

# **Citizen Notification Policy Manual**

**For the**

**City of Las Cruces  
Community Development  
Department**

**September 14, 2012**

***DRAFT***

**Purpose:**

The purpose of this policy manual is to establish efficient and effective measures for the notification of area residents on matters either initiated by or processed by the City of Las Cruces Community Development Department in accordance with rules and regulations as applicable. Varied notification measures although not guaranteeing 100% public notification is intended to cast the widest notification net in order to reach the greatest amount of interested stakeholders and thus, provide for a more informed community. Doing so raises awareness of impending issues and may increase input and participation on the various community related matters. Program areas to which these notification measures are to be applied include, but may not be limited to:

“Long-range” planning

Neighborhood Plans

Community Blueprints

Regional Plans

Comprehensive Plans

Consolidated Plans

Area Plans

Topic Specific Plans (arroyo, access management, etc.)

Current Planning

Annexations

Master Plans/Concept Plans

Initial Zoning/Rezoning

Variances

Preliminary Plats/Final Site Plans

Final Plats (for which Planning and Zoning Commission review is applicable)

Planned Unit Developments

Special Use Permits

Flexible Standards

Overlay ordinance development

Ordinance creation

Ordinance amendments

Project/Permit Design Review (specific boards/committees – SMDRB, UD-DRC, WMSPC)

Metropolitan Planning Organization Activities

Transportation Plan

Transportation Improvement Plan

Unified Planning and Work Program

Safe Routes to School Plan

Study Areas

Miscellaneous meetings

Public Input Meetings

Informational Meeting

South Mesquite Design Review Board

University District – Citizen’s Design Review Committee

West Mesa Strategic Planning Committee

Planning and Zoning Commission Work session

## Departmental Methods of Notification

Within a staff generated report entitled *Public Notification and Participation Report and Analysis of Options for a More Informed Community* herein after referred as "the report", numerous methodologies of providing notification to the general public were examined. It was recommended that of those identified, each department was to select the various methods that could be utilized for the purpose of providing notification on the various activities that department was responsible for. From that report, various methodologies are drawn and are to be utilized to the extent possible for the specific activities identified. Under certain circumstances, amendment of ordinances will have to be completed in order to carry out the method as intended and as such, staff will need to propose amendment at the earliest opportunity possible.

Some of the methodologies suggest new processes that have not been used to any large extent, if at all and thus, will require the creation of applications that are intended to fulfill the requirement. Examples where this is necessary include Facebook and the Development Web page (new web site environment).

Finally, one method (requiring neighborhood association meeting) may be used sparingly, and only when development theoretically creates a significant impact to the neighboring community. Instances where this is likely, involve annexation requests (with all parts under review), standalone master plans and concept plans or other development proposals that will be known to create significant protest. In each instance, staff would call on the subject methods when the acreage is substantial enough to have a significant impact on the surrounding community or when staff is aware of significant concerns or issues that an adjacent neighborhood may have thus, warranting an increased notification method.

Staff intends to document how successful all methods are in order to determine necessary adjustments to make implementation more meaningful. Said adjustments will only be considered once enough data (cost/benefit and efficacy) is available to make an informed decision.

The methods to be applied include:

- Modified current practice as outlined by existing State law and/or local ordinance.

As outlined in the report, variance, subdivision and zoning related cases share both similarities and differences in the various notification processes required by ordinance. These cases typically go before the Las Cruces Planning and Zoning Commission (P&Z), but other committees, boards and commissions have development proposals, plans and general planning related matters to address as well. In that granting additional time for meeting notification on all business

items may help citizens with the notification process, staff will amend any and all existing provisions to meet a minimum fifteen (15) calendar day agenda posting, newspaper advertisement, sign posting (as applicable), notification letter (as applicable), staff notification of neighborhood association pursuant to approved policy and newspaper advertisement standard. Doing so also benefits staff in that the stated time frames in which to carry out these tasks becomes normalized to one standard as opposed to the many as it now exists.

Modification is also being made to any and all required certified letter mail out provisions. Said adjustment requires first class mail in lieu of any provision that otherwise requires certified mail use unless State law stipulates a minimum certified mail standard. For example, zoning cases require a recommendation from the P&Z before being forwarded to City Council for final approval. Presently, first class mail is always used as a means to notify the public within the notification boundary of the P&Z hearing date, time and location. Upon reaching City Council however, certified mailing is then used to apprise the citizens notified during P&Z consideration of the pending City Council hearing. The new standard which will apply is to follow strict State law mail out notification requirements. For instance, if one block or less is being rezoned, the subject properties and those properties within 100' would receive certified mail. From that first 100' distance up to a revised notification boundary of 500' (200' was the past standard); first class mail would then be used. Subdivision processing pursuant to State Statutes and local ordinance does not have a certified mailing requirement and thus, is exempt from the certified mail out provision herein stated. Furthermore, the old standard for the minimum number of unique property owners notified (15) is eliminated due to the notification boundary increase.

Sign posting on the subject property has also changed. Rather than have staff post the applicable notification sign on the property as it has been done in the past, staff prior to the 15 day threshold shall prepare sign(s) for the applicant to post on the subject property. If two signs are necessary to address recommending and final authority reviewing entities, then both will be prepared and provided to the applicant. The posting(s) shall be in concert to all applicable standards for safety and visibility and it shall be the responsibility of the property owner to ensure that continuous posting of the applicable sign occurs from the 15 day threshold for sign posting through the applicable meeting to which it pertains. If two separate postings are required, the same expectation will be applied. An affidavit of posting shall be completed and submitted back to the Community Development Department advising of the applicant's understanding of compliance requirements and the ability to comply with posting parameters.

Cases involving both Planning and Zoning commission review and City Council action for instance shall require continuous posting of the first sign through to action taken by the Planning and Zoning Commission. The second sign will be posted on the day following the Planning and Zoning action date through to the City Council meeting date in that City Council provides a final decision on the matter. Those cases that only require one entities review and consideration will require posting through that applicable meeting date. Following the meeting by which final action is provided, the applicant shall dispose of the sign in the appropriate manner.

The final two modifications that are applicable involve the neighborhood association notification provisions. Pursuant to the Identified Neighborhood Association Information and Notification Policy, the distance threshold referenced as to when notification is required will be 500 feet (consistent with the new letter notification boundary). The need for the applicant to notify an association shall remain consistent with the established policy. In addition to said policy, the applicant, should a development proposal be deemed significant (staff to determine significance), shall not only notify the affected association(s), but also avail themselves at the discretion of the association(s), to present proposal parameters at a meeting mutually agreed upon and hosted by the association prior to formal case submittal to the City. Staff shall provide information on neighborhood associations affected. Only after said meeting, will the applicant be able to submit the proposal for formal review and consideration. The submittal among other required elements will contain a copy of minutes (summary or verbatim) that clearly demonstrate discussion of the proposal and any and all issues or concerns, either for or against the proposal. Substantial deviation from what was discussed to what gets submitted may require another meeting with the association unless said deviation is an attempt to clearly address concerns or issues raised by the association. This modification will not preclude any reviewing entity from thereafter requiring postponement of a case subject to the applicant holding a meeting with stakeholders whether registered or not.

As a means to pay for the increased notification costs associated with signs, newspaper advertisement, and letter mail out, staff will be collecting additional fees for cost recovery of these processes over and above the standard fee for the subject development process. Fees will be collected prior to the respective scheduled meeting. Failure to provide payment may subject the case to postponement action.

- Development and Planning Project Web Page

With the new web environment established by the City, the old web format for announcing incoming development proposals and planning projects has to be modified to fit accepted protocol. Inasmuch as this venue offers substantial opportunities to inform the general public about development application submittals and planning projects early in the process, a new web page format must be completed expeditiously. The web page at minimum should convey the name of the development or project, name of the applicant or project lead, contact information as applicable, general location, date of submittal to the City, identification of the project type (i.e. zone change, variance, flexible standard, master plan, etc.), projected hearing date (subject to change) for the respective committee, board of commission, Indication whether stated committee, board or commission is a recommending body or whether they have final authority, status indicator (i.e. in review, approved, denied, withdrawn, etc.), and finally a PDF or similar file attachment that can display a scan of the application received and any and all site plans, elevations, surveys and the like that were part of the submitted proposal. Long term, staff should strive to have the page be more interactive for the user and graphically oriented. Potentially, staff should consider embellishments like having a geographically integrated map showing areas or districts of the City that convey only those proposals within a specific district or boundary. Potentially, citizens could define a set distance around their residence to determine if any proposals are nearby.

As milestones are reached, the status of the proposal/project will be updated. For instance if the Planning and Zoning Commission heard the case and recommended approval up to City Council, the Status field should reflect "Recommended Approval to City Council" or similar disposition. Doing so not only indicates how the reviewing entity (board, committee or commission) voted, but also conveys where the application or matter is being directed to next. Upon completion of all review and consideration steps, information regarding the specific item will be left on the page for no longer than one month so that the page primarily reflects current activities while providing a small window on which to view past actions on cases and issues. Posting of submittal information and/or status updates shall take place not later than five (5) business days following acceptance of the submittal application or the latest action taken by a reviewing body. Fees for this process are part of standard fee presently collected.

- Facebook

Staff shall seek permission from the City Manager's Office to establish Facebook as an ongoing method for public notification of development submittals, planning activities and upcoming meetings. Upon approval, staff will investigate the best method for establishing the department as an entity by which to disseminate development and planning related information in the Facebook environment. Conceivably, the department can establish a Facebook page for itself (see how to ideas at <http://www.techipedia.com/2011/build-facebook-page/>) and provide announcements and brief information regarding development submittals (including both tentative and actual meeting dates for the subject cases), general meetings, projects or general planning activities. Staff may have to moderate the page as appropriate and take prompt, appropriate action on individuals that misuse the page as it is intended. The timing of meeting announcements is to be in accordance with the fifteen (15) calendar day notice prior to the intended meeting date. Any development submittal announcements shall be posted within five (5) business days of acceptance of submittal. Fees for this process are part of standard fee presently collected.

- Las Cruces Notification System (formerly CityWatch)

With the recent launch of the Las Cruces Notification System, community members may sign up and receive community level notices regarding public meetings and/or public messages. Staff will ensure that the LCNS will be used to announce at minimum, upcoming meetings for all commission, committee and board related entities that review, recommend and/or approve Community Development related cases, plans or proposals. Staff in preparing and sending the message will provide a reasonable degree of information in the context of the notice (e.g. agenda) so that case nuances can be provided as clearly and accurately as possible. Timing of any and all notices will be in concert with established protocol once said protocol is created. Staff will try and align the announcements with the 15 calendar day threshold established elsewhere. Fees for this process are part of standard fee presently collected.

- CLC-TV

Staff in working alongside with the Public Information Office will develop a template that can be used on static bulletin boards during daily CLC-TV programming that displays any and all development related activity submitted for review and consideration. Every attempt will be made to post information similar to that identified in the department web page process including both tentative and actual meeting date information. Any and all information will follow the protocol and usage parameters set forth for the CLC-TV static bulletin format. Said posting shall be prepared on a weekly basis as submittals are brought forward and shall be dated so that the most recent submittal activity is shown first and the most dated, last. Only one month's worth of activity shall be displayed so that the information does not get overly burdensome to post and maintain. Only the current month's activity will be reflected on the bulletin board displayed. Posting of information although carried out weekly will not be posted later than 5 business days from receipt of submittal. Fees for this process are part of standard fee presently collected.

Notification Summary Table

| Notification Action                   | Responsibility (CLC/Applicant)                           | Minimum Timing   | Costs   | Miscellaneous Issues   |
|---------------------------------------|--|--|---|--|
| Signs                                 | CLC – Prepare & provide Appl. - Post<br>CLC              | 15 Calendar Days   | Additional Cost – Cost Recovery<br>Part of Standard fee | 1 sign for recommending mtg.<br>1 sign for final action mtg.<br>Agenda and Newspaper Adv. can occur simultaneously   |
| Agenda Post                           | CLC  | 15 Calendar Days   | Part of Standard fee                                    | Agenda and Newspaper Adv. can occur simultaneously   |
| Newspaper Advertisement               | CLC  | 15 Calendar Days   | Additional Cost – Cost Recovery                         | Agenda and Newspaper Adv. can occur simultaneously   |
| Notification Letters                  | CLC  | 15 Calendar Days   | Additional Cost – Cost Recovery                         | 500' notification boundary<br><u>Recommending bodies</u> – 1 <sup>st</sup> class<br><u>Final Action bodies</u> – certified 100'; 1 <sup>st</sup> class thereafter. Subdivisions excluded from certified req. |
| Neighborhood Association Notification | CLC/App. – initial notice<br>App. – Mtg. if reqd.<br>CLC | N.L.T. 5 business days after submittal                               | Part of Standard Fee                                    | 500' notification boundary   |
| Website Posting                       | CLC  | N.L.T. 5 business days after submittal                               | Part of Standard Fee                                    | n/a  |
| Facebook Posting                      | CLC  | <u>Mtg.</u> – 15 Calendar Days<br><u>Submittal</u> – 5 Business Days | Part of Standard Fee                                    | n/a  |
| CLC-TV Posting                        | CLC  | N.L.T. 5 business days after submittal                               | Part of Standard Fee                                    | n/a  |
| LC Notification System Broadcast      | CLC  | 15 Calendar Days   | Part of Standard Fee                                    | Includes meeting notice and agenda   |

## Notification Methods Required by Process/Activity Type

The following processes and/or activities shall require the associated notification methods as listed. For ease of reference, the methods are numbered as follows:

- 1) Modified Current Practice
- 2) Community Development Department Development and Planning Project Web Page
- 3) Facebook
- 4) Las Cruces Notification System
- 5) CLC-TV

| Process  | Method  |
|--|---|
| Annexation (includes Plat, Master Plan and Initial Zoning) | 1 thru 5  |
| Master Plan – standalone                                   | 1 thru 5  |
| Concept Plan – standalone                                  | 1 thru 5  |
| Neighborhood Plan  | 1 thru 5  |
| Community Blueprint  | 1 thru 5  |
| Area Plan  | 1 thru 5  |
| Rezoning   | 1 thru 5  |
| Variances  | 1 thru 5  |
| Planned Unit Development (site Plan)                       | 1 thru 5  |
| Special Use Permit   | 1 thru 5  |
| Final Plats  | 1 thru 5  |
| Overlay Creation   | 1 thru 5  |
| Ordinance Creation/Amendment                               | 1 thru 5  |
| Preliminary Plats  | 1 thru 5  |
| Regional Plan Creation/Amendment                           | 1 thru 5  |
| Comprehensive Plan Amendment                               | 1 thru 5  |
| Consolidated Plan Amendment                                | 1 thru 5  |
| Topic Specific Plans (i.e. Arroyo Plan)                    | 1 thru 5  |
| Transportation Plan  | 1 thru 5  |
| Transportation Improvement Plan                            | 1 thru 5  |
| Unified Planning Work Program                              | 1 thru 5  |
| Safe Routes to School Plan Amendment                       | 1 thru 5  |
| Public Input Meeting*                                      | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only) |
| Informational Meeting*                                     | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only) |
| South Mesquite Design Review Board Mtg                     | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only) |
| University District Citizens Design Review                 | 1 thru 5 (method 2 to involve meeting                                   |

|  |  |
|--|--|
| Committee                                      | announcement/agenda only)  |
| West Mesa Strategic Planning Committee*        | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only)  |
| Planning and Zoning Commission Work Session*   | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only)  |
| Planning and Zoning commission Regular Meeting | 1 thru 5 (method 2 portion to involve meeting announcement/agenda only)  |
| Development Review Committee                   | 1 (Agenda and Neighborhood Association notification only), 2 (to involve meeting announcement/agenda only), 3, 4 and 5 |

\*Due to the nature of these meetings, staff has the discretion on a case by case basis of applying only relevant portions of the stipulated processes regarding notification.