

The Comprehensive Plan

Section 3

3.1 PLANNING IN NEW MEXICO COMMUNITIES

Comprehensive Planning in New Mexico is defined by legislation adopted in the 1960s that duplicates national planning and zoning enabling legislation enacted in the 1920s. The Standard City Planning Enabling Act was developed by the Commerce Department in 1928 as the country's first attempt at defining comprehensive planning within the United States. The legislation changed the subdivision process from the mere dividing of lands and recording those divisions in plats to a process where local governments could manage city development through linking subdivisions to requirements for public improvements and the regulation of land uses.

Since the 1960s, the New Mexico legislature has adopted a variety of amendments to its planning law, but its definitions of what constitutes a comprehensive plan remains generally unchanged. As a result, Carlsbad and Eddy County are guided by state statutes (NMSA Section 3-19-9. et 3esq.) governing the general purpose and intent, preparation, and adoption of comprehensive plans. Though general in nature and in need of updating, the state statutes provide the authority and responsibility for municipal governments to adopt local comprehensive plans.

State statutes empower the City of Carlsbad to conduct "comprehensive surveys and studies of existing conditions and probable future growth of the municipality and its environs." Legislative guidelines state that the purpose of the plan is to guide and accomplish "a coordinated, adjusted, and harmonious development of the municipality in accordance with existing and future needs." The State's planning laws identify the role of the comprehensive plan as a blueprint for the physical development of the community and its planning jurisdiction. Additionally, these planning laws govern the general purpose, intent, preparation, and adoption of comprehensive plans. The laws are intended to promote the general health, safety, and welfare of the

community as well as promoting efficiency and economy in the development process.

The laws stipulate that the comprehensive plan may include maps, plats, and charts that identify the general location of street, residential and commercial development, and public facilities. Maps and charts may also indicate the future physical layout of the community to identify proposed changes and additions that are expected to occur under the guidance of the comprehensive plan. In preparing the comprehensive plan, state legislation empowers municipalities to conduct "comprehensive surveys and studies of existing conditions and probable future growth of the municipality and its environs."

Over the years, the broad nature of the New Mexico's planning statutes have prompted the state's professional planners to lead efforts in proposing revisions to the laws in order to incorporate the best of current planning practice. Comprehensive plans take on a shape and form based on the communities resources, needs and values. As such, no two communities' comprehensive plans are alike.

3.2 CARLSBAD'S PLANNING HISTORY

The first planning in Carlsbad took place in 1945. These studies were undertaken by the Chamber of Commerce and were not officially adopted by the City. At the time, no state enabling legislation existed permitting New Mexico communities to adopt plans and to enforce zoning ordinances. As a result, the zoning ordinance that evolved from the 1945 plan proved controversial locally.

In 1950, sections of the 1945 plan were updated and additional elements were completed, notably estimates of future population in Carlsbad and the land use and zoning elements of the plan. Subsequently, the City adopted its first Zoning Ordinance and Subdivision Regulations.

During the 1950s several streets were widened to accommodate additional traffic in the central

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business district, a park and recreation system was expanded to include a new country club, a municipal golf course and several neighborhood parks, and new school sites were purchased to serve the needs of a growing community.

Subdivision control, while for the most part effective and resulting in better subdivision design, did not come in time to provide north south through streets to the west part of the city. Residential areas were allowed to be developed in the Pecos River flood plain. By 1962 the encroachment of "trailers" on areas of single-family site built housing had already begun to occur.

The 1962 Master Plan, authored by Harland Bartholomew and Associates, sought to correct some of the inadequacies and unforeseen results of the 1950 regulations. The plan envisioned Carlsbad as a city of 50,000 by the year 1980, doubling its number of inhabitants. This did not happen; Carlsbad largely ceased growing from 1960, when its population exceeded 25,000. During the 1960s, largely due to changes in the local economy, population decreased and would not reach 1960 levels until after 1980. Despite its faulty assumptions, the 1962 Master Plan makes a number of worthwhile recommendations, including:

- Planned annexations and extension of public services.
- Closing the zoning ordinance loophole that allowed trailers to be considered single-family homes when located outside a trailer park.
- Enforcing and adding more detailed language to the sign ordinance, which had largely been ignored since its adoption.
- Adopting county zoning compatible to city zoning within the City's then five mile extraterritorial zoning jurisdiction.
- Adoption of a minimum standard housing ordinance to combat the gradual decline of housing conditions in large parts of the city.

Despite the worth of these recommendations, none appear to have been implemented.

In 1967, a panel of members of the Urban Land Institute (ULI) identified economic development opportunities for the City of Carlsbad. The study they prepared noted that in the late 1960s the service sector of Carlsbad's economy lagged significantly behind that of the nation. As a result, Carlsbad was encouraged to expand the recreation and tourism, health care, retirement, and education sectors of the local economy. The panel also urged the community to revitalize its central business district and to beautify unsightly approaches to the city from US highways. The panel also encouraged the development of more recreational activities, including a golf course, and the expansion of recreational development accommodated by the river.

In 1973, the firm of Chamber, Campbell, Isaacson & Chaplin of Albuquerque prepared a report entitled, "Carlsbad Comprehensive Plan Update," which was funded by the United States Department of Housing and Urban Development (HUD). The 1973 Plan Update, like the 1962 plan, contains a number of worthwhile suggestions, most of which again were not immediately implemented. These included:

- Requiring development to conform to the General Plan for community development in order to prevent sprawl, preserve contiguous open places and agricultural lands, and to provide public facilities and services economically.
- Developing parks and other recreation facilities to optimum standards.
- Establishing and maintaining a consistent housing policy.

In 1982, Harland Bartholomew proposed developing an updated and coordinated master plans for both the City of Carlsbad and Eddy County. The proposal would have set forth a new land use plan, a new traffic plan, a new community facilities plan, a new housing strategy and would have contained recommendations for revision of the City's Zoning Ordinance,

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Subdivisions Regulations, and Capital Improvements Plan.

On November 15-19, 1984, the American Institute of Architects provided Carlsbad with the services of a Regional/Urban Design Assistance team (R/UDAT), the Carlsbad R/UDAT Committee, composed of concerned Carlsbad citizens, asked the visiting professionals to address economic development, tourism, quality of life, physical planning, and implementation of the study. The R/UDAT team developed the following recommendations for improving the effectiveness of physical planning and the regulation of development:

- Adopting design standards within the system of current ordinances.
- Install landscaping in a manner that achieves continuity and identity.
- Enforce existing ordinances, especially the sign ordinance, and expand it to control wall signs, temporary signs, and to sunset non-conforming signage. Develop a signage system directed to helping visitors find their way.
- Add site plan review authority to the duties of the Planning and Zoning Commission.
- Take advantage of the national Mainstreet Program to revitalize downtown.
- Expand the system of riverfront development to meet resident and visitor demand for recreation and entertainment facilities.

During the 1990s Carlsbad completed a number of facilities plans for both its airport and its water and sewer systems. Carlsbad complies with the state mandate to produce an annual Capital Improvements Plan, and has formed a citizen committee to oversee a Parks and Recreation Master Plan.

The Carlsbad Department of Development (CDOD), a private non-profit organization, initiated the current 20-year comprehensive planning process at the behest of the City of

Carlsbad and Eddy County. Phase One of the Planning Process started in 1997 with the creation of \$1.5 million Cooperative Geographic Information System, a joint City-County endeavor whose efforts included in part an initial land use survey of incorporated areas of Carlsbad.

CDOD has been involved in other planning efforts, especially in the areas of economic development. The agency was recently awarded a U.S. Commerce Department's Economic Development Administration (EDA) grant for \$150,000 to boost business and job growth in the region by aiding in the development of a feasibility study for the redevelopment of a 30-acre brownfield site located on property owned by the Burlington Northern Santa Fe Railroad in Carlsbad.

CDOD also coordinated a study funded by the U.S. Department of Energy and the State of New Mexico entitled, "Economic Development Strengths, Weaknesses, Opportunities, and Threats Assessment of South East New Mexico."

A community visioning effort, funded through the Ford Foundations Rural Community College Initiative, was sponsored by New Mexico State University – Carlsbad in September 2000 as a means of involving the community in identifying areas and means for improved quality of life in Carlsbad.

3.3 PLANNING AUTHORITY AND PLANNING AREA BOUNDARIES

The City of Carlsbad Council, the governing body of the City of Carlsbad, has the authority to adopt plans for the physical development of areas within the City's planning and platting jurisdiction, which extends five miles outside of the City's municipal boundaries on private land. Within this jurisdiction, municipalities are empowered by state statute (Section 3 –19-5 NMSA 1978) to plan and to review and approve subdivisions within unincorporated areas of the surrounding counties. Within this area the City and County exercise simultaneous subdivision review, each per its own subdivision ordinance

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as guided by State statutes. Eddy County retains sole authority for zoning and regulation within the municipality's Planning and Platting Jurisdiction, yet the County has not adopted zoning for the area.

Earlier New Mexico law enabled the City to zone and regulate private land within a three-mile boundary of its municipal limits. These limits bound the City's Extraterritorial Zone (ETZ). The City has adopted such zoning. The County does not appear to have adopted a parallel ordinance.

The City of Carlsbad and Eddy County have not entered into a joint powers agreement to establish an extraterritorial authority. They are empowered to do so under Section 3-2102.B (6) NMSA, and they may decide to do so as part of implementing this Plan. If they did establish an ETZ authority through a joint powers agreement and adopted the necessary County and City ordinances, the two governments would share authority for planning, subdivision and zoning within the Extraterritorial Zone. The two governments would appoint commissioners to an ETZ Commission that would recommend policies and develop controls for land use in the area. The commission would also oversee future development of the area to ensure that it is compatible with local plans, policies and ordinances for the ETZ.

The City of Carlsbad is surrounded in part by Federal Bureau of Reclamation and Bureau of Land Management (BLM) lands, lands managed by the State of New Mexico Commissioner for Public Lands (also known as the State Land Office), and National Forests managed by the US Forest Service. The City of Carlsbad and Eddy County possess limited jurisdiction on state and federal lands when concerns of health, safety and welfare are in question.

Map 2.0 in the Map Section shows the City of Carlsbad's municipal limits, the ETZ and the Five-Mile Planning and Platting Jurisdiction as well as the boundaries of public lands in the vicinity.

Planning Area

Because of the City's limited jurisdiction on state and federal land, the planning area for this study has been limited to private land in the following areas:

- Township 21 South, Range 26 East (T21SR26E)
- Township 21 South, Range 27 East (T21SR27E)
- Township 21 South, Range 28 East (T21SR28E), Sections 2-11, 14-23, and 26-35
- Township 22 South, Range 26 East (T22SR26E)
- Township 22 South, Range 27 East (T22SR27E)
- Township 22 South, Range 28 East (T22SR28E), Sections 3-10, 16-20, 30, and 31
- Township 23 South, Range 26 East (T23SR26E)
- Township 23 South, Range 27 East (T23SR27E), Sections 1-22, and 28-32
- Township 23 South, Range 28 East (T23SR28E), parts of Sections 6 and 7

Map 2.0 shows the City of Carlsbad's municipal limits and the Planning Area Boundaries as well as the Five-Mile Planning and Platting Jurisdiction, the boundary of the ETZ, and the boundaries of public lands in the vicinity.

3.4 DETERMINING COMMUNITY VALUES

It is important in any comprehensive planning process to determine what residents think about and desire for the future of their community. This comprehensive plan builds on several sources of public input, some which were a part of this study and others that were parts of simultaneous and related efforts.

Eddy County Public Opinion Survey

In 1999, as part of a Department of Energy economic development plan for southeastern New Mexico, Tripp Umbach Associates

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conducted a public opinion survey of Eddy County. The survey also included Lea County, but the Lea County data was not considered in developing this comprehensive plan. The survey consisted of questions relating to the public's opinion of the economic development, climate, quality of life factors, the business climate, and growth potential. Two thousand five hundred surveys were mailed out in Eddy County to a random sample of residents. The response rate was 32.5%, considered a very successful rate of response.

RCCI Community Vision 2000

Beginning in the 1990s, the Ford Foundation initiated a technical assistance and capacity building program in rural communities throughout the United States. Dubbed the Rural Community College Initiative (RCCI), it delivered programs nationally through local junior and community colleges. The New Mexico State University branch campus in Carlsbad participated in the program. Through the programs, each community college concentrated on different areas of community development. In Carlsbad the effort centered on building grass root citizen participation, a model that had been successful in the redevelopment of Chattanooga, Tennessee in the 1980s. NMSU revised the model to include a broad leadership development program that was designed to be both inclusive and diverse. Among their activities was "Community Vision 2000," an effort build consensus for a vision for Carlsbad's future. Although not scientific in the manner of the Tripp Umbach survey, the results provide insights into the concerns and desires of Carlsbad's citizens.

Steering Committee

CDOD invited key representatives from Carlsbad and Eddy County government, including elected and appointed officials, and key stakeholders to form a Steering Committee for the Comprehensive Plan. Steering Committee Members represented the points of view held by different constituencies in the planning area and supervised the development of the plan.

Focus Groups

In order to direct data collection and policy development efforts, focus groups were established for each element of the plan in order to gather input from individuals and constituencies, including those of state and federal agency land managers, not represented on the Steering Committee.

Open House

Prior to public hearing on the Comprehensive Plan, an Open House was held to allow greater Carlsbad residents to comment on the proposed policy direction in each of the Comprehensive Plan elements.