the Comprehensive Plan, the stated requirement of 1 du/5 acres has still allowed farms to be converted to subdivisions. Since these areas are outside the boundary, they use wells and septic tanks. Water and sewer lines are extended by developers, and they pay 100% for that infrastructure. The city Capital Improvements Program in Olympia does not pay for extending water and sewer facilities. Hook-up fees increased from \$800 to \$3,000 to shift the cost of building new treatment capacity. As a vacant

area develops, the "first one in" gets reimbursed through "latecomer" agreements.

Similar to King County, Thurston County established benchmarks to track progress toward achieving the goals of the 1990 Washington State Growth Management Act. Through Comprehensive Plans and county-wide planning policies, they established benchmarks and monitor indicators over time. The Benchmarks Indicators program measures the results of efforts in comprehensive planning and will be updated annually. The first report (baseline) was published in 1996. Data in the report are grouped into five categories: Growth, Transportation, Economy, Environment, and Housing. Each category includes descriptions of the state act goals and county-wide planning policies that will affect future activity within the given category. There has been extensive collaboration between the county and three main cities because they share a sewer utility. A regional transportation council plans for the whole jurisdiction. They have a Transfer of Development Rights program to preserve agricultural areas. The development rights can be traded for higher density.

The state can impose penalties for not following the plan, including withholding of road funding or sales tax revenues. Developers must meet certain requirements to get a building permit. No permits are provided in forestry zones if greater than one unit per 80 acres.

The planner interviewed thought that housing prices had more to do with the regional economy than with the growth management plan. She also thought that people locate according to affordability and lot size. Thurston county is a draw for people from Tacoma looking for lower cost housing, and people who want large lots leave the urban growth areas. She thought that regional factors also influence the access to affordable housing.

Design standards have aimed at making higher density housing more attractive. The emphasis on higher level of service standards

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has improved the quality of the built environment through emphasis on parks and open space and improvement of street standards.

Temporary moratoriums on building permits are used periodically during times of groundwater flooding in the wet season.

### **Applicability to Albuquerque**

Thurston County contains the state capital and a large, rural land area. Yet it is growing quickly as a lower cost alternative for neighboring counties (e.g., Tacoma). Regional planning is required by state law, but the county and region have seen a number of benefits Albuquerque could share. For instance, planning how projected population will be served for the next six years helps the area plan construction of infrastructure and facilities. Plans spell out areas for development and expectations of public and private investment in facil-

ities. Albuquerque could link building permits for projects to the objectives outlined in the plan.

### **Planned Growth Documents on File**

Information from the Website

### **Website and Contact Person**

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<http://www.wa.gov/> - Access Washington and Find-It! Washington <http://find-it.state.wa.us/compass>

**Table 61 Community Problems as a Result of the Growth Management Program**

Responses by interviewees about the community problems that occurred as a result of their growth management program.

|  | Austin | Boulder | Carlsbd, CA | Flagstaff | Fort Collins | King Co. | Lexingt/ FayetteCo | Lincoln | Madison WI | Met Council | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland | Salem | San Diego | Tempe | Thurston Co. |
|--|--------|---------|-------------|-----------|--------------|----------|--------------------|---------|------------|-------------|-------------|------------|---------|----------|----------|-------|-----------|-------|--------------|
| a. Housing cost increased.                       | 2/OF   | 3/OF    | 2           | 2/OF      | 2/OF         | 2        | 2                  | 2       | 1          | 1           | OF          | 1          |         | OF       | 3/OF     | 2/OF  | 3, OF     | 3     | OF           |
| b. Housing jumped over the growth                | 2      | 1       | 1/OF        | 1         | 2            | 1        | 2                  | 1       | 1          | 2/OF        | OF          | 2          |         | 1        | 1        | 1*    | 2, OF     | 1     | 2            |
| c. Employment growth fell.                       | 1      | 1       | 1           | 1         | 1*           | 1        | 1                  | 1       | 1          | 1           | 1           | 1          |         | 1        | 1        | 1     | 1         | 1     | 1            |
| d. Jobs were created over the growth boundary.   | 2      | 2/OF    | 1/OF        | 2/OF      | 1            | 1        | 3/OF               | 1       | 1          | 1           | 2/OF        | 2 cost     |         | 1        | 1        | 1     | 1         | 1     | 1            |
| e. Access to affordable housing was compromised. | OF     | 2       | 2/OF        | OF        | OF           | OF       | 2/OF               | 1       | 1          | 1           | OF          | 1 mandated |         | 1        | 2        | 1     | 2         | 3     | 1            |
| f. Traffic increased.                            | OF     | 2       | 1           | 1/OF      | 2/OF         | 3        | OF                 | 1       | OF         | 1           | 3/OF        | 2/OF       |         | 1        | 1        | 1     | OF        | 1     | 1            |
| g. Other   |        |         |             |           |              |          |                    |         |            |             |             |            |         |          |          |       |           |       |              |

Score Legend: 1 = No, Did not happen; 2 = Somewhat;

3 = Significantly; OF = Attributed to other factors besides the growth management program

Salem: By law, housing can't jump over boundary - county ordinance prohibits subdiv. on lots < 5 acres for well & septic.

**Table 62 Community Benefits as a Result of the Growth Management Program**

Responses by interviewees about the community benefits that occurred as a result of their growth management program.

|  | Austin    | Boulder | Crtsbd CA | Flagstaff | Fort Collins | King Co. | Lexingt/ FayetteCo | Lincoln | Madison WI | Met Council | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland | Salem | San Diego | Tempe | Thurston Co. |
|--|-----------|---------|-----------|-----------|--------------|----------|--------------------|---------|------------|-------------|-------------|------------|---------|----------|----------|-------|-----------|-------|--------------|
| a. Infrastructure kept better pace with growth.    | 2         | 3       | 3         | 3         | too early    | 2        | 3                  | 3       | 3          | 3           | 3           | 3          | 3       | 2/OF     | 3        | 3     | 3         | 3     | 1            |
| b. Housing starts increased.                       | 2         | 1       | 3         | 1         | 2/OF *       | 3        | no effect          | 3/OF    | 3          | 2           | 2/OF        | 1          | 1       | 2/OF     | 3        | 1     | 3         | 3     | 1            |
| c. Housing quality increased.                      | no effect | 3       | OF        | 1         | 2            | 2        | 2                  | 3       | OF         | 2           | 2           | 1          | 3       | 2        | 2        | 3     | 2         | 3     | 3            |
| d. The number of jobs increased.                   | 2         | 2       | 3         | 1         | OF           | 3        | OF                 | 2/OF    | 3          | 3/OF        | 2/OF        | 1          | OF      | NA       | 3        | 3     | 3         | 2     | 2            |
| e. Better quality jobs were created.               | 2         | 2       | 3         | 1         | 1            | OF       | 1                  | 3       | 2          | 3           | 2/OF        | 3          | 3       | NA       | 3/OF     | 3     | N/A       |       |              |
| f. The quality of the built environment increased. | 2         | 3       | 3         | 2         | 3            | 3        | 2                  | 1       | 3          | 2           | 2/OF        | NA         |         | 3        | 3        | 3     | 3         | 3     | 3            |
| g. Public transportation use increased.            | no effect | 3       | 1         | 1         | 1            | 3        | 2                  | 2       | 1          | 2           | 1/OF        | 3          |         | OF       | 3        | 2/OF  | 3         | 2     | 2            |
| h. Alternative transportation modes increased.     | 1         | 2       | 1         | 1         | 1,2          | 3        | N/A                | 1       | 2          | 2           | 1/OF        | 1          |         | OF       | 2        | 3     | 2         | 2     | 2            |
| i. Traffic decreased.                              | 1         | 1       | 1         | 1         | 1            | 1        | 1                  | 2       | 1          | 3           | 1/OF        | 1          |         | 3        | 1        | 1/OF  | 2         | 1     | 1            |
| j. Jobs moved closer to housing.                   | 2         | 2       | 3/OF      | 1/OF      | 2            | 3        | 3                  | 2       | 2          | 2           | 2           | 2          |         | 3        | 3        | 1     | 2         | N/A   |              |
| k. Other   |           |         |           |           |              |          |                    |         |            |             |             |            |         |          |          |       |           |       |              |

Score Legend: 1 = No, Did not happen; 2 = Somewhat;

3 = Significantly; OF = Attributed to other factors besides the growth management program

Notes:

\* San Diego: COG economist estimated that impact fees equal out with what long term property taxes would have been.

\* Fort Collins: Employment growth has been 3%/yr and population at 4%/yr. Expect future growth to = 2%.

\* Fort Collins: During transition phase to new program, there was a rush to get in before rules changed. Took 3 years to feel new program's effects.

Lexington: Adjoining county also has urban growth boundary, so jumping the boundary for housing or jobs less likely.

70% of county is outside the ugb. No employment or housing growth in that 70%.

Though jobs created over the boundary, Lexington is still the major metro area for population.

**Table 63 Comparative Statistics for Interviewed Cities**

|                     | Albuquerque | Austin         | Boulder              | Carlsbad, CA | Flagstaff | Fort Collins | King Co.  | Lexington/<br>Fayette Co. | Lincoln | Madison, WI |
|---------------------|-------------|----------------|----------------------|--------------|-----------|--------------|-----------|---------------------------|---------|-------------|
| Land Area           |             |                |                      |              |           |              |           |                           |         |             |
| City sq mi          | 182         | 256            | 25 city<br>81 valley | 41           | 65        | 60           | 84        | 78                        | 70      | 68          |
| County sq mi        |             |                | 748                  |              | 858       |              |           | 285                       | 85      |             |
| Population          |             |                |                      |              |           |              |           |                           |         |             |
| City                | 385,000     | 613,458        | 95,700               | 73,688       | 60,000    | 110,000      | 539,700   | 232,560                   | 215,000 | 200,000     |
| County              | 526,700     | 709,232        | 129,640              |              | 117,500   | +60,000      | 1,700,000 | 245,000                   | +20,000 | +200,000    |
| Median Income       | \$27,455    |                | \$44,500             |              |           | \$50,900     | \$62,200  |                           |         |             |
| Rate of Growth      | 1.1%        | 3.6%<br>(1997) | 0.9%                 | 3.0%         |           |              |           |                           | 1.6%    | 1.5%        |
| Median Price SF Hom | \$161,400   | \$144,150      | \$305,600            | \$430,000    |           |              | \$175,300 | \$110,000                 |         |             |
| Impact Fees         |             |                |                      | \$13,471     |           | \$15,000     |           | \$13,700                  |         |             |

**Table 63 Comparative Statistics for Interviewed Cities**

|                     | Metropolitan<br>Council | Minneapolis | Montgomery Co. | Orlando   | Petaluma | Portland  | Portland Metro          | Salem       | San Diego            | Tempe   | Thurston Co. |
|---------------------|-------------------------|-------------|----------------|-----------|----------|-----------|-------------------------|-------------|----------------------|---------|--------------|
| Land Area           |                         |             |                |           |          |           |                         |             |                      |         |              |
| City sq mi          |                         | 59          |                | 98        |          |           |                         | 47          | 340                  | 40      |              |
| County sq mi        | 3,000                   |             | 500            |           |          |           | 369 tri-co<br>metro ugb |             | 4,000                |         | 83           |
| Population          |                         |             |                |           |          |           |                         |             |                      |         |              |
| City                |                         | 358,785     |                | 184,000   | 60,000   | 512,395   |                         | 126,600     | 1,200,000            | 160,000 |              |
| County              | 2,515,000               | 1,070,709   | 860,000        | 804,000   |          |           | 1,300,000               | 201,880 ugb | 2,800,000            |         | 202,500      |
| Median Income       | \$68,600                | <\$68,600   |                | \$36,000  |          |           |                         |             | \$28,400             |         | \$40,925     |
| Rate of Growth      | 19.5%                   |             |                |           |          |           |                         |             | 2.0%                 |         | 1.5%         |
| Median Price SF Hom | \$143,500               | \$97,750    |                | \$101,000 |          | \$188,600 |                         |             | \$271,000            |         | \$141,160    |
| Impact Fees         |                         |             |                |           | \$20,000 | \$2,200   | \$2,200-<br>\$9,000     |             | \$5,000-<br>\$29,000 |         |              |

**Table 64 Growth Management Techniques and Approaches Used in Interviewed Locations**

|  | Albuq. | Austin | Boulder | Carlsbd., CA | Flagstaff | Fort Collins | King Co. | Lexingtn | Lincoln        | Madison WI | Met Council | Minneapolis | Montg. Co. | Orlando | Petaluma | Portland    | Salem         | San Diego | Tempe | Thurston Co. |   |
|--|--------|--------|---------|--------------|-----------|--------------|----------|----------|----------------|------------|-------------|-------------|------------|---------|----------|-------------|---------------|-----------|-------|--------------|---|
| Urban Service Areas                              |        | X      | X       | X            | X         | X            |          |          | X              | X          | X           |             | X          | X       | X        |             | X             | X         |       |              |   |
| Urban Growth Boundaries                          |        |        | X       |              | X         | X            | X        | X        | X              |            |             |             |            |         | X        | X           | X             |           |       |              | X |
| Transit-led Infrastructure Planning              |        | X      |         |              |           |              | X        |          |                |            | X           | X           | X          | X       |          | X           |               |           |       | X            |   |
| Purchase Open Space to Preserve Land             |        |        | X       | X            |           |              |          |          |                |            |             |             | X          |         |          |             |               |           |       |              |   |
| Concurrency/Adeq. Pub. Facil. Reqmt.             |        |        |         | X            |           | X            |          |          | X              |            |             |             | X          |         |          |             |               |           |       | X            |   |
| Focused Pub. Inv. Plans/Proj. Specific CIP       |        |        |         | X            |           | X            |          |          |                |            |             |             | X          |         |          |             | X             |           |       |              |   |
| Infill & Redevelopment                           |        | X      |         |              |           |              | X        | X        | X              |            | X           | X           | X          |         |          | X           |               |           | X     | X            |   |
| Build'g Permit/Utility Hook-up Quotas            |        |        | X       | X            |           |              | X temp.  |          |                | X briefly  |             |             |            |         | X        |             |               |           |       |              |   |
| Growth Plan in Municipal Code                    |        |        | X       | X            |           | X            | X        |          | X City Charter |            |             |             |            |         |          | X state law | X             | X         |       |              |   |
| Growth Plan in Land Use Plan & Comp Plan         |        | X      | X       | X            | X         | X            | X        |          | X              | X          | X           | X           | X          |         | X        | X           | X             | X         | X     | X            | X |
| Impact Fees Incentives to Target Areas           |        | X      |         |              |           |              |          | X        |                |            |             |             | X          | X       | X        | X           |               |           | X     | X            |   |
| Deny Building Permit if not Plan Growth Area     |        |        | X       | X            | X         | X            | X        | X        | X              |            |             |             | X          |         |          | X           |               |           | X     |              |   |
| CIP used mostly for O&M                          |        |        |         | X            | X         |              |          | X        | X              |            |             |             |            |         | X        |             |               |           | X     |              | X |
| Developer pay 100% facilities for developmt.     |        |        |         | X            | X         | X            | X        | X        |                |            |             |             |            |         |          |             | X outside UGB |           | X     |              | X |
| Facil. must be in place or funded prior to bldg. |        |        | X       | X            |           |              |          |          |                | X          |             |             | X          |         |          |             |               |           | X     |              |   |
| Intergov'l agreemts. re: location of developmt.  |        |        | X       | X            | X         | X            | X        |          |                |            | X           | X           | X          | X       | X        | X           | X             |           |       |              | X |
| Partner w/priv. sector for redevlpmt./infill     |        | X      |         |              |           |              |          |          |                |            | X           | X           | X          |         | X        |             |               |           | X     | X            |   |
| Regional tax revenue sharing                     |        |        |         |              |           |              |          |          |                |            | X           | X           |            |         |          |             |               |           |       |              |   |
| Keep pace with O&M of infrastructure?            |        |        |         |              |           |              |          |          |                |            | X           |             |            |         |          |             |               |           |       |              |   |
| Community involved in program developmt.         |        | X      | X       | X            |           | X            | X        | X        | X              |            | X           |             |            |         |          | X           |               |           | X     | X            | X |
| Transfer of Developmt. Rights                    |        |        | X       |              |           | X            |          | X        |                |            |             |             | X          |         |          |             |               |           |       |              | X |
| Regional Plan                                    |        |        | X       | X            | X         | X            | X        |          |                |            | X           | X           | X          | X       |          | X           |               |           |       |              | X |
| Affordable Housing Incentives                    |        |        | X       |              |           |              | X        |          |                |            | X           | X           | X          |         | X        | X           |               |           |       | X            |   |
| Design Guidelines                                |        |        | X       | X            | X         | X            |          | X        |                |            | X           | X           | X          | X       | X        |             |               |           |       |              |   |

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# Notes

## Section 3

1. See Section 10.4.6 for the list of benchmarks.
2. Original technique categories included: (1) Urban Service Areas/Tiered Growth; (2) Urban Growth Boundaries; (3) Transit-Led Infrastructure Planning; (4) Zoning Incentives; (5) Adequate Public Facilities Requirements/Concurrency; (6) Focused Public Investment Plans or Project Specific Capital Improvements Program; (7) Infill and Redevelopment; and (8) Building Permit or Utility Hook-up Quotas.
3. Proposition 13 voter referendum set the maximum property tax rate at 1% of the value of the property. The value of property was set at its 1975–1976 level, but allowed to increase by the rate of inflation, up to 2% each year. Property could be revalued only upon a change of ownership. No new property taxes can be imposed. Any special taxes need to be approved by two-thirds of the voters. The state was put in

charge of allocating the proceeds of the locally levied property tax. Source: Proposition 13: Some Unintended Consequences, Jeffrey I. Chapman, Public Policy Institute of California, University of Southern California, September 1998.

4. A method of financing infrastructure for new developments is a new type of debt instrument called the Mello-Roos bond (named after the two legislators who carried the legislation in 1982). It is used to finance any infrastructure or selected services in a geographically defined piece of land called a “community facilities district.” This undeveloped area, can be irregularly shaped and may be drawn with “holes” to exclude particular sections (e.g., developed land). Two-thirds of the voters of the area, or landowners representing two-thirds of the land in the area (who have votes distributed based on the amount of land they own), can vote to issue debt for

capital improvements in the community facilities district. A lien is then placed against the property. As the property is subdivided, each homeowner is responsible for the payment of a share of the debt (which shows up on the homeowner’s property tax bill). The local jurisdiction is not the agency that issues the debt and is therefore not legally responsible for the security of the debt.

Operationally, Mello-Roos debt has replaced some of the property tax that the homeowner might have faced prior to Proposition 13 but may be higher because Mello-Roos debt is more expensive than General Obligation debt because of its higher risk. Source: Proposition 13: Some Unintended Consequences, Jeffrey I. Chapman, Public Policy Institute of California, University of Southern California, September 1998.

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# Appendix A Interview Form

Date Interviewed:

Technique:

City (or County):

State:

Contact Person:

Title:

Phone Number:

E-mail address:

Address:

Other Contacts to follow up:

## **I. Background Info:**

**1. Can you please describe what technique you have used to plan and manage growth?**

A. What were the main objectives of the plan?

B. I have a few more questions, but while I'm thinking of it, please send materials to me, Myra Segal Friedmann at City of Albuquerque, City Council Office, 9th Floor PO Box 1293, Albuquerque, NM 87103. Fax: 505-768-3227.

**2. When was the growth plan implemented?**

**3. Have there been any significant changes to the plan?**

**4. Have there been departures from the plan?**

A. How effective was the plan in managing development?)

**5. What is the area covered by the plan? (Include phase-in)**

A. Approx. land area:

B. Approx. population of the affected area:

**6. Where did the impetus for plan come from? (e.g., state, regional, local, community):**

**7. What was the extent of collaboration between levels of government?**

## **II. Infrastructure Planning and Financing:**

**1. Was the plan linked to a facility extension plan or Capital Improvements Program? How?**

**2. Were incentives provided to encourage development in the planned areas? For instance:**

- 
- A. Included in Capital Improvements Program?
  - B. Reduced Impact Fees?
  - C. Simplified building permit approval process?
  - D. Others?
- 3. Are there disincentives or penalties for not following the plan? What are they?**
  - 4. Was population and employment growth targeted to different parts of the urban area in different time periods, such as for five-year periods?**
  - 5. Did the Capital Improvements Program under the growth plan include specific projects which would serve the expected population and employment in these areas?**
  - 6. Were property owners involved with decisions to build the specific projects in the priority growth areas, or did development just tend to follow the development of infrastructure? How were they involved?**
  - 7. Have infrastructure and services kept pace with construction in newer areas and maintenance in older areas since implementation of the growth management program?**

For Concurrency only:

- A. How does your infrastructure concurrency program work?
- B. Do the infrastructure and services have to be in the Capital Improvements Program or other plan prior to construction?
- C. Can the developer build the infrastructure in partnership with the city?
- D. Can the developer finance the infrastructure through (e.g., Impact Fees)?

### **III. Housing, Transportation, Infrastructure, and Employment Impact Starts:**

- 1. Have any community problems occurred as a result of the growth management program? How so?**

For each of the following issues, would you give it a score of (1) No, did not happen; (2) Somewhat/little, or (3) Significantly. Other Factors (y/n)

- A. Housing cost increased
- B. Housing jumped over the growth boundary
- C. Employment growth fell
- D. Jobs were created over the growth boundary
- E. Access to affordable housing was compromised.
- F. Traffic increased
- G. Other

For each problem identified, could these changes have been a result of factors other than the growth plan (e.g., cyclical changes in the economy or employment layoffs or new job growth)?

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**2. Have any community benefits occurred as a result of the growth management program?**

How so? For each of the following issues, would you give it a score of (1) No, did not happen; (2) Somewhat/little, or (3) Significantly. Other Factors (y/n)

- A. Infrastructure kept better pace with growth.
- B. Housing starts increased
- C. Housing quality increased
- D. The number of jobs increased
- E. Better quality jobs were created
- F. The quality of the built environment increased.
- G. Public transportation use increased.
- H. Other alternative transportation modes increased.
- I. Traffic decreased
- J. Jobs moved closer to housing.
- K. Other

For each benefit identified, could these changes been a result of factors other than the growth plan? (e.g., cyclical changes in the economy or employment layoffs or new job growth?)

**3.**

- A. Has accessibility to affordable housing changed after the implementation of the growth management program?
- B. Are there special programs to increase affordable housing as part of the growth management plan?

**IV. Financing:**

- 1. What percentage does the public and private sector pay for services and facilities?**
- 2. Is there tax base sharing? How does that work? Do urban, suburban, ex-urban, and rural jurisdictions share tax revenues?**
  - A. Has tax revenue sharing been a boon or drain on the major municipality?
- 3. How is operation and maintenance of infrastructure financed?**
- 4. Is there a change in the quality of public services or facilities as a result of the growth strategy?**

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**V. Additional Outcome Information if Available**

- 1. Has there been a noticeable impact on the city or county budget?**
- 2. Has there been an increased shortfall for capital improvements or has any shortfall declined as a result of the growth strategy?**
- 3. Has there been an increase or decrease in taxes or utility rates since implementation due to the implementation of the growth plan?**

**VI. Location of commercial and industrial development relative to residential:**

- 1. Have jobs located near new housing developments as a result of the strategic growth plan?**
- 2. Do you have information on the Jobs:Housing ratio?**
- 3. Have major employers moved in or out of the area?**
  - A. What impacts has this had?

Contact person or report for more information:

**VII. Public Relations:**

- 1. How did you build a broad base of public support and buy-in? (e.g., development community, neighborhoods, advocacy organizations). Did you “market” the program?**

**VIII. Other Impacts:**

- 1. What unanticipated outcomes have there been from this growth management program?**

Positive:

Negative:

**IX. Questions Applicable to Certain Techniques:**

- 1. For Growth Boundaries and Urban Service Areas: Do growth boundaries or urban service Areas get revisited and redrawn?**
- 2. For Transfer of Development Rights:**
  - A. How long does the Transfer of Development Rights process take?
  - B. Approximately how many transfers are done annually? (Large or small?)

- 
- 3. For Infill and Redevelopment: Who were partners in downtown revitalization work? What were results?**
  - 4. For Urban Growth Boundaries only:**
    - A. Is growth “discouraged” inside the growth boundaries during certain time periods?
    - B. Is growth “prohibited” inside or outside the growth boundaries during certain time periods?
  - 5. For Infill and Redevelopment only:**
    - A. Did the infill and redevelopment plan successfully impact the target areas?
    - B. Did the infill and redevelopment plan also effect growth in the metro area?
  - 6. For Building Permit and Water/Sewer Quotas: Do permit and utility hook-up quotas change over time?**

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# Appendix B

## List of Interviewed Locations

### **Interviews organized by the category of original assignment:**

#### **Urban Service Areas/Designated Development Policy Areas/Tiered Growth**

San Diego, CA  
Metropolitan Council, MN  
Orlando, FL  
Flagstaff, AZ  
Austin, TX

#### **Urban Growth Boundaries**

Portland, OR  
Boulder, CO  
Lincoln, NE  
King County, WA  
Thurston County, WA  
Lexington, KY (2/18/00)

#### **Transit-led Infrastructure Planning**

Portland, OR  
King County, WA  
San Diego, CA

#### **Zoning Incentives**

Fort Collins, CO  
Petaluma, CA  
Montgomery County, MD

#### **Adequate Public Facilities Requirements/Concurrency**

Fort Collins, CO  
Montgomery County, MD  
Carlsbad, CA

#### **Focused Public Investment Plans or Project Specific Capital Improvements Program**

Salem, OR

#### **Infill and Redevelopment**

Tempe, AZ  
Minneapolis, MN

#### **Building Permit or Utility Hook-up Quotas**

Carlsbad, CA  
Madison, WI

# **Section 4**

Legal and  
Regulatory Outline

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# 11.0 Planned Growth Regulatory Structure Outline

## 11.1 Introduction

**I**n Chapters 5, 6, 7, and 8 a number of regulatory and financial approaches to address the growth issues facing the City and County were discussed. Many of these approaches related to infrastructure concerns. Specifically, these concerns stem from the impact of the location and pace of growth in the region on the operation, cost, and capacity of public facilities. Accordingly, this outline addresses the following issues:

1. Infrastructure service areas for 10-25 years;
2. Densities for different subareas;
3. Types and mixes of land uses;
4. Linkages between land use and transportation;
5. Variable levels of service;
6. Capital Improvements Program revisions;
7. Exactions /Impact fees/ Development agreement policies;
8. Line Extension Policy;
9. Approaches to regionalism; and
10. Other approaches and policies as appropriate.

In addition, the Planned Growth Strategy supports the adoption of New Urbanist (Traditional Neighborhood Development) codes and subsequent expedited approval processes, establishment of urban design standards, and fostering of affordable housing.

This chapter has been drafted to specify changes needed to implement critical portions of the Planned Growth Strategy Preferred Alternative in the City's codes and regulations. The restatement of these suggested changes in terms of the County's laws and rules was con-

sidered to be repetitive. More importantly, the Planned Growth Strategy supports adopting a unified planning and development code for both the City and County. The City's code and regulations were believed to be a reasonable starting point for creating this new unified code. The final section of this chapter contains specific comments regarding the County.

The City has a number of tools to address these concerns at present. However, many in the community believe that these tools have proven inadequate to direct growth to locations where infrastructure capacity presently exists and to discourage growth in locations where inefficient infrastructure provision would result or where service extensions would need to occur. Despite the efforts to plan comprehensively for growth, as well as the numerous plans that address growth-related issues, growth continues to occur in a manner that is inconsistent with many plan policies.

Three major issues pertaining to these issues are addressed in this outline report. First is the lack of complete implementation and follow-through during prior planning efforts. Despite the many cutting edge policies of the City/County Comprehensive Plan and area plans such as the West Side Strategic Plan, the City and County maintain conventional zoning ordinances that do not prevent or discourage low-density and scattered development patterns and in some ways encourage these patterns. The regulatory structure is inadequate to address the problems addressed by the Planned Growth Strategy.

Second, the City's regulatory structure is divided among a number of different policies, regulations, and external documents. The City maintains a separate Code of Ordinances and Code of Resolutions, each of which must be consulted to determine the rules for providing infrastructure and approving development. Capital Improvements Program extensions are

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governed by a variety of resolutions. The land-use regulations are established in Section 14 of the City Code, which addresses subdivision approval and zoning controls as well as other construction issues. A very extensive and detailed Development Process Manual includes most of the rules that are meaningful to applicants seeking development approval. The City, County, and other general purpose local governments that provide infrastructure and control land use need a unified, consolidated framework for controlling and regulating growth in the community.

Third, and perhaps most importantly, is the issue of intergovernmental coordination. This issue has both institutional and spatial dimensions. At the institutional level, decisions are made at the regional level that impact growth and development both within and beyond the urban area. These decisions primarily relate to the provision of infrastructure, rather than the approval of private development. However, infrastructure has a direct effect on land development patterns. Accordingly, it is important that infrastructure decisions are consistent among the various agencies responsible for their provision in order to fully implement the Planned Growth Strategy.

At the spatial level, several jurisdictions are authorized to approve development outside of the city's incorporated area. Land-use decisions in these areas have an impact on regional travel patterns, water consumption, groundwater resources, and other needs. While it is not the intent of Planned Growth Strategy to curtail development in the county's unincorporated areas or in other areas of the region, it is important to coordinate with other jurisdictions with general police powers. This not only permits implementation of the Planned Growth Strategy, but also provides the development community with a more uniform and predictable set of rules by which to make their decisions.

The ideal scenario is where the jurisdictions and agencies with control over infrastructure decisions and land-use activity agree to imple-

ment the Planned Growth Strategy and to undertake the necessary implementation measures. Otherwise, the need for regional coordination calls for state mandates. The City and County can only influence a number of land-use decisions at the institutional and spatial level. But without state mandates, other agencies (e.g., AMAFCA, N.M. Highway Department) lack incentives to heed the Planned Growth Strategy. The City and County have little control over this situation, although they can lobby for such authority. This report also explores statutory solutions for implementing regional coordination from the state level.

## **11.2 Infrastructure Planning Requirement Changes**

This section compiles regulatory changes related to infrastructure planning requirements. These changes are designed to assure that the requirements are effectively coordinated with the Planned Growth Strategy and the City's (and the County's) adopted land-use policies. Although this discussion is in the context of the City's codes and regulations, as mentioned above, the Planned Growth Strategy supports adopting a unified planning and development code for both the governments. The City's code and regulations were believed to be a reasonable starting point for creating the new unified code.

### **11.2.1 Article I: Planning**

Section 14 of the City Code (Zoning, Planning and Building) should be revised to move Article 13 (Planning; Goals and Objectives) to Article 1 in order to give this section greater priority.<sup>1</sup> This section is modified to provide for the development of population and employment projections that are meaningful for land use and infrastructure planning (i.e., the Planned Growth Strategy Preferred Alternative) rather than projections that simply reinforce the trend.

**Section 1.01 Growth Tiers.**

This section recognizes that the region is divided into the following growth tiers for purposes of comprehensive planning and infrastructure delivery:

- Tier 1
- Tier 2
- Tier 3
- Tier 4

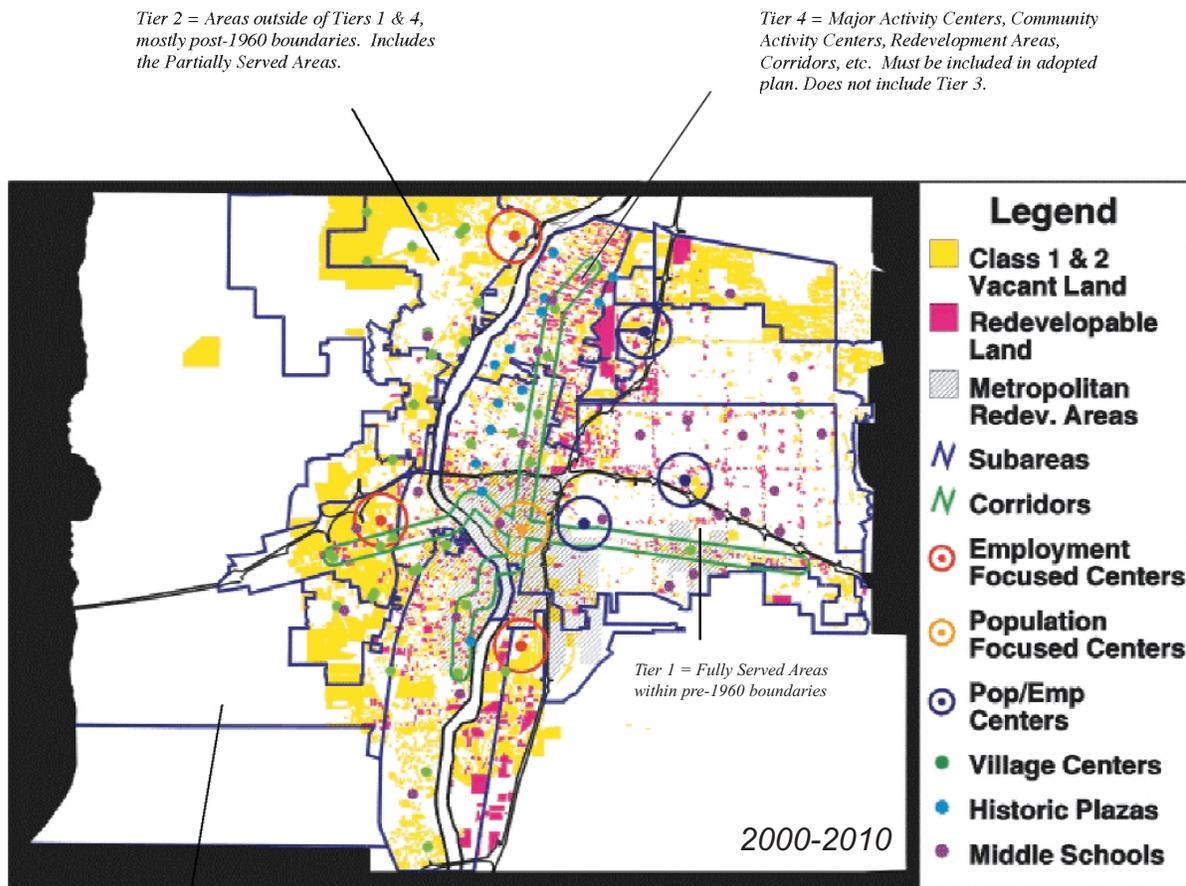
The recommended approach is that new planning codes and development inducements and incentives be based on approved Area, Corridor, and Sector Plans. These Plans assure that community residents and other stake-

holders participate and establish appropriate goals for each area of the community. However, the plans must be consistent with the policies and principals of the Preferred Alternative.

**Section 1.02 Demographic Projections and Analyses.**

- a. Purpose.** To develop projections and analyses of the location, character, and intensity of future growth for purposes of developing land use, service, and infrastructure plans. Based on official population, housing, and employment forecasts for the MRGCOG region conducted by the University of New Mexico's Bureau

**Figure 36  
Growth Tiers**



of Business and Economic Research. Regional projections allocated to Bernalillo County by the MRGCOG. Regional cross-acceptance needed.

- b. Duties and responsibilities.** Planning Department to allocate population and employment projections to DASZs.
- c. Development of projections.**
  - i. Projections to have 0-10 year and 10-25 year horizons.
  - ii. Include housing, population, and employment growth by DASZ and Community Planning Area for the Preferred Alternative.
  - iii. Distribute projections to DASZs based on the Preferred Alternative.
- d. Approval of projections.**
- e. Use of projections.**

**Section 1.03 (now Part 3) Goals and Objectives Linked to Comprehensive Plan, Planned Growth Strategy Preferred Alternative, and adopted goals.<sup>2</sup>**

- a. (now 14-13-3-1) Intent.**
- b. (now 14-13-3-2) Definitions.**
- c. (now 14-13-3-3) Process and sequence for establishing goals and objectives.**

**Section 1.04 (now Part 1) Planning.**

- a. (now 14-13-1-1) Short title.**
- b. (now 14-13-1-2) Rank importance of plans.**
- c. (now 14-13-1-3) Redevelopment and renewal plans. Add requirement for Future Land-use Element designating proposed future general distribution, location, and extent of the uses of land for residential, commercial, industrial, and institutional uses.**
- d. (now 14-13-1-4) Procedure for plan adoption or amendment; fee.**
- e. (now 14-13-1-5) Annually revised planning program.**

**Section 1.05 Part 2: Planning Commission.**

- a.-h. Insert current §§ 14-13-2-1 (Environmental Planning Commission created) through 14-13-2-8 (Greater Albuquerque Recreational Trails Committee).**

**11.2.2 Article II: Level of Service.**

The cornerstone of any land-use policy grounded on infrastructure decisions is the development of binding level of service standards. The level of service standards affect both public infrastructure development and private land-use decisions. Level of service standards are established for subareas of the urban area, e.g., hydrology basins, transportation sheds, water trunks. This Article should be moved to Section 2 of Article 14 because of its importance.

**Section 2.01 Purpose, Intent, and Findings.**

- a. Provide an objective, quantifiable system for making infrastructure investment and capacity expansion decisions.**
- b. Provide an equitable and effective means for linking land use and infrastructure decisions.**
- c. Provide a good faith program for expanding capacity needed to accommodate the anticipated future population, housing and employment growth.**
- d. Provide infrastructure in a strategic and targeted manner that supports the land use and growth objectives contained in the Planned Growth Strategy Preferred Alternative.**

**Section 2.02 Applicability.**

- a. Policy not to approve project request forms for proposed capital improvements until their impact on level of service and growth inducing impacts is reviewed.**

**b. No application for development approval approved if it would cause a reduction in adopted level of service.**

**c. Identify exempted areas, e.g., the 1960 City Limits consistent with the Planned Growth Strategy Preferred Alternative.**

**Section 2.03 Level of Service Standards.**  
Level of service standards vary in subareas depending upon development goals.

**Section 2.04 Service Areas.** Establishes the following service areas for purposes of infrastructure planning and development review:

**a. Transportation.**

- i. Areawide traffic sheds. The traffic sheds may encompass an entire Tier (see above), or large subareas where traffic is bounded by regional arterial facilities or other planning criteria.
- ii. Local area review – this relates to permitting. In addition to meeting level of service for regional facilities, local area review will apply to any project exceeding more than 50 trips during the P.M. peak hour. It addresses impacts on local/collector or higher order intersections, collector or higher order streets, and signalization within 1/4 mile of the proposed development.

**b. Water.**

**c. Wastewater.**

**d. Hydrology.**

**e. Parks.**

**f. Public Schools.**

**Section 2.05 Procedures for Processing Applications for Development Approval (cross-reference Unified Growth Code [see Section 2, below]).**

**Section 2.06 Procedures for Processing Applications for Capital Improvements.**

**a. No capital improvement will be included in Capital Improvements Program until a project request form is submitted as part of the Capital Improvements Program process.**

**b. No capital improvement will be included in Capital Improvements Program unless the project request form includes the following information and analysis (asterisk "\*" indicates items not presently required):**

- i. Growth Tier (traffic shed, water pressure zone, wastewater, and hydrology basin, etc.). If outside of Tiers 1 and 4, include a statement about the growth inducing impacts outside of Tiers 1 and 4 of the facility including: capacity (reference [viii, below]), population/employment estimate, adopted population/employment forecast, and explanation of any restrictions on access that would mitigate growth inducing impacts.
- ii. Community Planning Area.
- iii. Plan area.
- iv. Project type: growth, rehabilitation, deficiency, mandate.
- v. Scope.
- vi. Justification.
- vii. Alternatives.
- viii. \*Infrastructure capacity.
- ix. \*Level of service resulting from construction of improvement.
- x. \*Amount and percent of capacity needed for deficiencies.
- xi. \*Amount and percent of capacity needed to accommodate new growth.
- xii. Coordination.<sup>3</sup>
- xiii. Current phase or development status of project.
- xiv. Source of funds, use of funds: source, amount, use, estimated cost. \*Add a statement as to availability of funds by year and whether funds are subject to a referendum.
- xv. Future phases.

- 
- xvi. FY estimated completion.
  - xvii. Net cost impact.
  - xviii. Rating score and rank based on adopted evaluated criteria. Evaluation based on consistency with the Comprehensive Plan, adopted Goals and the Planned Growth Strategy Preferred Alternative.

### **11.2.3 Article III: Capital Improvements Program**

Add the following to Section 2, Article 12. The Capital Improvements Program ordinance is not moved to Article 14 because it addresses all capital improvements, not only those related to new development. At present, the Capital Improvements Program is developed through interagency meetings to prioritize projects. However, there are few institutional procedures to build the Comprehensive Plan and Planned Growth Strategy land-use policies into the project selection and funding process. Further, Area and Sector plans do not evaluate the systemwide transportation and other infrastructure implications of land-use alternatives. This requires the Public Works Department and other Departments to analyze facility impacts after the fact.

Interagency coordination is also an issue. Separate City and County Departments are responsible for critical decisions concerning the future of the area, especially Planning,

Public Works, Environmental Health, Transit and Parking, Parks and Recreation, and Family and Community Services. The Transportation Planning Division is part of the Public Works Department and prepares projects for inclusion in the Long Range Transportation Plan and identifies local street improvements funded in the Capital Improvements Program, the General Fund, and Special Assessment Districts. These projects do not require input by Planning, Transit, or Environmental Health. The Capital Improvements Program approval process focuses on prioritizing projects for funding without programmatic coordination.

The following outline describes an approach for improving interagency coordination and consistency between the Planned Growth Strategy, Comprehensive Plan, and the Capital Improvements Program. The Capital Improvements Program should be a strategic plan to support the policies in the Comprehensive Plan and the Planned Growth Strategy Preferred Alternative and to achieve long-term Goals. It should address all public capital expenditures (combining funding sources) in the metropolitan area. It should include a narrative of how the capital program carries out the community's policies and goals, especially related to urban growth and the revitalization of older neighborhoods.

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**Section 3.01 Scope (2-12-1) (add the following consistent with 2.02(b), above).**

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**Project Reference Forms already include:**

- Community Planning Area
- Plan area
- Project type: growth, rehabilitation, deficiency, mandate
- Scope
- Justification
- Alternatives
- Coordination (often left blank; sometimes references other programs or facilities; sometimes references efforts with other agencies)
- Current phase of project
- Source of funds, use of funds: source, amount, use, estimated cost
- Future phases
- FY estimated completion
- Net cost impact
- Rating score and rank

**The following should be added:**

- A map of the project's location in relation to its service area, Planned Growth Strategy center or corridor, and the redevelopment or other plan area.
- The capacity added by the facility (if new growth related).
- Level of service resulting from construction of the facility.
- Amount and percent of capacity needed for deficiencies.
- A description of any growth inducing impacts produced by the facility.

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**Section 3.02 Requirements for Monitoring and Evaluation.**

**Section 3.03 Non-Funded Capital Improvements.**

Non-funded capital improvements are those that are schedule in a designated year of the Capital Improvements Program but that lack a funding source. Non-funded improvements may be used for long-range planning and informational purposes but cannot be considered in evaluating compliance with concurrency unless a development agreement is executed that provides for full funding of the improvements at the time the impacts of the development will be felt.

**11.2.4 Article IV: Impact Fees and Utility Expansion Charges/ Development Agreements/ Exactions.**

These sections should be codified together in Section 14 of the City Code because they all address the obligations of new development for capital improvements. In general, the recommendations are made for development that is served with urban infrastructure.

**Section 4.01 Impact Fees and Utility Expansion Charges.**

- a. Findings.**
- b. Purpose and intent.**
- c. Definitions.**
- d. General provisions; applicability.**
  - i. Term.
  - ii. Annual review.
  - iii. Define Local Serving infrastructure and Area Serving infrastructure.
  - iv. Affected areas. This is the most critical provision for purposes of Planned Growth Strategy consistency. Establish subareas: Fully Served (Tier 1), Partially Served (Tier 2), Unserved (Tier 3), and plan-prioritized Centers, Corridors, Redevelopment, etc. Areas, not in Unserved Areas (Tier 4). Provide waivers for Tiers 1 and 4 and other areas consistent with the Planned Growth Strategy Preferred Alternative.
  - v. Development fee district.
  - vi. Type of development and subareas affected (Tiers 1, 2, and 4 only).
  - vii. Type of development and subareas not affected – Tier 3.

**e. Procedures for imposition, calculation, and collection of development fees.**

- i. In general.
- ii. Calculation. Establish benefit districts by pressure zone (for water fees), basins (for wastewater fees), regional detention (for hydrology), transportation sheds (traffic and transit), and related areas for other infrastructure types with marginal costs allocated to anticipated growth within each subarea.
- iii. Offsets. Reductions in Impact Fees allowed for development characteristics that reduce use of infrastructure, e.g., for transportation, include exemption or trip reduction for compact development forms, develop-

ment with transit-oriented design, enhanced jobs-housing balance.

- iv. Collection.

- f. Establishment of development fee accounts; appropriation of development fee funds; and refunds.**
- g. Appeals.**

**Section 4.02 Development Agreements.**

- a. Purpose and intent.**
- b. Authorization.**
- c. Definitions.**
- d. Applicability.**
  - i. By location.

| Type of Approval              | Mandatory (M) or Optional (O) or Not Applicable (NA) |        |        |        |
|-------------------------------|--|--------|--------|--------|
|                               | Tier 1   | Tier 2 | Tier 3 | Tier 4 |
| Planned Communities           | NA   | O      | M      | NA     |
| Plan Amendments               | NA   | O      | M      | NA     |
| Rezoning                      | NA   | O      | M      | NA     |
| Preliminary Subdivision Plats | NA   | O      | M      | NA     |
| Site Development Plans        | NA   | O      | M      | NA     |
| Special Exceptions            | NA   | O      | M      | NA     |

- ii. By situation.
  - 1. Projects in which developer proposes to advance capacity of improvements in Capital Improvements Program.
  - 2. Projects using infrastructure capacity not scheduled in Capital Improvements Program.

**e. Criteria for entering development agreements.**

- i. Impact fees not computed in Tier 3 so infrastructure demands must be determined on case-by-case basis, or
- ii. Developer proposes infrastructure improvements or other benefits

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different from the requirements of the Impact Fees/Utility Expansion Charge ordinances.

**f. Procedure for entering development agreements.**

- i. Initiation by application.
  1. Contents of the application.
  2. Contents of development agreement.
  3. Review by Planning Director.
  4. Notice of the Planning Commission public hearing.
- ii. Planning Commission recommendation.
- iii. Failure of Planning Commission to approve.
- iv. Governing body public hearing.
- v. Action by the governing body/ required findings.
- vi. Ordinance.
- vii. Execution of development agreement.
- viii. Notice of decision of governing body.
- ix. Recordation of agreement.
- x. Fees.
- xi. Coordination of development agreement application with other discretionary approvals.

**g. Contents of development agreements.**

- i. Consistency with Comprehensive Plan and Planned Growth Strategy Preferred Alternative.
- ii. Legal description.
- iii. Duration of agreement.
- iv. Uses permitted, building intensities and height, design restrictions.
- v. Description of on- and off-site public facilities serving the development, including who will provide the facilities; the date any new facilities will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the develop-

ment. Restrict agreements that allocate capacity from projected development from a higher priority tier.<sup>4</sup> Include any facilities not included in Capital Improvements Program. Address all of the following:<sup>5</sup>

1. Categories of improvements.
2. Project related improvements.
3. Improvements not on Capital Improvements Program.
4. Improvements in Capital Improvements Program and whether development is staged pending availability of improvement, or whether developer is advancing the facility and securing reimbursement.
5. Improvements subject to Impact Fees/Utility Expansion Charges.
6. Existing improvements with excess capacity.
7. Maintenance, rehabilitation, repair and operations. For Planned Communities in the Rural and Reserve Areas, the developer may establish a special assessment district (NMSA §§ 3-33-1), special tax district, and special rate district for public and off-site improvements, or a homeowners association for off-site or private improvements.
- vi. Pay back provisions for infrastructure in Tier 2.
- vii. Pay back provisions in Tier 3— from special tax and rate districts only.
- viii. Reservation or dedication of land for public purposes.
- ix. Description of development permits approved or needed to be approved.
- x. A finding that the development permitted or proposed is consistent with the Comprehensive Plan and the Planned Growth Strategy Preferred Alternative.
- xi. Conditions, terms, restrictions, or other requirements for public health, safety, or welfare.

- xii. Statement indicating that failure to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

**h. Existing and subsequently adopted rules, regulations, ordinances, laws and policies.**

**i. Subsequently adopted state and federal law.**

**j. Periodic review, termination or modification.**

**k. Amendment or cancellation of agreement.**

**l. Annexation.**

**m. Enforcement.**

**Section 4.03 Exactions.**

**a. General policy – necessity for dedication as a condition of development approval:**

- i. Rights-of-way.
- ii. Streets (i.e., parts of arterials, collectors, curb and gutter, etc.).
- iii. Parks, open space, and trails.
- iv. Hydrology.
- v. Water, wastewater – cross-reference Line Extension Policy (Article V, below).

**b. Definitions.**

**c. Applicability.**

- i. Applies in all Tiers with respect to developer responsibility to bear a portion of infrastructure development costs and rights-of-way dedications, e.g., for local streets, water and sewer service lines, a portion of collector and arterial streets.
- ii. Applies in Tier 2 when level of service review indicates that infrastructure capacity is not available to support proposed development. (Development agreement used as the legal instrument.)

- iii. Policy-based exemptions, e.g., affordable housing, Tiers 1 and 4 in cases consistent with the Planned Growth Strategy Preferred Alternative.

**d. Developer's obligation.**

**e. Rough proportionality determination.**

- i. Establish methodology for computing exactions that incorporates rough proportionality standard of United States Supreme Court decision in *Dolan v. City of Tigard*.
- ii. Incorporate impact reduction factors for developments that, because of design features, use infrastructure more efficiently (e.g., generate fewer trips, use less water, generate less wastewater, etc.).

**f. Acceptance of dedication.**

**g. Appeal of determination.**

**h. Exemptions.**

**11.2.5 Article V: Line Extension Policy**

The Line Extension Policy (City Code of Resolutions §§ 3-5-10 et seq.) should be adopted by ordinance. The policy should be expressly tied to Letters of Service Availability and pro-rata payback of privately paid infrastructure that provides reimbursement only for actual costs to the developer. Payback is available in Tier 2 only based upon the portion of Impact Fees/Utility Expansion Charges for the infrastructure being constructed or financed. The provision should be tied to the Capital Improvements Program.

**Section 5.01 Purpose.**

**Section 5.02 Definitions.**

**Section 5.03 Applicability.**

**Section 5.04 Location and Construction Standards (incorporated § 3-5-12 as currently written).**

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**Section 5.05 Water and Sewer Connection Requirements.**

- a. **Add to current § 3-5-13 that no connection will be permitted unless there is sufficient treatment, transmission, and distribution capacity pursuant to the Adequate Public Facilities Ordinance, and**
- b. **That new capacity does not divert capacity planned for a higher priority Tier.**

**Section 5.06 Private Systems.**  
Retain § 3-5-14.

**Section 5.07 Financing and Allocation of Costs of Construction.**

- a. **Allow developer to advance facilities and secure reimbursement as specified above.**
- b. **Replace §§ 3-5-15 and 3-5-16 for developer reimbursement with a formula that reimburses developer only for costs attributable to capacity exceeding that needed by proposed development, regardless of the source of funds.**

**Section 5.08 Extension of or Connection to Lines Outside City Limits.**  
Retain § 3-5-17.

**11.2.6 Article VI: Fiscal Impact Analysis and No Net Expense in Tier 3 (Unserved Area)**

**Section 6.01 Applicability.**

- a. **Planned Communities.**
- b. **Any mandatory development agreement.**

**Section 6.02 Computation of Net Expenses.**

**a. Compute costs for infrastructure.**

- i. Capital Improvements (roads, transit, water, sewer, drainage, schools, parks, open space, trails, police, fire, libraries, etc.) necessitated by development.
- ii. Operations and maintenance costs for facilities identified in subsection (i).
- iii. Rehabilitation and reconstruction for facilities identified in subsection (i).

**b. Identify infrastructure financing mechanisms.**

**c. Identify revenue pledged to pay costs of infrastructure, e.g., special taxing districts, special assessment districts, water and sewer rate districts, other pledges.**

**d. Certification of preconditions in Tier 3 (Unserved Area):**

- i. Adequate rehabilitation and deficiencies revenues appropriated for urban area.
- ii. Operating costs are comparable to City/County standards or special agreements to pay costs greater than 10% above average.
- iii. Older neighborhoods are stable or are improving as defined by the Indicators Progress Commission for the Albuquerque Progress Report.
- iv. Development conditions for Planned Communities in Rural and Reserve Areas. Approvals phased to assure that interim objectives are met, e.g., for jobs-housing balance, mixed-use development, etc.
- v. Financial self-sufficiency within special tax and rate district.

**Section 6.03 Mitigation.**

- a. **Development agreements.**
- b. **Methods to utilize infrastructure more efficiently (e.g., mix uses, water conservation). Quantify cost savings.**
- c. **Project phasing.**

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## 11.3 Regulatory Code Changes

This provision would be codified in the Code of Ordinances, Section 14, Article 13. The Unified Growth Code is a comprehensive regulatory framework for the provision of infrastructure and regulation of development. The Code combines the planning, infrastructure, and land development regulation powers into one document. This outline also assumes the status quo—that no changes in state regulations or the regulations of surrounding jurisdictions have been made to incorporate the goals of Planned Growth Strategy. It is understood that the cooperation and participation of other state agencies and local governments is essential to full implementation of the Planned Growth Strategy and that this course of action should be pursued. It is appropriate that the City and County be in the position to take meaningful action to control land-use decision pursuant to the Planned Growth Strategy without the participation of other state and local agencies.

### 11.3.1 Article I: Purpose and Scope

**Section 1.01 Title** – establishes brief title for future reference (e.g., “Unified Growth Code”).

**Section 1.02 Purpose** – establishes purposes of ordinance consistent with subdivision enabling legislation and zoning enabling legislation, including any subsidiary purposes identified by the City/County Comprehensive Plan and consistent with the Planned Growth Strategy Preferred Alternative.

**Section 10.3 Authority** – recites legislative intent and statutory authority.

**Section 10.4 Applicability** – lists territorial jurisdiction and uses and activities subject to the Unified Growth Code.

**Section 10.5 Consistency with City/County Comprehensive Plan and the Planned Growth Strategy** – describes the Unified Growth Code relationship with the City/County Comprehensive Plan, the Planned Growth Strategy Preferred Alternative, and other related policy documents.

**Section 10.6 Coordination with Other Regulations** – describes the relationship between the Unified Growth Code and other regulations.

**Section 10.7 Interpretation** – provides rules for interpretation of Unified Growth Code. References Definitions (Appendix A).

**Section 10.8 Permits and Certificates** – establishes the need for permits and certificates prior to actions relating to the Unified Growth Code.

**Section 10.9 Effective Date** – sets the date when the Unified Growth Code is to take effect consistent with New Mexico law.

**Section 10.10 Severability** – protects the balance of the Unified Growth Code if part is found to be invalid.

### 11.3.2 Article II: Use Patterns

This section establishes a code adopted in parallel to the existing code for the approval of developments (centers, corridors, redevelopment area, employment centers, Traditional Neighborhood Development subdivisions, etc.) that are consistent with the Planned Growth Strategy. It includes purpose, procedure for establishment (using site plan), use allocation, density, lot standards, open space, and street

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patterns for development patterns involving more than one use, master planning, or specific situations. Developments that satisfy these criteria are not subject to zoning (including discretionary SU-1, SU-2 or SU-3 processes).

**Section 2.01 Planned Village Development** – establishes design guidelines for complete neighborhoods on “Greenfield” (i.e., undeveloped) sites or infill sites consistent with New Urbanism (Traditional Neighborhood Development) principles. These design guidelines have been modified to incorporate the unique typology of Albuquerque. Traditional Neighborhood Developments include both complete neighborhoods in the Partially Developed Areas and beyond, and infill Traditional Neighborhood Developments that are part of existing neighborhoods. Infill Traditional Neighborhood Developments should be located in proximity to complementary areas (e.g., residential-only Traditional Neighborhood Developments within ¼ mile of commercial areas). Infill Traditional Neighborhood Developments must have pedestrian connections to complementary uses. Planned Village Developments include the following:

- a. **Central plaza.**
- b. **Central commercial area within walking distance of residential neighborhoods. Commercial areas feature storefronts with rear parking.**
- c. **Buildings oriented to the public realm.**
- d. **Interconnected pedestrian and traffic streets.**

- e. **Narrow traffic lanes.**
- f. **Short blocks (< 400 feet).**
- g. **Landscaping and xeriscape.**
- h. **Mixed-density residential with higher densities closer to the central plaza.**
- i. **Other mixed uses.**
- j. **Architectural design standards.**
- k. **Schools.**
- l. **Parks and open space.**
- m. **Other.**

**Section 2.02 Transit-Oriented Development**– establishes guidelines for development served by high-capacity public transportation. Includes the following design features:

- a. **Minimum densities (> 8-12 dwelling units/acre) and intensities (minimum floor area ratio 2.0–2.5 depending on size of tract).**
- b. **Interconnected street systems.**
- c. **Compact area restricted to primary transit-shed (¼ mile) and secondary transit shed (between ¼ -½ mile) in transit corridors.**
- d. **Commercial buildings oriented to public realm.**
- e. **Landscaping and xeriscape.**
- f. **Architectural design standards.**
- g. **Other.**

**Section 2.03 Conservation Subdivision** – establishes guidelines for developing areas with unique topographical or environmental constraints. Conservation subdivisions serve a different need than Traditional Neighborhood Developments. They are only permitted where there are unique environmental, natu-

ral, or visual resources that merit protection. They are appropriate where public policy favors minimizing impervious surfaces over promoting pedestrian-friendly streetscapes and mixed uses.

- a. **Narrow streets, no sidewalks required in vicinity of floodplains or other sensitive resources in order to minimize impervious surface.**
- b. **High minimum passive open space requirements (40-50%).**
- c. **Curvilinear streets.**
- d. **Landscaping and xeriscape.**
- e. **Architectural design standards.**
- f. **Other.**

**Section 2.04 Commercial Center** – establishes guidelines for development of retail and/or employment centers.

- a. **Pedestrian scale.**
- b. **Lineal frontage restricted (e.g., 440 feet – ¼ mile) to avoid unrelieved strip development and one-mile distance between centers.**
- c. **Rear parking.**
- d. **Buildings oriented to public realm.**
- e. **Interconnected street system.**
- f. **Landscaping and xeriscape.**
- g. **Transit and multi-modal oriented development.**
- h. **Potential for higher density residential development.**
- i. **Architectural design standards.**
- j. **Other.**

**Section 2.05 Campus** – establishes guidelines for unified development of office, industrial, and/or institutional uses.

- a. **Minimum open space required.**
- b. **Landscaping and xeriscape.**
- c. **Meandering trails or pedestrian linkages.**
- d. **Retail/restaurants serving complex permitted.**
- e. **Transit and multi-modal oriented development.**
- f. **Potential for higher density residential development.**
- g. **Architectural design standards.**
- h. **Other.**

### 11.3.3 Article III: Zoning Districts

#### Section 3.01 General.

- a. **Purpose.**
- b. **Establishment of districts.**
- c. **Zoning map** – adopted.
- d. **District boundaries** – establishes rules for interpretation.

#### Section 3.02 Base Zoning Districts.

- a. **Zoning district purpose statements** – establishes central purpose of each district and its relationship to City/County Comprehensive Plan and the Planned Growth Strategy Preferred Alternative.
- b. **Use Regulations.**
  - i. Permitted uses, special exceptions and accessory uses.
  - ii. Permitted use matrix – permitted and special exception uses are designated in the use matrix. Uses in the matrices will be listed as “P” (permitted), “C” (conditional), “A” (permitted as an accessory use), “T” (permitted as a temporary use), or “-” (not permitted). Because the Use Matrix is lengthy, it may be placed in an Appendix.<sup>6</sup>
  - iii. Uses not provided for in zoning district regulations.

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**c. Dimensional Regulations.**

- i. Matrix summarizing minimum and maximum density, floor area ratio, height and setbacks within each base zoning district.

**Section 3.03 Special Exceptions.**

**Section 3.04 Overlay Districts.**

**a. [new] Infill development zone.**

- i. Authorized where development surrounded by existing development or in census tracts where:
  - 1. At least --% of the dwelling units were constructed prior to 19--, and
  - 2. At least --% of the platted lots are vacant; and
  - 3. Median household income is not more than 80% of area median income.
- ii. Waives front and side setback, minimum parking, and Adequate Public Facilities Ordinance in order to encourage redevelopment. Buildings must have their primary entrance facing a street. Blank walls may extend no longer than -- lineal feet.
- iii. Commercial Infill – authorizes “liner” buildings in existing parking areas of shopping centers and big box retail and redevelopment with lot and block pattern.
- iv. In lieu of setbacks, development must be compatible in massing and scale with surrounding development, e.g.,
  - 1. Spacing between building facades.
  - 2. Proportion of windows and doorways.
  - 3. Proportion of primary façade.
  - 4. Location and treatment of entryways.
  - 5. Building scale.
  - 6. Other.

**b. Transfer of Development Rights overlay.**

- i. Authorizes mapping of Transfer of Development Rights (TDR) for “sending” areas: Tier 3, environmentally sensitive lands, prime agricultural lands, areas with obsolete plats or premature subdivisions. Areas located in unincorporated Bernalillo County should qualify as sending areas when the County adopts a parallel ordinance.
- ii. Authorizes mapping of TDR-R for “receiving” areas: Tier 1, 2, and 4. These areas receive density or floor area ratio bonuses for designation of TDR-R zones. Must be mapped in conjunction with mapping of a TDR-S zone.
- iii. Conservation easements and/or other protections (e.g., Development Agreement as part of a Planned Community) required for TDR-S sending zones.

**c. H-1 Historic districts**

**Section 3.05 Supplemental Use Regulations** – establishes supplemental regulations for special uses of concern such as telecommunications towers, big box retail, campgrounds, etc.

**11.3.4 Article IV: Processing Procedures**

**Section 4.01 General.**

- a. General procedural requirements** – establishes uniform procedures for processing of site plans, plan amendments, rezonings, variances, and zoning permits. Flowcharts should be included. A comprehensive listing of submittal requirements for each type of application (e.g., rezoning, site plan, comprehensive plan amendment) may be included in an Appendix to the Unified Growth Code.
- b. Application process and official filing date.**
- c. Notice provisions.**

- d. Classification of permitting actions** – classifies permitting actions as legislative (e.g., rezonings), administrative (e.g., variances, appeals, subdivision plats), and ministerial (e.g., building permits, certificates of occupancy).
- e. Public hearings procedures.**
- f. Post-decision proceedings.**
- g. Expiration of development approval.**
- h. Revocation of permit.**
- i. Neighborhood meetings** – recites policy to encourage neighborhood meetings prior to filing formal applications for development approval, that a list of issues should be prepared and the hearings restricted to those issues, and provides that parties who refuse to participate cannot request a continuance of hearings.

#### **Section 4.02 Zoning Procedures.**

- a. Zoning amendments** – establishes procedure for processing applications for a zoning text amendment, and rezonings (including Planned Communities).
- b. Conditional zoning** – authorizes optional rezoning to district permitting only uses by special exception, with only the requested use permitted.
- c. Special exceptions** – establishes procedure for processing special exceptions, submittal requirements (site plan), and designates agency responsible for approval.
- d. Site plan review** – establishes applicability of site plan approval requirement (e.g., rezoning/Planned Unit Development, special exception, variance), procedures for processing, and contents of site plan (note: the contents may be placed in an Appendix because they tend to be highly technical). May also apply to procedures for commercial, multifamily, and industrial development even where a rezoning is required. This section would establish a Major Site Plan, including a description of site location, overall density and intensity, general location of uses, environmental constraints, open space, infra-

structure, and so on in order to provide a preliminary assessment of development impacts, for Rank 3 plans (e.g., Sector Development Plans, Neighborhood Development Plans, Redevelopment and Renewal Plans), and a Minor Site Plan procedure for uses permitted as of right that require site plan approval. A Minor Site Plan would be approved administratively, with appeals only to the courts in order to expedite the permitting process.

- e. Unified Growth Code ministerial permits** – establishes applicability of ministerial permits for uses permitted as of right, as well as special situations such as temporary uses, home occupations, and telecommunications facilities.
  - i. Building permit – establishes relationship between Unified Growth Code and building permit provisions. The Unified Growth Code regulates land use and subdivision, while the building permit regulates building construction pursuant to a preemptive state code.
  - ii. Permits for special situations – fence permit, home occupation permit, sign permit, temporary use permit, telecommunications permit, adult business permit.
  - iii. Certificate of occupancy.

#### **Section 4.03 Subdivision Procedures.**

- a. Purpose** – recites purposes of subdivision regulation including promotion of orderly growth and development; coordination of roads with existing and planned roads and other infrastructure and public facilities including schools; provision of adequate recreation facilities; avoiding congestion and overcrowding; and protection of public health, safety, and general welfare. Achieve development consistent with Article 2 Use Patterns above; namely, Planned Village Development, Transit Oriented Development, Conservation Subdivision, Commercial Center, and Campus.
- b. Platting requirement** – describes activities subject to subdivision plat filing requirement.

- c. **Plat exceptions** – describes activities exempt from platting requirements.
- d. **Classification of subdivisions** – describes major subdivisions, minor subdivisions, and development plats.
- e. **Plat application** – describes where applications should be submitted, cross-references checklist in Development Process Manual, requires administrative fees and earmarking of administrative fees. Provides for distribution to other agencies.
- f. **Completeness review** – requires local government departments to review applications with time limit for response. If departments fail to respond, applicants may appeal to the Planning Commission. If the Planning Commission fails to respond, the application is deemed complete, and the applicant may proceed to formal filing.
- g. **Plat approval** – assigns authority for approval of major plats, minor plats, and development plats. Provides for withdrawal.
- h. **Signature and endorsement.**
- i. **Plat recordation.**
- j. **Standards of approval** – conformance to Section 6 and Adequate Public Facilities Ordinance regulations.
- k. **Performance agreements.**
- l. **Acceptance of dedication.**
- m. **Inspection of improvements.**
- n. **Enforcement** – issuance of building permits are used to enforce the construction and dedication of adequate public improvements. A temporary certificate of occupancy procedure may be provided in order to provide for unique situations where minor deficiencies exist, while retaining the ability to enforce the ordinance if a threat to public health, safety, or general welfare would result. Utilities are not provided to unplatted lots.
- o. **Vacation of plats** – establishes procedures for vacating lots and streets, thereby returning a tract to unplatted status.

- p. **Amending plats** – describes situations where plats may be amended administratively and situations where reapplication is required.
- q. **Resubdivision** – This section requires that substantial changes in the physical layout of a plat go through the subdivision process as would a new subdivision of land.
- r. **Procedure for subdivisions when future resubdivision is indicated** – This section requires applicants to show future street locations in undivided parcels of land that are attached to property currently being subdivided.

#### **Section 4.04 Variances & Appeals.**

- a. **Appeals procedures** – see existing City Code § 14-16-4-4.
- b. **Interpretation procedures** – establishes procedures for processing of interpretations by the Zoning Hearing Examiner and/or Board of Appeals.
- c. **Zoning variance procedures** – establishes procedures for processing of variances by the Board of Appeals.
- d. **Subdivision variance procedures** – establishes procedures for processing variances by Planning Commission.

#### **Section 4.05 Violations & Penalties.**

- a. **Types of violations** – describes the types of violations that may occur, including building without required permits, construction in violation of permit conditions, and establishing uses or densities inconsistent with zoning district regulations.
- b. **Procedures** – establishes procedures for filing notice of violation, appeals, and time period for corrective action.
- c. **Zoning violations** – establishes penalties for violations of zoning regulations.
- d. **Subdivision violations** – establishes penalties for violations of subdivision regulations.

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## 11.3.5 Article V: Development Standards

**Section 5.01 Purpose** – this section establishes standards for subdivision and site plan applications.

**Section 5.02 Adequate Public Facilities Regulations** – See Section 1 of this chapter.

**a. No application for development approval is approved if it would cause a reduction in adopted level of service. These include:**

- i. Planned Communities in Comprehensive Plan Rural and Reserve Areas.
- ii. Plan amendments.
- iii. Preliminary subdivision plats.
- iv. Rezoning.
- v. Site development plans.
- vi. Special exceptions.

**b. Exemptions:**

- i. Requests for capital improvements in Tiers 1 and 4 consistent with the Planned Growth Strategy Preferred Alternative.
- ii. Applications for development approval in Tiers 1 and 4 consistent with the Planned Growth Strategy Preferred Alternative.

**c. Procedures for processing applications for capital improvements** – cross-reference sections from Section 1 of this chapter.

**d. Procedures for processing applications for development approval.**

- i. Submission requirements.
  1. Include requirements for initiating and filing a complete application.
  2. Technical requirements of Development Process Manual should suffice for technical aspects of applications.

- ii. Completeness review.
  1. Applications must include all required information to be processed.
  2. Applications with all required information must be processed.
- iii. Determination.
  1. Planning Department distributes information to appropriate technical agency.
  2. Technical agency submits a recommendation as to whether the application would cause a reduction in adopted level of service based on standards in this Ordinance.
  3. Approving agency makes final determination as part of ruling on application.
  4. Options.
    - a. Approval where public facilities and services are available at adopted level of service.
    - b. Denial because public facilities and services are not available at adopted level of service.
    - c. Approval subject to deferral of development until public facilities are available and adequate at adopted level of service.
    - d. Approval where a binding Development Agreement provides for funding of public facilities (whether from applicant or external sources) needed to achieve adopted level of service at time that the impact of the development will occur.

**e. Effect of determination.**

- i. Approval means that facilities are adequate at that stage of approval process.
- ii. Approval subject to deferral of development – does not guarantee that facilities will be subsequently available (i.e., that capacity is reserved) unless availability is guaranteed by a Development Agreement.

**f. Advancement of capacity.**

- i. Where facilities are scheduled in Capital Improvements Program but later than needed by applicant, applicant may provide facilities through a Development Agreement.
- ii. Development Agreements in Tier 2 may provide reimbursement for excess capacity through subsequently-collected Impact Fees and Utility Expansion Charges. Applicant is not entitled to reimbursement of more than the net present value of providing the excess capacity for the specific type of infrastructure.
- iii. Development Agreement in Tier 3 may provide reimbursements from revenue collected from special tax and rate districts. Financial self-sufficiency is an objective in Tier 3.

**g. Appeal and variances.**

**h. Methodology and criteria for determining availability and adequacy of public facilities.**

- i. Generally.
  - 1. General formula for determining whether capacity is available:  
 Formula  $AC = (C_e + C_n) - (D_e + D_p + D_r + D_o)$   
 where AC = capacity available to serve new development  
 $C_e$  = capacity provided by existing facilities at the adopted level of service  
 $C_n$  = capacity of new or planned facilities, as determined by the minimum requirements  
 $D_e$  = demand created by existing and vested development  
 $D_p$  = demand created by the proposed development  
 $D_r$  = demand created by developments with capacity reservations  
 $D_o$  = demand created by other developments with approvals
  - 2. For administrative convenience, local government may substitute  $D_g$  (demand created by developments with capacity reservations and with development approvals based upon generalized background growth

rate) for  $D_r$  and  $D_o$ . This figure may be updated periodically to maintain an accurate assessment of background growth.

- ii. Level of Service Standards.
  - 1. Transportation.
  - 2. Water.
  - 3. Wastewater.
  - 4. Parks.
  - 5. Drainage.
  - 6. Schools.

**Section 5.03 Lot Arrangement and Dimensions** – contains provisions for short blocks.

**Section 5.04 Transportation** – addresses right-of-way and cross-section widths, geometric design, connectivity, access management, and pedestrian facilities – establishes minimum connectivity requirements.

**Section 5.05 Stormwater Management** – addresses capacity of stormwater facilities, best management practices and permeable pavement—stresses natural solutions and minimizes channelization, although exemptions are appropriate where public policy favors higher densities (e.g., downtown, Transit Oriented Developments).

**Section 5.06 Utilities** – addresses requirements for connection and location of utilities.

**Section 5.07 Parks and Open Space** – includes standards for reservation of parks (active open space) and passive open space, maintenance of open space, and distance from lots.

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**Section 5.08 Preservation of Natural Features and Amenities –**

This section requires the preservation of valuable natural amenities such as trees, watercourses, indigenous plants, and animal habitats.

**Section 5.09 Air Quality Impact Regulations. Revise City Code § 14-16-3-14 to require air quality impact analysis for development in Tiers 2 and 3 –** extends air quality analysis requirements to Tiers 2 and 3 regardless of project size thresholds that currently apply.

**Section 5.10 Landscaping, Screening, and Buffering –** landscaping and buffering standards for landscaping that will capitalize on the community’s character and identity while preserving natural resources and protecting water quality. These requirements will be applied to all new development, redevelopment, or building expansion projects including streetscape of rights-of-ways.

**Section 5.11 Parking, Loading, and Bicycles (includes updated landscaping, flexible (joint use) and pedestrian-oriented standards) –** establishes minimum and maximum parking standards and addresses layout and design.

**Section 5.12 Outdoor Storage.**

**Section 5.13 Impact Fees.**

Impact Fees would be charged for three categories of facilities: (1) Local Serving (e.g., Police Area Command), (2) Area Serving (e.g., Albuquerque Police Department Central Office, Communications), and (3) Infrastructure Specific (e.g., collector street, water distribution line). Calculation of Impact Fees would be based upon the Capital Improvements Program within the service tiers that is consistent with the population, housing and employment allocations in the Preferred Alternative. These allocations will be used as the “Land-use Assumptions” for purposes of the Impact Fee statute. Impact Fees are lower in fully developed areas based on the availability of existing capacity, which reduces the actual cost of provide service.

Impact Fees are adjusted based on land-use policies such as:

- Reduced transportation charges for suburban communities with mixed-use centers that include retail, services, higher density housing, and public spaces and services.
- Reduced transportation charges for transit-supportive development (higher floor area ratio with retail, office, or residential uses) in plan approved locations.
- Reduced transportation charges with Transportation Management Organization and employee transit allowance linked to paid parking.
- Reduced water and wastewater Impact Fees for affordable housing on small lots and with few fixtures.

Fees are waived outright in planned approved Centers, Corridors, Employment Areas, Redevelopment Areas, etc. consistent with the Planned Growth Strategy Preferred Alternative.

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### **11.3.6 Article VI: Vested Rights & Non-Conforming Uses and Structures**

Addresses continuance of nonconforming uses and procedures for determining the existence of nonconforming uses and vested rights.

#### **Section 6.01 Nonconforming Uses.**

- a. Purpose.**
- b. Continuing lawful use of property and structures.**
- c. Discontinuance or abandonment** (includes discontinuance of advertising, junk yards, etc.).
- d. Change of use regulations.**
- e. Expansions, alterations, and repairs.**
- f. Certificate of nonconforming use** – requires filing of certificate of nonconforming use within designated time period following adoption of Unified Growth Code in order to track nonconforming uses for planning purposes.

#### **Section 6.02 Vested Rights.**

- a. Establishes procedure for filing applications for vested rights determination.**
- b. Establishes deadline for filing vested rights determination applications.**
- c. Establishes criteria for determining existence and scope of vested rights.**

#### **Section 6.03 Permit Expiration.**

- a. Defines expiration period for permits including site plans, building permits, certificates of occupancy, subdivision plats, certificates of appropriateness, and specific zoning permits (e.g., home occupation permits, telecommunications permits).**
- b. Establishes procedures for extension of time limits for permits.**

### **11.3.7 Article VII: Appendix A. Definitions**

This section defines terms used in the Unified Growth Code that do not have a normal meaning as defined in the dictionary.

### **11.3.8 Article VIII: Appendix B. Application Submittal**

This appendix includes submittal requirements for all forms of development orders, including rezonings, Rank 3 Plans (e.g., Sector Development Plans, Neighborhood Development Plans, Redevelopment and Renewal Plans), subdivision plats, building permits, and certificates of appropriateness.

## **11.4 Intergovernmental Approaches**

The diffuse control over infrastructure provision and land-use planning in the region has contributed to “disconnects” between land-use policies and the location and timing of infrastructure and development.<sup>7</sup> A summary of the issues by agency is as follows:

1. Middle Rio Grande Council of Governments

Middle Rio Grande Council of Governments (MRGCOG) develops population, housing, and employment data for counties and Data Analysis Subzones (DASZ). DASZs are small geographic areas designed primarily for transportation planning.<sup>8</sup> These forecasts are used by the Urban Transportation Policy Planning Board of MRGCOG to develop the Long Range Major Street Plan.<sup>9</sup> It is the perception of many in the community that there is little coordination between the selection of transportation projects and right-of-way location and the region’s land-use policies, thereby discouraging multi-modal solutions.

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## 2. New Mexico State Highway and Transportation Department

The ability to establish high-capacity roadways outside of the City's and County's growth tiers opens up new areas for development. This can create development pressures in these areas in advance of the availability of other infrastructure. Further, establishing a transportation system centered on highways induces low-density, sprawling development patterns and a traveling public reliant exclusively on automobiles for mobility. This section recommends tying the extension of highways to the Planned Growth Strategy Preferred Alternative.

## 3. New Mexico Utilities, Inc. (water and wastewater) and Albuquerque Metropolitan Arroyo Flood Control Authority

The orderly extension of City and County infrastructure does not guarantee that development patterns will conform to the Planned Growth Strategy. Developers may obtain the necessary infrastructure from different sources besides the City and County, including the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) (hydrology), New Mexico Utilities (water and sewer), and the State of New Mexico (streets). New Mexico Utilities is a privately owned and operated company that provides services to over 5,000 residential and commercial customers. AMAFCA is a public agency with authority to create a flood control system and the power of eminent domain both inside and outside authority boundaries. These entities are significant infrastructure suppliers for urban growth.

## 4. Albuquerque Metropolitan Water and Wastewater Board

Bernalillo County, the City of Albuquerque, and the Village of Los Ranchos de Albuquerque have created an Albuquerque Metropolitan Area Water and Waste Water Board. This is a quasi-governmental body that makes "recommendations" that, unless overturned by a two-thirds vote of the City Council, affect provision of water and waste water services to all areas of the county.<sup>10</sup> The City Water and

Wastewater Utility Department will provide services for Los Ranchos and all areas of Bernalillo County under the supervision of the Albuquerque Metropolitan Area Water and Waste Water Board. Existing City policies regarding water and sewer line extensions, water and sewer service areas, and funding remain in effect unless changes are adopted by  $\frac{3}{4}$  of the Board and  $\frac{2}{3}$  of the City Council. The Board may not encumber funds without express written approval of the jurisdiction providing the money. The agreement between Albuquerque, Bernalillo County, and Los Ranchos will last until July 1, 2020, or in the event that parties become a unified form of government. The County and Village will not participate in other water or sewer utilities within county boundaries unless all parties agree.

This agreement is an important step in the unification of the utilities policies between the various levels of government in the County. However, it is important that the extension of utilities follow a coherent set of principles and does not encourage inappropriate or premature development patterns.

## 5. Extraterritorial Land Use Authority

The Extraterritorial Land Use Authority modifies the City's extraterritorial zoning and subdivision authority by establishing a joint Extraterritorial Land Use Authority consisting of City and County representatives. The Extraterritorial Land Use Authority is authorized to adopt and implement zoning and subdivision regulations in the extraterritorial jurisdiction. The present Extraterritorial Land Use Authority zoning ordinance is similar to the County's ordinance, with conventional zoning lot patterns and little emphasis on the design of development or its relationship to infrastructure level of service capacity. The legislation does, however, create an opportunity for the City and County to cooperatively establish regulations for development in the extraterritorial jurisdiction.

## 6. Albuquerque Public Schools

The Albuquerque Public Schools is a state agency with an independently elected school board. Boundaries include the City of Albuquerque, Village of Los Ranchos de Albuquerque, Town of Corrales, and the unincorporated portion of Bernalillo County. The Albuquerque Public Schools have an independent capital plan that, in many ways, is more advanced than that of both the City and the County. Absent a urban growth management plan that guides the location and timing of growth, the public school system is in a reactive mode, similar to other public facilities. The Albuquerque Public Schools have a seat on the City's Development Review Board; however, their representations in the Board's reviews that insufficient classroom space is available to support new residential development has no impact on development approvals. The New Mexico Development Fees Act specifically prohibits Impact Fees being assessed for schools.

### 11.4.1 Article I: Revisions to Planning Legislation

Summary: This section establishes a statutory directive for regional comprehensive planning, as well as the adherence of state and local agencies to local plans. It does not establish a new state agency. However, it does require state agencies to comply with local plans in the siting of new facilities.

#### Section 1.01 Regional Planning with Cross-Acceptance.

##### a. Findings and declarations.

- i. Purpose.
  1. Conserve natural resources.
  2. Revitalize urban centers.
  3. Protect the quality of the environment.
  4. Provide needed housing and affordable housing.
  5. Provide adequate public services at reasonable cost.

6. Promoting beneficial economic growth, development, and renewal.

7. Other.

- ii. Significant economies, efficiencies, and savings in the development process are realized by private sector enterprise and by public sector development agencies with regional government cooperation in the preparation of and adherence to plans.
- iii. It is in the public interest to encourage development, redevelopment, and economic growth in locations that are well situated with respect to present or anticipated public services and facilities; to give appropriate priority to the redevelopment, repair, rehabilitation, or replacement of existing facilities; and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well being of the present and future citizens of this state.
- iv. Regional government cooperation will enhance prudent and rational development, redevelopment, and conservation policies and the formulation of sound and consistent regional plans and planning criteria.

##### b. Local comprehensive plan contents (plan elements):

- i. MRGCOG regional population, housing, and employment projections are provided by the University of New Mexico, Bureau of Business and Economic Research. Bernalillo County allocations are supplied by MRGCOG through the process identified below. (see section 1.01.c cross-acceptance)
- ii. Future Land Use Element.
  1. Identify areas for growth, limited growth, agriculture, open space conservation, and natural resources protection.

2. Establish a Preferred Alternative in terms of DASZ allocations of population, employment, and housing.
  3. Designate areas for future planned development.
- iii. Public facilities element.
1. Principles for construction, extension, or increase in capacity of public facilities.
  2. Principles for correcting existing public facility deficiencies and rehabilitation needs.
  3. Estimated public facility costs.
  4. Delineation of when facilities will be needed—phasing and timing.
  5. Location of facilities.
  6. Projected revenue sources.
  7. Standards to assure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.
  8. Standards for the management of debt.
  9. At option of local government, promote development and redevelopment where infrastructure can be provided at private expense or with cost-efficient expenditures of public funds. This should not be construed to give preferential treatment to new construction.
- iv. Traffic circulation element.
1. Types, locations, and extent of existing and proposed major thoroughfares, transportation routes and High Occupancy Vehicle facilities.
  2. Transit, bicycle, and pedestrian corridors.
- v. Utilities (sanitary sewer, drainage, potable water), Parks, and Schools Elements.
1. Ways to provide for future water, drainage, and sanitary sewer.
  2. Indicate water pressure zones, sewer, and hydrology basins.

3. Indicate Fully Served, Partially Served, Unserved Areas, and plan-endorsed Centers, Corridors, Redevelopment Areas, Employment Centers, and so on.
4. Suitability of soils for septic tanks.
5. Parks service areas.
6. School boundaries and services areas.
7. Other.

### c. Cross-acceptance.

Comment: The term “cross-acceptance” means a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility among local, county, and state plans. The technique has been used in New Jersey pursuant to that state’s development and redevelopment plan. This approach does not establish a new state agency or a state plan, as occurred in New Jersey. Instead, it builds on local planning efforts by establishing a process for acceptance of planning policies on a regional basis. Also, it does not mandate acceptance of the regional plan by local government, which should enhance its political acceptability in Santa Fe. The Planned Growth Strategy supports this process being required by State Statute, but it can be conducted on a decentralized basis through MRGCOG. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance. The process is designed to elicit the greatest degree of public participation in order to encourage the development of a consensus among the many, sometimes competing, interests in the region.

- i. The regional plan evolves through four phases: 1) the Demographic Projections and Allocations; (2) the Local Plans, which are the fundamental elements of the Regional Plan; (3) the Interim Regional Plan, which will reflect the changes occurring during the cross-acceptance process; and (4) the Final Regional Plan.
- ii. Demographic Projections and Allocations.

1. Projections of population, housing, and employment conducted for the MRGCOG region by the Bureau of Business and Economic Research at the University of New Mexico.
  2. MRGCOG allocates demographic projections to the counties or portions of counties in the MRGCOG region.
  3. Joint or consolidated planning staffs and planning commissions review allocations to Bernalillo County and provide comments and recommendations to MRGCOG. MRGCOG negotiates cross-acceptance within the region.
  4. Joint or consolidated planning commission within Bernalillo County is provided with final MRGCOG allocations for the county.
- iii. Local Plans.
1. Joint or consolidated planning staff within Bernalillo County conduct Local Plan for the county (called the Bernalillo County Plan) based on allocations of population, housing, and employment. The Planned Growth Strategy Preferred Alternative serves as the basis of this plan.
  2. Bernalillo County Plan includes elements set forth in subsection (b), above. Existing studies that meet the requirements of subsection (b) may constitute the plan. Plans must consider input from the state and other private and public entities concerning their land use, environmental, capital, and economic development plans, including to the extent practicable any state plans concerning natural resources or infrastructure elements.
  3. Prior to adoption, a draft Local Plan is distributed to state agencies, MRGCOG, and other organizations.
  4. Between 45–90 days thereafter, the joint or consolidated Bernalillo County Planning Commission conducts a joint public informational meeting to provide information on the plan, respond to inquiries, and receive informal comments and recommendations.
5. Interested parties and agencies file a formal report of findings, recommendations, and objections concerning the plan.
  6. The Bernalillo County Plan is approved by the joint or consolidated Bernalillo County Planning Commission and adopted by the governing bodies within the county.
- iv. Interim Regional Plan – Draft Final Regional Plan.
1. The Local Plans in the MRGCOG region are transmitted to MRGCOG. MRGCOG staff combine these Local Plans to produce an Interim Regional Plan.
  2. MRGCOG staff examine the economic, environmental, infrastructure, community life, and intergovernmental coordination impacts of the Interim Regional Plan. This procedure consists of an assessment of the impacts of the Interim Plan and an on-going monitoring and evaluation program after the Final Plan is adopted.
  3. The results of the MRGCOG Assessment Study shall identify desirable changes to be incorporated into the Final Regional Plan. This study also describes the impacts of the policies and strategies proposed in a recommended draft Final Regional Plan (hereafter referred to as the “Plan impacts”) relative to the impacts that would likely occur without a Plan (hereafter referred to as “Trend impacts”). In examining the Plan impacts and Trend impacts, any significant regional differences that result shall be identified and analyzed. Where appropriate, the study shall also distinguish short-term and long-term impacts. The Assessment Study addresses:

- a. Changes in property values, including farmland, state and local expenditures and tax revenues, and regulations.
  - b. Costs of providing the infrastructure systems.
  - c. Environmental impacts, including air quality and water quality.
  - d. Health and safety issues, including emergency vehicle response times.
  - e. Quality of life issues, e.g., travel times/mobility, open space, recreational opportunities, housing costs, and similar issues.
  - f. Others.
4. The Assessment Study and the draft Final Regional Plan are submitted for distribution to joint or consolidated county planning commissions and state agencies during the cross-acceptance process.
  5. The counties and other agencies must respond within 30 days following the last public hearing.
- v. Final Regional Plan.
1. Upon consideration of the formal reports of the joint or consolidated County Planning Commissions, the MRGCOG prepares and distributes a Final Regional Plan. The MRGCOG conducts public hearings to receive comments on the final plan.
  2. Taking full account of the testimony presented at the public hearings, the MRGCOG board revises and adopts the plan by a majority vote of its authorized membership no later than 60 days after the final public hearing.
- vi. Revision of Local Plans.
1. The Bernalillo County joint or consolidated planning staff review the Bernalillo County Plan in terms of the Final Regional Plan. Suggested revisions, if believed necessary, to

the adopted Bernalillo County Plan are put forward.

2. The joint or consolidated Bernalillo County Planning Commission reviews the suggested revisions and may approve changes to the Bernalillo County Plan.
3. The revised Bernalillo County Plan is adopted by the governing bodies within the county.
4. The Bernalillo County Plan is the governing document for consistency requirements.

**d. Consistency.** Require consistency between the Bernalillo County Plan and:

- i. Local land development regulations (City, County, and Extraterritorial Land Use Authority), including subdivision regulations (NMSA § 3-20-1 et seq.; 3-19-1 et seq.), zoning (NMSA § 3-21-1 et seq.), manufactured housing (NMSA § 3-21A-1 et seq.); and historic districts and landmarks (NMSA § 3-22-1 et seq.).
- ii. Exercise of municipal powers of municipalities under NMSA § 3-18-1 et seq.
- iii. Local economic development (NMSA § 5-10-3 et seq.).
- iv. Development fees (NMSA § 5-8-1 et seq.).
- v. Infrastructure capital improvements programs.
- vi. Public works expenditures.
- vii. Development agreements.
- viii. Plans and programs of state agencies especially the N.M. State Highway and Transportation Department.

**e. On-going monitoring and evaluation program.**

- i. The Final Regional Plan includes the appropriate monitoring variables and plan targets in the economic, environmental, infrastructure, community life, and intergovernmental coordination areas to be

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evaluated on an on-going basis following adoption of the Final Plan.

- ii. In implementing the monitoring and evaluation program, if Plan targets are not being realized, the MRGCOG evaluates reasons for the occurrences and determines if changes in Plan targets or policies or in Local Plans are warranted.
- iii. Each state agency or county, municipality or political subdivision makes available to the MRGCOG any studies, surveys, plans, data and other materials or information concerning the capital, land use, environmental, transportation, economic development and human services plans and programs of the agency, county, municipality or political subdivision.

### **Section 1.02 Standard Planning Enabling Act revisions.**

Note: The Standard Planning Enabling Act was first promulgated by the U.S. Department of Commerce in 1927. The Standard Planning Enabling Act suggested here provides for the development of master plans for public improvements and consistency language requiring review and approval of proposed improvements by the Planning Commission. The Standard Planning Enabling Act is codified in New Mexico at NMSA §§ 3-19-9 to 3-19-12. As in many states, the Standard Planning Enabling Act in New Mexico allows a state agency to overrule the recommendations of the Planning Commission (NMSA § 3-19-11). Lora Lucero has provided a draft statewide consistency statute, which includes changes to the Standard Planning Enabling Act. This section is based on the draft legislation, with some revisions.

- a. **Revise NMSA § 3-19-11 to provide that proposals for public improvements “shall be consistent with the Comprehensive Plan based on a preferred growth alternative to the extent that such consistency does not undermine the state’s goals and objectives of statewide concern.”**

- b. **[new] Provide that the proposal must be submitted to the Planning Commission prior to including it in a Transportation Improvement Program, Capital Improvements Program, or other program or master plan for funding improvements and acquiring right-of-way.**
- c. **[new] Provide that the state agency may overrule the Planning Commission by a vote only where it finds, based on evidence in the record, that:**
  - i. The proposed improvement will have growth-inducing impacts that are inconsistent with the Future Land Use Element of a Comprehensive Plan adopted as provided in § 1.01, above; and
  - ii. That a specific statewide policy has been adopted that outweighs the local interests identified in the plan; and
  - iii. That the Planning Commission has been contacted and has had a reasonable opportunity to review and respond (e.g., at least 60 days) to the decision of the agency.
- d. **[new] Any city, county, regional planning agency, or aggrieved party may institute an appropriate action or proceeding to prevent, abate, or restrain the acquisition of right-of-way or construction of the improvement when in violation of this statute.**

### **Section 1.03 Public Schools Reports.**

- a. **Establish policy to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop Comprehensive Plans.**
- b. **To foster coordination among school districts and general-purpose governments implementing local Comprehensive Plans, each independent special district shall submit a public facilities report to the local government.**

**c. The public facilities report contains:**

- i. A description of existing public facilities owned or operated by the district.
- ii. A description of each public facility operated by another entity through a lease or other agreement.
- iii. Current capacity of the facility.
- iv. Current demands placed on the facility.
- v. Location of facility, by service area.
- vi. A description of proposed public facilities over 10 years, including how the district currently proposes to finance the facilities.
- vii. A description of replacement facilities.
- viii. Anticipated time of construction, improvement, or expansion of each facility.
- ix. Anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both the existing and anticipated capacity must be listed.
- x. Linkage with the Planned Growth Strategy Preferred Alternative and the Comprehensive Plan.

**d. This information must be submitted annually.**

**Section 1.04 Et seq. Other Urban Infrastructure Provider Reports.** (Albuquerque Metropolitan Flood Control Authority, New Mexico Utilities, Inc., New Mexico Highway Department, etc.) Similar requirements as in Section 1.03.

**11.4.2 Article II: Revisions to Agency Legislation**

**Section 2.01 New Mexico State Highway and Transportation Department.**

- a. **Revise NMSA §§ 67-3-15 and 67-3-16 to require extensions of highways and additions to highway capacity to conform to the Comprehensive Plan, as stated in NMSA § 3-19-11 above.**
- b. **Revise NMSA § 67-3-31 (construction or improvements of main county roads; application by County Commissioners; state aid; approval; duties of highway engineer; improvement without County application) to preclude construction of roads that conflict with Comprehensive Plans, as set forth in NMSA § 3-19-11, above. Require approval of both City and County Planning Commissions, or a planning commission of a combined City and County. This prohibition applies even where the County Commission fails to apply for funding. Planning requirements are triggered even when a road is funded entirely by the state or by other sources, or when the application is not initiated by County Commissioners.**
- c. **Revise 67-3-62 (provisions for pedestrian, bicycle, and equestrian traffic required) to strengthen existing criteria for waivers from such facilities.<sup>11</sup> Require the Highway Department to address design enhancements and to prioritize right-of-way for alternative transportation facilities over those that induce vehicular use or higher traffic speeds.**

**11.5 Comments Regarding Bernalillo County**

The comments below address County planning and zoning issues that are specific to the County and actions that the County might take if it chooses not to adopt a unified planning and development code for both the City and County. A unified code is the preferred approach suggested in the Planned Growth Strategy.

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### 11.5.1 Zoning Regulations

The County zoning ordinance is a conventional ordinance, which has been amended piecemeal through the years. The County has 11 zoning districts, with minimum lot sizes ranging from two acres in the A-2 Rural Agricultural Zone to 8,000 square feet in the R-1 and R-2 zones, depending upon location. The A-1 Rural Agricultural Zone has a minimum lot size of one acre. The County has an Office and Institutional Zone, three commercial districts, a light industrial (M-1) zone, and heavy industrial (M-2) zone.

The County has discretionary special use permit regulations for intensive or special uses, which may be permitted by the County Commission in any zoning district (County Zoning Ordinance, § 18). These include not only intensive uses such as airports but also mixed-use planned development areas, shopping centers, and mobile home parks. Accordingly, most changes in use occur through the discretionary special use permit process rather than through rezoning. Further, no specific planning criteria govern the allocation of uses throughout the unincorporated areas of the County.

The County planning department reports that the majority of land within the unincorporated area is zoned A-1 (Rural Agricultural,) with much of this land currently vacant. Most of the current permitting activity is within the jurisdiction of the Extraterritorial Land Use Authority, whose zoning mirrors that of the County. Most of the county's land area, however, lies within the largely vacant East Mountain and Far West Mesa areas. The Far West Mesa is designated a Reserve Area under the City/County Comprehensive Plan.

In order to implement the Planned Growth Strategy and to update its Zoning Regulations, the County should consider the following changes:

- The County's agricultural zones may not match the typical land area for agricultural uses. According to the Census of

Agriculture, the county's average farm size increased from 824 to 993 acres from 1992 to 1997.<sup>12</sup> However, over half of the county's farms are between 1–10 acres in size, with nearly one-quarter ranging from 10–49 acres. The increase in average farm size suggests that smaller farms might be disappearing. Accordingly, increasing the minimum lot size or establishing a sliding scale of lots permitted in new subdivisions located within an agricultural zone, would more effectively preserve agricultural lands in these areas. Because such measures are controversial, it is important to discuss these issues openly with landowners in these areas before deciding upon a regulatory approach.

- A separate Conservation (CS) zone should be considered for floodplains, steep slopes, and other environmentally restricted areas where restrictions on impervious surfaces are justified for health, safety, and environmental reasons.
- Specific infrastructure and design standards are needed for planned developments. These criteria should include, at a minimum, the use of concurrency standards and urban design criteria for master planned communities. These should range from smaller subdivisions with a mixture of housing types, to subdivisions with small commercial centers, to large-scale master planned subdivisions. The criteria for Traditional Neighborhood Developments discussed in Section 7.3 Zoning and Design Standards should control these developments. At present, there are no specific criteria for approval of such developments. Accordingly, both the private sector and surrounding neighborhoods lack certainty as to the outcome of the County regulations.

### 11.5.2 County Subdivision Regulations

The County Subdivision and Land Development Standards Ordinance (County Code § 74-1 et seq.) also provides infrastructure stan-

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dards. Subdivision disclosure statements (§ 74-82) must contain detailed information about the availability of water supplies, fire stations, police protection, liquid waste disposal, terrain management (stormwater protection), recreational facilities, public schools, and public transportation. Maximum water demands must be quantified (§ 74-92), and water availability assessments must be submitted with a 70-year supply required (§ 74-95). The County also has general standards for liquid waste management (§ 74-98), solid waste disposal (§ 74-99), and terrain management (stormwater management) (§ 74-101), fire protection (§ 74-103), and open space (§ 74-111). A transportation impact analysis is required for subdivisions above a specified size (§ 74-102). Most of these standards require reporting but contain no specific or meaningful criteria for judging the impact of a development and measuring it against available capacity.

Accordingly, the following revisions are needed for the subdivision regulations:

- A level of service standard should be adopted for each selected facility, by area. This could be provided as a summary matrix in the subdivision regulations, with cross-reference to the Development Process Manual for details about how service levels are computed and measured.
- Areas that are exempt from concurrency review should be listed and mapped.
- Procedures for coordinating infrastructure availability with the three-stage sketch, preliminary, and final plat approval should be established.
- The roles and responsibilities of the public and private sectors related to the private financing of infrastructure should reinforce Planned Growth Strategy goals.

### 11.5.3 Impact Fees

The County adopted its Impact Fee ordinance in 1995. The County collects Impact Fees for parks, open space, fire/emergency medical

services, regional roadways, county roadways, and drainage. The Impact Fees apply throughout the unincorporated areas (County Code, § 46-4).

The County should consider the following revisions to its Impact Fee ordinances in order to assure that they are up to date, that fees are expended efficiently, and that County growth policies are coordinated effectively with the Planned Growth Strategy:

- Within unincorporated areas in the Planned Growth Strategy Partially Served Areas, the level of service and impact areas for the collection and expenditure of the fees should be reevaluated. The level of service should be coordinated with regional growth policy to maintain consistency and to assure that the fees are applied in an efficient and legally defensible manner.
- The City and County should determine which portion of the County should remain non-urban permanently. In those areas, the County may wish to adopt Impact Fees that differ from those proposed for urban areas in the Planned Growth Strategy.

## 11.6 Conclusion

This report provides an outline of a structure for future infrastructure investments and land-use regulations in Albuquerque/Bernalillo County. This structure is designed to produce land-use patterns that use infrastructure more efficiently, while providing design elements that reduce automobile dependency and relate to the public realm. It provides a regional framework for regulating land use, as well as a regional planning process that will foster communication between different governmental agencies and stakeholders in the development approval and infrastructure planning process.

This report should be used as the first step toward the development of a unified planning and development code for the City and County. The elements listed in this report should be

debated openly through an inclusive stakeholder involvement process. The intent of this report is to provide a framework for discussion as the City and County move from planning to

implementation of the Planned Growth Strategy. It is highly recommended that the City and County now focus their future efforts on implementation.

## Notes Section 4

1. Article 14 is currently organized as follows:
  - Article 1: Uniform Administrative Code and Technical Codes Article 10: Wind Resistant Walls and Fences
  - Article 2: Fire Code Article 11: Solar Energy; Permits
  - Article 3: Uniform Housing Code Article 12: Landmarks and Urban Conservation
  - Article 4: Numbering of City Buildings Article 13: Planning; Goals and Objectives
  - Article 5: Flood Hazard and Drainage Control Article 14: Subdivision Regulations
  - Article 6: Railroad Cars, Stationary Article 15: Airport Zoning
  - Article 7: Professional Services Article 16: Zoning Code
  - Article 8: Commissions, Councils, Agencies and Other Bodies Article 17: Family Housing Developments
  - Article 9: Park Dedication and Development Article 18: Downtown Albuquerque Business Improvement District
2. These procedures are also codified in § 2-11-1 et seq. of the City Code. There could either be a cross-reference here, or a transfer of the procedures to this section.
3. This section is often left blank and when completed sometimes references other programs or facilities or efforts with other agencies. It should be expanded to include a statement of coordination efforts with other City, County, municipal, state, or federal agencies with a financial, jurisdictional, or locational interest in the project.
4. See Chapter 6 Financial Implementation of the Planned Growth Strategy Preferred Alternative.
5. See Chapter 6 Financial Implementation of the Planned Growth Strategy Preferred Alternative.
6. For an example see “District Uses Matrix” in Downtown 2010 Sector Development Plan, City of Albuquerque, Planning Department, p. 32.
7. Anita P. Miller, esq., Institutional Framework: The “Disconnect” Between Planning Documents and Implementation, Albuquerque Transportation Evaluation Study, January 1996.
8. “Population, Employment, and Land Use Data” page at MRGCOG web site, [www.mrgcog.org](http://www.mrgcog.org).
9. Miller, Institutional Framework.
10. See discussion at City/County Unification, City of Albuquerque/Bernalillo County, at <http://abcgov.org/unification.htm>; Joint Powers Agreement for Water and Sewer Board, February 14, 2000.
11. The statute presently authorizes the Commission to waive such facilities where: “(1) such provisions for pedestrian, bicycle and equestrian traffic would be contrary to the public safety; or (2) the cost of such provision would be disproportionate to the need or probable usage.” This suggests that the Commission may find that traffic speeds would render such facilities unsafe, or that speeds would discourage bicycle traffic. These findings could be made on any highway so long as the Commission simply fails to include design enhancements to accommodate pedestrians, cyclists, and equestrians.
12. See <http://www.nass.usda.gov/census/census97/highlights/nm/nmc001.txt>.



# **Section 5**

Shared Vision  
Projects

*Creating a Sustainable Future  
through Quality Growth*

# STRATEGY AND ACTION PLAN



CONSENSUS REPORT ON THE  
SHARED VISION TOWN HALL



*October 16 and 17, 1998  
Albuquerque, New Mexico*

# ACKNOWLEDGEMENTS

## TOWN HALL CO-CHAIRS

Jim Baca, Mayor, City of Albuquerque  
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## EXECUTIVE SUMMARY

Participants in the Town Hall believed that the Albuquerque metropolitan area should not continue to grow as it has been growing. Growth must be planned and plans must be followed. New strategies are needed that channel growth into vital centers of activity for living, working and playing that encourage walking and use of transit so as to reduce our reliance on automobile travel and create more choices in living options.

### **Maintenance of infrastructure—water, sewer and roads.**

Maintenance of existing neighborhoods where most people live is the highest priority for which we need funding.

- Find new revenues to eliminate the maintenance backlog and remedy deficiencies
- Conduct an accurate assessment of repair and maintenance needs citywide
- Re-evaluate the capital improvements program linked to the growth strategy
- Increase efficiencies through better coordination and outsourcing
- Ensure that new areas pay their fair share to develop and sustain all services.

### **Infill on vacant or underutilized land within the existing city.**

Infill is a high priority and a higher percentage of growth—at least double the current amount—should flow into the existing metropolitan area.

- Choose a pilot transportation corridor for development of light rail or other transit
- Inventory and identify desired development and preservation districts
- Create financial and regulatory incentives and upgrade infrastructure for target areas
- Revitalize downtown to create a 24 hour full service center
- Involve neighborhoods in shaping where and how higher densities and mixed-use development will occur in coordination with major transit corridor plans.

### **Edge development at the edge of the built part of the city.**

The growth of the city must be balanced and sustained within both infill and edge development. Planned communities are better than rural sprawl in addressing tax base and environmental impacts.

- Set priorities for provision of urban services
- Use a broad-based cost benefit analysis for fiscal responsibility
- Evaluate and prioritize proposals for self-sustained planned communities based on adopted criteria



## Implementation.

These strategies must be implemented in ways that respect cultural and environmental resources so as not to lose those qualities that give our community its identity and uniqueness.

- Recommend options for improved city, county and metropolitan/ regional coordination and governance of growth strategies
- Undertake appropriate revisions to the general plan and regulatory policy
- Reach out to the entire community with interactive education and visualization to publicize and illustrate key ideas.
- Form a Consensus Action Team to evaluate, coordinate, and monitor implementation.



## INTRODUCTION

This Growth Strategy for the Albuquerque metropolitan area is the result of a town hall held on October 16 and 17, 1998, at which a broad-based cross section of interested citizens came together to thoughtfully consider the important question of how our community is to grow and develop. The report reflects the discussion and consensus of the town hall. Shared Vision, Inc. (SVI), a private non-profit corporation, in partnership with the City of Albuquerque and County of Bernalillo, served as a neutral convenor and facilitator of this process of civic involvement.



Audience with visiting mayors.

The town hall was open to anyone who wished to participate in an open democratic process valuing community education and dialogue. The approximately three hundred and fifty participants included neighborhood associations, business interests, developers, government officials and commissioners, and a variety of civic groups. Registrations indicate the following breakdown of those who attended:

- 28% neighborhood associations, residents, community-based organizations, students
- 13% civic and advocacy groups
- 29% state and local government employees
- 6% elected officials and commissioners – local, regional and state
- 9% professional planning consultants, architects, attorneys, engineers
- 15% business and development including finance, developers, builders, realtors

For the first time, a separate children's workshop was also held at the town hall. The Institute for Environmental Education along with architectural students from the University of New Mexico School of Architecture and Planning worked with a fifth grade class from Montezuma Elementary school to help them envision the future city they would like to see. This report includes drawings produced by these future citizens.



Children's workshop

On Friday October 16, town hall participants heard presentations on growth issues, consisting of panel discussions by the mayors of Austin, Denver, Fort Collins and San Antonio; presentations on the Planned Growth Strategy study



commissioned by the City and County; and discussion of proposed implementation initiatives by local officials.

On Saturday October 17, approximately one hundred and fifty people participated in twelve discussion groups and a plenary session to develop consensus on a metropolitan growth strategy. Having heard



Local Panel (left to right- Ned Farquhar, Larry Wells, Councillor Tim Cummins, Commissioner Barbara Seward, and Victor Chavez )

the presentations on Friday, those who attended were well informed and prepared to address the topic. In addition, each participant received a packet of information on growth, including background articles by the two major newspapers. This foundation of information led to a thoughtful, engaged dialogue and resulted in a product that forms a sound basis for the next phase of action.

Saturday's session provided an opportunity for people to exchange different views and talk through complex issues. Everyone who registered for the town hall was assigned to a discussion group in order to ensure a balanced mixture of interests in each group. The richness of the conversation among diverse points of view created new substantive concepts and reinforcement of community values.

Participants were asked to evaluate four possible growth options and then to develop a consensus strategy and recommended action steps for implementation. A community conversation emerged around three topics:

1. How are we to maintain our infrastructure?
2. How are we to grow within existing developed areas?
3. How are we to grow into new undeveloped areas?

Each discussion group developed a consensus growth strategy and action steps to carry out their recommended growth strategy. They selected five highest priority actions based on the following criteria:

- Can start within six months.
- Would send a message that the Town Hall is going to produce results.
- Is feasible to implement.
- Involves different segments of the community working together

Each group reported out their strategy and one doable action at the final plenary session. The Strategy that follows summarizes the conclusions of each group.

The value of the town hall will be realized only to the extent that the ideas and consensus contained in it lead to broader education and action on the part of citizens, business



community, developers, neighborhoods, and elected officials. People called for local governments and others to facilitate the community vision and see that it is implemented consistently. They wanted the Strategy to be publicized and disseminated to the broader community. A Consensus Action team will be set up to oversee the implementation of the Growth Strategy and Action Plan.



Discussion group.

A committee representing the various constituencies who attended Saturday's session reviewed this document to ensure that it reflects

the discussion among one hundred and fifty people as closely as possible. Recorders' and flipchart notes are available upon request, as are lists of other actions developed by the discussion groups but not included in the Growth Strategy priorities.





## I. CONSENSUS GROWTH STRATEGY

Participants in the Town Hall strongly and without exception believed that the Albuquerque metropolitan area should not continue to grow as it has been growing. By managing growth differently, we can create opportunities for beneficial change. A two-pronged approach is recommended emphasizing both infill and planned communities, respecting cultural and environmental resources in neighborhoods and the expanding city so as not to lose those qualities that give our community its identity and uniqueness as growth occurs.



### Keeping and Creating Communities

Whether in new or older neighborhoods, people want to see not just development, but creation of communities, also referred to as activity centers or nodes consisting of a “number of neighborhoods in a proximate area.” These desired communities would have certain characteristics—they would have a diversity of people and income levels, more choice in types of housing to include higher densities, and a mixed use, compact development pattern with housing located in proximity to jobs and services. They would be designed to encourage walking, bicycling and use of transit.

“Our motto: Think regionally, act locally.”

They would be designed to attract and draw people. Each community would have a distinctive character and a center with convenient stores, restaurants, services and public spaces where people can come together, creating a sense of vitality and interaction.

### Links with Transportation

The long range transportation planning process should shift the emphasis to a balanced transportation system which focuses on systems other than automobiles. Participants favored a targeted rather than unfocused approach to growth, locating development strategically in centers and along higher density transportation corridors to create more choice in living opportunities with good access to transit.

“Maintaining choice is important, but people should pay for their choices.”





Children's workshop

### Maintenance

Participants in the town hall were educated and knowledgeable regarding the backlog of infrastructure maintenance and rehabilitation needs that are negatively impacting older neighborhoods, and were willing to support new sources of revenue on a temporary basis in order to catch up. All agreed that maintenance of existing neighborhoods where most people live is the highest priority for which we need funding. We must also create a more

"Catch up on maintenance of existing infrastructure and ensure that capability for continued maintenance is not jeopardized by extending services to new areas."

equitable distribution of services/ resources and address inequalities in areas that have been neglected.

Resources are currently not adequate to meet the needs of maintaining and rehabilitating infrastructure—water and sewer lines and roads—within older parts of the city, and without such resources, these areas will continue to deteriorate. Greater cost efficiencies can be achieved through planning for urban services for new communities, and by emphasizing the redevelopment of existing communities where development has minimal impact on existing city resources.

"We need to more effectively utilize our dollars allocated."

### Infill

In general, people supported the creation of a more compact urban form, emphasizing infill within the existing city and then extending step by step outward. There was widespread agreement that infill is a high priority and that a higher percentage of growth—perhaps double the current amount—should flow into vacant or underutilized land within the existing metropolitan area, where appropriate and feasible.

"Preserve the vitality of existing neighborhoods."



Infill should be planned and targeted to specific centers and corridors rather than occurring in a blanket fashion throughout the city. There is the opportunity to carefully fill in and redevelop properties to create vital centers and a vital core with more choice in the type of living options available to people. These targeted areas can model our infill policy.



For redevelopment to be acceptable, it should be high quality and enhance neighborhood character. Agricultural areas and neighborhoods with particular historic or cultural character would be enhanced, preserved and maintained.

### Downtown

Participants widely supported the revitalization of Downtown as a key part of the Growth Strategy. Downtown has a special status as the “heart and soul” for the metropolitan region, and it deserves special attention and treatment to draw people and create a 24-hour full-service center. Downtown can be a model for an emerging mixed-use center for playing, working, and living.

“The one common denominator to revitalized cities is a vital downtown.”

### Edge

There was recognition that there is not enough vacant or underutilized land to accommodate all demand with infill development alone and that some growth needs to be absorbed at the edge of the built part of the city. The growth of the city must be balanced and sustained within both.

Participants addressed how this growth should occur, and agreed that edge development should be planned and sustainable. Edge growth should have clear parameters with priorities set based on resources and fiscal responsibility as defined in a broad-based cost benefit analysis. Concern was expressed about setting growth boundaries because strict boundaries could force development outside the governing area and result in a contiguous urban area without adequate open space.

“Edge development is the toughest issue.”

The city, county and public schools need to plan and set clear priorities for provision of urban services. This planning should occur prior to development rather than reacting to development.

In addition to development within urban service areas, there was support for developing planned self-sufficient new communities on large land holdings in outlying areas separated by open space: these must be based on availability of water and should be connected to the heart of the city by multi-modal transportation corridors. Planned

“Cost issues are critical on the edge.”



mixed-use developments were listed as a key element of a consensus growth strategy. These communities should be “self-sufficient”, in terms of providing the maximum number of basic services (schools, jobs, shopping) that the community will sustain and at no net cost to local governments. New development should provide sufficient tax base to pay for itself.

“Since there is not enough room with ‘infill’ alone, planned communities are better than rural sprawl in addressing tax base and environmental impacts.”

There should also be alternatives that allow individuals the choice to live without urban services.

### Incentives

Participants favored the use of regulatory and financial incentives to encourage desired development patterns. The strategy calls for identifying “desired development zones” in which densities could be increased and “desired preservation zones” throughout the metropolitan area. Fiscal and regulatory incentives would encourage higher density, mixed use development in the desired development zones.



Plenary Session, Consensus Strategy

### Public Involvement

Implementation of the Growth Strategy must take the values of the community into account—protection of neighborhoods and open space, property rights, environmental resources, and cultural and geographical diversity. While people subscribe to the growth strategy in theory, there is concern about how it will be applied and how it will affect existing communities. Plans for improved access to transportation must be clear and in place before higher density mixed use development is feasible.

A targeted approach to growth requires choices, and neighborhoods must have a strong say in these choices. Infill will not be automatically accepted; it will first be necessary to



Plenary Session, David Campbell, Plenary Chair

undertake an extensive interactive communication phase using visualization as to what these concepts really mean and how they will be implemented. An emphasis on infill will require special resources and attention, and must involve neighborhoods from the very beginning in shaping where and how higher densities and mixed use development will occur.

It will be necessary to generate and reinforce market acceptance of more sustainable forms of development. Reaching out to the entire community with education and visualization is a critical next step to implement the growth strategy created at the town hall.



## II. ACTION PLAN

- C-PA** Consensus Priority Action reported out at the final Plenary session
- CS** Plenary Consensus Strategy
- GCS** Group Consensus Strategy developed by an individual discussion group
- 5-PA** One of five Priority Actions developed by the individual discussion groups
- GB** Brainstorming by individual discussion groups

Note: All consensus action steps recommended as priorities have been included, even if they would require statutory changes to be implemented.

### A. MAINTENANCE (defined as maintenance of infrastructure—water, sewer and roads)

**Strategic Action:** Study and recommend funding sources to remedy deficiencies and to provide necessary on-going infrastructure maintenance. These may include revenue sharing options, re-evaluation of the capital improvements programs or restoring the quality of life tax. (C-PA)

This strategy has three parts:

**A.1.** Identify revenue options to eliminate the maintenance backlog, redevelop and improve existing infrastructure, and stay current.

**Sources of Revenues.** The following sources of revenue were identified by the small discussion groups. Since there is no consensus on the kind of funding, these proposals need further evaluation; the recommended funding should then be implemented in a timely manner.

Options for further study:

- Dedicate a percentage of the capital improvements program to repair and replace existing infrastructure, after reviewing and evaluating amounts currently allocated.
- Develop an infrastructure/ maintenance GO bond issue earmarked and targeted for that use only. The bond issue should include streetscape/ redesign and be broader than simply traffic considerations. (GCS)
- Implement a ¼ cent gross receipts tax increase for repair and replacement of existing infrastructure. Restore the quality-of-life tax to provide facilities essential for our quality of life and an endowment fund to provide maintenance (GCS)
- Create a flexible, prioritized well-defined ten year maintenance plan that addresses existing infrastructure needs and incorporates funding mechanisms. (GCS)



- .. Increase property taxes to reduce the backlog or to stay current on infrastructure maintenance in the future. (GCS) (GB)
- .. Quadruple property tax rate for unimproved vacant land in the City. (5-PA)

**A.2.** Inventory, define and prioritize the maintenance and rehabilitation needs of existing infrastructure to ensure careful, coordinated, efficient reallocation of resources for infrastructure maintenance. (C-PA) Conduct an accurate assessment of repair and maintenance needs citywide. (5-PA)

To be successful in eliminating the backlog, we need a better understanding of infrastructure problems. There was strong support for re-evaluating the capital improvements program in terms of its effect on infrastructure. Maintenance needs to be prioritized by geographic area with a commitment to link to the capital improvements program. Short and long term goals are needed with a definite timeline that identifies implementation resources. (5-PA) The capital program needs to be CLEARLY tied to the growth strategy and the Comprehensive Plan. (5-PA)

In addition the city needs to institute management systems to ensure that this backlog does not occur again. Efficient maintenance requires the planning and management of resources with forethought. The city needs to evaluate, streamline and update policies that are not working and to improve project management. There is a need to ensure coordination among roads, lighting, sewer and water maintenance with consideration given to outsourcing and contracting of services to introduce competition into the maintenance of systems and improve coordination. Efficiencies can be increased through compact development patterns and long term planning for maintenance of existing and new infrastructure.

Existing plans and their fiscal commitments should be funded or rescinded prior to adopting new plans. (GB)

**A. 3.** Ensure that new areas pay their fair share to develop and sustain all services. Pay future maintenance by establishing impact fees to help pay for maintenance of as-yet unbuilt roads, water and sewer. (GCS)

Issues of maintenance and new development are related, and means of financing both must be addressed. Maintenance is a high priority for which we need funding via taxes and fees linked to usage. In order to ensure that maintenance needs of older areas are met, we need a plan to maintain infrastructure in new areas as well as developed areas. Service to and maintenance of existing areas must assume a priority. Extending services to new areas should not be done at the expense of service to and maintenance of existing areas. The political cost of charging for maintenance needs to be taken on. Before new development the city needs to determine how maintenance can be paid for in advance.

**A.4.** Improve schools in older neighborhoods. (GB)



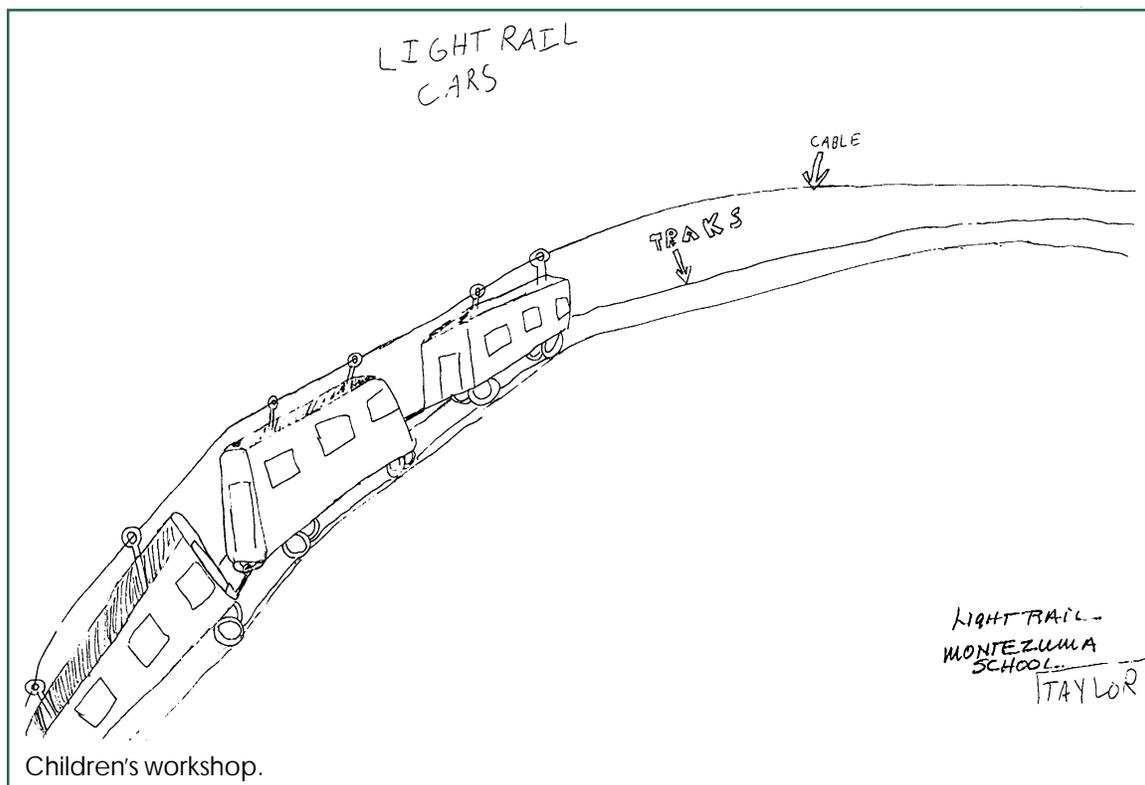
**B. INFILL** (defined as development on vacant lots or underutilized land within the existing city)

**Strategic Action:** Identify desired development and preservation districts and offer financial and development process incentives for infill within target areas. (C-PA)  
Identify and channel development to specific areas for infill. (GCS)

This strategy has four parts:

**B. 1.** Inventory infill sites and identify developable and redevelopable zones. Exclude farm land and cultural, religious, historical and other unique attributes of the city to be protected. (5-PA) Identify desired development zones. (5-PA)

**B.2.** Choose a pilot transportation corridor for development of light rail or other types of transit. Identify opportunity sites and the type of development desired along the corridor. (C-PA) Identify corridors and centers; focus activity centers and transportation corridors on up to 10 areas and prioritize two and begin to develop soon. (GCS) Create four or five areas with centralized community spaces that would provide a base for businesses and community and be the hub of the transportation corridors. (GCS)



Participants wanted to choose pilot areas for immediate action that could serve as a model for implementation. High capacity corridors and activity centers should be identified and prioritized through extensive public involvement, working closely with neighborhoods so that they are not negatively affected. (5-PA)



Particular emphasis needs to be placed on integrating desired infill areas with transit planning. The long-range transportation process should be overhauled to shift the emphasis to a balanced transportation system to focus on systems other than automobiles. (GCS) A new system of transportation and more strategic use of transit goes hand in hand with the creation of higher density mixed use communities. Transit-intensive, walkable neighborhoods should be developed and redeveloped wherever possible. Destinations for transit must be pedestrian friendly and service must be reliable and frequent. The transit piece must be in place first for higher densities to be acceptable to neighborhoods.

**B.3.** Create innovative financial incentives to provide quality and cost-effective infill and implement incentives or fee waivers for developers, businesses, and investors who will use the designated centers and corridors space throughout the city. (GCS)

Fiscal and regulatory incentives would encourage higher density, mixed use development in the desired development zones. (GCS) Examples of incentives are: assistance with financing, property tax abatements, reduction of permit/ impact fees, or relaxation of zoning restrictions within the corridor/ redevelopment zone. There was support for using reduced impact fees, permit fees, or waivers as a way to promote growth in desired areas. (5-PA)

A first step would be to research current local and state tax laws to come up with recommended changes to create incentives for maintenance/infill & new funding mechanisms.

**B.4.** Support infill through upgrades to infrastructure and streamlining the development process for infill development within targeted areas.

In addition to financial incentives, local government needs to support infill with upgrades to infrastructure. Delivery of upgraded city services to targeted areas can encourage higher densities and mixed use development.

Another suggestion is to reduce the development process time for infill as an incentive. (GCS)

## **C. EDGE (defined as development at the edge of the built part of the city)**

**Strategic Action:** Set priorities for development on the edge of the city. (C-PA) Extend new roads and utilities to unserved areas in accordance with an agreed upon capital implementation plan. Evaluate and prioritize proposals for self-sustained planned communities. (C-PA)

**C.1.** Build out and develop primarily in areas where there are existing services available as a first priority, while doing timely planning for the next areas of outlying development and providing an integrated, cost-effective, resource-based infrastructure. (GCS) Identify desired development zones. (5-PA) Define the urban service area. (5-PA)



The city, county and public schools need to plan and set clear priorities for provision of urban services. This planning should occur prior to development rather than reacting to development. Fiscal responsibility is critical. Infrastructure should be integrated and cost-effective, and services should be extended based on a general plan strongly linked to the capital program.

“If we have edge development planned, it provides a tax base that benefits local government.”

Planning for development and infrastructure on the edge should be resource and cost based and should be timely to guide development. The issue of water availability and the need to recharge the aquifer came up as the most frequently mentioned environmental constraint. Participants wanted development and engineering standards which are ecologically sensible, i.e. development that does not cause a net loss to the aquifer so that resources are not depleted.

“We have the capacity to plan, we just don’t do it or use it.”

One group wanted to extend services to the Developing Urban Area as specified in the Comprehensive Plan. (GCS)

**C. 2.** Conduct and complete a broad-based cost benefit analysis as a basis for setting priorities for urban services (GCS).

**C.3.** Implement impact fees. (5-PA) Impact fees should be based on a cost-benefit analysis of where development should or should not occur. (5-PA)

**C. 4.** In addition to development within urban service areas, develop planned self-sufficient new communities on large land holdings in outlying areas separated by open space: these must be based on availability of water and transit. (GCS)

Edge development should have a variety of uses and densities, including mixed-use areas that respect cultural, historical, and natural resources and accommodate diversity of lifestyle. Participants agreed on the desired characteristics and form of growth on the edge, with a strong preference for master-planned mixed-use communities with a variety of uses and densities that address social, economic, and environmental sustainability. These communities should contain the maximum number of basic services (schools, jobs, shopping) that the community will sustain.(GCS) They should offer affordability and diversity of housing choices. They should incorporate internal open space, connections between neighborhoods and linked transportation centers. They should be connected to the heart of the city by multi-modal transportation corridors. (GCS)

“There is real value to being able to look out and see the edges.”

Many favored the concept of satellite communities separated by open space but in these cases financial self-sufficiency is a requirement, and areas need to be defined and prioritized. Planned, self-sufficient communities should comply with the adopted planned communities criteria under which infrastructure would be provided subject to the policy of no net cost—including life cycle costs and benefits—to local government.



Appropriate standards for sustainable development of new sites are needed. At the same time, zoning should allow the flexibility to use new development and planning concepts.

"Balancing of edge and inner (infill) development." (CS)

## D. IMPLEMENTATION

**Strategic Action:** Create a representative implementation committee that evaluates these strategies, turns these ideas into action, monitors and coordinates growth plans, and provides oversight. (5-PA)

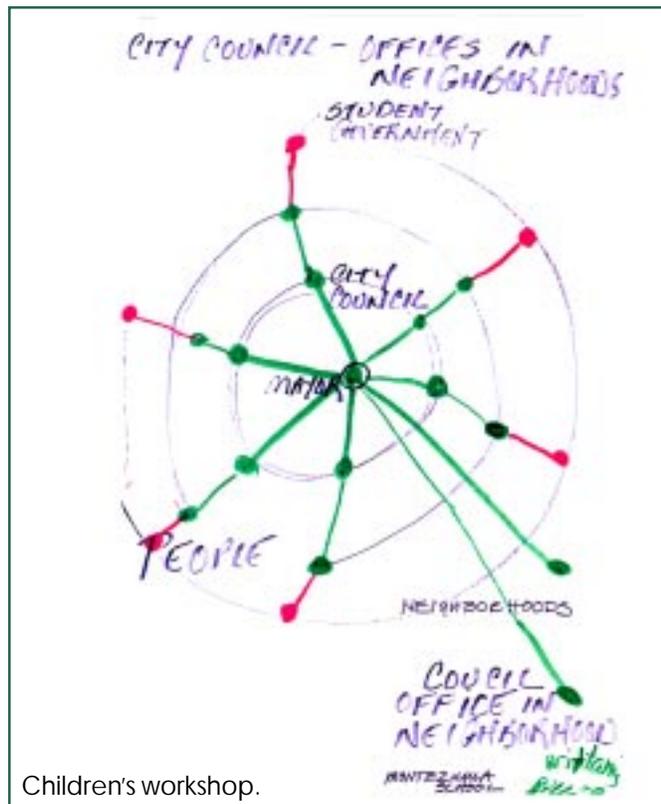
All wanted action and follow through to come from this meeting. People wanted to provide a focal point for accountability in implementing this community-generated growth strategy by forming an independent, citizen-led action implementation committee. (GCS) A vehicle that facilitates cooperation between the public and private sectors is needed for implementation. The implementation committee would:

- Prioritize actions to implement the growth strategy by timeframes.(5-PA)
- Facilitate the growth strategy and ensure that it is implemented consistently.

**D. 1.** Undertake revisions to the comprehensive plan, zoning code and other regulatory policies to implement the growth strategy. Review, analyze and incorporate appropriate parts of existing policies, plans, and intergovernmental agreements as appropriate. (C-PA)

- Develop a good metropolitan plan (i.e. comprehensive plan or general plan) that can be implemented through marketing and public involvement. This plan should include a clear schedule for building infrastructure, etc., for next 20 years. It

should address designated high density areas to include redevelopment which will exist along transportation corridors. The metropolitan plan should address "where and what", and communities should address "how", allowing for development of unique community characteristics. The metropolitan plan must be coordinated among local jurisdictions, should be consistent and predictable, and encourage designs consistent with local community character. (GCS)



- Complete the regional systems plan to provide context for the metropolitan plan. (GCS)
- Amend city and county ordinances and zoning to implement the plan and the growth strategy, involving extensive public participation. Zoning regulations should reflect the growth strategy and allow mixed uses and densities in appropriate designated areas. (5-PA) Zoning amendments should remove obstacles to desired development and support transit oriented/ pedestrian friendly development on corridors/centers. Regulations should allow flexibility in new areas and not drive development to outlying rural locations. (GCS)
- Develop design standards for new and existing neighborhoods that make it safe and inviting for children to walk/bicycle for school and play (5-PA)
- Use the ten community planning coalitions (partners) as a primary avenue for citizen involvement in decision making. (5-PA)

**D.2.** Coordinate city, county and metropolitan/ regional growth strategies. Examine, recommend and implement options for metropolitan governance, revenue sharing, or other structural change to improve the planning and management of growth. (C-PA) Coordinate all designated urban service areas with public school plans – for infill, maintenance and edge development. (GCS)

“Professional planning is needed, but it doesn't produce buy-in.”

City/County/Regional cooperation is essential to reduce duplication of services, reduce competition for revenue, improve resource management, and define urban service areas. The City and County need to agree on where urban development will happen. Participants in the town hall supported city-county cooperation or consolidation and wanted to initiate planning now for some form of city/county metropolitan government involving revenue and cost sharing. The cost benefit analysis of growth strategies would provide a base of information. (GCS)

**D.3.** Publicize Albuquerque's vision and growth strategy. Make the growth strategy visible by using visual techniques. Illustrate ideas for mixed-use development, higher density housing, plazas and other public meeting spaces. Use techniques such as a visual preference survey, visual glossary, and computerization. Develop a visual presentation package and speakers bureau to meet with and educate citizens on the growth strategy. Develop a “roadshow” and educational packet to neighborhood associations.



Visual presentation by Robert McCabe, Planning Director, City of Albuquerque



Public involvement and marketing will be essential to implementation of a metropolitan growth plan with ownership and accountability. Effective and meaningful public participation in planning for growth is necessary to build public confidence and support and should include visualization.

People called for on-going, effective public participation as key to ensuring that infill works as intended. A flexible approach to combining redevelopment/reuse and infill would take into consideration the nature of surrounding neighborhoods. The public would participate in identifying the location of centers and corridors in which higher density development would occur or areas to be preserved. The infill strategy requires strong and diverse community involvement in the decision-making process.

The following recommendations were part of the group consensus from each discussion group:

- Reach out to the entire community in order to build and implement a vision for the future. This broader community must include all ages, cultures, and income levels.
- Develop a community education campaign on growth issues. Create an education package from this conference and distribute to all neighborhood associations and stakeholders. The education package should be unbiased, discuss the current situation, include realistic costs and benefits and analyze the consequences of different decisions. Hold a series of neighborhood decision making and planning meetings to address infill. The City and County should establish and fund a mechanism for public education and involvement. The education campaign should be done professionally.
- Create mechanisms for meaningful public input throughout the planning and development processes. These processes must address how densification and implementation of centers and corridors will be accomplished (to avoid “bad experiences”).
- Continue and expand the existing community planning process.
  - Talk/ listen to more people and improve the dissemination of information
  - Make the Design Center available for public use
  - Talk with the Downtown Action Team
- Immediately initiate a visual preference survey that informs the public about development options and solicits meaningful public input regarding the location and nature of desired development zones and high capacity transit corridors.
- Use visual aides to develop an acceptance for infill. We need to deal with the culture that exists, in terms of “what people want” and educate the public as to how and what alternatives are available. Design a visual glossary of concepts such as high capacity corridors, mixed use, cluster housing, etc. to get everyone speaking the same language. Design is important and must be shown by examples from other successful development to avoid “cookie cutter” solutions.



- Recruit local citizen action teams to help develop and redevelop.
- Conduct visual education of citizenry on the growth strategy using computer modeling.
- Initiate a series of "community conversations"
  - include those without a previous voice
  - include "controversial" topics
  - use neutral third party facilitators
  - use a win-win approach
  - hold in the community locally
  - issue household by household invitations



# APPENDIX 1

## Priority Doable Action Steps

Following are priority action steps developed by each group that were not reported out in the plenary session and are not included in the consensus strategy.

- .. Set up regional authorities for air quality, water quality & quantity, and transportation
- .. Spend less on new roads and more on transit & alternative transportation.
- .. Provide a funding mechanism to expand transit infrastructure to support desired development.
- .. Embrace work on sustainability and make decisions (Refer to Sustainability Committee work and 31 factors (includes adequate air quality). Get the entire community involved in the sustainability issues and undertake PR efforts to increase awareness.
- .. A process needs to be developed to have all communities input/support then recommend results to planning commission for implementation.
- .. In low density areas, develop park & ride centers to encourage use of mass transit or HOV's.
- .. Enact more/necessary user base tax revenues.
- .. Definition of terms used.
- .. Ask office of ABQ Neighborhood Coordination to go to the Office of Neighborhood Community Planning Partnerships and other groups (now being done).



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Jim Strozier, Shared Vision, Inc.

Margaret Thompson, Supper Rock Neighborhood Association

For information regarding this report, please contact Shared Vision, Inc. at 764-6078.



Shared Vision

*Report on*

# PLANNED COMMUNITIES FORUM



*August 13, 1999*

A L B U Q U E R Q U E , N E W M E X I C O

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“Planned communities afford an opportunity to design new areas using the best planning techniques available. A planned community can balance housing and employment opportunities, create a mixture of densities which support mass transit, offer affordable housing, propose water systems and use to assist conservation, and proportion the built environment with open space. Those are the possibilities. We also know that infill development is critical to the vitality of our existing city. With your collective wisdom,... we will have some direction on how to strike a balance.”

*Barbara Seward,  
Bernalillo County Commissioner*

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*shared vision*

REPORT ON PLANNED  
COMMUNITIES FORUM

*Results of Public Involvement*



August 13, 1999

Metropolitan Area

Albuquerque, New Mexico

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“As we grow, we need to be supporting the development and enhancement of the communities of our cities and our region– all the things shown in the town halls and forums– mixed use, adjacency of schools, kids being able to bike, public places for people to interact and come together as a community and get to know each other, people on the street to lessen the need for security– all those issues are about community.

These concepts don't apply only to development in reserve areas with an open space buffer. They relate to things that occur downtown, the northeast heights, the university area– all over our city. We should think about these principles as they apply to everything we do– to infill, edge development and new communities in the reserve area.

People at these forums can do a lot to shape our future. We need to get past “them and us” and start working together to move forward and make that future happen. We need to move from the valuable information coming out of this kind of session into a team that can build a future for our city that our grandkids will inherit.”

*Bob McCabe, City Planning Director*



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**ACKNOWLEDGEMENTS**

**TOWN HALL  
CO-CHAIRS**

Nadyne Bicknell,  
*Shared Vision President*

Jim Baca,  
*Mayor, City of Albuquerque*

Barbara Seward,  
*Bernalillo County  
Commissioner*

Alan B. Armijo,  
*City Councillor, District 1*

**S P O N S O R S**

Shared Vision, Inc.

City of Albuquerque

McCune Charitable  
Foundation

Sandia National Labs

*Facilitated by  
Shared Vision in  
partnership with  
the City of Albuquerque  
and County of Bernalillo*

*Cover: Street scene of Civano, a planned community near Tucson, Arizona. View of mixed use neighborhood center. The sketch shows how the neighborhood center is the visual center of the community, envisioned with historic southwestern architecture.*

*Note: All Civano slides are provided courtesy of Lee Rayburn, Case Enterprises, Civano.*

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“In the last six or seven years I’ve been pleasantly surprised as we have more of these town halls, by how much of the public is getting involved– and the variety of people from our community. As we open up the dialogue, more and more people participate with different points of view. More public involvement has helped me as an elected official because it takes a lot of people to mold a solution and come up with what is workable.

This forum is important to us in Albuquerque. People want to live close to work, shopping and open space. This is a great opportunity to make changes now in areas closer to the city boundaries, such as the southwest mesa and other unincorporated parts of the county, that can make a difference in the next 5-10 years.”

*Alan B. Armijo, City Councilor*

# I. EXECUTIVE SUMMARY

## A. Introduction

Continuing the community dialogue on growth issues, the Shared Vision Planned Communities Forum on August 13, 1999 heard from national experts on growth management and planned communities elsewhere, and then met in small groups to develop a framework for possible policy changes in the local approach to planned communities. Of the almost 200 people attending, approximately 35% were from government (State, City, County, Federal and regional); approximately 28% were from the private sector (developers, architects, planners, attorneys, real estate); 32% represented the civic element (neighborhoods, civic and advocacy groups, community activists, Indian pueblos); and approximately 5% from educational and health institutions.

The purpose of the forum was not to develop consensus or to consider specific local proposals for planned communities, but rather to raise awareness of the issues, conduct a dialogue among different segments of the public, and identify areas of agreement to move forward with. The Forum results will be presented to the City and County as input into a preferred alternative for quality growth.

Three panel discussions of outside experts and local officials were held. The first gave a national perspective comparing planned communities that are being built today to those developed in previous decades, highlighting current best practices in design and public private partnerships to achieve better performance. The second panel focussed on fiscal and regulatory tools and standards that can be used to ensure that planned communities achieve their goals both internally and in relationship to a larger region. City and County officials then discussed policy issues facing local decision makers.

In the afternoon, six facilitated break-out discussion groups of 15 to 20 people each met for an hour and a half. Recorders were assigned to each group to take notes on the discussion and record points of agreement within each small group. At the end of the day, each group reported out their key ideas. The following material is based on both the *reporting out* exercise and analysis of the recorders' notes. This analysis identifies the common themes which emerged from the discussions.

## B. Major Themes

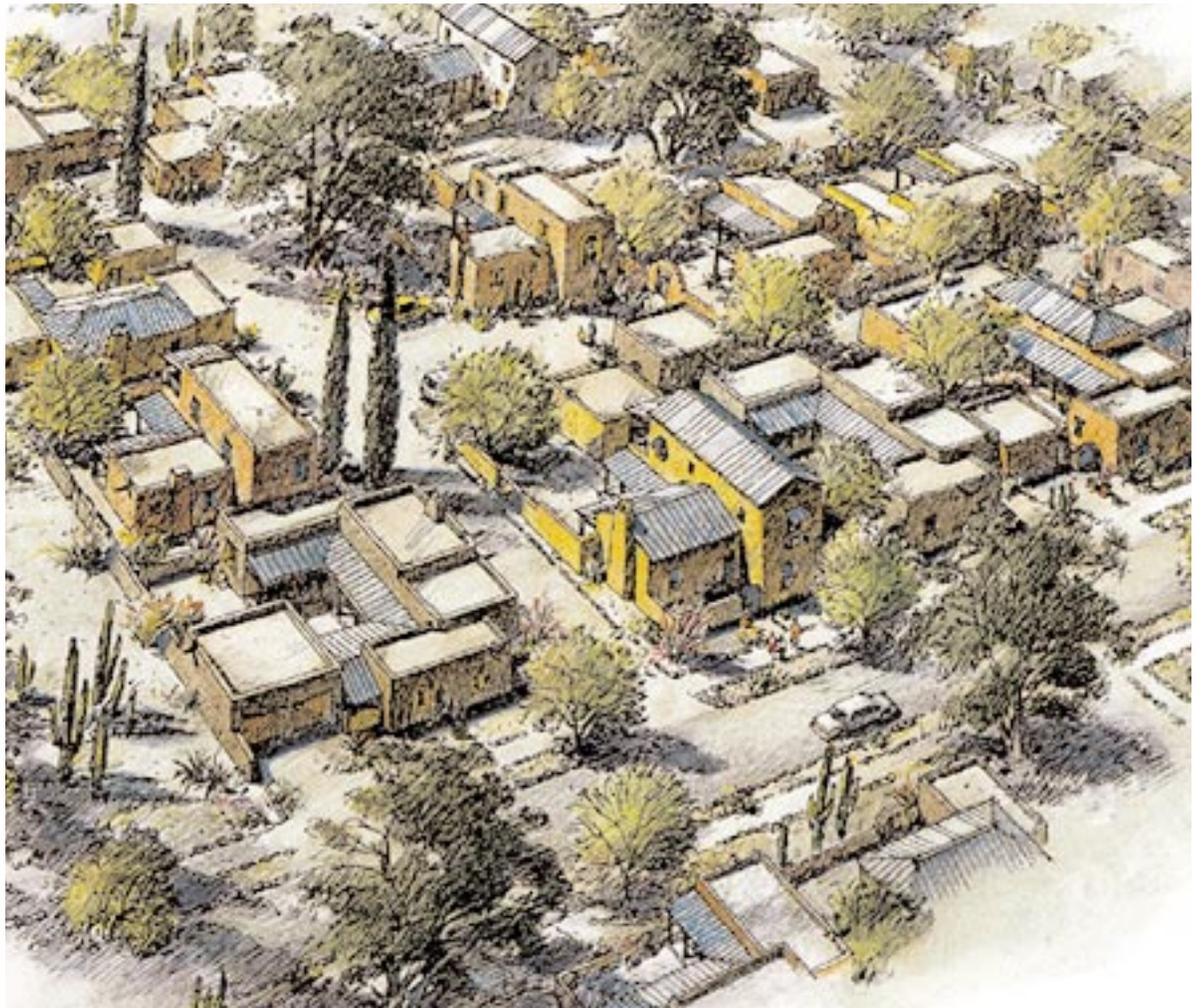
Participants used the term *planned community* to apply both to new communities in undeveloped areas and to the planning of existing communities to make them more livable. According to one participant: "We got to this forum because at the last meeting we needed to balance infill and planned communities."

### Characteristics of planned communities

Planned communities in new areas offer an opportunity to start with a blank slate and create communities that provide the lifestyle many people aspire to. Development in new areas should follow organizing principles and not be done in separate unrelated pieces which are difficult to correct once piecemeal development has occurred and zoning is in place.

People reaffirmed earlier town halls that supported mixed use, compact development patterns with housing located closer to jobs and services, a mix of housing types, diversity of income levels, internal open space, and sufficient densities to support mass transit. Development can be more sustainable long term by living, working and recreating in one community. A sense of community and civic pride is important, fostered through the creation of active public spaces for people to meet and

Planned communities should reflect an appropriate regional character, preserving historical, social, cultural and architectural elements in their design.



Civano, Arizona. View of Compound Villa housing. This housing emphasizes design elements and characteristics of southwestern vernacular architecture: strong geometric volumes, juxtaposition of intimate private space with public space, and deep thick walls.

a high level of community participation in civic life. Planned communities should reflect an appropriate regional character, preserving historical, social, cultural and architectural elements in their design.

Participants thought that we should set higher standards for new communities. Many groups wanted more attention to creating a sustainable environment as a primary goal, with higher standards required, especially for water. Most wanted specific performance requirements for availability of water, water reuse and conservation, air quality, drainage and energy efficiency.

Every group added quality job creation to the list of desired characteristics. A new community needs to have a strategic economic development plan, with a jobs/ housing

balance that is phased in and monitored over time to avoid becoming a bedroom community.

#### Location of planned communities

In response to the question: "*Where should planned communities be established?*" almost all groups responded that they should be located wherever it is possible to create the kinds of communities that we want according to the desired criteria, whether in new or existing areas. A comprehensive list includes: transportation, education, parks and open space, mixed use centers, clean air, good water, healthy land, sufficient capitalization, and quality jobs. Desired community principles should be applied everywhere, while the details and phasing would differ. "Planned communities should be established where they

perform under the criteria or characteristics of desired communities."

Existing communities can and should be planned also to make them more livable, with the same community principles applied. Many wanted to establish planned communities along revitalizing corridors such as Central Avenue. Maintenance of older neighborhoods is "not just about fixing the roads." Infill should be organized and done effectively.

### Phasing of planned communities

These statements do not imply that planned communities should be done all at once. All groups pointed to the need to be more definitive in making growth decisions: "Location needs attention" and "Time needs attention." There should be phasing of where planned communities happen and at what point.

There was general agreement that the development of planned communities should not be allowed to drain vitality from the existing urban areas or draw resources away from the infrastructure needs of the existing community, i.e. addressing rehabilitation and deficiencies. "Don't do things that weaken Albuquerque."

At least four groups wanted to emphasize infill first before doing development at the edge: "Infill first, urban edge second"; "Infill first before you go to the edge" and "Infill and adequate maintenance of existing areas should happen right away." "Planned communities should be done first in the city; look to the city before you go to the edge. If this is not feasible, then start as close to the city as possible." In the Reporting Out session, several groups said that the priority and emphasis should be within existing boundaries and that reserve areas should be last. Some thought that

there should be linkages established so that infill is happening in synch with planned communities. Planned communities in infill areas can also be phased and come in stages.

At the same time, participants recognized that growth is inevitable and should be planned, using the planned community model for growth at the urban fringe. There was support for staging and prioritizing of the planned communities themselves to avoid overbuilding. At least four groups suggested

that planned communities should be staged and that one should precede the other, with the order determined through rating using criteria to select the order.

"Planned communities that are closest should be staged first in consideration of infrastructure costs." Many believed that new planned communities should first be located near adequate transportation with sufficient economic development and infrastructure. "The closer the better."

Internal sequencing within a planned community as it builds out is also needed to ensure "concurrency of development-housing, jobs and infrastructure." "How the development occurs is as important as the plan itself."

Three groups mentioned starting with a community center first, then developing around it.

Although this forum was not intended to make definitive decisions on phasing, such decisions are needed to move forward and the process should continue. These opinions on timing were offered despite the fact that groups were not asked this question directly. The emphasis on timing and phasing was a surprising and important focus that came out of the discussions, particularly since people came up with the issue on their own rather than in response to a specific discussion question.

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The development of planned communities should not be allowed to drain vitality from the existing urban areas or draw resources away from the infrastructure needs of the existing community,

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People at the forum wanted a different, more intentional approach to growth that is not reactive or piecemeal but instead follows carefully considered principles that are developed with a high degree of community involvement.

## Process

Who decides? Phasing considerations are multi-jurisdictional. A decision making body should pick where to try a planned community first within the identified criteria.

Government needs to prioritize where growth in planned communities should occur and in what sequence so as to achieve maximum benefit to the whole region. "Growth areas need to be defined and prioritized and intended." Several of the groups mentioned the importance of having a physical land use plan. "Government should create the staging, be in control and monitor the master plan."

Partnerships between developers, government, and the community are needed to carry these ideas forward. Diverse groups should be brought together for ongoing discussions to craft a vision and then problem solve to make sure things happen according to the vision. People wanted more and more frequent public involvement. "These concepts are great- what additional value will come with community input?"

People at the forum wanted a different, more intentional approach to growth that is not reactive or piecemeal but instead follows carefully considered principles that are developed with a high degree of community involvement. The community needs to be more proactive, with development part of a bigger plan. More attention needs to be paid to balanced community development on a metropolitan wide scale. Two groups put it this way: "All of Albuquerque and the metropolitan area should be a planned community."

## C. Recommendations - Synthesis of Reporting Out Session and Group Discussions

1. *Develop unifying principles to guide the development of planned communities to achieve the desired characteristics. Develop consistent standards for new planned communities among governments in the region.*

- *Raise the density cap for planned communities in the Reserve Area. Raise the density cap upward from 3 dwelling units per acre currently to 8 dwelling units per acre or to unlimited densities to permit mass transportation. Higher densities should be tied to provision of open spaces and the current criteria of one-fifth open space should not be a maximum.*
- *Raise the bar on environmental standards. Develop new standards and additional criteria for sustainable development that are higher for planned communities and edge development, including emphasis on availability of water and water conservation provisions, solar energy and air quality.*
- *Develop consistent standards for planned communities applied among governments in the region.*
- *Lower the size criteria for infill and edge areas. There should be flexibility in the size of planned communities depending on location. Planned communities in infill areas would be smaller, perhaps 25 acres, rather than 5,000 to 10,000 acres in the reserve areas.*
- *Sequence growth within planned communities to ensure a balance between jobs and housing and avoid creating "bedroom communities." Require planned communities to present a plan for phased growth and create monitoring systems to monitor how the development is occurring. Each community should include a major employment center and a plan for housing, jobs and infrastructure to develop concurrently.*
- *Develop community centers first. Create civic places where people can celebrate that create civic pride. Include active people places that encourage relationships.*
- *Add criteria for planned communities that*

address their composition and state the intent that they should be socially heterogeneous in terms of income, ages, ethnicity, etc. Require a mix of income levels and affordable housing to ensure that people can move up within the same community.

- *Make planned communities "kids-centered" for the next generation.*
- *Include a strategic economic development plan for each planned community to foster quality jobs to retain our children instead of losing them to other communities who can provide better paying and more interesting jobs.*
- *Consider the capitalization and financial capacity of the development organization in approving new master planned communities.*
- *Clarify the process for review of planned communities to minimize interpretation and add certainty as to what is required in each stage.*

2. *Put the existing community first in terms of vitality, development and infrastructure needs.*

- *Locate planned communities to interface with existing infrastructure and transportation corridors to minimize long term fiscal impact.*
- *Create linkages to ensure that infill is happening concurrently with planned communities.*
- *Clarify the policy of "No net cost." Take into account eventual revenue generation that could be used to revitalize the existing city core and should be captured by the local jurisdictions.*
- *Set aside sufficient tax revenues for maintenance.*
- *Consider incentives, tax structures and financing of public infrastructure to achieve the goals of infill and planned communities in a regional context to accomplish a growth strategy.*



Civano, Arizona. Desert Home aerial sketch.

3. *Develop an urban growth plan* that integrates planned communities criteria, area and sector plans and the Comprehensive Plan. Growth areas need to be defined and prioritized in a more intentional way. There needs to be attention to phasing on a multi-jurisdictional scale which addresses where growth is to occur and at what point in time.

- *Develop a physical land use plan that is incorporated into the urban growth strategy.* The land use plan should identify where planned communities and open space should be located that would provide an over-all vision and direction.
- *Evaluate and revise zoning regulations* in light of the ideas discussed.
- *Clarify lines of response in government* to avoid "passing the buck." Government should create the staging and be in control, and should monitor the master plan to ensure it is carried out.
- *Provide logical connections* for various modes of transportation.

- *Develop a phasing and staging plan* for planned communities by evaluating and rating them using criteria based on the desired characteristics.

4. *Build partnerships between the government, community and developer to achieve the goals for planned communities.*

- *Emphasize communication* and improve the information flow from government to the community.
- *Provide continuous discussions on attitudes regarding growth.* All groups should come together to develop a shared vision of what we want to see in the community. Residents of existing and future communities should be included in discussions. There should be citizen monitoring and problem solving, to make sure development happens according to the vision.

# II. FORUM PROCEEDINGS

## INTRODUCTION

Nadyne Bicknell, President of Shared Vision and Co-Chair of the Forum, gave opening remarks.

Shared Vision stimulates community dialogue and action through education and consensus building and works toward the vision of a vital and sustainable community. The organization encourages both public and private participation, joining the community voice with the power of government. Shared Vision events build on each other, with each taking the results of previous town halls to continue the dialogue and action process. These forums increase our civic capacity to deal with difficult and important issues.

At the October 1998 Town Hall on Quality Growth, participants wanted to change the way we grow to achieve a more sustainable future. That town hall recommended learning more about planned communities and how they might fit into a total growth strategy. The purposes of this Forum are to:

- Improve the quality of development at the edge of the city
- Identify issues of planned communities that need to be addressed further, and
- Provide input to develop a preferred alternative for the City/County Planned Growth Strategy

**MAYOR JIM BACA**, Co-chair of the Forum, said that “It is evident from the work of Shared Vision, the City Council and others that the debate has been joined over how this region will function in the future. The diversity of opinion that you get is extremely important. This diversity of opinion is what will make progress for us in planning the future of this region and this community. There are three planned communities and maybe a

fourth planned. Today you’ll be talking about who gets what resources. The purpose of the meeting today is to figure out what planned communities can do and how they will function.”

**BARBARA SEWARD**, Bernalillo County Commissioners and Co-Chair of the Forum, thanked Shared Vision for giving us this opportunity in democracy. The town hall is following up on a key issue identified at the October 1998 town hall. The focus today will be at a policy level rather than considering current local proposals. Planned communities afford an opportunity to design new areas using the best planning techniques available. A planned community can balance housing and employment opportunities, create a mixture of densities which support mass transit, offer affordable housing, propose water systems and use to assist conservation, and proportion the built environment with open space. Those are the possibilities. We also know that infill development is critical to the vitality of our existing city. With your collective wisdom, hopefully at the end of the day we will have some direction on how to strike a balance. We are privileged to live in a very special place. May it always be so.

**ALAN B. ARMIJO**, City Councilor and Co-Chair of the Forum, said that, “In the last six or seven years I’ve been pleasantly surprised as we have more of these town halls, by how much of the public is getting involved. As I’ve looked at the various town halls, I’ve seen a variety of people from our community. As we open up the dialogue, more and more people participate with different points of view. How do we work together? More public involvement has helped me as an elected official

because it takes a lot of people to mold a solution and come up with what is workable.”

“This forum is important to us in Albuquerque. People want to live close to work, shopping and open space. Some people are looking to communities such as Mesa del

Sol and Black Ranch, which are far out in the future. But this is a great opportunity to make changes now in areas closer to the city boundaries, such as the southwest mesa and other unincorporated parts of the county, that can make a difference in the next 5-10 years.”

## SUMMARY OF PRESENTATIONS

### PANEL 1

#### “Planned Communities: New Challenges, New Models”

Moderator: Jim Baca, Mayor

What are *planned communities*? Can they provide an alternative to urban sprawl? Representatives of planned communities from elsewhere highlight trends in creating more sustainable cities. How are planned communities different than typical development at the edge of the city? What is their role in the metro area’s future? What were the lessons learned?

**REID EWING**, author of *Best Development Practices and Transportation and Land Use Innovations*, consultant to EPA and other governmental agencies, and professor at Rutgers University, gave an overview of the performance of planned communities as compared to traditional suburban sprawl with the theme of “New Challenges, New Models.”

He chose four examples of different models for satellite, urban edge and infill developments, looking at these elements:

- a. New design concepts
- b. New implementing mechanisms
- c. New cost sharing arrangements

An essential issue is how government relates to the new planned communities. He used case studies to analyze how the relationship between government and the master developer has changed over time and where it ought to be going.

Obstacle Course- pre-1980’s. Miami Lakes, Florida, developed in the early 1960s, could be viewed as an example of an “obstacle course” approach where government sets up obstacles that have to be cleared by the developer.

The developer of Miami Lakes held to the original master plan from the early 1960s, that included two business parks, 23 neighborhoods oriented toward lakes, a town center and 5 convenience centers. The Graham Companies had to deal with the constraints of existing single use zoning in implementing the plan. They faced opposition when attempting to create a mixed use town center that required a zoning special exception for multi-family housing across from single-family homes. They also had problems obtaining a variance for shared parking and setback reductions in order to create a more pedestrian friendly environment. It became necessary to privatize the Main Street in order to accomplish goals of New Urbanism such as narrowing the street and providing angle parking. Even though Miami Lakes has been a great success, the relationship with government has been adversarial, and the developer has had to clear multiple obstacles that shouldn’t be put in the way of a good project.

Horse Trading – 1980’s. Rancho Santa

An essential issue is how government relates to the new planned communities... how government and the master developer has changed over time and where it ought to be going.



Mixed-use Town Center, Rancho Santa Margarita, California site plan. *Courtesy: Reid Ewing*

Margarita, California reflects the thinking about master planned communities in the 1980's. The relationship between the master developer and government could be viewed as a "horse-trading" exercise. At the time the development was proposed, there was already a problem with heavy east-west traffic to I-5 as a result of the approval of bedroom communities in the area. The developer convinced the County that the general quality of life could be improved and congestion lessened by developing a mixed use community and complementary transportation system. Traffic mitigation measures included:

- a. Promise of jobs-housing balance. This would allow residents to travel by sub-regional roads to the business park rather than traveling via I-5 to employment sites in Irvine.
- b. Inclusion of a town center for East Saddleback Valley. This would allow residents to travel by sub-regional roads to the town center rather than using east-west arterials to access regional shopping opportunities along I-5.
- c. New regional parkways funded by the developer and others through community development bonds and development

fees. This developer and others also provided funding for a reality-based multi-modal transportation plan

Development at Rancho Santa Margarita is clustered, with 50% of the land area left undeveloped, with greenbelts on three sides, wildlife corridors and other open spaces. This is part of the conservation plan for the entire basin. The development provides major gathering places for people, with dense housing surrounding a central park, lake, and other public places. As a result of providing a pedestrian-friendly environment, people are out walking all the time. Other features of the development include: mixtures of housing types, good public facilities and parks; a community shopping center in the commercial core; and a walkable, pedestrian-oriented Main Street.

The developer made an attempt at transit-oriented development, and in return was allowed to develop at high suburban densities. An average net density of 12 DU/acre is offset by the 50% open space the higher densities enabled the developer to sell 15% below market and to be very successful in the early years, when as many as 1,900 homes were sold in a single year. However, the higher densities are still insufficient to support transit at such a remote regional location surrounded by low-density development.



Mitigation - Attempt at Transit-Oriented Development. Rancho Santa Margarita, California. *Courtesy: Reid Ewing*

Limited Partnership – 1990's. The Southeast Sector of Orlando, Florida, a 19,000 acre area with multiple land owners, could be

viewed as a “limited partnership” between land owners and the City. The City shared the cost of developing a master plan for the sector. The City committed to infrastructure improvements in the area. The City and landowners went hand-in-hand to the state for environmental permits. The resulting New Urbanist plan includes a town center, village centers, a network of greenways and upland buffers around wetlands, and a jobs-housing balance.

Once a plan was completed, the landowners became concerned about the marketability of their land among conventional developers and builders. A local firm was hired to re-do the plan, and came up with an “escape clause” that would allow conventional development on the site. However, if developers opted for conventional site plans, they would be ineligible for various incentives from the City—higher densities, narrow streets, fast approvals, and certain fee waivers or fee reductions.

The first development under the new plan, Lake Nona, has chosen to develop in a New Urbanist rather than a conventional manner, though not rigidly so. It provides another example of a limited partnership between public and private sectors, with the developer, school district regional hospital, and UMCA sharing the cost of the first building on the site.

Full Partnership – Current, next decade.

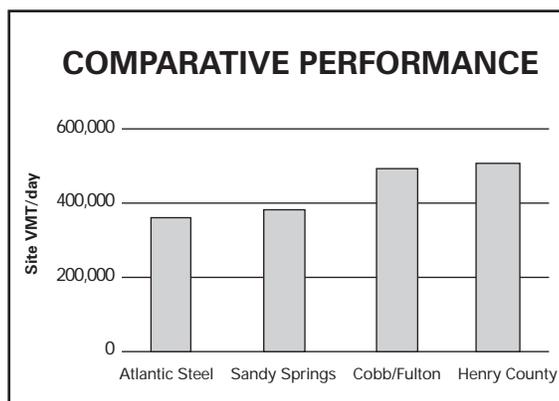
A fourth example, the Atlantic Steel project in Atlanta, represents a “full partnership” between

a developer and various government entities, including the Clinton Administration, U.S. Environmental Protection Agency, Federal Highway Administration, Georgia Governor’s office, and Mayor of Atlanta. It involves a brownfield site in Midtown Atlanta that is ripe for redevelopment, but cannot be redeveloped without better access to I-75/ I-85 adjacent to the site and the MARTA rapid transit station on the other side of the Interstate. Access is to be provided via three freeway ramps and a bridge.

What gave rise to the partnership was a conformity lapse under the Clean Air Act, whereby Atlanta’s adopted transportation plan was not contributing to the attainment of national air quality standards. The conformity lapse makes the area ineligible for federal highway funding, and would have precluded the construction of needed on-ramps and bridge. Applying for a Project XL exemption from environmental regulations, the developer showed that the same amount of development on the Atlantic Steel site would produce many fewer vehicle miles traveled and much lower vehicle emissions than would development of new satellite communities in outlying areas, where projected development would otherwise go. Subsequent analysis showed that a redesign of the site plan along New Urbanist lines including mixed uses would outperform the developer’s original plan for the site. On this basis, EPA granted the exemption and development is proceeding. This project has become a poster child for Smart Growth nationally.

For developers who want to build quality and are suitable partners, partnering requirements include:

- Exchange of purpose
- The right to say “no”
- Joint accountability
- Absolute honesty
- Contact without control



Comparative Performance of Vehicle Miles Travelled per Day. Atlantic Steel Project, Atlanta, Georgia. *Courtesy: Reid Ewing*

**JOHN LASWICK**, Manager of Tucson’s

Sustainable Communities Program, described Tucson as a metro area of 850,000 population which has grown at a rate of 18,000 people a year since 1985 and continues to experience pressure for new development.

Civano is a planned community that blends new urbanism and green building on 1100 acres. It grew out of a solar village and is the result of a community-driven vision rather than a developer-driven plan. It began in 1991 with a series of design charrettes. The plan was done in partnership with the city and received unanimous approval.

More than 350 people showed up to celebrate the opening of Civano. The plan includes 2600 houses in a wide price range, 1 million square feet of commercial/ industrial development, 35% open space and parks, and mixed use neighborhood design with sustainable construction methods. It includes a village center, three neighborhoods, greenways, and a mixed use compact form of development.

They created performance targets including:

- Provide 1 job for every 2 housing units.
- Reduce energy use 75%

- Reduce water use and demand by 65%
- Improve air quality by 45%
- Reduce solid waste by 75%
- Provide 20% affordable housing
- Create a pedestrian environment
- Reduce internal vehicle miles by 40%
- Promote green construction, waste recycling
- Create a City/developer sustainability work program

Better development has both costs and benefits. Creating a mixed-use, pedestrian oriented community that uses less water and energy can save the City approximately one half million dollars per year. In return, the City is providing \$30 million of infrastructure improvements, land and a project management team. Civano is serving as a model for growth and a new form for edge development through its mixed use compact design.

The project evolved into a Livable Tucson Vision program with a community vision and indicators of sustainability. Tucson is also retrofitting older neighborhoods for sustainable living. Principles that can be applied:

- Innovation requires inducement. Think



Civano, Arizona. Neighborhood One Plan. The original plan, with its overly rigid road grid system, was modified to respond more sensitively to the landscape and to issues of solar orientation. The neighborhood size evolves from comfortable pedestrian walking distances and the creation of a hierarchy of streets. The streets are designed to ensure that pedestrian traffic would be co-equal with vehicular traffic.

The development is an essay on how you can live in the desert, using alternative building materials that can moderate the desert climate



Civano, Arizona. Porch transition zone.

- about how to induce innovations.
- Set performance based high standards for sustainable communities.
  - Use a partnership model for a balance between the regulatory and market models.
  - Innovative communities represent a huge market niche with opportunity for high returns because no one is in that market

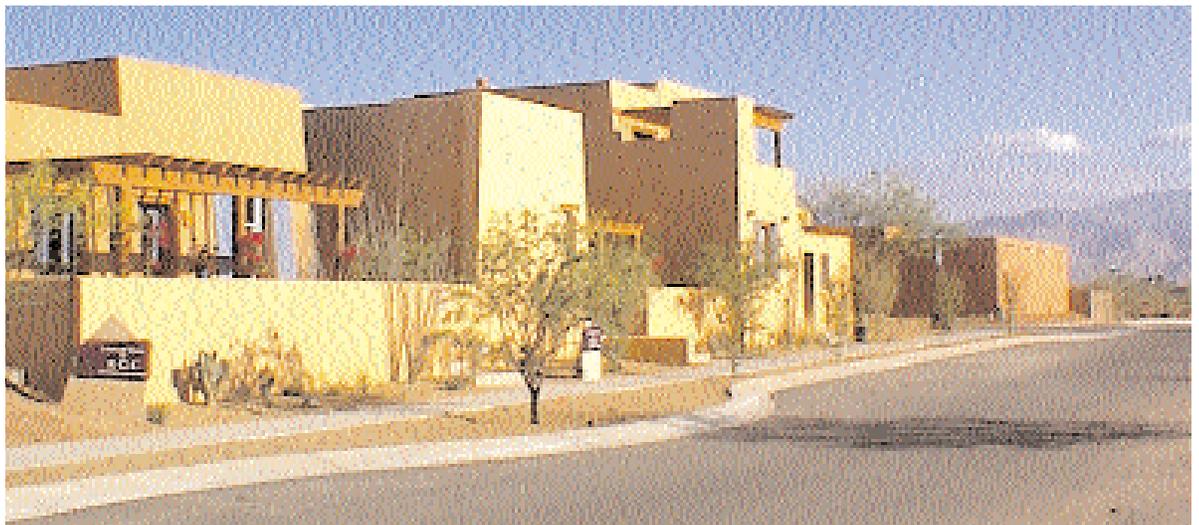
**LEE RAYBURN**, director of the planning and design of Civano, described Civano as a new community that combines New Urbanist planning concepts with environmental goals. In overlaying a new plan onto the desert, the developer committed to keeping 30% of the

land as regenerative open space. The plan breaks down the mass of land into walkable sections to encourage pedestrian activity and help create a strong sense of community. The planning units of the project are roughly sized according to how far you can walk in 10 minutes, which represents each person's view of the world.

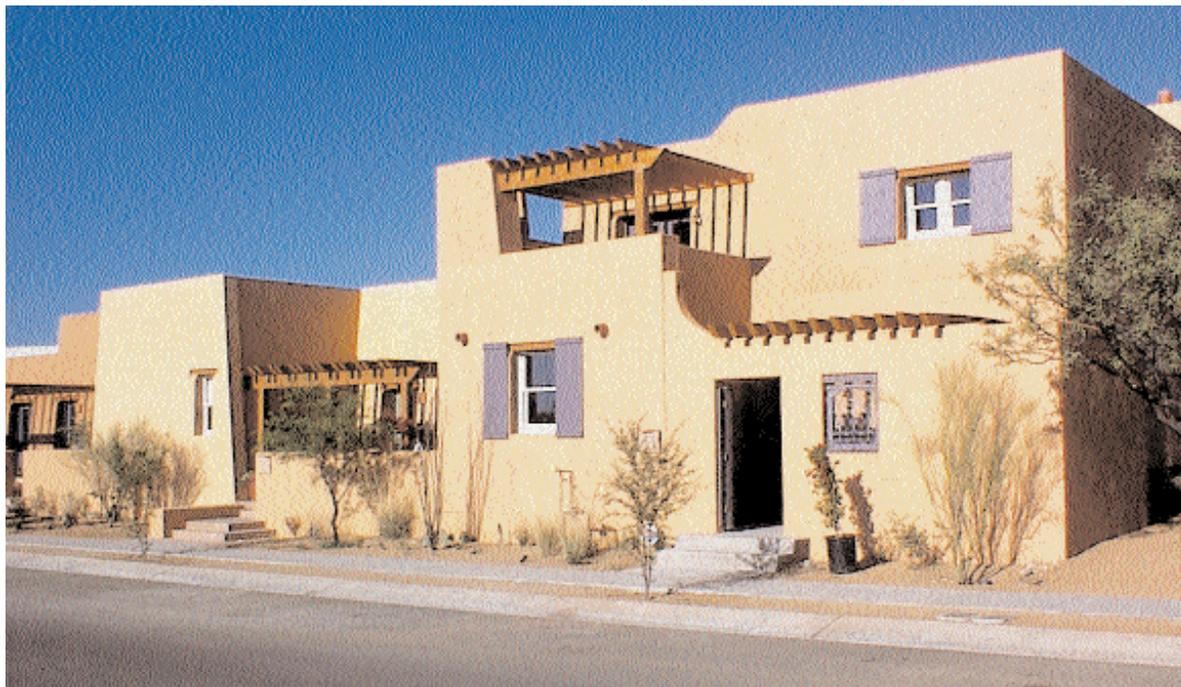
The hierarchy of streets follows a classic New Urbanist model of major boulevards, residential streets, and alleyways for utility needs. The residential streets exhibit a dense "social edge" along the street front, where socializing is encouraged. Special zoning allows for in-house businesses and granny apartments. This zoning flexibility allows the community to grow and defines secondary uses over time.

The development is an essay on how you can live in the desert, using alternative building materials that can moderate the desert climate. They are testing innovative permaculture ideas, with the goal of slowing and holding water in the desert to give it a chance to percolate into the ground and create a lush environment.

A tenet of New Urbanism is to build social amenities along with the first phases of housing. They created a community center of 20,000 sq.



Civano, Arizona. Social edge streetscape. Shows the variety achieved in the street front by paying attention to design elements. All garages are in back alleys, and therefore there are voids in the public street front. This street front is a good example of a strong social edge. All houses have porches, and the design elements from the sidewalk to the front door-steps, porches, trellises, walls, etc., have been given careful consideration to create zones of varying privacy. This invites interaction with neighbors



Civano, Arizona. Two-story housing that is being built on the streets immediately surrounding the neighborhood center. This helps create the sense of a dense center with a heightened degree of activity, all of which invite social interaction.

ft., with a small cafe, shops and a courtyard that functions as a gathering place and a destination point for a larger sub-region. Two-story houses are located around the neighborhood center in order to create density and an actively used center of the community that draws people.

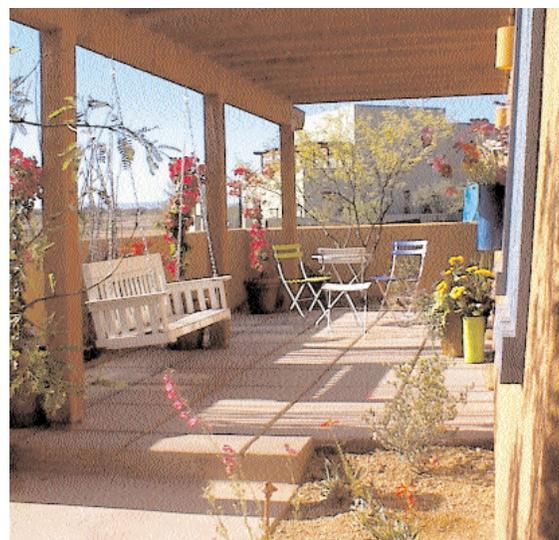
Homes are located close to the street with lots of variety in design, in and out spaces, voids and shaded places. Every house had to have a front porch. This creates active social edges as you move along the street and from the street to the entry to the houses. As you go from the sidewalk to the front door, there is an entry zone, steps, and front porch, creating zones of privacy and community that invite people in.

The housing includes many innovative design elements, including porches, trellised terraces and courtyards that integrate the housing into the landscape; and building materials such as adobe, Rastra, strawbale, and steel framing.

Some of the housing is grouped around a common courtyard, creating a highly complex variety of private and public spaces. In these common courtyards, alternative paving materi-

als, a combination of native soil and polymer enzyme has been used, eliminating asphalt with its heat absorption and radiation characteristics.

All of these design elements help to create a physical environment which feels friendly and invites a commitment to community. According to the developer, “We’re not, ourselves, building community, we’re building a framework which allows community to form as people move in.”



Civano, Arizona. Close-up of front porch.

**ROGER GALATAS**, former President and CEO of The Woodlands, a 26,000 acre development outside of Houston, Texas, described a balance between environmental objectives and urban growth.

Master planned communities have a significant share of new housing with one-sixteenth of the population now living in master planned communities. They have the following characteristics:

- Large scale (from several hundred to thousands of acres) The average size is 500-4600 acres; sale of 1500 DU per year is standard
- Programmed to create a balanced mix of land uses, including residential, commercial, employment, recreational, and public space
- Controlled by a master developer
- Master planned in the early stages
- Emphasis on neighborhood identity
- Variety of housing types
- Balanced uses that complement housing
- Coordination between land planning, environment, architecture, amenities and lifestyle

The emphasis is on community and livability. Master planned communities can mitigate urban sprawl by offering an alternative, but they don't eliminate it entirely and other measures are needed also to address urban sprawl.

They are typically located where cities and jobs are growing—in California, Texas, Nevada, Arizona and Florida. The average project life is 16 1/2 years, representing a long-term risk for the developer. Three basic needs for development are: land, money and people. Land must be acquired in the right location, at the right time, and at the right price. Sufficient capitalization is required to withstand economic cycles over a 16 year life of the project. A team of people is required to manage and operate the development within and outside the community so that it is livable and attractive in the

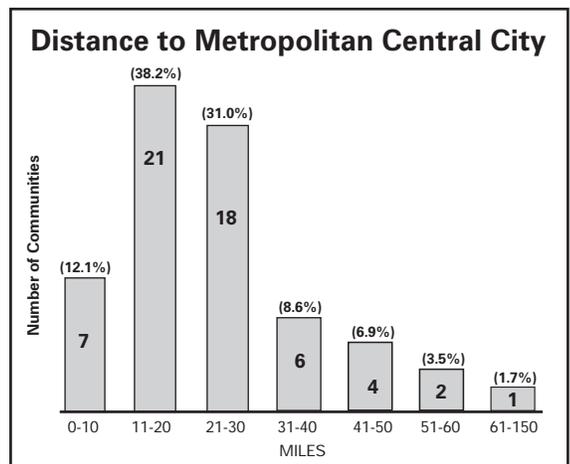
marketplace.

Success factors include defining the market in terms of customers and what they can afford, and communicating a message or vision for the project as to what you are trying to accomplish. It is important to focus on quality and provide the best quality of housing within each market niche, thereby creating more value for the development. The owner should be personally involved on site, paying attention to detail as well as the grand scheme. Designing in harmony with nature makes the project more marketable.

It is important to pay attention to building blocks for the community that make people want to live there: public/private education, personal safety and security, environment and open space, transportation and mobility, access to and away from the property, recreation and amenities, including passive open space, shopping and jobs within the local community, creating a place to "live, work, play and learn."

Located on the Interstate, the Woodlands is intended to be the downtown for a population of 1 million people in the vicinity. It contains a regional mall, national corporate headquarters, a 13,000 seat outdoor amphitheater, research parks and advanced research center. Since it has a full range of housing, many generations of families live there.

The Woodlands has a population of 50,000



Title: Location of New Communities within Metropolitan Areas. Courtesy: Reid Ewing

people, 20,000 homes, and 18,000 jobs, or 1 job for every household. A good living environment has helped to attract companies to locate near where people live. Approximately 30% of the land is open space, 20% commercial. The goal is 150,000 population and 75,000 jobs in 15 years. Approximately

1/3 of the population works there; 1/3

works in Houston, and 1/3 in other locations. The Woodlands is at the top of the Houston area in home sales.

The development pays its way in tax revenues; while 20% of the County population lives in the Woodlands, it generates 30% of the County taxes. This wasn't the case at first but it is now.

## Questions & Answers

### ■ Question – How does each development have a partnership with the schools?

**ROGER GALATAS** - The Woodlands developer donated land for schools. The community supports bond elections because different generations live there. A community college provides lifelong learning for retirees.

**LEE RAYBURN** – The City is working with a local group to create a local charter school at Civano.

**REID EWING** – Rancho Santa Margarita donated land and contributed to the architecture to retain a Mediterranean look. Schools are a tremendous marketing plus. Lake Nona donated land and entered into a partnership, placing the first school in a greenbelt south of the first neighborhood.

### ■ Question – Why did the Woodlands succeed when many other master planned communities begun in 1972 by HUD failed?

**ROGER GALATAS** – Location on an interstate highway and near an airport;

growing metropolitan area; attractive environment, progressive good schools, and well capitalized with a HUD loan guarantee. Other HUD communities were not in as good a market location and were poorly capitalized.

**REID EWING** recommended looking to see how well capitalized developers are, in order to weather the down cycles in the economy.

### ■ Question – What is the transit share of master planned communities?

The highest is Montgomery Village near Washington, DC with a 13% share. Transit is context sensitive. Master planned communities tend to be affluent and auto oriented.

Civano considers both internal and external transit. Civano does not yet have enough density for a bus line. Their strategy is to get people in the habit of being pedestrian oriented by creating social amenities so they won't have to use the car after they drive home, and these lifestyle changes could perhaps lead to a greater demand for transit.

## PANEL 2

### “Tools for Directing Growth”

Moderator: Alan B. Armijo, City Councilor

What strategies can local government use to achieve the desired results?

Professional experts discuss fiscal and regulatory tools as they relate to infrastructure, development charges, mixed uses, schools and other facilities in a total growth strategy for reserve, contiguous and infill areas.

**DOUGLAS PORTER**, director of the Growth Management Institute and former director of research at the Urban Land Institute, described a public policy context for planned communities. New communities are not a neat fit in managing growth:

- They are often located outside designated growth areas and tagged as promoting urban sprawl if they are not contiguous to existing development.
- Their large scale has effects on the existing community due to infrastructure requirements and environmental impacts. This is true even if they are located within an existing urbanized area.
- The mix of uses and design objectives doesn't coincide with standard zoning objectives.

At the local level, they are treated as special cases needing special review, and localities invent special ways of dealing with them, including:

- PUDs allowing flexibility
- Clustering ordinances
- Special exceptions with conditions
- Specific plans used in California as an adjunct or amendment to the Zoning Ordinance
- Authorization for special financing districts or taxing districts as a means of funding
- Overlaying zoning districts
- Multi-phase planning and entitlement processes
- Development Agreements invented to handle problems

At the regional or state levels, special legislative authorities have been created to evaluate Development and Regional Impacts (DRIs) of planned communities. The Twin Cities Metropolitan Council has the authority to review projects that impact several jurisdictions and regulate results. There are special review procedures for developments with regional impacts, but often there are no special criteria or standards for densities, land use mixes, urban design, or sustainable infrastructure systems. Such reviews are often concerned with process alone and leave the content to local jurisdictions.

Growth area allocations can include new communities. The good news is that major features of local legislation have positive features:

- Comprehensive treatment of planning and design
- Protection of sensitive lands
- Connections to existing infrastructure systems
- Protection of natural resources and sensitive lands
- Affordable housing and special amenities
- Flexibility to allow innovative design

These standards go hand in hand with development interests in dealing with a marketable product.

The bad news is that approval procedures are highly discretionary, leading to complications and drawn out reviews often taking 3-10 years, with extensive lists of studies and engineering designs required. This process allows many opportunities for intervention by special interest groups, introducing delays, demands, opposition, litigation, and controversies, often ending up postponing a decision through the next election. These issues continue in subsequent phases as changes are asked for and required.

This discretionary process often creates a “Christmas tree” exaction process where local

government gets facility contributions they never would get from other developers. These exactions may be good for the community or may add to the price of housing within developments.

The issue is how the planned communities relate to the overall community plan. The need for changes in multi-year projects opens up controversy. Often the local jurisdictions are not able to understand impacts and do the needed reviews, and it often comes down to believing or disbelieving a developer.

*"Anthem"* a Phoenix area development by Del Webb is a multi-generational, multi-use community of 5900 acres, 14,700 homes, 623 acres of commercial and industrial and 2150 acres of open space and recreation. After a 5 year planning process with environmental values, it was approved through the zoning procedure that required special plans. The development was opposed by the community as being outside the growth area. The counter is that it is a mixed use project that would deliver quality in an area that would otherwise be developed with 1-2 acre lots and that this is a better way to grow.

Hidden Springs, Idaho, also outside the growth area, also got approved. This is a development of 1700 acres and 915 homes. The town center was the first thing constructed; neighborhoods incorporate traditional neighborhood design with detailed residential design guidelines. Playa Vista, Los Angeles is next to Marina del Rey, Santa Monica. This was an infill project with concern for wetlands, riparian areas, and connections to areas around it.

Conclusions regarding how planned communities deal with the larger community in a growth management environment:

1. Planned communities require special treatment and are held to a higher standard

than typical development because the public is allowing these developments to take place in areas otherwise not considered growth areas. A community can trade off land values for better infrastructure and more quality.

2. Planned communities are a component of overall metropolitan development and need to work into a public policy context to maintain a balance of growth inward and can't be allowed to drain the vitality of existing neighborhoods.

There is a public responsibility to maintain the value of existing areas through continual public investment and attracting private investment through public siting policies and targeting investments. within certain growth areas within the existing community.

3. To ensure quality, a community needs to set up criteria for mixed use, densities, and infrastructure investments, to look at phasing and tracking of master planned communities on a year by year basis and to meter entitlements based on performance toward objectives.

4. To maintain balance, we may need to consider establishing a linkage between investments in new communities and investment in existing areas. To do special things outside the community, we also

need to commit to do special things within the existing community.

Post-forum comments: Someone, or some organization or agency, needs to advance one or more options for how future growth should be allocated, with an analysis of pros and cons of each, for community discussion and, hopefully, consensus. The 10-20% allocation to infill development is simply inadequate and meaningless— it would probably happen anyway— and that does not get to the heart of any allocations among the three so-called planned communities and any others that might expect to capture some of the market. Those allocations

The issue is how the planned communities relate to the overall community plan. The need for changes in multi-year projects opens up controversy.

any growth allocated to planned communities should be strongly conditioned on performance by phases, with subsequent phase approvals being held up subject to reaching planned objectives in terms of uses, densities, and quality of design.

are critical to any growth management process—the market cannot be left to whatever happens and which developer markets best—but mean some tough decisions. Right now my sense is that the amorphous state of the options is contributing to talking the talk and avoiding walking the walk. Also, my main point was that any growth allocated to planned communities should be strongly conditioned on performance by phases, with subsequent phase approvals being held up subject to reaching planned objectives in terms of uses, densities, and quality of design.

**CHRIS NELSON**, professor of city planning and public policy at the Georgia Institute of Technology and an expert on infrastructure finance and impact assessment, gave an overview of Albuquerque’s densities, which compare favorably to other cities. Within the 1960 boundaries between 1990-97 densities grew to 7.8 DUs per acre, the minimum needed to sustain transit. In the rest of the city the density is 5.1 DUs per acre. Beyond the sewer extension areas, densities are 3.9 DUs per acre. Albuquerque’s over-all average density is 5 DUs per acre. By comparison, Atlanta’s densities average 1.25 DUs per acre.

Mesa del Sol proposes 6.7 DUs per acre density, which is almost to the level of transit support. Westland plans an average 2.5 DUs per acre and Black Ranch 4.6 to 7 DUs per acre. These proposed planned communities are less dense than the city as a whole due to the 3 DU per acre policy limit. This policy limit may be reconsidered in view of the minimum needed to support transit.

#### Fiscal Impact

The local policy that new development be “no net cost” with revenues less than the cost to serve has temporal considerations. After many generations, the development may generate excess revenues over its costs and these should be considered.

Planned communities require extensions of water and sewer lines with potential for

robbing infill by soaking up infill capacity. In addition, planned communities tend to not be transit friendly.

Ways to pay that are not from the taxpayer:

1. *Developer exactions.* More complex projects require complex agreements. Larger projects have more expensive fees and move away from providing affordable housing. Most new communities are the affluent communities of the region and often do not offer a balance of affordable housing. Not all impacts are mitigated.

2. *Special assessment districts.* Property taxes generate revenues to pay off bonds so that the development is assessed to pay off its own infrastructure. This type of financing has the problem of securitization. Economic downturns can bankrupt the local improvement district because rates are set by the homeowners and they won’t raise taxes to service debt. Sometimes local government will help underwrite the bond, but this may affect the local bonding capacity and exceed statutory limits.

There is also a concern for civic disengagement. If a new community becomes detached and isolated from the broader community, they are not willing to pay additional taxes.

3. *Impact fees.* This is a poor way to pay the bills for expansion at the urban fringe:

- There is no accounting for maintenance or replacement costs imposed on the community later
- Average cost pricing is limited to larger facilities. This is an excuse to cause urban sprawl.

4. Some advocate using pricing and costs to manage development. The question then is: “How do you measure?” Rather the question should be a vision question – What do we want to look like in 20-50 years? What do we want our children to see in 50 years?

Then the vision is implemented in part by addressing infrastructure allocation questions regarding current capacity:

- How much should go to infill to fulfill the vision?

- How much should go to the urban fringe?
- How much should go to planned communities?

We need to start with the basic policy and planning questions. Once you've allocated infrastructure consistent with the vision, pay for it using full cost pricing. Full cost pricing has three kinds of costs:

- Up front capital costs
- Capital preservation
- Operations and maintenance

There are three tiers of infrastructure:

- Central facilities
- Trunk or main facilities
- Local inherited cost facilities

Impact fees should cover capital costs for central and trunk or main facilities. We ought to require new development to put in infrastructure on site.

We are not doing a good job in the other two areas because we pay for capital costs and operation and maintenance based on average cost pricing. This means that older neighborhoods at 6 DUs per acre pay 8 times more per house than people on 1/2 acre lots. Low income households in low cost locations subsidize high income households in high cost locations.

We can rationalize costs by sub-area and can refine by density and kind of facilities so each person gets a bill that reflects the full costs. It may be possible to take this approach locally for utility fees also to reflect area by area differences.

*What matters most is the vision: What is yours?* Decide what you want to accomplish, then use the money to fulfill your vision.

**JUDY CORBETT**, founder and Executive Director of the Local Government Commission in California, described the Ahwahnee Principles, which represent an alternative vision to sprawl. They include community and regional principles along with implementation

strategies and by 1997 were adopted in their general plans by over 120 counties and cities in California.

Community Principles:

- All planning should be in the form of complete and integrated communities, containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents. Sprawl disintegrates a sense of community where there is no choice but to drive. This principle can also apply to existing communities.
- Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other. As many activities as possible should be located within easy walking distance of transit stops. Approximately 30% of the general population does not drive. Portland, Oregon has achieved 36% of trips to downtown by bus or light rail.
- A community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries. Changing demographics of new households formed in the 1980s support this principle:  
51% of households are single people and unrelated individuals  
22% are single parent households  
27% are couples with or without children

These statistics indicate an opportunity to provide diverse types of housing, such as housing above retail, granny flats, and co-housing models.

- Businesses within the community should provide a range of job types for the community's residents.
- The location and character of the community should be consistent with a larger transit network.
- The community should have a center

Participants in the process should be provided visual models of all proposal.

- focus that combines commercial, civic, cultural and recreational uses.
- The community should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design. She described the advantages of “place-making design” with buildings surrounding open space, as opposed to “space taking design” where the building is in the center of a parking lot. Place making designs with buildings around a plaza or housing around a neighborhood park are wonderful places to be that attract people and spur revitalization.
  - Public spaces should be designed to encourage the attention and presence of people at all hours of the day and night, creating a self- policing situation.
  - Each community or cluster of communities should have a well-defined edge, such as agricultural greenbelts or wildlife corridors, permanently protected from development.
  - Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed traffic.
  - Wherever possible, the natural terrain, drainage and vegetation of the community should be preserved with superior examples contained within parks or greenbelts.
  - The community design should help conserve resources and minimize waste.
  - Communities should provide for efficient use of water through the use of natural drainage, drought tolerant landscaping and recycling.
  - The street orientation, the placement of

buildings and the use of shading should contribute to the energy efficiency of the community. In the desert southwest, there are excellent opportunities for solar orientation of housing.

Implementation steps are as follows:

- The general plan should be updated to incorporate the above principles.
  - Rather than allowing developer-initiated, piecemeal development, local governments should take charge of the planning process. General plans should designate where new growth, infill or redevelopment will be allowed to occur.
  - Prior to any development, a specific plan should be prepared based on these principles.
  - Specific plans should be developed through an open process that includes everyone who has a stake in developing it— developers, citizens and the city.
- Participants in the process should be provided visual models of all proposal.

**LOU COLOMBO**, Deputy Director of the Albuquerque City Council Services and Adjunct Professor of Planning at the University of New Mexico, presented information regarding planned communities and growth management in Albuquerque.

*1. Use financial policies to achieve desired community outcomes and help achieve the vision for the future.*

According to the recent Citizen Satisfaction Survey, in which 1,400 Albuquerque residents were interviewed, three times as many people want the community to grow within the existing boundaries rather than continue to expand. While this is impractical if taken literally, it does show the preferences of local residents for improving our existing neighborhoods and for redevelopment.

Utility charges

The City-controlled water system has

excess capacity within infill areas, defined as the 1960 boundaries of Albuquerque. A new home in an already established area is assessed a \$1,400 water utility development charge, but the actual cost to provide water service is lower. So, local government actually discourages infill by charging a premium in the infill areas.

The wastewater system within the infill area is fully developed and the marginal cost of making a new sewer connection in this area is lower. But every new home is assessed the same \$1,200 wastewater development charge regardless of the cost of providing service. We could have lower impact fees in infill areas to reflect the policies we are trying to achieve.

We need to make consistent the financial policies and the urban development outcomes we are trying to achieve. One way to do this is to charge less in infill areas, reflecting the lower cost to provide water and sewer services there.

Growth Policy

We have been relatively successful in achieving compact low density growth because we've been underfunding our capital program for growth, as well as for rehabilitation and to correct deficiencies. On the fringe, a developer waits for the capital program to extend infrastructure, or finances the infrastructure extensions and is paid back, to some extent, over time as people connect to the water and sewer system. So developers are price-sensitive as to how far they are developing from the edge of existing infrastructure.

We want to protect taxpayers and ratepayers through efficient delivery of water, sewer, hydrology and transportation infrastructure. The Planned Growth Study has shown that for the next 25 years, the public needs to spend about \$3 billion to take care of deficiencies, rehabilitation needs and to support urban growth. This means that public expenditures

need to roughly double over current levels. Therefore, it is very important to figure out how to grow more efficiently.

We do not conduct cost-revenue analysis when extending infrastructure. The way we grow needs to consider the economics of the cost of expansion at the fringe. We need to fully use capacity within already developed water pressure zones and sewer subzones and in roadways.

Planned communities

There are advantages to building planned communities in terms of mixed use and

somewhat higher densities that result in less dependency on the single occupancy vehicle and shorter trip lengths. We can save public money on infrastructure, but there is no procedure to financially support planned communities, potentially by passing along these savings. We need to make our financial practices consistent with our preferences for how we want our community to be in the future.

*2. Use the Capital Improvements Program (CIP) more strategically and comprehensively way as part of the plan for urban growth.*

- We need a plan for growth that guides street, hydrology, water and sewer projects 10-15 years in the future
- The plan should be comprehensive and include all taxing agencies (e.g. AMAFCA, Bernalillo County, MRGCOG, State of New Mexico) that affect the development of the metropolitan area, not just the City.

The Capital Improvements Program needs to be "two-sided". We should make sure that rehabilitation and deficiencies are addressed and funded as well as infrastructure to support urban growth. At the same time we are dealing with the growth question, we need to deal with rehabilitation of infrastructure in

We need to make consistent the financial policies and the urban development outcomes we are trying to achieve.

“Planned communities are the vehicle for government to step up to the plate and create the master plan for what we’re going to look like.”

the existing community and this needs to be part of the capital program.

There is an over-\$1 billion dollars backlog of rehabilitation needs (water, wastewater, streets and hydrology) and another \$700 million is needed to correct infrastructure deficiencies, meaning there is inadequate capacity to meet demand. Other capital facilities are playing catch up also, including schools, parks, libraries, etc. Non-infrastructure facilities should develop plans that are consistent with the 10-25 urban growth priorities for where the community wishes to expand in the future. This will ensure more predictability of urban services.

We also need to allocate resources to achieve public policy goals. If storm drainage deficiencies in the older parts of the city are a barrier to infill, the capital program should target funding to remove the obstacle.

Over the last 16 years, the revenue for the City’s capital program has declined 20% in real dollars while the population has increased by 25% leaving a net reduction of 45%.

We need to identify the total funding needs of the capital program and create methods to meet this increased level of support.

*3. Move toward developing a land use element of the Comprehensive Plan.*

A policy plan, as we have in the existing Comprehensive Plan, is subject to interpretation. New development projects usually meet policy goals to some extent. A land use element would help us to implement centers and corridors and planned community objectives. The West Side Plan divides the area into communities, village centers and neighborhoods. Each of these places should have its own mixed use and higher density center, just as we are discussing with planned communities. Yet, superimposing these community policies upon existing zoning and land use has been problematic. Many people would agree that we have not achieved our land use policies for the West Side.

This illustrates the importance of applying concepts to new areas prior to the zoning and development of those areas.

## Lunch Panel

### “Local Challenges and Opportunities”

Moderator: Bob McCabe, City Planning Director

We’ve had an enlightening set of speakers with great images to help us visualize what the opportunities and potentials are with planned communities. Did anyone think the lifestyle opportunities and choices shown are not the kinds of things we’d all like to be a part of?

The real issue is how we realize that in our community. The point that was made– to really think about our vision for the future and to let that drive these outcomes – and what this city is to become in the 21st century is really the key issue here.

**What should be the role of planned communities in the Albuquerque metropolitan area?**

**Should planned communities be included not only in reserve areas but also edge development, infill and redevelopment?**

**BARBARA SEWARD,**

Bernalillo County Commissioner

Currently 10% of our growth is infill, with the maximum attainable about 25%. This tells me that we need to do some thoughtful long

range planning. Because our children and grandchildren account for more than 70% of our growth, it behooves us to plan for our growth in a careful and accommodating way. Planned communities afford us an opportunity to design growth areas using the best planning techniques available, balancing housing and employment opportunities and other public goals. A planned community is the antithesis of sprawl. Since sprawl is defined as uncontrolled growth, usually of a low density nature, planned communities are a controlled form of development, and they provide for a variety of housing types, which would result in mixed densities. After hearing some of the comments I think we might want to look at our density requirements. I found the information very useful this morning.

Our population in the metropolitan area is projected to double to 1.5 million by 2050, most of it our own natural increase. If we don't plan for that growth, the results will certainly be unplanned sprawl of the worst kind. Planning for growth via planned community concepts is appropriate and necessary, in my opinion, as we look to the future and yes, planned communities should be included in all areas of the metropolitan area.

Existing large development projects within the city service area, all of which are 400-1100 acres in size— such as Manzano Mesa, High Desert and Ventana Ranch— are master planned areas that are outperforming adjacent unplanned tracts of land. That should tell us something. The largest infill parcels on the city's recent Vacant Land Study map are in the previously mentioned communities. They are building out successfully with logical extension of services and providing a mix of land uses.

Planned communities have been formally recognized in our city and county since 1991, when the Comprehensive Plan was amended to include the Planned Communities Criteria. They have been part of the public's understanding of our future for the last eight years. There is a school of thought which believes

that people cannot or should not be left to their own devices when it comes to deciding where and how to live their lives. Choices of lifestyle have always been one of the attractions of living here. There's a middle ground here somewhere, and I hope that we have the wisdom to find it.

**TIM CUMMINS**, City Councillor

I agree with Commissioner Seward 100%. How did we get to where we're at? If you look at the way communities grow, communities have been built and designed by developers. In the 1970s and 1980s there were master plan developers that built communities that allowed for commercial support, and in the late 1980s everybody went broke. There are no more large scale developers locally. No one realized what was happening and stepped up to the table to say we're going to take over the master planning of the community. The industry has moved toward specialty developers, or project developments, instead of mixed use developments that incorporate all those things you need. That's why planned communities are so critical now. Planned communities are the vehicle for government to step up to the plate and create the master plan for what we're going to look like. This allows more certainty for builders.

The recent infill study says that we have 25,000 acres available and the Mayor has recently been saying that we should focus all our efforts there. Planning and growth is a Council-driven initiative; the City Council initiated the Planned Growth Study and asked the County to join. The parcels that were stepped over for infill were stepped over by the market for a reason; they have development and zoning issues that need to be addressed before they're brought in to the inventory of available land for development. If we focus on infill, we have to redevelop, replace water and sewer lines, and expand capacities in transportation systems. New development is starting fresh and is cheaper.

Our community can only afford infill at around 20%, which should be the first target for balance. We need to prioritize our spending and balance between infill and edge development, which is not the same as sprawl.

**STEVE WENTWORTH,**

Bernalillo County Planning Commissioner

I'm here on this panel because I'm trying to bring the perspective of the community. How many people are here from the community and neighborhood associations? There's a good turn-out. I see a void of knowledge among neighborhood associations about planned communities – what they are and what is the process. What is the City doing with neighborhood associations and this process to make them aware? We need to work on communication between developers and neighborhood associations; they are afraid of each other and we have boycotts of developments.

We should be encouraging planned community concepts. I don't see planned community criteria going into new developments. Most are residential only and I don't see village centers happening in these developments. We need community advocacy to get these criteria part of these developments. We have a good start, working with the Extraterritorial Land Use Authority and Commission has enhanced communication between the City and County officials and staff. But we have to include the community and residents. Our focus should be on educating the community about planned communities.

**LARRY WELLS,** National Association of Industrial and Office Parks (NAIOP)

The role of planned communities is first to provide a place to live in the future besides the other areas we will develop. There's a consensus that we want to increase infill and do things in the built center city portion. How we'll do that requires more debate and discussion, which we'll do at a town hall in November.

But infill can't handle all our future growth, so the question is, What else shall we do? What we should do is plan for the future. This morning I saw terrific ideas about how we can plan the environments we want to live in, to reduce traffic load and provide choices.

That's a big role that planned communities play, especially if we're successful in emphasizing infill. If people want to live in a more urban environment, we should do it and subsidize it. But others want more space and we need to accommodate that also. We need to accommodate growth in a way that we don't leapfrog over into surrounding counties and have regional sprawl. We should have choices of environments here in our community so people don't have to move out to get the choices they want. The role of planned communities is to provide places for us to grow intelligently and smartly.

**NED FARQUHAR,** Executive Director, 1000 Friends

In the 1980s Houston was surrounded by planned communities absorbing 60% of housing sales in the metropolitan area. Yet today, Houston's air quality problems are about to surpass Los Angeles, and the downtown is not in good shape. We should have planned communities; Mesa del Sol was annexed as an urban growth area in the 1980s and growth makes sense in that area.

But the three planned communities proposed locally total 200,000 population and we have 420,000 population now. There will have to be a lot of housing sales in those three planned communities for them to succeed. Their success will mean the failure of infill and revitalization policies in the core area of the city.

We are making two major mistakes in the way we're doing planned community development:

1. We're not doing growth in logical urban growth areas. We're reacting to proposals without adequate review according

- to the existing criteria.
2. We're saying we'll have a 20% maximum infill. From 1990 to 1997 we had less than 10% of new housing units within the older 1960 boundaries of the city. 20% is a low target. We ought to be looking at 30% over the next 20 years. We shouldn't think that just because we've been de-vitalizing and de-densifying that we have to continue that path. We can reverse it in the way we manage our fringe areas.

### SUSAN JOHNSON,

Environmental Planning Commission

One of the things I heard this morning was to think about context. Transit is not just about densities, but is about links to other systems. We've discussed how planned communities to be developed may weaken the fabric of the city. I'd like to think about Rio Rancho, a

planned community of 50,000 population that has done very little to hurt us. It's a contributor to our metropolitan area and economy and has achieved some public goals.

The metropolitan area population projection is for 100,000 new people by 2010. We will need planned communities to accommodate this population. However it's a problem if they become bedroom communities. We need to think about the resource of low cost land for industrial locations and the big campuses companies need when they expand. We should put the location of industrial land and the economic base of job creation at the front end of planned community development, then put these areas closer to the city so we don't leapfrog to get to them. Rio Rancho has gone after the economic base of jobs first and we can learn from their example.

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## **How are the planned community criteria currently working? What policy changes need to be made and what strategies need to be followed to achieve the role for planned communities that you've been talking about?**

### SUSAN JOHNSON

The density cap is not serving our needs and should be lifted. The focus on economic density we need to locate around our metropolitan area should be built into the rules for development. If we succeed in getting industry in these locations, the no net cost policy may change.

I've had trouble with the concept of the buffer zone between us and the planned communities. That was developed when we had gasoline shortages and wanted people to stay in one place.

### STEVE WENTWORTH

The basic concerns of transportation, water, utility extensions, and no net cost are a burden for everyone to figure out; commissioners tend to overdo this and put a damper on the process. We're not encouraging this type of growth to happen for infill and other

types of community areas in Albuquerque. We need to look at revamping the criteria and perhaps drawing up criteria for each specific community. Maybe we should look at having more fluid criteria that are easier to evolve as we encounter issues. The whole concept of planned communities is good. We're just not doing it with our infill in Albuquerque now.

### LARRY WELLS

The criteria don't work very well. The key to making them and the public input work is predictability and certainty about how the process will work. A lot of the requirements are vague and open to interpretation. We should strive for maximum predictability and certainty in language.

There is a disconnect between what should be required at the conceptual level of planned community approval and what should be

required prior to the actual development. This costs money and leads to disagreements that prevent us from working on these problems in a way to get consensus about what we want to have in planned communities.

There is confusion over fiscal analysis required. People think they've met the requirement and other think they haven't. The words are ambiguous and vague.

There is a disconnect in the timing issue. Planned communities look forward over a long period of time 40-50 years, yet transportation plans go out 20 years, and the capital program doesn't go out far either. This creates more problems and discrepancies that make decisions more difficult. Meetings like this bring issues to the forefront of our thinking and help to resolve the issues through amended laws and regulations which are intended to make it easier to solve the problems.

**NED FARQUHAR**

1. The planned community process works more quickly than the development review processes in town. The County has approved two planned communities without figuring out what the costs will be. The County needs a fiscal model.

2. We look at planned communities individually without looking at the cumulative or aggregate impact of planned community development. There's a requirement in the Comprehensive Plan that policy makers will look at planned community development and see how they will affect infill and revitalization efforts. We need to take that seriously and think about phasing planned communities so we are sure we'll be able to support infill and revitalization.

3. Planned communities should be considered in logical urban growth areas. We shouldn't just be extending infrastructure and services into areas that aren't logical for development.

4. The density cap should be lifted.

5. We need to look much more at enforce-

able conditions such as jobs-housing balance that might be required.

6. We need to make sure we know the financial depth of people proposing planned communities. 12 of 13 HUD planned communities that had federal financing assistance did not pay their debt. We can't just leave it to the market because the public holds the bag when the market disappears.

**TIM CUMMINS**

Are our actions consistent with our goals? If not, how do we change our actions?

Aspirational goals that are developed may not coincide with regulations and mechanics of how the City is approving projects. The Transportation Evaluation Study did a good job of analyzing the development process and pointed out disconnects in the process and how we get what we don't want. We approve projects the same way, but say we want something new. We can't have something new unless we change the process. The things we need to change our the density caps because we need transportation corridors. We need an option for planned growth. If we had planned community policies that are working we wouldn't have a trend analysis that is different than the planned communities program. What we have isn't working; we don't have a planned growth policy.

**BARBARA SEWARD**

We need a jobs-housing balance as critical to the success of a planned community. We need to get smart regarding how we create those jobs up front or simultaneously with the housing.

We do have adopted planned communities criteria. If what we've been through for the last 2-3 years is an example, one must assume that they are not working. The meaning and intention of the policy requirements is very vague and interpreted differently by everyone. We see appeals and lawsuits filed over interpreta-

tion. This tells me the criteria are not easily understood by everyone.

There is a disconnect between what should be required for conceptual level broad community wide approval and what should be required prior to development for site specific later phase approval. There are those who want level A to be specific.

There is confusion over the fiscal analysis and who determines the assumptions. Black Ranch, for example, had a number of fiscal analyses done, none of which agreed with the others. Timing is a problem. Some communities project they will build out 30-50 years. MRGCOG only plans for 20 years. It's difficult to predict costs and revenues over 50 years. There is a disconnect between broad policies, specific requirements, and other entities' policies and regulations, e.g. the State Development Fee Act. Criteria have not been revised to be consistent with State Law.

Policy changes recommended:

- Make the criteria conform to State law at a minimum, especially the Development Fee Act.
- Clarify the level of detail needed for studies at the community-wide scale versus the specific scale.
- Define who provides and reviews assumptions for fiscal analysis and no net expense.
- Clarify both public and agency input processes so last minute comments and amendments aren't proposed that no one else has had the opportunity to see.
- We need to seek public input along with landowners input so that we can reduce conflicts later.

Philosophical changes:

- Change the focus from discouraging to encouraging planned communities. We should encourage people to plan ahead and address impacts ahead of time.

## COMMENTS

■ We need to raise the density caps so there is more intensive development mixed in with larger lots. *(Seward)*

■ We need to look at more than land use; these are communities and need to function well in all dimensions including economics. *(Johnson)*

■ We need to stage suburban growth logically, sensibly and affordably. There is a \$2 billion backlog. We need a concerted strategy to work together. *(Farquhar)*

■ Why we have infrastructure problems is that we haven't been paying as we go. We did not tax ourselves efficiently; we need to fix the doors, the roof and trim (of the city). We are behind because of the failure to take care of our own house and we need to do better. *(Wells)*

■ Quality of life issues are easier for elected officials to deal with. We need more emphasis on the primary function of government, to provide basic services. The Planned Community Criteria need to be more clear as to what is required for approval. *(Seward)*

## Wrap-up

### BOB MCCABE

As we grow, we need to be supporting the development and enhancement of the communities of our cities and our region— all the things shown in the town halls and forums— mixed use, adjacency of schools, kids being able to bike, public places for people to interact and come together as a community and get to know each other, people on the street to lessen the need for security— all those issues are about community.

These concepts don't apply only to development in reserve areas with an open space buffer. They relate to things that occur

downtown, the northeast heights, the university area— all over our city. We should think about these principles as they apply to everything we do— to infill, edge development and new communities in the reserve area.

People at these forums can do a lot to shape our future. We need to get past “them and us” and start working together to move forward and make that future happen. We need to move from the valuable information coming out of this kind of session into a team that can build a future for our city that our grandkids will inherit.

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## III. DISCUSSION GROUPS

Six facilitated break-out discussion groups of 15 to 20 people each met for an hour and a half. Recorders were assigned to each group to take notes on the discussion and record points of agreement within each small group. The following summaries are based on the recorders' notes.

### 1. What characteristics do we want in planned communities?

Each group reviewed the following list entitled CHARACTERISTICS OF DESIRED COMMUNITIES from October 1998 Town Hall on Quality Growth:

1. Diversity of people and income levels
2. More choice in types of housing to include higher densities
3. Mixed use, compact development pattern with housing close to jobs and services
4. Designed to encourage walking, bicycling and use of transit
5. Distinctive character
6. Center with stores, restaurants, services

and public spaces where people can come together

7. “Self-sufficient” with basic services (schools, jobs, shopping)
8. Planned and sustainable, Master-planned, mixed use
9. Affordability and diversity of housing choices
10. Incorporate internal open space
11. Connections between neighborhoods and linked transportation centers
12. Create communities/ activity centers with a “number of neighborhoods in a proximate area”

The discussion groups agreed with the above list but expanded it to clarify some of the points and added other characteristics that they wanted to see included. Many thought that all communities, including those already established, should achieve these characteristics.

#2 #3 #9 People supported mixed use as being better for the environment. Living space and retail can be combined within the same site. Planned communities should not be eco-

nomically or culturally segregated. Mixtures of housing prices are desirable, allowing homeowners to purchase starter homes and then move up within the same community. People did not want segregated communities but instead wanted to ensure that a community offers mixed prices and affordable housing.

#1 and #5 A sense of place is important, keeping Albuquerque's distinctive character so that "you know you are in Albuquerque." Character can be created through the use of space and the use of appropriate landscaping—native vegetation in a sustainable landscape. The historical nature of an area (natural or cultural) also needs to be incorporated into community design. This identity may have a regional context and should not be sterile or overprogrammed. It means preserving natural vegetation and historical amenities, carefully considering social, cultural, and architectural attributes.

#10 Open space should offer a place for people to connect to the natural world and should include trails. There is a need for both developed and undeveloped open space. Open space external to the community should also be provided.

#4 and #6 Community centers should be established, which are active people places that encourage relationships and enable people to walk to stores and entertainment. "We don't want to shop ten miles away from our home; we can have a handful of shops five minutes away." People reaffirmed earlier town halls that supported mixed use, compact development patterns with housing located closer to jobs and services. The idea was expressed that the town center should be a plaza. Many expressed a preference for small shops rather than mega malls. Self contained development can be more sustainable long term.

#2 and #11 Higher densities need to support mass transportation options, which should be affordable and practical. Density is closely related to transportation. Higher densities should be organized to support public transportation and should be combined with open

spaces. Densities should be mixed to create a "tiered community" with more urban compact neighborhoods at the center.

#12 There should be transit connections between neighborhoods and to the existing city with multi-modal transportation corridors.

### **Additions:**

#### Economic vitality

- Every group added quality job creation to the list of desired characteristics. They wanted to be able to offer good paying jobs to retain children here so they do not have to go elsewhere. A planned community needs to have a strategic economic development plan, with a jobs/ housing balance that is phased in over time. They did not want planned communities to become bedroom communities; the creation of jobs needs to be more closely aligned with the development of housing in a regionally linked plan. To the extent possible, jobs in the community should be occupied by people that live in the community.

#### Environment

- Many groups wanted more attention to the environment as a primary goal, with higher standards required, especially for water. People wanted to "identify, enhance and protect our water supply," mentioning drainage, water conservation, reuse and sustainability requirements. Water should be close at hand. Specific requirements for availability of water, water reuse and conservation, air quality, energy efficiency, and drainage should be established. Self sufficient contained development can be more sustainable long term by living, working and recreating in one community.

#### Sense of community and civic pride

- There should be active public spaces that facilitate a sense of community or people

working together. "When you see children and flowers it means other good things will happen." There should be a high level of community participation, where people feel comfortable having their concerns heard and being part of governance.

#### Safety

- Planned communities should offer a sense of security, not by adding more police or creating gated communities, but by giving people a sense of hope for the future.

#### Children

- There should be more attention to nurturing children in the communities we create.

#### Maintenance.

- Tax revenues should be set aside to create a reserve for maintenance.

#### Relationships

- Planned communities should be integrated with the overall community and should interface with existing surroundings.

#### Phasing

- These characteristics need to be phased in over time, to avoid planned communities becoming bedroom communities.

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## **2. & 3. Where should planned communities be established? In the reserve areas only? At the urban edge contiguous with existing development? Within the existing community? Should the city and county encourage all future development at the edge contiguous with existing development to be in planned communities?**

According to one group, "Planned communities should be established where they perform under the criteria or characteristics of desired communities."

Planned communities should be located where it is possible to create the kinds of communities that we want according to the desired criteria. Those listed include: transportation, education, financial ability, parks, jobs, clean air, good water, healthy land, education. What is important is that development should follow organizing principles and not be done in separate unrelated pieces.

The principles can be applied to Albuquerque and at the regional level. "All of Albuquerque should be a planned community."

The issue of timing is important. Many people thought that there should be some concept of phasing of where things happen and at what point. There was support for staging and prioritizing so we do not over build.

There was support among several groups for emphasizing infill first, before doing development at the edge. "Infill first, urban edge

second." If this is not feasible, then start as close to the existing city as possible.

Development should not "leap frog." The communities that are closest should be staged first in consideration of infrastructure costs.

Planned communities should be located near adequate transportation with sufficient economic development and infrastructure.

Government should create the staging, be in control and monitor the master plan. We need to be more proactive, with development part of a bigger plan.

More attention needs to be paid to balanced community development on a metropolitan wide scale. There should be linkages established so that infill is happening in synch with planned communities. "Don't do things that weaken Albuquerque."

Existing communities can and should be planned also to make them more livable, with the same general community principles applied. Many felt that older neighborhoods are being ignored and that too much money is going to new development on the west side.

Many wanted to establish planned communities inside along revitalizing corridors such as Central Avenue. Infill should be done effectively. There was concern for preserving existing economic activities in place now, such as the State Fair, rather than “stealing” them from the existing communities by moving them out.

Infill has a different process but should also be considered planned communities. Planned communities in infill areas can also be phased and come in stages.

Although a number of people wanted to see planned communities only in the existing area, others recognized the need to plan for inevitable growth and wanted to avoid pressure to develop agricultural land in the valley. “We got to this forum because at the last meeting we needed to balance infill and planned communities.” The three planned communities under consideration now are not the only ones; we will have more opportunities for more planned communities in the future to accommodate inevitable growth.

Some felt that the planned communities should be staged and that one should precede the other. The order should be determined through rating using criteria to select the order.

The context should also be considered. Planned communities in some contiguous areas at the edge are problematic and may not be feasible due to multiple owners and existing zoning, making it difficult to implement large scale master plans. These areas should be planned, but not necessarily be in a planned community. Growth without planning results in tiny blocks that have no connection. It is difficult to go back once disconnected development happens.

Planned communities in new vacant areas belonging to a single landowner have certain advantages in avoiding the need to down zone many properties. This creates opportunities for doing it right the first time; it is difficult to retrofit earlier piecemeal development.

Because of availability of land under single ownership in the southwest and west and northwest areas, these locations are logical growth areas for planned communities.

Not all development at the edge of the city should be in planned communities; this would rule out both the small developer and people who choose not to live in a planned community. Planned communities are one option, but there still need to be provisions for the small developer and for individual choice. The southwestern parts of the city tend to have many smaller ownerships and there are development limits and restrictions on the east side.

There was a concern for the type of growth spurt that could be stimulated in the intermediate corridor areas between the existing city and a planned community.

#### **4. Should the criteria for planned communities be revised?**

Participants were asked to review existing criteria that apply to planned communities in the Reserve Area:

From the October 1998 Quality Growth Town Hall

1. Based on availability of water
2. Connected to the heart of the city by multi-modal transportation corridors
3. Complies with policy of “no net cost” to local governments
4. Sufficient tax base to pay for itself
5. Separated by Open Space
6. Growth areas need to be defined and prioritized
7. New standards for sustainable development

From the adopted Planned Communities Criteria applying to Reserve and Rural Areas:

1. No net expense to local government
2. Overall density not exceeding 3 dwelling units per acre (Reserve Area)
3. Phasing for allocation of financial responsibility
4. 4 to 8 villages encompassing 5,000-10,000 acres

5. Sufficient population to support civic and commercial services within a community center
6. Land use: residential, up to 1/5 open space, remainder service and employment
7. Distinct identity defined by open space, architecture or other features

Each group listed ways in which they thought the criteria should be revised for Reserve areas and for Edge areas. There was general agreement that the criteria and process should be re-evaluated and clarified. The following additions and modifications were suggested:

- Criteria depend on the scale and should be different for different sizes of communities in different areas.

#### Densities

- All groups agreed that the density cap of 3 dwelling units per acres in Reserve areas should be raised to at least 8 dwelling units per acre in order to support mass transportation, or even that there should be no density cap at all. Higher densities should be tied to provision of open spaces, and 1/5 open space should not be a maximum.

#### No net cost

- At least three groups wanted to analyze and clarify the “no net cost” policy. There need to be more definitive criteria for fiscal responsibility on all sides– City, County and developer.
- Although there were no definitive conclusions, people were aware of the complexity of the issue and offered some preliminary guidance:
  1. There was awareness of limited resources and a concern for meeting the infrastructure needs of the existing community.
  2. There was concern that a no net cost policy does not allow for success of a new community if all expenses are required up front and is not realistic.

“Concurrency can’t mean servicing everything up front.” It was also pointed out that if a developer pays for everything it raises housing costs.

#### 3. There is a time factor to consider.

There is a need for flexibility in the policy over time to take into consideration the revenues generated as a community builds out. As a community matures there is revenue to capture. Sometimes planned communities can generate revenues to revitalize the existing city core and provide revenues for local jurisdictions, which can work to the benefit of older areas.

#### Incentives

- Four groups mentioned using incentives and disincentives, including the use of partnerships, joint ventures and use of tax structures, to achieve planned community goals and influence what type of developments occur. These financial tools were mentioned in connection with infill, and with developing a “good quality community.”

#### Growth areas

- Most groups thought that growth areas need to be defined and prioritized in a more intentional way. There needs to be attention to phasing on a multi-jurisdictional scale which addresses where growth is to occur and at what point in time.
- A governmental decision making body should take the lead and pick first where to begin a planned community using the identified criteria.

#### Linkages to Infill

- Linkages should be instituted to ensure that infill development is happening in synch with planned communities and that there is adequate maintenance of existing areas.

#### Size

- There was general agreement that there

should be reduced size requirements for infill and edge areas. The size of a planned community should correspond to its location. Infill communities could be as small as 25 acres, rather than 5,000 to 10,000 acres in reserve areas. Planned communities in infill areas would not be separated by open space.

#### Mixed income levels

- Criteria should be included to require a mix of income levels and affordable housing to ensure that people can move up within the same community and avoid segregated communities by income level.

#### Sustainability

- There should be higher environmental standards for planned communities and edge development. New standards for sustainable development should be developed including availability of water and water conservation provisions and incorporated into the criteria. Environmental standards must be strengthened and emphasized.

#### Job Creation

- Housing, jobs and infrastructure should develop concurrently. Monitoring systems can ensure that both proceed simultaneously. "No net cost is not as important as concurrency of development." Incentives should be offered to attract businesses to the new communities. A major employment center is desirable.

#### Capital

- There should be a requirement for sufficient capital at the appropriate time.

#### Location

- New development should not create connecting corridors of chaotic development.

#### Shared facilities

- The master plan should integrate services emphasizing co-location of shared facilities with the public schools. APS needs to

be talking to the developer; the education piece needs to be on board with the government, from the beginning.

### 5. What other high priority issues need to be addressed for planned communities?

#### Partnerships

- Incentives for a good quality community should be provided through joint ventures and partnerships. People noted that all the success stories presented in the morning had involved partnerships. One comment was, "If it's done well, then local government should help." Partnerships can be created between government, the community and developer that incorporate strong public involvement. Local government should take the initiative in determining joint partnerships and should pick a first candidate using the criteria for planned communities that have been identified.

#### Consistency

- There is a need for consistency in standards applied among governments in the region

#### Phasing

- Two groups liked the idea of building community centers first (or plaza, central meeting place)

### 6. What are the first steps that need to be taken in order to create the desired planned communities?

- *Create a land use plan for the Comprehensive Plan.* Half the groups identified the need for a physical land use plan showing open space and where planned communities should be located that would provide an over-all vision and direction.
- *Public Involvement.* Provide continuous discussions on attitudes regarding

growth. All groups should come together to develop a shared vision of what we want to see in the community. All groups mentioned the need for major public education and participation regarding planned communities.

Residents of existing and future communities should be included in discussions.

“Is the planning effort community driven or developer driven?” People need to be in the process from the very beginning. “These concepts are great—What additional value will come with community input?” There should be citizen monitoring, with a broad spectrum of citizens participating.

- **Initiate a first example.** The City and County should pick the first example of where to begin a planned community. Local government should take the initiative, form partnerships and offer incentives. Planned communities that deserve public support should get inducements; this does not mean restricting others.
- **Re-do the Zoning Code;** evaluate zoning regulations in light of the ideas discussed.
- **Clarify the roles** of different layers of government
- **Re-evaluate the development process** for planned communities to increase clarity and certainty regarding what is required at each stage, and make it more efficient
- **Consider new tax structures and financial incentives** to achieve the goals of planned communities.
- **Clarify definitions and revise the criteria** for planned communities; define and clarify the policy of “no net cost” and who is fiscally responsible.
- **Develop a strategy for phasing,** of where and when development should take place. Create linkages so infill is happening in synch with planned communities. Some believed that government should begin to establish priorities on the three

proposed planned communities, that we should not do all three at once and that one should precede the others.

Government should establish criteria, rate them, and select among the three of them. Some felt that government should create the staging and be in control, and should monitor the master plan.

- **Integrate the planned communities criteria,** area and sector plans and the Comprehensive Plan into an overall Growth Management Plan.

## IV. REPORTING OUT

The following are listed in the order presented verbally by each group at a one hour final session at the end of the day. The facilitator from each group was told to state one important issue that the group had agreed upon in round robin fashion, adding only those ideas that had not been previously listed to avoid repetition. People reported out only those ideas that had not been mentioned before. There was no attempt to resolve differences. Because of this process, there is no way of knowing how many groups agreed with a particular issue other than to closely examine the notes taken of the discussion groups, and due to the one hour timeframe, there was no attempt to arrive at consensus. What follows is the resulting list of key ideas that each facilitator reported.

### Desired New Characteristics of Planned Communities

- Make planned communities “kids-centered” for the next generation.
- Sequence the development of planned communities to ensure housing jobs balance
- Preserve existing natural, cultural and historical assets
- Ensure accessibility to services for disabled people
- Create villages and distinctive cultural communities
- Develop active people places that encourage relationships
- Make environmental quality an absolute priority water, solar energy, air quality
- Ensure that planned communities interface with existing infrastructure and transportation corridors
- Include a strategic economic development plan

- Provide services soon enough to avoid creating “bedroom communities”
- Make safety an absolute priority
- Create civic places for civic pride where people can celebrate
- Set specific minimum requirements for builders outside the city
- Set aside sufficient taxes for maintenance
- Ensure economic viability
- Provide logical connections for various modes of transportation
- Integrate planned communities with existing natural resources and structures

### Location of Planned Communities

- Reserve areas last
- Location is secondary
- Vision primary to location
- Same principles should be applied no matter where located
- Should be overarching vision and place, relationship between developments
- Priority should be within existing boundaries
- Planned communities should go where space exists
- Different process for different sizes (existing versus reserve)
- Reserve last priority with reservations; emphasis on existing
- Strong debate (50-50) regarding Reserve versus Existing communities
- Should all edge development be in planned communities?
- Yes– Anything the City and County do together is great
- Not all; doesn’t allow for individual choice and home ownership
- All edge development should be planned
- Principles are more important at the edge
- Not all, due to individual rights

- Same standards should apply to planned communities or existing areas
- Not a practical question; improve where edges come together

#### Changes in Criteria for Planned Communities in Reserve Areas

- Revisit dwelling units per acre density
- Revisit open space; densities too low, open space too low; relate open space with density
- Clarify “No net cost” – not realistic
- Partnerships between developers, community and government needed
- Consider connections; new development should not be unintended corridor of chaotic development between existing and new communities
- Government should take the lead in integrating facilities, sharing resources
- Raise the bar on environmental standards, more criteria
- Clarify process; not so much interpretation

#### Criteria for Edge Areas

- Criteria for all areas
- Take context into consideration
- Open space may not work for infill
- Availability of resources
- Involve people more often, more public involvement
- Incentives
- Size – no formula, need flexibility

#### First Steps

- Revise current zoning, regulations and development process
- Clarify definitions – cost, use
- Vision first
- Regional considerations
- Inventory land – infill and vacant land study
- Craft vision; bring diverse groups together to craft vision, then problem solve to make sure things happen according to the vision
- Improve information flow from city to

interested parties

- Clarify lines of response in government to avoid passing the buck
- Conduct planning on regional or statewide level for bigger picture
- Distinguish between policy and land use
- Look at regional impacts on other communities
- Evaluate criteria for Reserve and Rural areas

#### Other Issues

- Emphasize education
- Create an appropriate regional character; not an “East Coast” look
- Preserve history, social, cultural, architectural elements
- Have consistent standards for development no matter where
- Jobs, jobs, jobs
- Create incentives to attract new business to area
- Create a community center first, then development around it
- Consider financial viability of development organization
- Communicate, communicate, communicate
- Include recreational facilities – hiking, parks
- Need staging and prioritizing in larger plan
- Master plan new places, new and edge
- The closer the better
- Support for planning

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A C K N O W L E D G E M E N T S :

*Thanks to the follow people for serving on  
a steering committee to organize the forum:*

Nadyne Bicknell, *President Shared Vision*

Tim Cummins, *City Councillor, District 8*

Barbara Seward, *Bernalillo County Commissioner*

Lou Colombo, *Deputy Director, City Council Office*

Sandy Doyle, *City Public Works Department*

Ned Farquhar, *Executive Director, 1000 Friends*

Sandy Fish, *Bernalillo County Planning*

Susan Johnson, *Environmental Planning Commission*

Laura Mason, *City Council Office*

Robert McCabe, *City Planning Director*

Simon Shima, *City Planning Department*

Larry Wells, *NAIOP*

Joel Wooldridge, *City Planning Department*

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