

Public Notification Process for Zoning and Development Applications



City of Las Cruces
Community Development
Interoffice Memorandum

To: Robert Garza, City Manager

From: Vincent M. Banegas, Community Development Deputy Director 

Subject: City Council Work Session – Public Notification

Date: September 14, 2012 M-12-219

Pursuant to the upcoming September 24th City Council Work Session, I have taken the liberty of preparing and providing various documents intended for Council distribution that will aide in the discussion of public notification. The first document that is included is called the Public Notification and Participation Report and Analysis of Options for a More Informed Community. This report was prepared at the direction of Brian Denmark, Assistant City Manager/COO and examines a multitude of public notification options that could be considered by all departments within the City organization. The format may be considered as a menu from which departments may pick and choose notification options that may serve their departments well in context to their operation and mission. The Staff Recommendation section of the report actually encourages each department to consider enhancing existing notification processes using the options presented. Each option is discussed in context of possible notification use with many of the activities the City carries out with regard to meetings, projects, development review, etc. In addition, most options are also scrutinized in context to cost and other resource related factors in order to help determine viable use with internal administrative operations. Please note that the emphasis of the report is public notification although reference is made to participation/involvement and as such has as an attachment titled Public Involvement Plan and Toolkit which was created during the Picturing El Paseo project completed over one year ago. Inasmuch as the toolkit addresses participation/involvement, staff's current effort, along with the presentation that is forthcoming, emphasizes notification and more particularly, Community Development notification processes.

To that end, the second document that is attached is entitled Citizen Notification Policy Manual for the City of Las Cruces, Community Development Department. This report is in draft form and represents the Community Development Department's proposed notification process for planning projects, meetings and development review submittals (annexations, subdivisions, zoning, variances, etc.). This report and the options presented therein will be the focus of the presentation on the 24th. As proposed, there

is substantial modification to what presently exists and the addition of new processes that hopefully enhance our ability to reach a much broader community in context to our mission. This policy manual is intended to be brought back for adoption via resolution at a later date should its contents be acceptable. If and when approved, staff anticipates bringing forward along with the resolution, ordinance amendments that implement the policies identified within the draft manual.

The third document is the existing Identified Neighborhood Association Information and Notification Policy. It is presented as reference in context to notification provisions associated specifically with registered neighborhood associations. This policy is being referenced in the department's policy as a process that will continue with modification which will be explained at the work session.

With this, staff awaits the opportunity to present relevant information to the City Council at the stated work session. In the interim, should there be any issue you feel needs particular attention, please advise.

cc: Brian Denmark, Assistant City Manager/COO 
Mark Winson, Assistant City Manager/CAO
David Weir, Community Development Director 

PUBLIC NOTICE

**PROPOSED PLANNING AND
DEVELOPMENT PROCESS
NOTIFICATION PROCEDURES**

COMMUNITY DEVELOPMENT CURRENT NOTIFICATION PRACTICES

- **PUBLIC NOTICE PROCESSES**
 - DEVELOPMENT CASES (ANNEXATION, ZONING, SUBDIVISION AND VARIANCES)
 - PLANNING PROJECTS (NEIGHBORHOOD PLANS, CORRIDOR PLANS, COMMUNITY BLUEPRINT, ETC.)

- **TYPES OF NOTICE**
 - PRIMARY
 - AGENDA POSTING
 - NEWSPAPER
 - LETTERS
 - SECONDARY
 - WEBSITE (CURRENTLY IN PROCESS WITH NEW WEBSITE)
 - NEIGHBORHOOD ASSOCIATION NOTIFICATION

MINIMUM NOTIFICATION REQUIREMENTS

NM STATUTES

CLC

Action	Subdivision	Zoning	Variance
Agenda Posting	Reasonable - defined by body	Reasonable - defined by body	Reasonable - defined by body
Mail Deadline	5 days prior to hearing	None	None
Mail Distance	None	100' excl. ROW	None
Mailed Parties	Applicant, Owner of Sub.	Property Owners W/ Distance	None
News. Publ.	None	15 days prior to hearing	None
Sign Posting	None	None	None
Other	1 ST Class Mail	<1 block, cert. mail; > 1 block, 1 st class mail	None

Action	Subdivision	Zoning	Variance
Agenda Posting	6 days prior to hearing	6 days prior to hearing	6 days prior to hearing
Mail Deadline	9 days prior to hearing	10 days prior to hearing	10 days prior to hearing
Mail Distance	200' excl. ROW; 300' (NA)	200' excl. ROW; 300' (NA)	200' excl. ROW; 300' (NA)
Mailed Parties	Property Owners W/ Distance; NA	Property Owners W/ Distance: NA	Property Owners W/ Distance; NA
News. Publ.	9 days prior to hearing	15 days prior to hearing	15 days prior to hearing
Sign Posting	9 days prior to hearing	10 days prior to hearing	10 days prior to hearing
Other	1 st class	Min. 15 prop. owners; 1 st class P&Z, certified CC	Min. 15 prop. owners; 1 st class P&Z, certified CC

NOTIFICATION CONCERNS

- **CURRENT PROCESS DOES NOT REACH ENOUGH PEOPLE**
 - NOTIFICATION DISTANCES TOO SHORT
 - METHODS IN USE ARE NOT INCLUSIVE
 - BURDENSOME TO PROPERTY OWNER (e.g. CERTIFIED MAIL)
 - LIMITED USE OF TECHNOLOGY / NEW METHODS
- **OTHER RELEVANT CONCERNS WITH NOTIFICATION**
 - EASE OF APPLICATION
 - PRACTICALITY
 - CASE TIMING FOR APPLICANT / STAFF
 - RESOURCES
 - SAFETY AND LIABILITY
 - COSTS/ COST RECOVERY
 - VARIABILITY OF PROCESSES
- **PERCEPTION THAT SUBSTANTIAL PROTEST EXISTS WITH CASES**

CASE PROTESTS (1/1/10 THRU 7/31/12)

- **CASES SUBMITTED – 171**
- **CASES (ADMINISTRATIVE, DROPPED OR AWAITING P&Z) - 84**
- **CASES ACTED ON BY DECISION MAKING BODY – 87 (51%)**
 - **NO PROTEST - 30 (34%)**
 - **SEEK CLARIFICATION - 47 (54%)**
 - **CONCERNS RAISED / CONSIDERATIONS REQUESTED - 6 (7%)**
 - **STRONG PROTEST - 4 (5%)**

NOTIFICATION METHOD RESEARCH

- **SEVEN OTHER COMMUNITIES EXAMINED**

- ALBUQ., NM; SANTA FE, NM; EL PASO, TX; TEMPE, AZ; BUCKEYE, AZ; CITY OF COLORADO SPRINGS, CO; SANTA CRUZ COUNTY, CA; CITY OF GLENDALE, AZ

- **NUANCES FOUND**

- NOTIFICATION BOUNDARIES DEVIATED BOTH HIGHER AND LOWER
- PROPERTY OWNER VS. TENANT
- MANDATORY NEIGHBORHOOD MEETINGS
- CASE BY CASE REVIEW AND ASSIGNMENT OF NOTIFICATION METHOD BASED ON STAFF PERCEIVED IMPACTS
- NOTIFICATION TIMING MORE STANDARDIZED, BUT NOT HIGHER THAN 15 DAYS
- APPLICANT RESPONSIBILITIES - COSTS / ACTIVITIES

STAFF ACTION SUMMARY

- **PREPARATION OF PUBLIC NOTIFICATION REPORT**
 - EXAMINED PUBLIC NOTIFICATION ISSUES, CONCERNS, AVAILABLE METHODS, ASSOCIATED COSTS AND POTENTIAL METHOD ADJUSTMENTS TO MAKE MORE FEASIBLE
 - ADDRESSES NOTIFICATION CITY-WIDE (MENU)
 - PROMPTS INDIVIDUAL DEPARTMENTS TO EXAMINE OPERATIONAL NUANCES AND SELECT APPROPRIATE METHODS
 - ENCOURAGES DEPARTMENTAL ADOPTION OF NOTIFICATION POLICY
- **CD POLICY TO ADDRESS PLANNING AND DEVELOPMENT ACTIONS**
 - SELECTS METHODS FROM REPORT “MENU”
 - IDENTIFIES ALL RELATED ACTIVITIES AND APPLIES METHODS / STEPS FOR USE
 - MODIFICATION OF EXISTING PRACTICES IDENTIFIED WITH NEW METHODOLOGY
 - SEEKS ADOPTION OF POLICY BY RESOLUTION
 - NECESSITATES AMENDMENT OF MUNICIPAL CODE (DEVELOPMENT SECTIONS) PROVISIONS TO IMPLEMENT POLICY
 - COST RECOVERY ON MAIL-OUT, NEWSPAPER AD. AND SIGNS. IN ADDITION TO STANDARD FEE

RECOMMENDATION SPECIFICS

- **5 STEP NOTIFICATION EFFORT - PLANNING AND DEVELOPMENT**
 - **MODIFIED NOTIFICATION PROCESS**
 - AGENDA, NEWSPAPER AD., SIGN POSTING AND LETTER MAIL-OUT MEETS MINIMUM 15 CALENDAR DAY THRESHOLD
 - MAILED NOTICE TO NEIGHBORHOOD ASSOCIATIONS WITHIN 500'
 - STAFF DETERMINATION ON ASSOCIATION MEETING NEED PRE-SUBMITTAL (MONITOR)
 - RETAINS AUTHORITY OF P&Z AND CC TO POSTPONE AND REQ. MEETINGS (MONITOR)
 - SIGN POSTING RESPONSIBILITY – APPLICANT; THROUGH APPROVAL STAGE
 - NOTIFICATION BOUNDARY EXPANDED – 500'
 - APPLICATION OF STATE STATUTE PROVISIONS FOR CERTIFIED/1ST CLASS LETTERS
 - **DEVELOPMENT AND PLANNING PROJECT WEB PAGE**
 - NAME OF PROJECT
 - APPLICANT NAME AND CONTACT INFORMATION
 - GENERAL LOCATION
 - SUBMITTAL DATE
 - PROJECT TYPE
 - PROJECTED HEARING DATE FOR SUBJECT BODY
 - HEARING BODY AUTHORITY
 - STATUS INDICATOR
 - PDF ATTACHMENTS OF SITE PLAN AND RELATED PROJECT GRAPHICS

RECOMMENDATION SPECIFICS CONT'D

- **SOCIAL MEDIA – CD DEPARTMENT FACEBOOK PAGE**
 - ANNOUNCEMENT OF PROJECTS AND SUBMITTED DEVELOPMENT PROPOSALS AND BOTH PROJECTED AND ACTUAL MEETING INFORMATION
 - SUBMITTAL POSTING – 3 DAYS UPON RECEIPT OF SUBMITTAL AND MEETING ANNOUNCEMENTS – 15 DAYS

- **LAS CRUCES NOTIFICATION SYSTEM**
 - ANNOUNCEMENT OF PUBLIC MEETINGS
 - INTEND TO INCLUDE AGENDA ITEM INFORMATION

- **CLC - TV**
 - USE STATIC BULLETIN BOARD TEMPLATES TO ANNOUNCE DEVELOPMENT RELATED ACTIVITY
 - MAY INCLUDE INFORMATION ON BOTH PROJECTED AND ACTUAL MEETING DATE
 - UPDATED WEEKLY
 - ONE MONTH'S INFORMATION LISTED; CURRENT MONTH LISTING ONLY

GRAPHICAL REPRESENTATION OF RECOMMENDED CHANGES



# PARCELS NOTIFIED	
EXISTING	PROPOSED
37	81

# CERTIFIED VS. 1 ST CLASS			
EXISTING		PROPOSED	
P&Z	CC	P&Z	CC
0/81	81/0	0/81	19/62

# NEIGH. ASSOC. NOTIFIED	
EXISTING	PROPOSED
1	2

END OF PRESENTATION

