

Easement. The right, liberty, advantage or privilege that one individual (or entity) has in lands of another, either express or imputed (utility, grant or necessity).

Engineer. A person engaged in the practice of engineering and qualified to so practice as attested by his/her legal registration as a professional engineer in the state.

Engineering utility related issues. Issues related to but not limited to: design specifications for roadways, grading, drainage, utilities, or other issues determined by the subdivision administrator and/or the public works director or the utilities director to be engineering-utility-related.

Improvements. Includes infrastructures such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, and water, sewer, and gas systems or parts thereof.

Lot. A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, for development. It also is a tract of land described by metes and bounds and as shown on the records in the county assessor's office.

Major arterial. A street having the primary purpose of carrying large volumes of traffic, and that does not usually provide direct access to individual properties. Major arterials are designed to provide cross city travel, and generally carry a minimum ADT of 10,000 vehicles.

Major local. A street whose primary purpose it is to provide direct access to individual properties, primarily in small to mid-size residential developments, and to individual commercial/industrial/office lots. The length of a major local seldom exceeds one-half mile.

May. When a requirement in these regulations uses the word "may" instead of "shall," the requirement will be necessary only if directed by the development review committee, the planning and zoning commission or city council.

Minor arterial. A street having the primary purpose of carrying moderate to large volumes of traffic and that does not usually provide direct access to individual properties. Minor arterials are designed to provide partial "cross-city" travel, and generally carry a minimum ADT of 5,000 vehicles.

Minor local. A street having the primary purpose of providing direct access to individual residential lots. The lengths of minor locals seldom exceed one-half mile.

Outlot. A parcel of ground or tract of land within a platted subdivision, to be used for purposes other than residential. An example of an outlot is a tract of land designated for open space or a retention pond.

Performance bond. A surety bond made out to the city in an amount equal to the estimated full cost if the improvements, said cost being estimated by the city engineer, surety bonds being legally sufficient to ensure the city that the said improvements will be constructed in accordance with these regulations.

Planned unit development (P.U.D.). A development process whereby the intent and purpose is to promote design and development standard flexibility in cases where strict application of the zoning ordinance would inhibit the overall goals and objectives of the city.

Planning related issues. Issues related to but not limited to: lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, other issues determined by the subdivision administrator to be planning-related.

Planning and zoning commission. The officially appointed planning and zoning commission of the city. The planning and zoning commission shall have final authority in the review of subdivision proposals requiring commission action. The commission shall also act as an advisory board with regard to amendments to this code.

Plat or replat. A map, chart, survey, or plan, certified by a land surveyor, that contains a description of subdivided plat or resubdivided replat land with ties to permanent survey monuments.

Shall. The word "shall" is mandatory and not permissive.

Street. A public way, other than an alley, that has been dedicated, or reserved by plat and which affords the principal means of access to abutting property.

Subdivider. An owner or an owner's agent who undertakes the subdivision of land as set forth in the respective regulations.

Subdivision. Subdivision for the purpose of approval by the municipal planning authority means: for the area of land within the corporate boundaries of the city, the division of land into two or more parts by platting or by metes and bounds description into tracts or lots for any purpose.

Surveyor. A person who is engaged in the practice of surveying and is qualified to so practice as attested by his/her legal registration as a professional surveyor in the state.

Tract. See outlet.

Vacation. To void a portion of a previously-filed subdivision plat application or to void the filed plat in its entirety.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-15--37-40. Reserved.

**ARTICLE II.
MASTER PLAN**

Sec. 37-41. The purpose of master planning.

A. The purpose of the master planning process is to advance the goals and objectives of the city's comprehensive plan and to address a variety of environmental and social issues in an area being proposed for future development. A master plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development. The master plan process is designed to achieve the following objectives:

- To achieve the goals, objectives and policies of the city comprehensive plan and the objectives of other city policies.
- To ensure compliance with the growth management section of the land use element of the city comprehensive plan.
- To ensure compliance with the metropolitan planning organization's transportation plan.
- To guide future land development and transportation patterns.
- To provide for an efficient process in determining fiscal impacts, neighborhood concerns, the coordination of city capital improvements, and the identification and protection of significant natural features.
- To ensure that all adopted city plans, rules and regulations are followed. To ensure that proposed development is suitable and appropriate for a given parcel of land, based on its location and its environmental characteristics.

B. This chapter recognizes change in design criteria and the need for flexibility in land development. The master plan process permits changes that conform with the intent to provide health, safety, convenience and general welfare to the citizens of the city. Approved master plans shall be used as a general guide to land development with successive steps established for specific plans that shall be consistent with the adopted master plan.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-42. When a master plan is required.

- A. A master plan shall be required when any of the following criteria apply:
1. A development is to be divided into various phases.
 2. A development application is proposing multiple land uses.
 3. A request for annexation is made.
 4. An application is for the single development of 40 or more lots.
 5. When a commercial, office or industrial development application is proposing to utilize the alternate summary procedure more than once.
- B. For smaller residential developments consisting of no more than two phases on ten or fewer acres, with 39 or fewer lots, a master plan may be omitted at the discretion of the DRC.
- C. The subdivider is responsible for including on the master plan all contiguous property

owned, legally controlled by, or of any development and/or financial interest to said subdivider.

- D. A preliminary plat may be submitted simultaneously with the master plan. A final plat may not be submitted at the same time as the master plan or the preliminary plat. Subdivision applications submitted through the planned unit development (P.U.D.) process will not be required to meet the requirements in this article. (Ord. No. 1798, § I, 6-19-00)

Sec. 37-43. Preapplication meeting.

A. Prior to the filing of an application for approval of a master plan, the subdivider shall submit to the community development department a conceptual plan of the proposed development. This does not require a written application or fee, nor does the preapplication procedure require formal approval by either the planning and zoning commission or city council. Any proposed master plan causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

- a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.
- b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
- c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with

surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

- a. A detailed description (to the extent possible) of what is being pursued in terms of development
- b. Information as to how the developer, applicant, or representative for the development action may be contacted
- c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur
- d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully
- e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
- f. Community Development staff contact information for any related correspondence or general inquiry.

A. 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

B. Conceptual plans shall be presented to the first available development review committee meeting for review and comment. The development review committee shall discuss with the developer, or the developer's representative, the proposed conceptual plan and shall indicate any changes that will be required for the formal submittal of the proposal.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-44. Submittal of a master plan application.

- A. The master plan and supplemental material shall be submitted to the community development department no later than 25 calendar days prior to the day of the next regular meeting of the planning and zoning commission for approval consideration. Any master plan requesting three or more planning-related variances (excluding administrative variances) shall be processed via the planned unit development process as outlined in the city zoning code.
- B. Upon submittal, the community development department shall issue a receipt. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the master plan submittal contains all necessary items as per section 37-46 of this chapter, the subdivision

administrator shall accept the submittal for review. A proposed master plan shall not be accepted for review by the subdivision administrator if incomplete or substantially inaccurate. All items required on a master plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

- C. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information will be needed in order to accomplish the objectives of this chapter. Examples of possible additional requirements and/or information could include, but are not limited to, a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc. Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.
- D. Master plans will be processed by the subdivision administrator to the applicable city departments and other governmental agencies for review, comments, and recommendations. Each department shall have five business days to complete the review. Written reports, containing comments and recommendations shall be returned to the subdivision administrator.
- E. The subdivision administrator shall review all comments for applicability and appropriateness to the master plan requirements and forward any comments to the subdivider or the subdivider's representative for completion. Master plans applications that are commented upon shall be returned, amended, resubmitted and reviewed until the provisions set forth in the regulations are met.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-45. Review and consideration of a master plan application.

- A. Master plans shall be submitted to the development review committee for review, comments and recommendations. The development review committee shall review the master plan to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-41 of this chapter. The development review committee shall provide the planning and zoning commission with a report containing a recommendation that the master plan be either approved, conditionally approved, postponed or disapproved. The report shall include the reason(s) for the recommendation.
- B. Public notice:
 1. Agenda. The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15) six calendar days prior to the public hearing.
 2. Posting. Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative community development department at least fifteen (15) nine calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages,

one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.

3. *Notice.* Notice on all proposed master plans shall be sent by regular, ~~non-certified~~, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 2500 feet of the area of the proposed subdivision, ~~excluding~~ including streets, alleys, channels, canals and other public rights-of-way. The community development department is responsible for the list of property owners and the preparation of mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes hereinto ~~said property owners~~ shall be mailed at least ~~nine~~ fifteen (15) calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.
- C. The planning and zoning commission shall review the master plan, report, comments and recommendations received from the development review committee, subdivision administrator and presentations from the applicant or the applicant's representative and from any interested citizens. Action from the planning and zoning commission shall be in the form of approval, conditional approval, postponement, or disapproval. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions acted on by the planning and zoning commission at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b).
 - D. It is the requirement of the planning and zoning commission that no master plan shall be reviewed unless either the applicant or the applicant's representative is present at the public hearing. If neither party is present at the public hearing, the master plan will be postponed until the next regular planning and zoning commission meeting.
 - E. Upon approval of the master plan by the planning and zoning commission, the developer may submit to the community development department any zoning applications, preliminary plats or final plats as necessary and applicable, that reflect the objectives of the approved master plan.
 - F. The approval of the master plan shall be effective for a period of five years, as described on the approval action form. If, at the expiration of the five-year period, no single

preliminary plat, building permit, or any other development application, in conformance with the approved master plan, has been submitted and approved, the master plan shall expire. Such action does not necessarily have to encompass the entire master-planned area in order for said master plan to remain active. The developer may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the planning and zoning commission for consideration. Please note: Approval of a master plan does not prohibit the utilities department from revising any utility requirements based on projected needs or growth around the master-planned area.

G. Any substantial change to the master plan will require resubmittal of the plan in its entirety and may trigger the need for a neighborhood group and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator. Minor modifications or changes shall be reviewed and considered by the subdivision administrator. Substantial changes to the master plan are subject to a regular public hearing with the same requirements as an original application. Substantial changes shall include, but are not limited to:

1. Any change in land use or use intensity;
2. Modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;
3. Increase in residential density;
4. Any extension of time limits beyond 20 percent;
5. Any change in the master plan that is determined by the subdivision administrator to be substantial.

H. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been attempted. Refer to section 37-13, "procedures for appealing decisions of staff," the development review committee and the planning and zoning commission for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-46. Master plan submittal requirements.

- A. An application for approval of a master plan shall include the following information:
1. Name of master plan.
 2. Detailed area/vicinity map clearly showing the surrounding area and the proposal's relationship to existing road networks, and existing natural and/or man-made features that may impact the development or may be impacted by the development. Detail must be sufficient so that the subject property can be located in the field using the map.
 3. North arrow, date of preparation, written and graphic scale.
 4. A general legal description that shall include:
 - a. Approximate survey ties;
 - b. Approximate acreage.
 5. Name and address of the consultant preparing the master plan.
 6. Name and address of the developer.
 7. Boundary lines of the master plan, with approximate lengths of lines.
 8. Proposed land use, by parcel or phase. Residential parcels shall provide gross density range.
 9. Present zoning and proposed zoning (if applicable).
 10. Contours--20-foot intervals. In instances whereby 20-foot intervals are not appropriate or applicable, contours may be provided at an appropriate interval that adequately presents the elevation differences of the land as determined by the community development department director.
 11. Adjacent land use and zoning district identification.
 12. Thoroughfare system: Proposed approximate location, length, width and point of intersection of all major transportation systems, which may include bikeways, trails and any other transportation lines. Identify existing and proposed classification of roads as per city design standards and based on the current city MPO transportation plan.
 13. Significant natural features, such as arroyos and approximate 100-year floodplains.
 14. Adjacent roads and other transportation routes identified by functional classification.
 15. Easements.
 16. Tabular information:
 - a. Land use of each phase or parcel.
 - b. Approximate acreage for each parcel or phase.
 - c. Total number of residential dwelling units, minimum and maximum range.
 - d. Dwelling units per acre for each parcel or phase.
 - e. Approximate acreage proposed for open space, private and public facilities, and right-of-way.
 - f. Approximate additional population to be generated by development, based on census data.
 - g. Approximate additional traffic estimated to be generated by development, utilizing ITE trip generation information, as amended.
 17. Approval block signifying the final approved master plan to be signed by the subdivision administrator upon approval by the planning and zoning commission and compliance with all conditions.
 18. Conceptual utilities plan. The conceptual utilities plan shall contain enough

information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development. Actual size and location of utilities to be determined at time of development and subject to change based on utility needs of the surrounding area.

19. Conceptual drainage plan. The conceptual drainage plan shall contain enough information to provide a general understanding of how drainage issues will be addressed by the development.
- ~~19.~~20. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.
- ~~20.~~21. Supplemental material:
- a. Application:
 - i. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the county clerk's office.
 - ii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
 - b. Submittal fee.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-47--37-75. Reserved.

ARTICLE III. PRELIMINARY PLAT

Sec. 37-76. The purpose of preliminary platting.

The purpose of the preliminary platting process is to establish quality site design that promotes the compatibility of development with physical and cultural issues within the city. The preliminary plat process is designed to achieve the following objectives:

- To provide for an efficient process for establishing streets that have the capacity to adequately handle anticipated traffic flow and that are in harmony with the MPO's transportation plan and the transportation element of the comprehensive plan.
- To promote site design that encourages sound, economical, and compatible development and that creates a healthy living environment in the city.
- To allow for design flexibility and imagination.
- To provide for subdivided lots with adequate configuration, area and appropriate design for the purpose for which they are to be used and to address housing, marketing and economic development trends that support the policies within the housing element of the comprehensive plan.
- To minimize traffic and drainage hazards through proper site design.
- To promote efficient design to mitigate impacts to community infrastructure.
- To assure that all adopted city plans, rules and regulations, and the development master plan, if applicable, are followed.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-77. When a preliminary plat is required.

A preliminary plat conforming to this chapter shall be required for all subdivisions except those processed through the replat, alternate summary or infill subdivision process. A preliminary plat may be submitted simultaneously with a master plan. Subdivisions that are processed through the P.U.D. process do not have to receive preliminary plat approval.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-78. Preapplication procedure.

A. Any proposed preliminary plat causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to

whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

- a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.
 - b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
 - c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
 3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary

that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
 - a. A detailed description (to the extent possible) of what is being pursued in terms of development.
 - b. Information as to how the developer, applicant, or representative for the development action may be contacted.
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
 - f. Community Development staff contact information for any related correspondence or general inquiry.

- A. 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey

development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

- B. B. If necessary, the conceptual preliminary plat(s) shall be referred to the first available development review committee meeting for review and comment. The subdivision administrator and/or the development review committee shall review all conceptual plans and discuss with the subdivider or the subdivider's representative the changes, if any, that will be required for the submittal process.

(Ord. No. 1798, § I, 6-19-00)

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Sec. 37-79. Submittal of a preliminary plat application.

- A. The preliminary plat application and relevant supplemental material shall be submitted to the community development department for approval consideration no later than 25 calendar days prior to the day of the regular meeting of the planning and zoning commission.
- B. Upon submittal, the community development department shall issue a receipt for submittal. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all required items have been submitted, and the preliminary plat submittal contains all required items as per section 37-81 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed preliminary plat submittal shall not be accepted for review if incomplete or substantially inaccurate. All items required on a preliminary plat must be present for acceptance. In cases in which a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.
- C. The subdivision administrator, the development review committee or the planning or zoning commission shall have the authority to waive or add submittal requirements in cases in which it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Examples of possible additional requirements and/or information could include, but is not limited to, a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc. Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.
- D. Preliminary plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their comments and recommendations, shall be forwarded to the subdivision administrator.
- E. The subdivision administrator shall review all comments for applicability and appropriateness to the preliminary plat requirements and forward any comments to the subdivider or the subdivider's representative for completion. Preliminary plat applications that receive comments shall be resubmitted and reviewed until the provisions set forth in the regulations are met and all outstanding comments are addressed.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-80. Review and consideration of a preliminary plat.

- A. Following staff review, the development review committee shall evaluate the preliminary plat and staff comments to determine if they are consistent with the intent and purpose set forth in sections 37-3 and 37-76 of this chapter. The preliminary plat shall be scheduled for a public hearing for planning and zoning commission consideration. The development review committee shall provide the planning and zoning commission with a written report containing a recommendation that the preliminary plat be approved, conditionally approved, postponed or disapproved. The development review committee shall state the

reason(s) for their recommendation regarding the preliminary plat to the planning and zoning commission.

B. Public notice requirements: The following shall be required for all preliminary plats scheduled for planning and zoning commission review:

1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15) ~~six~~ calendar days prior to the public hearing.
2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative ~~community development department~~ at least fifteen (15) ~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
3. *Notice.* Notice on all proposed preliminary plats shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5200 feet of the area of the proposed subdivision, inexcluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and preparation of the mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice, for purposes herein to said property owners shall be mailed at least fifteen (15) ~~nine~~ calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The planning and zoning commission shall review the preliminary plat application, the report, any comments, and recommendations from the development review committee, the presentation from the subdivider or the subdivider's representative and from any interested citizens at a public hearing. The intent of the planning and zoning commission review is to allow for public input in the development process and to serve as a land-planning process. Review of the proposal shall consist of planning related issues such as site plan compliance to the city's comprehensive plan and all development- or growth management-related policies. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. Action shall be in the form of an approval,

conditional approval, postponement, or disapproval. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with Sec. 37-11(b).

- D. It is the requirement of the planning and zoning commission that no preliminary plat shall be reviewed unless either the applicant or the applicant's representative is present at the planning and zoning commission meeting. If the applicant or the applicant's representative is not present at the public hearing, the preliminary plat application hearing will be postponed until the next regular planning and zoning commission meeting.
- E. Approval of a preliminary plat shall not constitute approval of the final plat, but shall signify the general acceptability of the proposed subdivision. Preliminary plat approval shall constitute permission to prepare and submit the final plat application and construction drawings of all improvements for the proposed subdivision. Final platting shall not be considered until preliminary plat approval is complete.
- F. Preliminary plat approval shall be effective for no more than two years from the date of approval as described on the approval action form. If a final plat application has not been submitted for approval as required by the provisions of this chapter, the preliminary plat shall expire, and a new preliminary plat application must be submitted for approval by the planning and zoning commission. The developer may submit a request for a one year extension of approval, prior to the expiration date, if desired. The request will be reviewed by the development review committee. All plat extensions shall be automatically conditioned to require compliance with all city codes, regulations, and specifications in place at the time of development of the plat in question.
- G. Any substantial change to the preliminary plat application will require resubmittal of the plat in its entirety and may trigger the need for a neighborhood group and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator. Minor modifications or changes shall be considered by the subdivision administrator.
- H. Substantial changes to the preliminary plat application will be subject to a planning and zoning commission public hearing, with the same requirements as an original application. Substantial changes shall include but are not limited to:
1. Any proposed change in land use or use intensity;
 2. Anticipated (or proposed) modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;
 3. An anticipated increase in residential density;
 4. Any extension of time limits beyond 20 percent;
 5. Any change in the preliminary plat that is determined by the subdivision administrator to be substantial.
- I. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or of any other adopted resolution, rule, or

regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of the staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)



Sec. 37-81. Preliminary plat submittal requirements.

- A. *Preliminary plat requirements.* The preliminary plat shall be at a scale that adequately represents the information. The preliminary plat shall be prepared on 18-inch × 24-inch sheets of paper. Copies provided shall be legible, with no limit to the number of sheets used. The plat shall show existing conditions and all proposals, including the following:
1. Name of proposed subdivision;
 2. Total acreage of subdivision, to nearest one-tenth of an acre;
 3. Date of preparation, north arrow, written and graphic scale;
 4. Detailed area/vicinity map clearly showing surrounding area and the proposal's relationship to existing road networks, and existing natural and/or man-made features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map;
 5. Name and address of subdivider;
 6. Name and address of the person, corporation or organization preparing the preliminary plat;
 7. An accurate and complete boundary survey of the land to be subdivided. Plat boundary lines shall be shown, giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the plat shall provide sufficient data to enable the reestablishment of curves on the ground. Include the location and description of all monuments set or found. Data for each curve shall include:
 - a. Central angle and arc length;
 - b. Radius;
 - c. Chord bearing and length;
 8. A statement of ownership, signed by the legal owner, and the equitable owner if applicable, on the final approved preliminary plat;
 9. Zoning or proposed zoning shall be shown with boundaries given as streets, highways, or property lines. Special use permit information shall be included if applicable.
 10. Number to identify each lot, plus the acreage of each lot and tract;
 11. Proposed lot lines and public rights-of-way lines; rights-of-way and street widths; rights-of-way for public services or utilities with identification of any limitations thereof;
 12. Proof that all lots in any subdivision meet the requirements of the city zoning code and that each lot shall be dimensioned in such a manner that setbacks, as required by the code, shall be met for any structure or building that may be on or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by the city zoning code.
 13. Approximate locations, dimensions, areas, and purposes of tracts proposed to be reserved for the public;
 14. Sites and approximate area(s) for any multi-family dwellings or nonresidential uses;
 15. Existing conditions of the proposed preliminary plat, including the information indicated next, if applicable. Separate sheets may be used, if necessary, to convey the information.
 - a. Present site designation or subdivision name;
 - b. Easements on-site: Location, width and purpose of each;

- c. Public rights-of-way on and within 150 feet of the site: name, width, and classification of each;
 - d. Utilities on and adjacent to the site: Locations and size of each water well, water reservoir, water line, sanitary and storm drain; locations of all irrigation channels and drains; locations of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the directions, distances, and sizes of the nearest lines;
 - e. Existing topography:
 - i. For land with average slopes of less than five percent, show contour lines at intervals of not more than two feet;
 - ii. For land with average slopes exceeding five percent, show contour lines at intervals of not more than five feet;
 - f. Existing storm drainage facilities on and adjacent to the site;
 - g. Conditions on adjacent land significantly affecting design of the subdivision: approximate directions and gradients of ground slopes, character and location of development, access points from adjacent points and building types;
16. Approval block signifying the final approved preliminary plat, to be signed by the subdivision administrator upon approval by the planning and zoning commission and resolution of all outstanding staff comments;
17. Master utility plan, which shall contain a general outline of the proposed utility routing plans for the development, to include, but not be limited to, the following information:
- a. Existing and proposed utility locations;
 - b. Sizes of existing and proposed utilities and system loads;
 - c. Locations of proposed connections to existing utilities;
 - d. Proposed off-site improvements necessary to connect to existing utilities;

The master utility plan may be submitted with the final plat or construction drawings with the consent of the utilities department director. Written approval for this allowance must be submitted with the preliminary plat submittal.

18. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

B. Supplemental material to be submitted with the preliminary plat:

- 1. Application:
 - a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate, or all persons having a specific power of attorney) for the subject property as recorded in the county clerk's office.
 - b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
- 2. Submittal fee.
- 3. Variance requests (if applicable).
- 4. Master drainage study:

- a. The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study.
- b. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development.
- c. The report shall include, but not be limited to, the following information and calculations:
 - i. Calculation for peak flow from all offsite tributary drainage areas.
 - ii. Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
 - iii. Preliminary analysis of 100-year floodplain and major drainage ways.
 - iv. Closed sub-basin analysis of 100-year floodplain and major drainage ways.
 - v. Discussion and analysis of downstream drainage facilities.
 - vi. Discussion of anticipated drainage problems within the proposed development and possible solutions.
 - vii. Report shall be typed on 8 1/2-inch × 11-inch paper.
- d. Drawings for the master drainage study shall include, but not be limited to, the following:
 - i. Any and all floodplains and flood ways must be identified. A copy of applicable F.E.M.A. floodplain map is required indicating limits of current study.
 - ii. Existing topography:
 - 1) For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet.
 - 2) For land that slopes more than five percent, show contour lines at intervals of not more than five feet.
 - 3) Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures.
 - 4) Identification of all drainage basins in the development.
 - 5) Location of all streets in/adjacent to the proposed development.
 - 6) Identification of all drainage basins tributary to the proposed development.
 - 7) Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available)
- e. Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-82--37-110. Reserved.

**ARTICLE IV.
FINAL PLAT**

Sec. 37-111. The purpose of final platting.

Within two years after the approval of a preliminary plat, the subdivider must submit the final plat. The final plat is the subdivision instrument that is prepared for recording in the office of the county clerk. The final plat process ensures that the recordable plat is in complete compliance with plans approved earlier in the preliminary plat process. If the approved preliminary plat contains more than one phase, a final plat must be submitted every two years thereafter until all phases are complete. The submittal of such additional phases shall constitute a continuance of preliminary plat approval status. A final plat shall not be submitted until preliminary plat approval, if applicable, is complete.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-112. Preapplication procedure for plats following final plat processes consistent with Article V – Infill Subdivision Process, Section 37-176 (a) regarding alternate summary subdivision creating not more than two (2) lots, Section 37-176 (c) regarding creation of not more than two (2) lots of a previously filed subdivision, Section 37-207 (b) regarding an increase of the number of lots within a previously platted subdivision and Section 37-207 (d) regarding final plats reflecting vacation requests, and Article VIII – Vacation Plats.

A. Any proposed final plat identified in Sec. 37-112 causing need for public notification, review and approval by the Planning and Zoning Commission or City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.

- b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
- c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
- a. A detailed description (to the extent possible) of what is being pursued in terms of development
 - b. Information as to how the developer, applicant, or representative for the development action may be contacted
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
 - f. Community Development staff contact information for any related correspondence or general inquiry.
5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-113. Submittal of a final plat application.

- A. The final plat and supplemental material shall be submitted to the community development department no later than 25 calendar days prior to the day of the regular meeting of the planning and zoning commission for approval consideration if applicable.

- B. Upon submittal, the community development department shall issue a receipt for the submittal. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted and the final plat submittal contains all necessary items as per section 37-114 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a final plat must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.
- C. The subdivision administrator or the development review committee shall have the authority to waive or add submittal requirements if it is determined that the additional additional items and resulting information is necessary to accomplish the objectives of this Code. Additional requirements may include a neighborhood group and/or noticed area meeting (see Section 37-112). Any request for additional submittal requirements shall be justified, in writing, by the requesting entity.
- D. Final plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their recommendations, shall be forwarded to the subdivision administrator. The development review committee shall review the final plat to determine whether it is consistent with the intent and purpose set forth in sections 37-1 and 37-111 of this chapter. For final plats requiring planning and zoning commission approval, a written report shall be provided to the planning and zoning commission with a recommendation that the final plat be either approved, conditionally approved, postponed, or disapproved. The development review committee shall state the reasons for their recommendation on the final plat in the report to the planning and zoning commission.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-113. Approval of final plats.

- A. Administrative approval of final plats. Final plats that are consistent with, and that conform to, an approved preliminary plat shall be approved administratively, unless determined by the subdivision administrator via pre-application for plats subject to Section 37-112 or the DRC that the planning and zoning commission review is necessary, or as otherwise provided by this chapter e.g., replats or waivers to planning-related issues. A final plat that deviates from the approved preliminary plat shall be rejected by the subdivision administrator and either modified to comply with the preliminary plat or suspended in lieu of an amended preliminary plat.
- B. Planning and zoning commission approval of final plats. Final plats requiring planning and zoning commission approval shall be advertised in accordance with the following before consideration at a public hearing:
1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15) six calendar days prior to the public hearing.
 2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property by the property owner, applicant or representative ~~subdivider~~ at least fifteen (15) nine calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved (e.g. appeals), , Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
 3. *Notice.* Notice on all proposed final plats requiring planning and zoning commission review shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5200 feet of the area of the proposed subdivision, inexcluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and for the preparation of mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes herein, to said property owners shall be mailed at least fifteen (15) nine calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

- C. The planning and zoning commission shall review the final plat, report, comments and recommendations from the development review committee, presentation from the subdivider or subdivider's representative and from any interested citizens at a public hearing as applicable. If the proposed final plat is complete and devoid of any issues, said final plat shall be placed on the consent agenda for planning and zoning commission approval. final plats that are in full compliance with this chapter and an approved preliminary plat, if applicable, as determined by the subdivision administrator, shall not be removed from the consent agenda except by a majority vote of the membership of the commission. Action from the planning and zoning commission on final plats not on the consent agenda shall be in the form of an approval, conditional approval, postponement, or disapproval. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b). All approvals by the planning and zoning commission are conditioned upon final review and approval of outstanding staff comments.

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- D. It is the requirement of the planning and zoning commission that no final plat shall be reviewed unless either the applicant or the applicant's representative is present at the planning and zoning commission meeting. If the applicant is not present at the public hearing, the final plat will be tabled until the next regular planning and zoning commission meeting.
- E. Upon approval of the final plat, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat application. The final plat shall not be filed until all construction improvements have been completed, approved and accepted by the city, or until a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat approval. The subdivision administrator shall be responsible for filing the final plat with the applicant and/or their representative at the county clerk and recorder's office.
- F. Final plat approval shall be effective for no more than three years from the date of approval. If the subdivision improvements have not been completed or a form of security established and approved, the final plat shall be resubmitted for final plat approval. The developer may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the development review committee for consideration. All plat extensions shall be automatically conditioned to require compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.
- G. No changes, revisions, erasures, or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to the satisfaction of all requirements and conditions. Any substantial change to a final plat subject to Section 37-112 may trigger the need for a neighborhood group(s) and/or noticed area meeting to be determined by and at the discretion of the subdivision administrator.
- H. Appeals Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or of any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-1154. Final plat submittal requirements.

- A. Final plat requirements. The final plat shall be drawn with permanent ink or produced by a photographic process on a linen or polyester (Mylar) film. The final plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information. Copies provided shall be legible.
- B. If more than one sheet is used, all sheets must be indexed and contain an index map

showing the relationship of the sheet to the whole. Each sheet shall show north arrow, name of subdivision, date of survey, written and graphic scale. The following information shall be shown on the plat:

1. Name of subdivision.
2. Total acreage of subdivision to nearest one-tenth of acre.
3. Date of preparation, north arrow, written and graphic scale.
4. Detailed area/vicinity map clearly showing surrounding area and the proposal's relationship to existing road networks and existing natural or man-made features that may impact the development. Detail must be sufficient so that the subject property can be located in the field using the map.
5. Signed statements by the subdivider dedicating public rights-of-way, and granting all required easements for public use. Also include a statement that the subdivision is planned with the free consent of and in accordance with, the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds. For consistency on all plats, the dedication statement shall read as follows:

DEDICATION

THE TRACT HEREON IS TO BE KNOWN AS _____ SUBDIVISION.

ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.

6. Name and address of subdivider.
7. Name and address of the person, corporation or organization preparing the final plat.
8. Certification block for planning and zoning commission chairman and secretary.
9. Certification block(s) by authorized representatives from respective utility companies(cable, telephone company and electric company, etc.).
10. Certification and seal by a registered licensed surveyor of the state in accordance with the laws of the state, certifying the accuracy of the survey and the plat, and that the surveyor prepared or supervised preparation of the plat.
11. An accurate and complete boundary survey of the land to be subdivided. Plat boundary lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the plat shall provide sufficient data to enable the reestablishment of curves on the ground. Curve data shall

include:

- a. Central angle and arc length;
 - b. Radius;
 - c. Chord bearing and length;
12. Location and description of all monuments set or found within the plat area.
Subdivisions shall be tied into and referenced to the state plane coordinate system if within one-half mile of a traverse station established in conformity with the state plane coordinate system, with reference made on the final plat.
 13. Bearings and lengths for all lot lines and rights-of-way lines existing or proposed.
Lines to be eliminated shall be designated and identified by dashed lines. Names of streets, rights-of-way widths of all streets, commercial alleys, green ways, bikeways, trails and other transportation links shall be so designated.
 14. Number to identify each lot.
 15. Acreage of each lot.
 16. Letter to identify each block.
 17. Location, dimensions and purpose of all easements, existing or proposed, and any limitations thereof.
 18. Adjacent land ownership within 100 feet. Note subdivision and/or owner's names and filing information: book, page and date.
 19. Outlots or tracts designated by letter, with disposition indicated in the Note section.
Location of land intended to be converted or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision shall be so identified. The purpose of each outlot and the responsibility for maintenance of all tracts shall be noted.
 20. Locations, dimensions, and purposes of all necessary easements for water rights in relation to irrigation.
 21. Ponding icon. For lots utilizing on-lot ponding, an icon shall be placed on the lot in the approximate location of the proposed ponding area. A note referencing the ponding icon shall also be present on the plat and reflect the purpose and the lot owner's responsibility for maintaining the ponding area.
 22. A note placed on the plat stating: "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
 - 22.23. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

C. Supplemental material to submit with the final plat:

1. Application:
 - a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property as recorded in the county clerk's office.
 - b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

2. Submittal fee.
 3. Documentation from the county assessor's office that the current year's property taxes are paid and that no taxes are owed on the property.
 4. Appropriate documentation shall be submitted to show proof of water service and approval of sewage disposal. (Applicable if the subdivision will not be utilizing city services.)
 5. Address plat. The address plat shall be drawn with permanent black ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information. Copies provided shall be legible. The following information shall be required:
 - a. Title of subdivision;
 - b. Approved lot layout;
 - c. Lot and block numbers;
 - d. Street name;
 - e. Street address for each lot. (Community development department will provide the addresses.)
 - f. Neighborhood delivery and collection box unit location (NDCBU), if applicable.
 6. A traverse closure sheet (computer printout) for the exterior boundaries of the entire tract and for each parcel within the tract, except any parcels that are true rectangles.
 7. Filing fee shall be required of the applicant at time of plat filing.
- (Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

| Secs. 37-1156--37-140. Reserved.

ARTICLE V INFILL SUBDIVISION PROCESS

Sec. 37-141. The purpose of infill subdividing.

The purpose of the infill subdivision process is to implement the infill policy plan regarding the subdivision of land by providing an efficient process to encourage the development of vacant or underutilized properties within the central part of the City and to utilize existing infrastructure in a more cost-effective manner.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 2519, 5-26-09)

Sec. 37-142. Usage.

- A. The infill subdivision process is designed to make it more desirable to develop vacant or underutilized land in the central part of the City, as well as to streamline the processing of subdivisions through two procedures: the infill development process (IDP) and the infill subdivision method (ISM). Both procedures provide an expedited review and processing schedule.
- B. The infill development process option allows the applicant to submit a single application, in which the Planning and Zoning Commission may consider not only the proposed subdivision, but additional development aspects of the property such as variances, changes of land use, special use permits, etc. Consult section 38-48 of the Municipal Code, for specific procedures and options. The IDP option shall only be available on qualified infill properties within the defined infill area. See figure 1 for delineation of the Infill Area.
- C. To qualify for use of the infill development process, the property must meet the definition of an infill parcel as set forth in Section 38-48 of the Municipal Code. Subdivision proposals not meeting the qualifications of the infill development process, but located within the infill area may follow the provisions of the infill subdivision method.
- D. The infill subdivision method is an expedited procedure for subdivisions located in the infill areas. The ISM allows for an administrative approval of a concept plan in lieu of the full master plan process for proposals that would ordinarily require master plan approval. Once the concept plan has been approved, the developer may skip the preliminary platting process and proceed to the final plat process. The infill subdivision method is for subdivision proposals only. Any necessary variances, zone changes, special use permits, etc., would require separate action. Subdivision proposals in the Infill Area that consist of just one or two lots may potentially follow the alternate summary procedure.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02; Ord. No. 2519, 5-26-09)

Sec. 37-143. Procedure for the infill development process.

- A. Pre-application procedure for IDP. Any proposed IDP causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting of the Development Review Committee (DRC), scheduled by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the

representative regarding procedural nuance, necessary changes prior to formal submittal, or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance from the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.

c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,

2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.

3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.
4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
- a. A detailed description (to the extent possible) of what is being pursued in terms of development.
 - b. Information as to how the developer, applicant, or representative for the development action may be contacted.
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or

beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented

B. Prior to the filing of an application for approval of an infill development process subdivision proposal, the subdivider shall meet with the development review committee (DRC) to discuss the proposal and the planning objectives to be accomplished with the submittal. For purposes of the pre-application process, a written application or fee is not required, nor does this pre-application procedure require formal approval. The DRC shall discuss the proposal with the subdivider or the subdivider's representative and shall indicate changes, if any, that will be required prior to the submittal process.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-144. Submittal of an infill development process application.

A. The application indicating the type of action being requested, along with the necessary support information may be submitted to the community development department at any time. The submittal shall be reviewed by the appropriate staff within eight business hours, and if all required items have been submitted, the application shall be accepted for review. If a submittal is found to be incomplete, the applicant shall correct the deficiencies and resubmit the application. The proposal will then be scheduled for review by the planning and zoning commission at a public hearing on the first Tuesday following the public notice period.

B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-145. Approval of infill subdivisions under the infill development process.

A. Following staff review, a written report shall be provided to the planning and zoning commission with a recommendation that the proposal be approved, conditionally

approved, postponed, or disapproved. The development review committee shall state reasons for their recommendation on the proposal to the Planning and Zoning Commission.

1. Public notice requirements for the IDP:

- a. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
- b. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative community development department at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
- c. *Notice.* Notice on all proposed subdivisions shall be sent by regular, non-certified, first class mail for subdivision related matters. If zoning related issues are part of the IDP request, notice for those items shall follow Article II, Section 38-10, E, or certified mail, if necessary to comply with state law requirements for cases regarding zoning matters, to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5200 feet of the area of the proposed subdivision, including streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and the preparation of the mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes herein to said property owners shall be mailed at least fifteen (15)~~ten~~ calendar days prior to the public hearing. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days prior to the meeting.

- B. The planning and zoning commission shall review the proposal, report, comments and recommendations received from the development review committee, the presentation from the subdivider or the subdivider's representative, and comments from any interested citizens, at a public hearing scheduled as needed, in accordance with section 38-1605 of the municipal code. Action from the planning and zoning commission shall be in the form of an approval, conditional approval, postponement or disapproval. Action from the

planning and zoning commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the planning and zoning commission as done at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b).

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-146. Preapplication procedure for the infill subdivision method.

- A. The subdivider that is following the infill subdivision method shall, prior to the filing of an application for approval of a final plat, submit a conceptual plan of the proposed development for formal review. Upon receipt of the submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the conceptual plan submittal contains all necessary items as per section 37-144 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed conceptual plan shall not be accepted for review if incomplete. All items required on a conceptual plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.
- B. Any proposed ISM causing need for public notification, review and approval by the Planning and Zoning Commission shall first have a concept plan reviewed at a meeting of the Development Review Committee (DRC) that is to be scheduled within nine (9) calendar days of acceptance by the Community Development staff (note: a conceptual plan is not required if following the infill development process). The purpose of the review is to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-141 of this chapter and to gauge whether early notification is warranted. A written report shall ultimately be provided to the subdivider indicating any changes that may be needed or potential concerns that may arise during the final plat and construction drawing review process. Upon completion of the review, the DRC will provide a recommendation on the proposal for the Planning and Zoning Commission. Due to this process, a representative for the proposed development action shall attend the DRC meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC an opportunity to gauge and determine neighborhood and/or community impacts and development related issues.
1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance from the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

- a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.
 - b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
 - c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,
2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
 3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or

representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

a. A detailed description (to the extent possible) of what is being pursued in terms of development.

b. Information as to how the developer, applicant, or representative for the development action may be contacted.

c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

A-5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented. The subdivider that is following the infill subdivision method shall, prior to the filing of an application for approval of a final plat, submit a conceptual plan of the proposed development for formal review. Upon receipt of the submittal, the community

development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the conceptual plan submittal contains all necessary items as per section 37-144 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed conceptual plan shall not be accepted for review if incomplete. All items required on a conceptual plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.

- B. Conceptual plans shall be submitted to the DRC for review, comments and recommendations. The DRC shall review the conceptual plans within nine calendar days to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-141 of this chapter. A written report shall be provided to the subdivider indicating any changes that may be needed or potential concerns that may arise during the final plat and construction drawing review process.

Note: The conceptual plan is not required if following the infill development process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-147. Submittal of an infill subdivision method application.

- A. Following a concept plan review by the DRC, if required, the final plat and supplemental material shall be submitted to the community development department. Upon submittal, the subdivision administrator shall have eight hours to review the submittal for completeness. If all of the required items have been submitted, and the final plat submittal contains all necessary items per section 37-147, the submittal will be accepted for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate.
- B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.
- C. Final plats shall be processed to the development review committee and other governmental agencies, if applicable, for review, comments and recommendations. The development review committee shall review the final plat to determine if it is consistent with the intent and purpose set forth in sections 37-3 and 37-141 of this chapter.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-148. Approval of infill subdivisions under the infill subdivision method.

- A. Following staff review, a written report shall be provided to the Planning and Zoning Commission with a recommendation that the final plat be approved, conditionally approved, postponed, or disapproved. The development review committee shall inform the planning and zoning commission of the reasons for their recommendation on the final plat.
- B. Public notice requirements for the infill subdivision method:
1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
 2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative ~~community development department~~ at least fifteen (15)~~nine~~ calendar days prior to the Planning and Zoning Commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
 3. *Notice.* Notice on all proposed subdivisions shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 5200 feet of the area of the proposed subdivision, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. The community development department is responsible for the list of property owners and preparation of regular mail. Notice for purposes herein, ~~to said property owners~~ shall be mailed at least fifteen (15)~~nine~~ calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.
- C. The Planning and Zoning Commission shall review the final plat, report, comments and recommendations from the development review committee, presentation from the applicant or the applicant's representative and from any interested citizens. Action from the Planning and Zoning Commission shall be in the form of an approval, conditional approval, postponement, or disapproval. Action from the Planning and Zoning Commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the Planning and Zoning

Commission, as approved at the public hearing, shall be furnished to all appropriate parties in accordance with section 37-11(b). All approvals by the Planning and Zoning Commission are conditioned upon final review and approval of outstanding staff comments.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-149. Additional approval requirements for the infill development process or infill subdivision method.

- A. It is a requirement of the Planning and Zoning Commission that no infill development process or infill subdivision method proposal shall be reviewed unless either the subdivider or the subdivider's representative is present at the Planning and Zoning Commission meeting. If the applicant or representative is not present at the public hearing, the proposal shall be tabled until the next available Planning and Zoning Commission meeting.
- B. Upon final approval of the infill development process or the infill subdivision method proposal, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat shall not be filed until all construction improvements have been completed by the developer and approved by the city or a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat approval. The subdivision administrator shall be responsible for filing the final plat at the county clerk and recorder's office.
- C. Final plat approval shall be effective for no more than three years from the date of approval. If the subdivision improvements have not been completed or a form of security established and approved, the final plat shall be resubmitted for final plat approval. Prior to the expiration date, the developer may submit a request for extension, if desired. The request will be reviewed by the development review committee for consideration. All plat extensions shall be automatically conditioned to required compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.
- D. No changes, revisions, erasures, or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to the satisfaction of all requirements and conditions.
- E. Appeals: Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions if staff, the development review committee and the planning and zoning commission."

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-150. Infill subdivision submittal requirements for the infill development process or infill subdivision method.

- A. Conceptual plan requirements. Preapplication procedure for infill subdivisions utilizing the ISM requires the submittal of a conceptual plan, which shall be prepared in

accordance with the master plan requirements stated in section 37-46.

B. Final plat and supplemental material requirements. After review of the conceptual plan, if required, the subdivider shall submit the following for final plat approval.

1. Application for final plat:

- a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property as recorded in the county clerk's office.
- b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

2. Submittal fee, unless utilizing the IDP.

3. Filing fee shall be required of the applicant at the time of plat filing.

4. A final plat conforming to section 37-114 of this chapter.

~~4.5.~~ Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

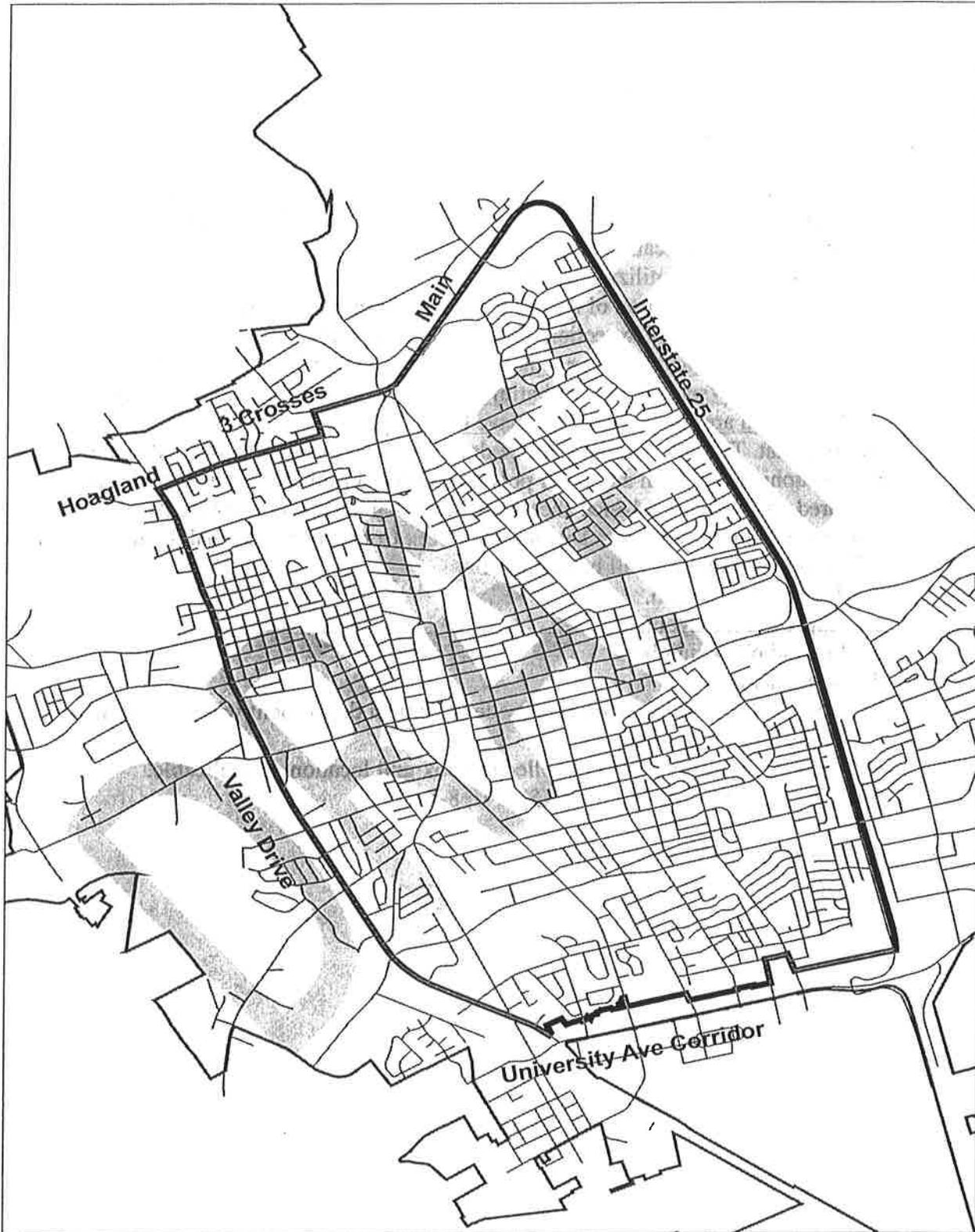
~~5.6.~~ Address plat. The address plat shall be drawn with permanent ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information (preferred scale: 1 inch = 100 feet). Copies provided shall be legible. The following information shall be required:

- a. Title of subdivision.
- b. Approved lot layout.
- c. Lot and block numbers.
- d. Street name.
- e. Address for each lot. (Community development department will provide the addresses.)
- f. Neighborhood delivery and collection box unit location, if applicable.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-151--37-175. Reserved.

FIGURE 1: Infill Area



**ARTICLE VI.
ALTERNATE SUMMARY PROCESS**

Sec. 37-176. The purpose of the alternate summary process.

- A. When a subdivision consists of no more than two parcels of land or is a replat of a previously-filed subdivision application that does not increase the total number of lots, the subdivision administrator may review and approve the subdivision, including subdivisions that propose to dedicate a right-of-way.
- B. The subdivision administrator may also approve replats that decrease the number of lots of contiguous parcels in a previously-filed subdivision, provided that street dedications and utility easements are not being proposed to be vacated by the action.
- C. The subdivision administrator shall have the authority to determine whether a replat of a previously-approved subdivision or a subdivision of two parcels shall be approved by summary procedure or be brought before the planning and zoning commission. The determination shall be final unless overruled by the development review committee, the city planning and zoning commission or city council action. (See section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission")
- D. The alternate summary procedure shall be used only once on any one property unless the property has been master-planned for creating commercial, office or industrial subdivisions and the streets within those subdivisions have been dedicated and accepted by the city, including previously-platted lots (See article II: Master Plan). If the streets within a subdivision have not been dedicated and accepted by the city, the subdivider must follow the master plan procedures of this chapter before utilizing the alternate summary procedure more than once (See article II: Master Plan).

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-177. Pre-application procedure for final plats submitted under Sec. 37-176 (a) (increase of no more than two lots) or Sec. 37-176 (c) (creation of two parcels from a previously approved subdivision).

- A. Any proposed final plat under Sec. 37-176 (a) (increase of no more than two lots) or Sec. 37-176 (c) (creation of two parcels from a previously approved subdivision) causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related

discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:
 - a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.
 - b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
 - c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be

notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
 - a. A detailed description (to the extent possible) of what is being pursued in terms of development.
 - b. Information as to how the developer, applicant, or representative for the development action may be contacted.
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
 - f. Community Development staff contact information for any related correspondence or general inquiry.

5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-1787. Preapplication procedure - general.

- A. Prior to the filing of an application for approval of a final plat, the subdivider shall submit to the community development department a conceptual plan of the proposed development. A written application or fee is not required, nor does the preapplication procedure require formal approval.
- B. The conceptual plan shall be processed to the subdivision administrator. The subdivision administrator shall discuss with the applicant or the applicant's representative the proposed final plat and shall indicate changes, if any, that will be required for the submittal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-1798. Submittal procedure for the alternate summary process.

- A. The final plat and supplemental material processed through the alternate summary procedure shall be submitted to the community development department any time during normal working hours. Upon receipt of the submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all the required items have been submitted, and the final plat submittal contains all of the necessary items as per section 37-114, the subdivision administrator shall accept the submittal for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a final plat must be presented for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.
- B. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements in cases where it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Additional requirements may include a neighborhood group and/or noticed area meeting. Any requests for additional submittal requirements shall be justified in writing by the requesting entity.
- C. Final plats will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days to complete the review. Written reports, with their comments and recommendations, shall be forwarded to the subdivision administrator.

- D. Whenever comments received by the city departments are in conflict, or the subdivider is in disagreement with the comments, the subdivision administrator shall be the authority to determine and resolve non-engineering or utility comment(s). The subdivision administrator may defer this authority to the development review committee. The development review committee decisions shall be final unless overruled by appeal to department directors, the planning and zoning commission, arbitration or city council, as applicable.
- E. The subdivision administrator shall review all comments for applicability and appropriateness to the final plat requirements and shall forward any comments to the subdivider or the subdivider's representative for revision and completion. Final plats or replats that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met. At that time, the final plat or replat shall be approved, and notice of decision shall be furnished to the applicant and the applicant's representative in accordance with section 37-11(b).
- F. Upon final approval of the final plat or replat, the applicant may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat or replat shall not be filed until all construction improvements have been completed and approved by the city, or a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after final plat or replat approval. The subdivision administrator and the applicant or their representative shall be responsible for filing the final plat or replat at the office of the county clerk.
- G. Final plat approval shall be effective for no more than three years from the date of approval as described on the approval action form. If the subdivision improvements have not begun or a form of security established and approved, the final plat shall be resubmitted for approval. The subdivider may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the subdivision administrator for consideration. All plat application extensions shall be automatically conditioned to require compliance with all city codes, regulations and specifications in place at the time of development of the plat in question.
- H. An applicant who proposes a subdivision for the purpose of mortgage, which is processed through the alternate summary procedure, is required to submit a plat of survey and a legal description with a note that clearly states that the subdivision is for mortgage purposes only and does not allow for the conveyance of the property in question. Upon submittal, the subdivision administrator shall transmit a letter to the property owner stating that the subdivision created is for mortgage purposes only and does not grant the authority to sell the divided parcel as shown on the plat of survey. If the property owner desires to sell the divided parcel by mortgage, he/she is responsible for meeting all requirements, as stated in this chapter. Once the property owner provides a written response to the subdivision administrator's letter that said property owner understands the conditions of the subdivision by mortgage and is not dividing said parcel for the purpose of sale, the subdivision administrator will approve the plat of survey.

- I. Appeals. Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or by any other adopted resolution, rule, or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. Refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission," for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-18079. Alternate summary process submittal requirements.

- A. Subdivisions that follow the alternate summary process shall conform to the following requirements:

1. *Application.*

- a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate and all persons having a specific power of attorney) of the subject property, as recorded in the county clerk's office.
- b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

2. *Submittal fee.*

3. Documentation from the county assessor's office that the current year's property taxes are paid and that no taxes are owed on the property.

4. A final plat conforming to section 37-114 of this code.

5. Releases by affected utility companies for replats submitted for approval by the alternate summary procedure.

6. Address plat. The address plat shall be drawn using permanent black ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch x 24-inch sheets at a scale that adequately represents the information (preferred scale: 1 inch = 100 feet). Copies provided shall be legible. The following information shall be required:

- a. Title of subdivision;
- b. Approved lot layout;
- c. Lot and block numbers;
- d. Street name;
- e. Address of each lot (Community development department will provide the addresses).
- f. Neighborhood delivery and collection box unit location, if applicable.

7. *Filing fee at time of plat filing.*

- 7.8. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-1810--37-205. Reserved.

**ARTICLE VII.
REPLATS**

Sec. 37-206. Replat--Defined.

A replat occurs when changes take place on a previously-filed subdivision plat. The process to follow when replatting a subdivision of lots within a subdivision varies and depends on the type(s) of changes being made.
(Ord. No. 1798, § I, 6-19-00)

Sec. 37-207. Process to follow when replatting.

- A. A replat of a previously-filed subdivision that does not increase the total number of lots (moving or removing existing lot lines) may follow the procedures established in article VI, alternate summary procedure.
- B. Replats that increase the total number of lots of a previously-filed subdivision shall follow procedures appropriate to those given in Final Plats.
- C. Replats proposing waivers to this chapter and/or design standards shall follow the appropriate procedures regardless of whether said waiver(s) were approved with the original subdivision plat.
- D. Replats and vacation plats may be submitted simultaneously and as one plat, if deemed appropriate by the subdivision administrator (Refer to Vacations). The application shall be processed to the city council for consideration when all requirements of this chapter have been met.
- E. Appeals. Any person, department, committee, commission, board or bureau affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or of any other adopted resolution, rule or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the city community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission."

Sec. 37-208. Pre-application procedure for final plats submitted under Sec. 37-207 (b) (increase of lots of a previously filed subdivision or Sec. 37-207 (d) (vacation plats).

- A. Any proposed final plat under Sec. 37-207 (b) (increase of lots of a previously filed subdivision or Sec. 37-207 (d) (vacation plats) causing need for public notification, review and approval by the Planning and Zoning Commission or City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion,

information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:
 - a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.
 - b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
 - c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community

Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
 - a. A detailed description (to the extent possible) of what is being pursued in terms of development.
 - b. Information as to how the developer, applicant, or representative for the development action may be contacted.
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

E. 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented. Sec. 37-208.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-2098--37-235. Reserved.

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**ARTICLE VIII.
VACATION PLATS**

Sec. 37-236. Purpose of vacation platting.

- A. The vacation process is to be followed when a request is made to rescind all or part of a recorded subdivision plat of land that has been legally dedicated. A vacation petitioner shall file a vacation plat on any land being vacated that is recorded in the county clerk's office, unless determined by the subdivision administrator that such action is not required. If a vacation plat is not required, a plat of survey that is clear and concise in displaying the proposed vacation shall be submitted, in lieu of said plat,.
- B. Vacation plats shall be prepared as a final plat in accordance with section 37-114 of this chapter. Said plat shall be prepared by, and have the seal of, a state registered land surveyor.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-237. Preapplication procedure for vacation plats.

- A. Any proposed vacation plat causing need for public notification, review and approval by the City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. A representative for the proposed platting action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.
1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:
- a. Development that seeks the elimination of ROW that could potentially disrupt traffic flow within a neighborhood or if approved becomes inconsistent with the Major Thoroughfare Plan.
 - b. Potential land use conflicts resulting from potential sale of vacated property to adjacent property owners.

- c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is the loss of pedestrian access as a result of vacated right of way.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.
4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
- a. A detailed description (to the extent possible) of what is being pursued in terms of development.

- b. Information as to how the developer, applicant, or representative for the development action may be contacted.
 - c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
 - d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
 - e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
 - f. Community Development staff contact information for any related correspondence or general inquiry.
5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

Sec. 37-2387. Submittal process for vacation plats.

- A. The vacation plat and supplemental material shall be submitted to the community development department no later than 35 calendar days prior to the day of the regular meeting of the city council for approval consideration.
- B. Upon receipt of submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the vacation plat submittal contains all necessary items, the subdivision administrator shall accept the submittal for review. A proposed vacation plat shall not be accepted for review if incomplete or substantially inaccurate. All items required on a vacation plat must be present for acceptance. If the submittal is found to be incomplete, the applicant shall have

eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.

- C. The subdivision administrator or the development review committee shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

(Ord. No. 1929, §§ I, II, 3-3-03)

Sec. 37-238. Vacation plat approval process.

- A. Vacation plats shall be submitted to the development review committee for review, comments and recommendations. The development review committee shall review the vacation plat to determine whether it is consistent with the intents and purposes set forth in this chapter.
- B. A written report shall be provided to the city council with a recommendation that the vacation plat be either approved, denied or modified. The development review committee shall state reasons for their recommendation to the city council.
- C. Public notice requirements:
1. *Agenda.* The agenda of the city council meetings shall be made available no later than fifteen (15) ~~ten~~ calendar days prior to the meeting.
 2. *Notice.* Notice of the time and place of the city council meeting shall be published in a newspaper of general circulation in the city at least fifteen (15) ~~eight~~ calendar days prior to the meeting. Notice on all proposed vacations shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within 500 feet of the proposed vacated right-of-way and within all lands abutting the area proposed to be vacated. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within 500 feet of the proposed vacated right-of way. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice to neighborhood group(s) and/or noticed areas ~~said property owners~~ shall be mailed at least fifteen (15) ~~nine~~ calendar days prior to the meeting.
- D. The city council shall review the vacation plat or request, comments and recommendations from the development review committee, the presentation from the petitioner or the petitioner's representative and from any interested citizens. Action from the city council shall be in the form of approval, denial, or modification. Action from the city council shall be recorded in the minutes of the meeting. An affirmative vote by four members of the city council is required for approval of a vacation plat or request. A copy of the city council notice of decision that includes any changes or conditions, as done at the public hearing, shall be furnished to all of the parties stated above in accordance with section 37-11(b).

E. It is the requirement of the city council that no vacation plat or request shall be reviewed unless either the petitioner or the petitioner's representative is present at the city council meeting. If the applicant is not present at the public hearing, the vacation plat or request will be tabled until the next regular city council meeting.

F. No changes, revisions, erasures or modifications shall be made on the vacation plat after approval by the city council. No vacation plat shall be filed and recorded prior to the satisfaction of all requirements and conditions of this chapter. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of city officials after vacation plat approval. The subdivision administrator shall be responsible for filing the vacation plat at the county clerk's and records office.

G. Appeals. The decision of the city council may be appealed to district court. The appeal must be filed within 30 calendar days of the decision of the city council. See section 37-13 for details on the appeal process.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-239. Vacation plat submittal requirements.

A. The following information shall be required.

1. Application.

- a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property, as recorded in the county clerk's office.
- b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

2. Submittal fee.

3. Filing fee at time of plat filing.

4. Vacation plat (conforming to the provisions set forth in section 37-114), with the exception that signature blocks for the mayor and the city clerk be added in lieu of that of the city planning and zoning commission. In addition, all existing utilities and utility easements shall be shown on the plat.

5. A petition signed and notarized by property owners in situations whereby access would be affected.

6. A statement of vacation signed and notarized by the property owners.

6.7. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00)

Secs. 37-240--37-265. Reserved.

**ARTICLE IX.
ANNEXATIONS**

Sec. 37-266. Purpose of annexation.

The purpose of an annexation is to redesignate property outside the city as being within the city limits, thereafter. Annexations can be used to maintain a unified urban area and to promote orderly growth utilizing city services.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-267. When an annexation plat is required.

An annexation plat conforming to this chapter shall be required for all annexation requests. A master plan identifying the purpose for which the property is intended to be used, and an initial zoning request, are also required. (Ord. No. 1798, § I, 6-19-00)

Sec. 37-268. Preapplication procedure.

A. Prior to the submittal of a petition for annexation, the property owner shall submit to the community development department a conceptual plan of the proposed development/annexation. A written application or fee is not required, nor does this preapplication procedure require planning and zoning commission approval. Any proposed annexation causing need for public notification, review and approval by the Planning and Zoning Commission and City Council shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The applicant shall submit to the community development department a conceptual plan of the proposed development/annexation. A written application or fee is not required, nor does this preapplication procedure require planning and zoning commission approval. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuances or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. Staff upon consideration of the information received during the pre-application meeting, will instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:

a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.

- b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
- c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. Staff determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate

the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:

a. A detailed description (to the extent possible) of what is being pursued in terms of development.

b. Information as to how the developer, applicant, or representative for the development action may be contacted.

c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.

d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.

e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.

f. Community Development staff contact information for any related correspondence or general inquiry.

A. 5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that took place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

B. The subdivision administrator and the zoning administrator shall review all conceptual annexation requests and discuss with the petitioner(s) and/or the petitioners'

representative any changes that will be required for the submittal process.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-269. Submittal of an annexation request.

- A. The annexation petition, initial zoning request, master plan and annexation plat shall be submitted to the community development department no later than 48 calendar days prior to the day of the regular meeting of the planning and zoning commission for approval consideration.
- B. Upon receipt of a submittal, the community development department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, the subdivision administrator shall accept the submittal for review. A proposed annexation shall not be accepted for review if the annexation plat, the master plan and the zoning application are incomplete or substantially inaccurate. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline if applicable.
- C. The subdivision administrator, the development review committee or the planning and zoning commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this code. Required information may include, but is not limited to, a neighborhood groups and/or noticed area meeting, traffic impact analysis, environmental analysis or other documentation or information necessary to meet the objectives of this chapter. Any request for additional submittal requirements shall be justified in writing by the requesting entity.
- D. Annexation requests will be referred to the applicable city departments and other governmental agencies for review, comments and recommendations. Each department shall have five business days in which to complete the review. Written reports with their recommendations shall be forwarded to the subdivision administrator.
- E. The subdivision administrator shall review all comments for applicability and appropriateness to the annexation requirements and shall forward any comments to the applicant or the applicant's representative for completion. Annexation requests that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-270. Review and consideration of an annexation request.

- A. Following initial staff review and review of the initial zoning request, the annexation request shall be forwarded to the development review committee for review, comment and recommendation. The development review committee shall review the annexation master plan in accordance with section 37-45 of this chapter. Following development review committee review, the master plan, and the annexation and initial zoning request, shall be scheduled for a public hearing for planning and zoning commission

consideration. A written report shall be provided to the planning and zoning commission from the development review committee recommending that the master plan and the annexation and initial zoning request be either approved, conditionally approved, postponed or disapproved. The development review committee shall state the reasons for their recommendation concerning the annexation and initial zoning request submitted to the planning and zoning commission.

- B. Public notice requirements: The items indicated below shall be required for all annexation requests scheduled for planning and zoning commission action.
1. *Agenda.* The agenda for the planning and zoning commission public hearing shall be made available no later than fifteen (15)~~six~~ calendar days prior to the public hearing.
 2. *Posting.* The community development department shall post a notice of the proposed annexation and initial zoning in a conspicuous place on the property at least fifteen (15)~~nine~~ calendar days prior to the planning and zoning commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
 3. *Notice.* Notice of the Planning and Zoning Commission public hearing shall be sent by certified mail to all property owners when one city block or less is under consideration for the activities listed, (except zone change-related cases, see Section 38-10B2b, where notice shall be sent by regular, non-certified, first class mail), as shown by the records of the County Assessor, within at least one hundred (100) feet of the subject property of the proposed request, excluding streets, alleys, channels, canals, railroads, and all other public rights-of-way. Thereafter, regular, non-certified, first class mail shall be sent to those properties that fall within a distance greater than one hundred (100) feet and no less than five hundred (500) feet of the subject property. The secondary distance of ($\geq 100'$ - $\leq 500'$) may include streets, alleys, channels, canals, railroads, and all other public rights-of-way. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice shall be mailed at least fifteen (15) calendar days prior to the required public hearing. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the City. Notice on all proposed annexations shall be sent by certified mail, to comply with state law requirements for zoning matters, to all property owners (as shown on the records of the county assessor) within the proposed area of annexation and within 200 feet of the area of the proposed annexation, excluding streets, alleys, channels, canals, other

~~public rights-of-way and railroad rights-of-way. The community development department is responsible for the list of property owners and the preparation of certified mail. Notice to said property owners shall be mailed at least ten calendar days prior to the public hearing. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days prior to the public hearing.~~

- C. The planning and zoning commission shall review the master plan, the annexation and initial zoning request report, comments, and recommendations received from the development review committee, as well as the presentation from the applicant and/or the applicant's representative, and from any interested citizens at a public hearing. The intent of the planning and zoning commission review is to allow for public input in the development process and to serve as a land-planning process. Review of the proposal shall consist of zoning-related issues including, but not limited to, compliance with the comprehensive plan. Action from the planning and zoning commission shall be recorded in the minutes of the meeting. The annexation request shall be heard as one case, but separate action shall be taken on the master plan, the annexation plat and the initial zoning request. Action on the annexation plat and the initial zoning request will be in the form of a recommendation to the city council that the proposals be approved, conditionally approved, or disapproved.
- D. It is the requirement of the planning and zoning commission that no annexation request shall be reviewed unless either the applicant or the applicant's representative is present at the public hearing. If neither is present at the public hearing, the request will be postponed until the next regular planning and zoning commission meeting.
- E. Following action by the planning and zoning commission, the annexation request and the initial zoning request shall be forwarded to the city council for final action. The annexation request and the initial zoning request will be scheduled for the next available regular city council meeting once staff has received the minutes of the planning and zoning commission public hearing, and all public notice requirements of this chapter are met. A copy of the notice of decisions that include any changes or conditions the planning and zoning commission and city council made at public hearings shall be provided to all appropriate parties in accordance with section 37-11(b).
- F. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter, or of any other adopted resolution, rule, or regulation, may appeal the decision. The appeal must be initiated in writing and delivered to the community development department within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions of staff, the development review committee and the planning and zoning commission."

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-271. Annexation request submittal requirements.

- A. A request for annexation shall include the following:
1. Application (to include annexation, initial zoning and master plan):
 - a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property as recorded in the county clerk's office.
 - b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.
 2. Submittal fee.
 3. Petition. The petition shall contain the following information:
 - a. Date;
 - b. Description of property (certified by N.M.P.L.S.);
 - c. Acknowledgment by each property owner;
 - d. Name of each property owner;
 - e. Address of each property owner;
 - f. Notarized signature of each property owner;
 4. Annexation plat. Conforming to the provisions set forth in section 37-114, the plat must also contain certification blocks for the mayor and the city clerk, as well as for recording information (book and page) for the annexation ordinance. An annexation plat must include all adjacent public rights-of-way.

The plat shall, by note, reference all agreements related to water rights, and future payments, and must include the city council resolution number associated with the agreement.

5. Initial zoning request (see 1981 Las Cruces zoning code, as amended).
6. Master plan, conforming to the provisions set forth in section 37-46.
7. Letter of acknowledgment from the property owner(s) that the conveyance of water rights or payment in lieu of said rights shall be required at the time of development; and, adherence to the city's water rights ordinance, as amended.
8. Filing fee at time of plat and ordinance filing.
- 8.9. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.

(Ord. No. 1798, § I, 6-19-00)

Secs. 37-272--37-297. Reserved.

**ARTICLE X.
GUARANTEE OF IMPROVEMENTS**

Sec. 37-298. Subdivision improvement requirements.

- A. After final plat approval, the subdivider shall submit construction drawings to the community development department for review and approval for construction permits. Review of the construction drawings may transpire at any time after the submittal of the final plat. However, construction permits shall not be issued without appropriate approval of the final plat.
 - B. Designs for subdivisions within the corporate limits of the city shall conform to the provisions set forth in the city design standards, (chapter 32, LCMC).
 - C. Waivers to the design standards are discouraged and will be considered only if the subdivision application is processed through the planned unit development (P.U.D.) procedure, or whenever the subdivider has provided sound evidence in writing substantiating the need for a waiver to said standards.
- (Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-299. Application procedure.

- A. The construction drawings and supplemental material shall be submitted to the community development department. Upon submittal, the community development department shall review the submittal for completeness. If all of the required items have been submitted, the community development department shall issue a receipt for same.
- B. Construction drawings and supplemental material will be processed by the applicable city departments and other governmental agencies for review, comments and recommendations. Written reports, with their comments and recommendations, shall be forwarded to the community development department within ten business days for the first review and within five business days for each subsequent review.
- C. The community development department shall forward any comments to the subdivider or the subdivider's representative for completion. Construction drawings and supplemental material that receive comments shall be resubmitted and reviewed until the provisions set forth in this chapter are met. At that time, the construction drawings shall be approved, the construction approval block signed by the appropriate authorities and a construction permit issued (if the final plat has received approval from the appropriate authority).
- D. Conflict. Whenever comments received by the city departments are in conflict, or whenever the subdivider is in disagreement with the comment(s), the subdivision administrator will determine the appropriate procedure to be followed in order to resolve said conflict or disagreement. Conflicts or disagreements may be resolved by following the applicable appeal procedure.

E. Appeals.

1. Appeals of staff decisions regarding nonutility engineering concerns with the construction drawings are resolved by the public works director. The appeal may be submitted at any time during the construction drawing review process. Appeals shall be submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for review of the appeal. The meeting shall include the applicant, the development review committee, and the staff member whose decision is being appealed. After a review of the appeal, the public works director shall render a decision within three business days of the meeting.
2. Appeals of staff decisions regarding utility concerns with the construction drawings are resolved by the utilities department director. The appeal may be submitted at any time during the construction drawing review process. Appeals shall be submitted in writing to the subdivision administrator. The subdivision administrator shall schedule a meeting for review of the appeal. The meeting shall include the applicant, the utilities director, the DRC and the staff member whose decision is being appealed. Upon review of the appeal, the utilities director shall render a decision within three business days of the meeting.
3. Appeals to the decision of either the public works director or the utilities director regarding the construction drawings are resolved by arbitration. See section 37-13(d), "appeal of public works director or the utilities director."

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-300. Construction drawing submittal requirements.

A. Subdivision requirements:

1. Application;
2. Submittal fee;
3. A final plat conforming to section 37-114 of this chapter;
4. Geotechnical soils investigation report. A complete geotechnical soils investigation and corresponding report may be required if the soil conditions are unknown, unreliable, or otherwise unusual. This requirement must be met when working in soils that are graded "expansive" or "very fine."

Any geotechnical soils investigation must include, at a minimum, representative sampling and testing for:

- a. Soil classification (USCS);
- b. Sieve analysis;
- c. Structural design factors (R value and/or CBR value);
- d. Other parameters may be required, including but not limited to:
 - i. Soil percolation tests (permeability);
 - ii. Soil boring logs;
 - iii. Water table elevations;
5. Pavement design. A complete pavement design may be required for collectors, arterials, industrial parks/developments, or other areas subject to unusual traffic loadings. This requirement must be met whenever the soil to be worked in has been graded as "expansive" or "very fine." Pavement designs must include, at a minimum:
 - a. Depth and type of subgrade preparation;

- b. Depth and type of base course needed;
 - c. Depth and type of asphalt pavement needed: Note--Asphalt mix formula to be required from contractors.
6. Final drainage study. The final drainage study shall be a detailed report and analysis of the drainage in the proposed development. It shall include detailed calculations for all potential runoff within the proposed development, and detailed calculations supporting the design of all drainage structures within the development.

Construction plans for all drainage structures, and grading plans for all street grades where applicable, shall also be considered as part of the final drainage study.

Drawings and calculations comprising the final drainage study shall include, but not be limited to, the following information:

- a. Existing and proposed contours for proposed development. (Contour interval based on N.G.S. Datum--two-foot contour interval minimum.) Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall contain spot elevations or one-foot contour intervals.
- b. Location(s) and elevation(s) of city or U.S.G.S benchmark(s). All elevations shall be based on N.G.S. Datum.
- c. Property lines.
- d. Streets, R.O.W. limits, names and grades.
- e. Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts.

All pertinent information such as size, slope, elevations and locations of existing drainage ways shall be included in order to facilitate review and approval of drainage plans.

- f. Overall drainage area boundaries and drainage sub-area boundaries.
- g. Proposed types of curbs and gutters and gutter flow directions, including crosspans (intersections).
- h. Proposed storm drains, open drainage ways and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other appurtenances necessary for drainage control.
- i. Proposed inflow and outfall point(s) for runoff from the study area.
- j. Routing and accumulative flows at various critical points for the initial (ten-year) and major (100-year) storm runoff.
- k. Minimum finished-floor elevation and ground-site elevations at all critical building locations for protection from major storm runoff.
- l. A 1-inch = 100-foot (preferable) scale map of the proposed development that shows the following information:
 - i. Locations and sizes of all drainage structures;
 - ii. General flow patterns within the development;
 - iii. Minimum finished-floor or building-pad elevation of each building site;
 - iv. 100-year flood level in all streets in which the curb would be overtopped during the 100-year storm;
 - v. All drainage basins within the development (Note: The number of basins

- should be limited to the smallest practical number.)
- m. All floodplains and floodways within the proposed development. A copy of the current F.E.M.A. Floodplain Map is required showing project limits.
 - n. All drawings on 24-inch × 36-inch sheets.
 - o. Plan details. The following details shall be indicated on the drainage plans.
 - i. Title block (lower right-hand corner preferred);
 - ii. Scale;
 - iii. Date and revisions;
 - iv. Name and address of professional engineer (and firm);
 - v. Professional engineer's seal;
 - vi. Drawing number (sheet n/n);
 - vii. Legend;
 - viii. Approval block for appropriate reviewing departments and agencies;
 - p. Construction drawings. Construction drawings shall be prepared by a registered professional engineer licensed in the state. All drawings shall be on 24-inch × 36-inch sheets and shall show the following information:

Plan:

- North arrow;
- Property lines;
- Street names and easements (with locations and width dimensions);
- Existing utility lines, locations and depths (or heights):
 - Water;
 - Gas;
 - Storm drains;
 - Irrigation canals;
 - Sanitary sewers;
 - All existing and proposed public and private utilities.

Profile:

- Vertical and horizontal grids with scales identified;
- Ground surface grade (dashed line) and proposed grade (solid line);
- Existing utility lines where crossed;
- Benchmarks (N.G.S. Datum);

Proposed construction:

- *Pipes and culverts:*
 - Plan showing stationing;
 - Profile showing elevations at even stationing (at 50-foot intervals)
 - Size and length pipe, pipe composition (if applicable) and distances between manholes;
 - Slope of pipe;
 - Inlet and outlet details of all manholes and inlets, and connections to existing drainage systems (if applicable);
 - Manhole details, including station numbers, and invert and top elevations;
 - Typical bedding details for pipe for all bedding situations encountered on

project;

- *Open channels:*
 - Plan showing stationing;
 - Profile indicating elevations of invert of channel, top of lining (if any), and adjacent ground grade;
 - Profile showing elevations at even stationing (at 50-foot intervals);
 - Typical cross sections;
 - Construction notes;
 - Lining details;
 - Rip-rap and bedding details, with graduation requirements for same;
 - Details of all inflow and outflow structures and drop structures (includes subgrade and foundation design details);
- *Technical specifications:* Technical specifications shall be included on any drainage project permitted for construction within the city. Specifications shall meet the minimum guidelines for construction as outlined in the city standard specifications for roadway construction and design standards as amended. Additional specifications for construction shall be included, to the point at which there exists a clear understanding of the nature and quality of work to be performed on the project. Additional technical specifications for projects that will become city property or that will be involved in the city storm drainage maintenance program, may be required.

- q. Street plan and profiles. The plan and profiles shall be prepared on 24-inch × 36-inch sheets by a registered professional engineer, licensed in the state. The scale of all plans and profiles shall be 1:5 vertical, 1:50 horizontal unless a grid break would result. In such cases, the scale may be 1:10 vertical, 1:100 horizontal. A grid shall be required in all cases.

Plan. The following information shall be indicated on the plans:

- Title block (lower right-hand corner preferred);
- Horizontal/vertical scale;
- Date and revisions;
- Name of professional engineer (and firm);
- Professional engineer's seal;
- Drawing number (sheet n/n);
- Legend;
- Construction approval block for appropriate reviewing departments and agencies;
- Street name;
- North arrow;
- Match lines with stationing and "see sheets" called out;
- Limits of construction;
- Centerline stationing;
- Stations at street intersections, curb returns and property lines;
- Sizes and locations of all utilities (existing and proposed) (stub-outs not

- required);
- Rights-of-way widths;
 - Adjacent block and lot numbers;
 - Fire hydrant locations;
 - Water and gas lines and valve locations;
 - Sidewalk and wheelchair ramp locations;
 - Curve centerline data;
 - Stationing and locations or crown transition;
 - Back-of-curb radius (P.C., P.T. and midpoint stations), or sidewalk if no curbing is required, if applicable;
 - Curb/gutter locations, if applicable;
 - Top-of-curb elevations, or of sidewalk if no curbing is required, and stations at each front lot corner;
 - Drainage flow arrows at crosspans and nontypical intersections;
 - Driveway locations and stations (if applicable);
 - Proposed top-of-pavement spot elevations at and across from all intersections (at flowline extensions);
 - A local benchmark based on N.G.S. datum, with description, location and elevation;
 - Manhole locations;
 - "No parking" sign locations (if applicable)

Profiles. The following information shall be indicated on the profiles:

- Proposed and existing grades 100 feet beyond limits of construction;
 - Even stationing (at 50-foot intervals) and elevations on all profiles of top-of-curb, right and left, street centerline required if in a nontypical section;
 - Stationing and elevation of the vertical point of intersection on all vertical curves, including, PVT, PVI, PVC, and K value;
 - Top-of-curb elevations (or top-of-sidewalk elevations if no curbing is required at each lot corner);
 - Sanitary and storm sewer pipe invert elevations;
 - Slopes of sewer lines;
 - Stationing of manholes;
 - Pipeline locations, sizes and depths noted;
 - Limits of construction;
 - Grid at scale of 1:5 Vertical and 1:50 horizontal; scale can be 1:10 vertical and 1:100 horizontal if size will require a page break;
- r. Grading plans. The plans shall be prepared by a registered professional engineer licensed in the state. The following information shall be required:
- Street names;
 - Block and lot numbers;
 - North arrow;
 - Written and graphic scales;

- Existing contours based on project "as-builts," not plans, at 2-foot intervals (100 feet beyond project boundary if adjacent land is undeveloped and the property line of the adjacent land is developed). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall provide spot elevations, or one-foot contour intervals;
 - Retaining wall locations (and note if walls will be built at time of roadway construction) (See city design standards, chapter 32, LCMC);
 - Top-of-curb elevations, or sidewalk if no curbing is required at each lot corner
 - Pad elevations or finished floor elevations (for each lot);
 - Spot elevations (minimum of six per lot showing high points and low points) or a typical lot detail if the proposed development has a relatively flat surface (e.g., river valley subdivision);
 - Pond elevations: Top, bottom and dimension from property lines (if applicable);
 - Barrow ditch elevations (if applicable);
 - Drainage channel elevations (if applicable);
 - Drainage flow arrows (and note if roof area will drain to ponding area);
 - Retention/detention, basin, location and elevation;
 - A project benchmark based on N.G.S. datum with description, location and elevation.
 - Note: All grading, including lot grading, shall be done at time of roadway construction and to be maintained by subdivider.
 - General notes for grading and construction, etc.;
 - Off-site grading or slope grading limits (if applicable);
 - All grading must comply with chapter 70 of the Uniform Building Code or an approved alternative. Alternative design may only be approved by the public works director.
- If grading will be performed on the land of an adjacent property owner(s), or construction vehicles may need to access the property, a copy of a letter must be provided to the city, signed by the adjacent property owner(s), stating that they understand the nature of the work and do not oppose the modification to their property and/or that they will allow temporary access to their property by the contractor;
- Show existing utilities.
- s. Utility master plan. The Utility master plan shall include all phases of development and be prepared by a registered professional engineer, licensed in the state. The following information shall be required: If utilities are not in the standard location, i.e., street right-of-way, then preapproval is required by the utilities department.
- Utilities for existing development: Size and type of pipe (existing and proposed), including underground electrical, telephone, cable TV, etc.;
 - Lot and block numbers;
 - Street names;
 - North arrow, written and graphic scale: Scale shall be no greater than 1-inch =

- 60-feet;
- Utility stubouts;
- Street light pad and conduit locations;
- Wire utility boxes;
- Fire hydrant locations;
- Water and gas valve locations;
- A local benchmark based on N.G.S. datum, with description, location and elevation;
- Manhole locations.

- t. Detail sheet, to be prepared by a registered professional engineer licensed in the state. The following information shall be required, if applicable:
- Roadway construction notes and general notes;
 - Utility construction notes;
 - Manhole details;
 - Typical utility stubout to lot detail;
 - Street intersection detail (if applicable);
 - Typical street cross-section(s) (including paving composition);
 - Curb and gutter detail;
 - Wheelchair ramp detail;
 - Retaining wall detail, cut-off wall detail and all fencing details (if applicable);
 - Drainage structure details;
 - Light base details;
 - Typical lot layout;
 - Any other construction detail which may be needed for clarification purposes;
 - Water and gas valve and line detail.

- B. The subdivider of any approved subdivision shall be responsible for completing roads, drainage and utility improvements necessary for filing the final plat. Construction improvements shall include 100 percent coverage of all road, drainage and utility improvements within the subdivision and 50 percent coverage of roads adjacent to the subdivision. The subdivider shall be responsible for any necessary off-site utility extensions required to provide service, unless such extensions are already part of the utility capital improvement program.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-301. Installation and acceptance of improvements.

The improvements, both public and private, required with the approved subdivision application shall be constructed, installed and approved into the city's maintenance program (if applicable) prior to the filing of an approved final plat or provisions made to secure the completion of improvements. The subdivider may secure the improvements by furnishing a performance bond, an irrevocable letter of credit, a cashier's check, an escrow account, or other acceptable collateral and a guarantee of performance to the city in favor of the city, to secure actual construction of the improvements within a period of 34 months after the approval of the final plat. If the improvements have not been constructed in accordance with the approved plans and

specifications within the time frame prescribed by this chapter, the city may withdraw adequate monies from the securities to complete the construction of the subdivision.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-302. Guarantee of performance.

- A. The community development department shall not file the final plat until all required improvements have been inspected and approved by the city, or until provisions are made to secure the completion of improvements. If the improvements are not completed by the completion date, the subdivision shall revert to preliminary plat status unless the final plat has received an approval extension.
- B. A form of security, a guarantee of performance and a bid from the contractor may have to be filed with the city. The amount of such security must cover the projected cost of all required improvements agreed to by the subdivision administrator. The amount shall be based on the projected costs that the city would incur at the time improvements are scheduled for completion. Any of the following types of security shall be filed with the subdivision administrator:
1. Performance bond: A surety bond acceptable to the city to cover estimated costs of improvements.
 2. Escrow account: An account established with a financial institution in the amount of the projected costs of improvements.
 3. Irrevocable stand-by letter of credit: Irrevocable authority to draw a draft for the projected cost of improvements.
 4. Cashiers check: An amount of security acceptable to the city to cover estimated costs of improvements.
 5. Any other form of security approved by the subdivision administrator and legal staff.
 6. An applicant subdividing a large tract of land as deemed appropriate by the development review committee, may with the approval of the subdivision administrator and the legal staff, submit a final plat for approval without providing any form of security if it is noted on the final plat that:
 - a. The city has not accepted the dedications identified on the plat; and
 - b. The applicant and future owners shall notify prospective purchasers in writing that the purchaser will be responsible for providing the necessary improvements and/or security.

The city shall not issue any building permits within the subdivision until such time security in form of those listed in 37-302(b)(1--5) has been provided to the city.

All forms of security and agreements shall be reviewed and approved by the subdivision administrator, and approved as to form by the attorney's office.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1866, § I, 5-7-01; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-303. Release of collateral.

If the developer wishes to provide a form of security, the following procedure for release of collateral shall apply:

As improvements are completed, the subdivider may apply to the subdivision administrator for a

release of part or all of the collateral deposited. Application for partial release shall include the contractor's invoice, showing the items and percentages of completion being billed. The subdivision administrator shall forward the request to the appropriate inspectors to verify that the work being billed has been completed. Upon inspection and approval by the city, the subdivision administrator may release said collateral. If the subdivision administrator determines that any of such improvements are not constructed in compliance with specifications, the city shall be entitled to withhold collateral sufficient to ensure such compliance. If the city determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the city may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications. The subdivision administrator shall withhold 10% of any collateral for specific improvements until such time as the final approved record drawings are submitted to the subdivision administrator and the improvements are accepted by the city.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-304. Extension of guarantee of performance.

- A. The subdivider may request an extension of the guarantee of performance with the city via a written request explaining the extension proposal and the reasons for said request. The subdivision administrator shall review the subdivider's request to determine whether the guarantee of performance and the security will be extended. If approved, the subdivider shall be responsible to furnish a revised guarantee of performance and a form of security that adequately secures the completion of improvements prior to the expiration date of the guarantee of performance contract.
- B. Guarantee of performance extensions shall only be granted once, for a one-year period, if there has been substantial progress made in the construction of the improvements. Substantial progress, in this sense, means 50 percent completion, the extent to be determined by the subdivision administrator.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-305. Acceptance of improvements.

- A. The subdivider may request the city to approve and accept the roadway, utility, and drainage improvements. For preliminary acceptance of utility improvements, and prior to connection to the city's utility system, the subdivider shall be required to submit utility blue-line drawings for review and approval by city engineers. Such drawings shall be submitted to the utilities department projects administrator.
- B. Upon completion of the development, the subdivider may make a written request to the subdivision administrator for final acceptance of all subdivision improvements. Along with the written request, the city shall require the submission of one set of Mylar record drawings (as-builts), a computer-aided drawing file on a 3.5-inch computer diskette or recordable CD, or other format accepted by the city, and a detailed material listing. The city shall inspect said improvements to determine whether the infrastructure is acceptable and whether it conforms to the approved final plat and construction drawings. The computer-aided drawing file on computer diskette or CD may be waived by the development review committee. Granting a waiver shall not serve as a convenience to the

applicant, but the waiver shall be the minimum necessary for relief due to some demonstrable hardship, and shall be granted only in cases where reasonable alternative means are not available to resolve the issue(s).

- C. The computer-aided drawing file to be submitted shall be labeled with the contractor's name, the engineer's name, the subdivision name, the subdivision location, and the final inspection date. The computer-aided drawing file shall be the file used to generate the final record drawings (hard copy). The computer-aided drawing file shall depict the final Mylar as-builts with the rights-of-way and the subdivision tied to the state plane coordinates. The computer file drawing shall be in AutoCAD Version 11 or later, or in a similar 100 percent compatible and transferable file. Prior to submittal of the digital record drawings, the project engineer shall enter into a digital file agreement with the city. The purpose of the digital file agreement is to protect the project engineer from liability in the event that the drawings become altered in any manner not approved by the city and the project engineer.
- D. Said Mylar drawings shall be signed and sealed by a registered engineer of the state. The Mylar drawings made from the design drawings based on the contractors' as-builts and the computer-aided drawing file shall provide the following information for city review:
1. *Grade changes.* Reflect all changes in grading from the approved plan and profile sheets, including but not limited to curb elevations, property line elevations, drop inlets, curb return elevations, tops of manholes, and inverts.
 2. *Street alignment changes.* Designate any alignment change within a street right-of-way that deviates from that shown on the approved plan and the profile sheets.
 3. *Detail sheet changes.* Reflect any change in street cross sections, retaining walls or other general details that have been altered from the approved construction drawings.
 4. *Utility changes.* Designate all utility changes that deviate from the approved plan and profile sheets.
- E. Additionally, a detailed material listing shall be required. The materials listing must be a tabular listing that includes, wherever appropriate, mains (sewer mains must include depth), valves, manholes, fire hydrants, number of service lines and number of drainage inlets. These materials must be represented in the listing by the standard measure or by the unit installed, e.g., linear foot, number of each. The listing must be separated by utility function for potable water, wastewater, storm drainage and gas. The listing must include:
1. Developer's name;
 2. Subdivision name and location;
 3. Date of final inspection;
 4. Quantity and unit of materials installed (e.g., 250 linear feet, eight each);
 5. Material description, including size or dimensions (e.g., 4-inch PVC main).
- F. The subdivision administrator, upon receipt of a written report of recommendation for acceptance and from:
1. The public works director that all improvements have been installed in accordance with the plans, as approved, and are in conformity with the requirements of this

chapter; and

2. The utilities director that all utility improvements have been installed in accordance with the plans, as approved, and that they are in conformance with the requirements of this chapter;

May formally accept said public improvements for city maintenance. The subdivision administrator will notify the subdivider within ten business days after his/her request as to whether the improvements will be accepted for city maintenance. The subdivision will be accepted only with the concurrence of the subdivision administrator, public works department director and the utilities department director. Upon acceptance, the subdivider shall guarantee improvements for one year.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-306--37-331. Reserved.

**ARTICLE XI.
WAIVER OF REGULATIONS**

Sec. 37-332. Waivers.

In the case of a particular proposed subdivision, whenever it can be shown that strict compliance with the requirements of this chapter would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that such conditions would result in inhibiting the objectives of this code, the planning and zoning commission may vary, modify, or waive nonengineering-related requirements up to 15 percent of the required standard. Furthermore, any proposal containing three or more planning-related waivers shall be processed via the planned unit development process. The subdivision administrator may waive submittal requirements of this chapter. A waiver of engineering submittal requirements shall require the concurrence of the public works director. The public works director and the utilities director may vary, modify or waive engineering-related requirements as applicable and appropriate. No variance or waiver shall be allowed when such waiver is requested because the goals and objectives of the drainage section of the city's design standards are not being met. For example: A waiver shall not be granted if the developer is designing a drainage system that transfers problems from one location to another, that does not provide protection against regularly-occurring damage, or that creates major property damage or loss of life from runoff expected in a major storm event. Also, no waiver shall grant any variation or modification contrary to the mandatory requirements of state law.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-333. Waiver procedure.

- A. Whenever the subdivider desires to request a waiver or variance from any nonengineering-related requirements of this chapter, the subdivider shall submit, in writing, the request for waiver at the time of master plan submittal or preliminary plat submittal, or at the time that a replat or an alternate summary processed subdivision is submitted. The request for waiver shall include, in detail, the reasons for supporting such a request.
- B. The subdivision administrator shall schedule the requested waiver to be reviewed by the development review committee. The development review committee shall review the waiver request and recommend to the planning and zoning commission to approve, disapprove, or modify the waiver request.
- C. The planning and zoning commission shall review the recommendations of the development review committee and approve, disapprove, or modify the waiver request. Any waiver requests greater than 15 percent of the required standard shall be forwarded to the city council with a recommendation by the planning and zoning commission that the waiver be either approved or denied. Any proposal requesting three or more planning-related waivers shall be processed via the planned unit development procedures and shall require city council approval.

- D. When a proposal with waiver(s) requiring city council approval is submitted, the planning and zoning commission will review the proposal and provide a recommendation for approval or denial to the city council. The case will be forwarded to the city council for action.
- E. The city council shall review the proposal and recommendations from the planning and zoning commission. Action by the city council shall be in the form of approval, denial, or modification. Action by the city council shall be recorded in the minutes of the meeting. An affirmative vote by four members of the city council is required for approval of a proposal. A copy of the city council notice of decision that includes any changes or conditions, as done at the public hearing, shall be furnished to all of the parties stated above in accordance with section 37-11(b).
- F. Specifications or supplementary data required by this chapter for a master plan, a preliminary plat or a final plat may be waived whenever such specifications or data are determined by the planning and zoning commission to be unnecessary for the consideration of the plat.

Whenever the subdivider desires to request a waiver or variance from any engineering/utility requirements of this chapter, the subdivider may submit, in writing, to the subdivision administrator, the request for waiver at any time during the subdivision process. It is recommended that engineering-related waivers be submitted as early in the process as possible to avoid unnecessary delays. The request for waiver shall include, in detail, the reasons for supporting such a request.

The subdivision administrator shall submit the requested waiver to either the public works director or the utilities director, as applicable. Upon receipt of the request, the public works director or the utilities director shall meet with the development review committee at the next scheduled meeting to discuss the waiver request(s). The public works director or the utilities director, after consultation with the DRC, shall render a decision on the waiver or variance request within three business days.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-334--37-359. Reserved.

**ARTICLE XII.
CONSTRUCTION STANDARDS**

Sec. 37-360. General provisions.

A. Construction of all subdivisions (public and private improvements) within the corporate limits of the city shall conform to all applicable sections of the documents listed below. The regulations, policies and provisions governing the construction of required improvements include, but are not limited to, the following documents, as amended:

1. City comprehensive plan;
2. City zoning code (chapter 38, LCMC);
3. City design standards (chapter 32, LCMC);
4. MPO transportation plan;
5. Stormwater management policy plan;
6. Bicycle facilities and systems master plan;
7. City standard specifications for road construction;
8. Building code (chapter 30, LCMC);
9. City standard specifications for water, sewer, and gas utilities;
10. Any and all other rules, regulation, and policies adopted by the city governing construction standards.

(Ord. No. 1798, § I, 6-19-00)

1 nobody on the Commission..." "...is that 'if' nobody on the Commission..."
 2 and the next line, line 39, the very end of the line, we need a comma after
 3 "matter." "...If the public has any interest in discussing this matter 'comma'
 4 we just vote on it without discussion."

5
 6 Shipley: We need a small "w" there, I guess.

7
 8 Crane: Pardon me? Yeah, a lower case "w" on the "we;" page 4, line 39 and this
 9 occurs in another place so I'll bring it up in a minute, "r-o-l-e" should be "r-
 10 o-l-l." Yes, that's also on page 36, line 42; and finally, page 15, line 36
 11 the number "12" is repeated. You could cut out one of them. It says, "12
 12 more 12 Tuesday afternoon..." I'll entertain a motion that the minutes as
 13 amended be accepted.

14
 15 Scholz: So moved.

16
 17 Shipley: Second.

18
 19 Crane: Mr. Scholz moves and Mr. Shipley seconds. All in favor, "aye."

20
 21 All except Scholz and Ferrary: Aye.

22
 23 Crane: Any against? Ms. Ferrary is abstaining.

24
 25 Scholz: I'm also abstaining. I wasn't at the meeting.

26
 27 Crane: Okay, Mr. Scholz is abstaining.

28
 29 Scholz: Thank you.

30
 31 **IV. POSTPONEMENTS – NONE**

32
 33 Crane: So we move onto the Postponements, which is still "none."

34
 35 **V. CONSENT AGENDA**

← START

36
 37 Crane: Next we have the Consent Agenda and, for the benefit of those who
 38 haven't been here before perhaps, the way this works is that unless some
 39 member of the Commission or City employee or somebody with the public
 40 wishes to have any aspects of any one of these three items discussed we
 41 will just vote on them without discussion as a group, let's say just as a
 42 group of cases.

- 43
 44 **1. Case ZCA-13-01:** A request to amend various sections of the 2001 Las Cruces
 45 Zoning Code, as amended. The amendments primarily seek to change various
 46 provisions related to the public notification process for the various cases processed
 47 by the City pursuant to the code. Notification deadlines are proposed to be

1 normalized and methods of notification and procedures for same involving
2 neighborhoods and neighborhood groups/associations are being defined and/or
3 modified. Submitted by the City of Las Cruces.

4
5 2. **Case SA-13-01:** A request to amend various sections of the 2006 Las Cruces
6 Subdivision Code, as amended. The amendments specifically seek to change
7 various provisions related to the public notification process for the various
8 subdivision cases processed by the City pursuant to the code. Notification deadlines
9 are proposed to be normalized and methods of notification and procedures for same
10 involving neighborhood and neighborhood groups/associations are being defined
11 and/or modified. Submitted by the City of Las Cruces.

12
13 3. **Case S-13-003:** Application of Sonoma Ranch North LLC for a Preliminary Plat
14 known as Sonoma Ranch North Tract 2C Lots 1 and 2. The 6.158-acre portion of
15 the 107-acre Tract C would be divided into two lots: A 3.366-acre Lot 1 and a 2.792-
16 acre Lot 2. The property is located on the south side of Northrise Drive east of
17 Sonoma Ranch Boulevard, Parcel No. 02-36081 and 02-36083, and lies within an R-
18 3 (Median-density Multi-Family) zoning district and would be developed into
19 apartments. Council District 6 (Councillor Thomas).

20
21 Crane: Any member of the Commission wish to address any of these? Mr.
22 Shipley.

23
24 Shipley: Yes, case 3; S-13-003.

25
26 Crane: You would like to address that? Okay, we'll move that to New Business,
27 first item. Any member of the City Planning discussion? Any member of
28 the public? No, okay... Ms. Harrison-Rogers, do I have to have a motion
29 to get that moved to the New Business? No. Okay. We'll take up case S-
30 13-003 on New Business and we'll vote on ZCA-13-01 and SA-13-01 as
31 part of the Consent Agenda. May I have a motion to approve the Consent
32 Agenda?

33
34 Scholz: So moved.

35
36 Crane: Commissioner Scholz moves.

37
38 Shipley: Second.

39
40 Crane: Seconded by Commissioner Shipley. All in favor, aye?

41
42 All: Aye

43
44 Crane: Any opposed? It passes 6-0.

← BUC

45
46 **VI. OLD BUSINESS**

47
48 1. **Case No. Z2859.** Application of The Burris Brothers, LLC to rezone property

PLANNING AND ZONING COMMISSION
WORK SESSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 19, 2013 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
 William Stowe, Vice Chair
 Charles Beard, Secretary
 Charles Scholz, Member
 Ray Shipley, Member
 Joanne Ferrary, Member

BOARD MEMBERS ABSENT:

Donald Bustos, Member

STAFF PRESENT:

Vincent Banegas, Deputy Director, CLC
 Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Crane: Good evening. It being six o'clock this work session is called to order. In the absence of the public I guess we will not have to identify ourselves except I should formally welcome our new Commissioner, Joanne Ferrary, who now completes our little Board. And how do you want to run this? You're going to make a presentation, I imagine?

Banegas: I do have a presentation that'll kind of walk you through the amendments that are before you under consideration and some history behind that.

Crane: First we should ...

Scholz: We need to approve the minutes.

II. APPROVAL OF WORK SESSION MINUTES

1. February 19, 2013

Crane: ... approve the minutes, as I was about to say. Thank you. Actually, I saw your arm wave peripherally and I thought I've done something wrong already. First we will approve the minutes of the last work session, which

1 was February 19th. Any Commissioner have any points to make on this?
2 Mr. Shipley.

3
4 Shipley: I'm looking. If somebody else wants to go first I've got to come to it 'cause
5 I wrote it down at home but I don't have my page yet.

6
7 Crane: Well, I have ... Anybody else before the Chair steps in? Page 15, line 16,
8 I think what I said was, "City Council should say no, developers will be
9 fine", not "fined". I've no problem with fining developers. They have to do
10 something bad first. I think I said "fine." I have two more: page 26, line 17
11 and Mr. Michaud's remarks; I've a feeling he said "I'm using a context
12 based approach", but I'm not convinced of that. But "contact" doesn't
13 seem to make much sense there.

14
15 Scholz: I think you're right, Mr. Chairman. I think it is "context."

16
17 Crane: All right. And finally, page 33, line 44. I think we should delete the "e" from
18 "Santa Clause". This really made me upset. Mr. Shipley, you find your
19 stuff?

20
21 Shipley: I think the word that I wanted to change, I think it said "tome" and I couldn't
22 figure out what that was, but I think it was sets the tone, but I haven't
23 found it in my ... I didn't have my notes from home. I did it at home.

24
25 Scholz: You weren't thinking of Marisa Tomei.

26
27 Shipley: Tomei, no. I thought it would be easy to find when I got here. I'll get to
28 you later.

29
30 Crane: Okay, shall we vote to accept the minutes?

31
32 Shipley: I move to approve the minutes as amended.

33
34 Scholz: Second.

35
36 Crane: Second was Mr. Scholz, was it? Those in favor aye.

37
38 All: Aye.

39
40 Crane: Any against? And Ms. Ferrary's probably going to abstain.

41
42 Ferrary: Yes.

43
44 Crane: And when I see the red light up here I know you want to speak and I'll
45 recognize you or whoever else in turn. Thank you.
46

1 **III. NEW BUSINESS**

- 2
- 3 1. **Case ZCA-13-01:** A request to amend various sections of the 2001 Las
 4 Cruces Zoning Code, as amended. The amendments specifically seek to
 5 change various provisions related to the public notification process for the
 6 various cases processed by the City pursuant to the code. Notification
 7 deadlines are proposed to be normalized and methods of notification and
 8 procedures for same involving neighborhoods and neighborhood
 9 groups/associations are being defined and/or modified. Submitted by the City
 10 of Las Cruces.
- 11
- 12 2. **Case SA-13-01:** A request to amend various sections of the Las Cruces
 13 Subdivision Code, as amended. The amendments specifically seek to change
 14 various provisions related to the public notification process for the various
 15 subdivision cases processed by the City pursuant to the code. Notification
 16 deadlines are proposed to be normalized and methods of notification and
 17 procedures for same involving neighborhood and neighborhood
 18 groups/associations are being defined and/or modified. Submitted by the City
 19 of Las Cruces.

20

21 Crane: Okay sir, Mr. Weir, right?

22

23 Banegas: Mr. Chairman, Members of the Commission, Vincent Banegas for the
 24 record. I'll be presenting the cases that are going to be before you for
 25 formal action at your April regular meeting. Tonight, however, we thought
 26 it'd be very prudent to give you a first blush, if you will, of the proposed
 27 amendments to the Zoning Code and the Subdivision Code. Before I go
 28 over that I thought it'd even be more beneficial to kind of walk you through
 29 some the history behind these amendments and what conversations have
 30 been held with not only staff, Planning and Zoning Commission, but also
 31 City Council. So with that, let me start my presentation.

32 The issue at hand is, of course, public notification and examining
 33 some of the procedures that we could consider for public notification
 34 improvement in terms of our processes. With that a very brief history:
 35 back in February 2012 some of you might recall that at a regular meeting
 36 there was some discussion over ways in which we can improve our
 37 notification and at that time it was recommended that staff consider a 21-
 38 day threshold for sign posting, for mail out notice, for newspaper
 39 advertisement, etc.

40 We took that under consideration and discussed that quite
 41 thoroughly at the staff level and obviously it caught some momentum
 42 because on March 19, 2012 that same year at a City Council work session
 43 City Council wanted staff to present information regarding notification
 44 measures in use and kind of give a background as to where they came
 45 from and how they compared to what other regulations or statutes might
 46 be in place that govern that. So to that end staff gave a presentation that

1 compared State Statute provisions for all the types of things that we
2 examine: subdivision related, zoning related, variance related, those types
3 of things that come before this Body and sometimes before City Council,
4 either for final approval or on appeal.

5 We gave a summary or cursory overview of those standards and
6 we discussed some opportunities for some improvement to those
7 Standards. It was at that time pursuant to a work session packet that was
8 distributed to Council that we also include an excerpt of the minutes from
9 this Body from the February meeting that talked about that 21-day
10 threshold. Following that discussion presentation, staff was directed to
11 look at the issues a little bit more thoroughly and examine them more
12 closely to see what specific elements can be adjusted in order to make the
13 public notification process a little bit more successful in casting a broader
14 notification net for all the citizens that we ultimately impact with the issues
15 that we discuss and/or approve.

16 At a September 2012 City Council work session follow-up up there
17 were two documents that were presented to the Council. I believe those
18 were included in your packet or at least I hope they were. One was called
19 the Public Notification and Participation Report, an Analysis of Option for a
20 More Informed Community. That document took a look at everything we
21 had in place at the present time, looked at other communities in terms of
22 what they used for public notification measures, examined ways at which
23 we can either incorporate some of those measures or modify the ones we
24 had on the books presently to see how to improve the process. Then it
25 gave a recommendation as to what elements and how they might be
26 adjusted in terms of what we could look at for incorporation into our
27 notification processes.

28 The idea of that report was to identify the plethora of options
29 available for each of the departments throughout the city to consider the
30 menu items, if you will, I consider that kind of a "menu listing" of options,
31 consider what options might benefit their operations within their respective
32 departments and pull together a departmental policy, if you will, on
33 notification measures that they could incorporate into their activities. Parks
34 and Rec for instance, obviously in the location of public parks they might
35 consider selecting some of the menu options from that report and
36 improving some of their notification processes, some of the street crews,
37 as an example, when they repave might also do the same.

38 Taking the lead on that, the second document that was included in
39 your packet was called a Citizen Notification Policy Manual for the City of
40 Las Cruces Community Development Department. That report or that
41 document intended policy manual is pulling from that first report the menu
42 items that we feel can be incorporated into a successful notification
43 procedure for the things that Community Development carries out in
44 concert with the Planning and Zoning Commission and City Council and
45 all the plans and cases that we bring forward at one point or another.
46 Some of the elements that are discussed in that document are strictly

1 policy. It's going to be very difficult to incorporate them into an ordinance
2 form but nonetheless, the intent is to take that policy manual up to City
3 Council for approval as a policy document and via resolution procedures.

4 Other elements that are included in that document are definitely
5 intended for implementation via our ordinances and, to that extent, the two
6 Ordinances that are here this evening, those being the Zoning Code, the
7 2001 Zoning Code as Amended, and also the 2006 Subdivision Code as
8 amended. That is also one of the documents that is subject to amendment
9 in order to incorporate those provisions.

10 Right now, just to kind of briefly bring you up to speed, many of you
11 are aware, some of you are not, we deal with development cases in one
12 form or another. Dealing with annexations, zoning, Special Use Permits,
13 Planned Unit Developments, the list is very large and we also deal with
14 long range planning projects. In fact right now we're getting ready to bring
15 you some information regarding our update of the Comprehensive Plan
16 and along with that there're neighborhood plans, there're the community
17 blueprint type plans and other regional or sector plans that we may bring
18 forward and definitely impact the community. We have public notice
19 processes for those as well.

20 The two types of notice that we carry out in the department, it's kind
21 of a two-tier approach. The primary, of course, is agenda posting, the
22 typical. We have newspaper advertisements about the cases that going
23 forward to this Body and also to City Council. The City Clerk handles
24 much of that. We have mail out letters that also go out to property owners
25 in the affected area.

26 Secondly, we have the website, which I should note that prior to
27 the movement towards the new City website, our old website had a
28 webpage dedicated solely to development activity. Any cases that were
29 brought forward or submitted to the City Community Development
30 Department we would list on that webpage and try to keep a status or a
31 rolling status check on where it sat and whether it received approval,
32 denial, or those things of that nature. With the new website we recognize
33 that there have been some limitations as to what we can and cannot post.
34 There's been a lot of behind the scenes work trying to get the website up
35 and running, certainly to the extent that it once was, if not better and so
36 we're still working on that. But we see the website as a use not only for
37 existing but for the future wherein we can inform the public about cases
38 that come before the City for consideration and ultimate approval.

39 We also have a Notification Association Policy that was also
40 included in your packet and that is an approved policy that is in place
41 today. It is a policy and, to the extent where it identifies the
42 responsibilities of the City, we do carry out those actions. However, in
43 terms of the responsibility for neighborhood associations and developers,
44 we definitely strongly encourage the participation as listed in that policy.
45 But in many instances we don't have the leverage to require notification,
46 say, of the developer to the neighborhood association in order to inform

1 about proposals, be that subdivision related, zoning related, or what have
2 you so therein lies some of the weakness with that policy.

3 Just to compare and kind of show you what we showed City
4 Council: we have the State Statutes on the left. I just chose the three
5 columns, Subdivision, Zoning, and Variance, and to that end this column
6 defines some of the features that are required or the elements that are
7 required for notice as it relates to the actions on the far left side. So for
8 agenda posting, as an example, when we're dealing with subdivisions in
9 accordance with state statutes, the Municipal Body determines what is
10 reasonable and same for zoning and same for variance. Our mail out
11 deadline for subdivisions is five days prior and the State Statutes are very
12 quiet on zoning and variance related matters and so on down the list. So
13 you can see that there are a lot of open-ended issues related to State
14 Statutes as it ties to notification. When you compare the City of Las
15 Cruces Standards in almost every point... well, I will say on every point we
16 either meet or greatly exceed the Standards of the notification thresholds
17 that the State requires.

18 Some of the concerns that we have with them, however, is there's a
19 lot of variation in some of the thresholds themselves, timing, as an
20 example. If you're dealing with subdivisions you can deal with six days
21 prior to the hearing, nine days prior to the hearing depending on what type
22 of action or notification action you're carrying out; and then if you jump
23 across activities, say over to zoning, you could be dealing with 10 days or
24 15 days, so there're multiple thresholds that are included in today's
25 notification procedures. There's also distance variation. We have 200 feet
26 whereby we notify property owners within proximity to a subject parcel
27 that's going through development proposal type action and that excludes
28 rights-of-way. But we also have a 300-foot notification distance for
29 neighborhood associations pursuant to that policy that I previously
30 mentioned, so there's some variation there.

31 When the matter went before City Council, obviously there were
32 some notification concerns that were raised to the individual Councilors. I
33 know you all probably have heard them. I know staff has heard them from
34 time to time and we kept hearing that our current processes weren't
35 reaching enough people. We weren't casting wide enough net, if you will,
36 and our notification distances were too short. Sometimes we would have
37 property owners right across the street from someone else who received
38 notice yet they did not and that could very well be the distance just didn't
39 quite get there. There's always somebody who's left out of the notice,
40 someone who's within it. So, we heard about that. Our methods were not
41 entirely inclusive.

42 We have a set number of methods that were in use and we've been
43 using those for quite some time but we never branched out and took a
44 look at other options. Some of the processes like certified mail became a
45 burden to some property owners because if you're not there to receive
46 your certified mail you might receive a note from the Post Office or from

1 the mail carrier that says you need to go to the Northrise office and pick up
2 your certified. It'll be there when you're good and ready to pick that up. So
3 it becomes a burden for the property owners to make time and do just
4 that; not to mention with certified mail we have received our fair share of
5 complaints regarding the cost of that. It is the cost of doing business but
6 last I checked, and I think it's still the same, I believe it's \$5.75 per letter to
7 send certified mail out. Yeah, that's a hit. And we would get a lot of those
8 and depending on the case and depending when we're taking matters to
9 the P & Z and City Council, we would have many envelopes returned
10 unclaimed. So, it's quite a hit in more ways than one.

11 We had limited use of technology that was readily available and so
12 we just needed to examine new methods that were also mentioned and, of
13 course, with all these different processes being considered, we also have
14 to consider the ease of application. We have to consider the practicality of
15 the methods, you know. Does it cause excessive time constraints on the
16 developer, on the citizens that are notified, on staff for carrying out the
17 review? Is it easy for staff to carry out these notification procedures or is it
18 a substantial burden in which to meet these thresholds? Those things
19 have to be considered.

20 Safety and liability: we once had a group of Boy Scouts commit to
21 helping our department distribute some little door hangers, I guess they
22 were called, and they were helping us with some readdressing efforts out
23 on the East Mesa. The first day they went out there we had the little door
24 hangers made up and they went out doing the civic duty for their civic pin,
25 I believe or badge, and unfortunately one of the kids got bitten by a dog.
26 Needless to say that was the last time that they went out. The next day
27 the flyers were brought back and they were no longer interested in
28 assisting. That happened to be a Boy Scout but it could easily have been
29 City staff or what have you doing the same thing that has that same thing
30 happen to them.

31 We've also talked about signs, larger signs and posting them on
32 private property. We've talked about from time to time the fact that if we
33 put larger signs on property that requires more digging, posthole diggers,
34 or something like that. We could encounter drip irrigation lines or sprinkler
35 lines or some other type of line that we would sever or puncture or
36 rupture in some way, shape, or form and that's a liability to the City as
37 well. So those types of things we've got to keep in mind as we examine
38 these methods and how to improve our notification measures.

39 Costs: I've mentioned some of that with the certified. Also there
40 was a discussion at City Council that there was a perception by the public
41 that there's a substantial amount of protest with the cases that we deal
42 with and, therefore, that requires an extended or a more deliberate need
43 to look into the notification process. When we looked into that I realized
44 that this isn't hyper-current. It's going through July, the end of July of last
45 year and I suspect the numbers will change a little bit but the point
46 probably will not. But out of that time period we looked at the number of

1 cases that were submitted and there were 171 that got submitted to the
 2 City for consideration. Of those, 84 of those were either administratively
 3 approved, dropped by the applicant and at that time awaiting P & Z.
 4 Eighty-seven cases were acted on by a decision making body. So 87 of
 5 those 171 were actually acted on and when we looked further at those
 6 based on the minutes, we found that 30 of those cases or 34%, there was
 7 no protest; 47 of those cases, individuals who spoke at the meetings were
 8 merely seeking clarification on what was being heard; 6 of those cases
 9 there were concerns raises or considerations requested by the public,
 10 maybe a mitigation issue that you all could act on as a condition for
 11 approval, that kind of thing. They weren't really protesting. They were
 12 more just kind of informing the Commission of "if you do this," "could you
 13 please consider," that kind of thing. Four cases had strong protests. You
 14 know, we dealt with a cell tower up in Sonoma Ranch region that had
 15 substantial protest. So I'm not saying it doesn't exist, it just ... the
 16 numbers were so low for those type of cases. That was one of the points.

17
 18 Crane: May I interrupt for a moment? This is the results of the public discussion
 19 at the public Planning and Zoning meeting or other meetings as well?

20
 21 Banegas: This was part of the discussion at the City Council work session when we
 22 raised the issues of public notification in general.

23
 24 Crane: Okay, thank you.

25
 26 Banegas: So to that end we were again asked to look into notification methodologies
 27 and we did so. We looked at the region, looked at other communities in
 28 New Mexico, some in Texas, Arizona, and Colorado and took a look at
 29 their codes, their notification methods and we found several nuances that
 30 many were very much like what we had in place and there was some
 31 deviation.

32 Notification boundaries: keep in mind we had that 200 foot less
 33 excluding rights-of-way and we found that some of the boundaries that
 34 these other communities had were higher and some were lower. Some
 35 communities notified not only the property owner of record but also
 36 tenants. I think that would present some problems for us, but nonetheless
 37 that's what we found. Some communities required mandatory
 38 neighborhood meetings period and some under certain conditions or
 39 circumstances and it was kind of a case-by-case review of the case at
 40 hand. Notification timing was more standardized across the board but no
 41 one was higher than the 15-day threshold. We do have 15 days in place
 42 today for some of the zoning issues, as you recall, on that table, but others
 43 are less than that.

44 Then there was some discussion about applicant responsibilities in
 45 those various communities in terms of costs, you know. How do we ...? If
 46 you're going to do other types of activities for public notice that all comes

1 with a cost, so how do we share that cost? So, you know, it outlined in the
2 various instances that the applicant picked up some of the cost and the
3 City picked up other costs and then the applicant was responsible for
4 certain activities in terms of the posting and the City was responsible for
5 other parts, so those were kind of the nuances we found.

6 So based on that, the report that I previously mentioned was
7 prepared and we looked at the issues, concerns, and viable methods and
8 associated costs and all that and that was the menu item that I presented
9 or discussed just a minute ago where we selected out the options that
10 could be considered and it identified some of the changes that might need
11 to be made to those options in order to make them work for the City. As I
12 indicated, it prompted the departments in the City to pick and choose what
13 might work for their department operationally and then to adopt the policy.

14 I also mentioned just a minute ago that the Community
15 Development did just that and so we selected from the report, we modified
16 some of the existing practices and we incorporated some of the new
17 methods that were examined as part of our strategy for an improved
18 notification method. Part of that policy does talk about cost and we are
19 looking via the proposal to consider cost recovery on the mail outs, on the
20 newspaper ad, and on signs. If you look at the grand total, because of the
21 methods at which we're seeking to utilize mail out provisions etc., the
22 costs aren't going to go up that significantly for anyone. We're trying to
23 keep the cost low. That's why we're looking at strict state statutes which I'll
24 go over in a minute in terms of mail out and that will help on the certified
25 mail cost. So because of their cost savings there, newspaper ad, etc,
26 they're only paying their pro-rata share of the ad, those types of things.
27 We don't anticipate a huge hit with any of the proposals that we're bringing
28 forward. Those additional cost recovery fees, I should mention, will be in
29 addition to the standard set fee that they already pay.

30 So, more about our method, our chosen departmental strategy, it's
31 a five-step method. We do as I indicated: seek to modify the existing
32 process. All our agenda, newspaper, sign posting, and letter mail out will
33 now meet as proposed: a 15 day, calendar day threshold. There's not
34 going to be any of the 6, 9, 10. It's all 15. The mail out notice to the
35 neighborhood associations will now follow a 500-foot boundary period. It's
36 no longer going to be the 300 feet. We're going to the 500.

37 The staff determination on early notice and potential for early
38 meeting need pre-submittal is being incorporated into the proposal. What
39 that means, and I'll go into that in more detail, but basically at a pre-
40 application meeting that City staff already holds weekly, developers or
41 anyone, any applicant can come before the staff at this meeting, present
42 their proposal with enough information and specificity to allow us to
43 determine whether or not we think it's going to cause concern with the
44 neighborhood.

45 If that determination is made, based on some criteria that I'll go
46 over here in a minute, then we are going to ask the developer to go seek

1 ... to prepare an early notice to the neighborhood groups and, in the
2 absence of an adequate coverage of neighborhood group, to the noticed
3 area; that being the property owners that we would normally notify, give
4 them information about the proposal, what it means, give them contact
5 information and invite the opportunity to meet with them on an agreed
6 upon time, place, etc. between neighborhood and developer or applicant,
7 and discuss the matter at hand.

8 We are also going to seek, for the submittal of the proposal which is
9 15 days. This all has to take place 15 days before they submit. But as part
10 of the submittal proposal they will have to provide a copy of that letter and
11 also either verbatim or summary minutes which they prepare based on
12 their discussions with the neighborhood. That'll be a submittal item as
13 well, so all that theoretically gets brought into the City, one neat package
14 ahead of time before any formal submittal takes place, and that also gets
15 distributed to you all for further consideration.

16 Now the ability for this Body or even City Council to require
17 additional meetings with the neighborhood: that still will remain in place.
18 This early notice and the potential for meeting with them is "in addition to,"
19 so if you know everything breaks loose here at one of the cases and you
20 feel that, you know, there's still some unresolved issues that need
21 attention you could certainly postpone the case and recommend that the
22 developer or applicant meet with the neighborhood further and discuss the
23 remaining issues. So that'll still be left as a tool in your toolbox for
24 consideration of these cases.

25 The sign posting now will become, as proposed, the responsibility
26 of the applicant. We will provide the signs. We will provide the content
27 that goes on the signs. We will even provide the posts which will be more
28 substantial than the little posts that we have because the sign's size is
29 increasing to four foot by four-foot standard. We're still going to use the
30 corrugated plastic, call it Coroplast I think, but it's still that material. We're
31 trying to keep costs down. But nonetheless, the posting or the sign posts
32 will have to be a little beefier than that and we can easily get those at
33 Home Depot and they're not the high end, super-sturdy type but they're
34 definitely more sturdy than what we use now.

35 The applicant will have the responsibility to not only posting it in
36 accordance with the 15 day threshold but making sure it remains posted
37 not only through the approval process either by this Body if you have final
38 action; but if it goes to City Council for final action they make sure it
39 remains posted through that process as well. Some of the information on
40 the sign will have to change and we will guide them on how to change
41 that, but the sign needs to be posted and if it's not posted and that's
42 determined to be indeed the case, they may be subject to postponement
43 until they meet whatever requirements the Code would require them to
44 follow. So, there is some expectation on the applicant's part to meet the
45 requirements as well.

46 The general notification boundary, like the neighborhood group or

1 association boundary notification, is also at 500 feet so there's
2 consistency there. We're no longer looking at that 200 feet, excluding
3 right-of-way. We will be applying a strict application of the State
4 Standards for Certified and First Class Notice and I've a little scenario
5 that'll help explain that a little bit better. It's a little convoluted, doesn't
6 necessarily impact Planning and Zoning Commission per se, but certainly
7 zoning cases that go to City Council for final action where we end up
8 dealing with certified letters, it'll definitely play a role there.

9 The second step, if you will, is the development and planning
10 project webpage which I've mentioned. Those items on the screen
11 indicate what we anticipate including as information for the public on the
12 cases that come before us for consideration: the key one being Status
13 Indicator, as I see it. The intent here is to have all our cases updated as
14 we cross milestones either, maybe there's a neighborhood meeting that
15 takes place. Well, five days after that event the expectation is that we
16 update that status column or field and indicate that, you know,
17 neighborhood meeting held, general consensus reached, or some notation
18 that gives some idea of where it's at in the process. If it goes to Planning
19 and Zoning Commission, what was your recommendation? We would
20 note that and so forth. So, hopefully, that informs the community a little
21 better.

22 The third step we're going to examine is social media. The thought
23 was maybe we can create a CD Department Facebook page. The City
24 has relaxed internally some of the standards for utilizing social media and
25 I'm not saying Facebook is necessarily the way to go, but something along
26 those lines. We would investigate doing something like that or we could
27 just make announcements and allow people to, you know in this case,
28 Facebook case, become friends of Community Development or something
29 like that. So we would post cases and that way they would know that, you
30 know, cases of "X," "Y," and "Z" type have been submitted and that would
31 be another way at which we would get the word out. How successful that
32 will be, we don't know, but we're going to examine how to do that.

33 The Las Cruces notification system is the fourth step. That is the
34 new notification system. Some of you may have subscribed to it. You get,
35 there're options to it, but I myself get little I think they're e-mails that come
36 from the City of Las Cruces when there's an accident that closes part of
37 Highway 70 or maybe there's the distribution of the City Manager weekly
38 newsletter that goes out every Friday. Sometimes I get notified of that and
39 so what we envision there is to notify the public, whoever subscribes to
40 that system, public meetings this meeting, neighborhood meetings,
41 meetings where we take blueprint proposals, for instance, to the
42 community, that type of thing. So we would just include an agenda listing
43 the items under consideration, that kind of thing.

44 And finally there's the City of Las Cruces TV. There are some
45 static bulletin boards that they use in public information office and we
46 anticipate using those to announce development proposals, much like the

1 webpage. We would include information about projected and actual
2 meeting dates to the extent possible. We'd update the information weekly
3 and we would try to leave one month's worth of information intact so
4 people can see that, you know, whatever item they had their interest on
5 earlier, you know, several weeks ago is still in whatever status condition,
6 so, hopefully, we can inform in that way as well.

7 So, what does the new notification measures mean? How does that
8 impact as it relates to first class and certified mail out? I mentioned we're
9 taking a strict application of the State Statutes. We have a map here that
10 can be anywhere USA, but it happens to be a neighborhood in Las Cruces
11 right off of Sonoma Ranch, which is right about here. Sonora Springs
12 Avenue is right here. So this neighborhood is being used for this example
13 and we've got this parcel and let's pretend it's going for a zone change so
14 it's cross-hatched to indicate that that's the given parcel. Right now this
15 grey area represents the 200-foot notification boundary that we follow.
16 That's today standard. We exclude rights-of-way so if you add 50 to the
17 200 feet you get 250-foot radius. Fifty-foot is basically the right-of-way
18 width for your typical residential roadways as part of this example. What
19 we're looking to do is increase that to 500 feet, as previously mentioned,
20 so you can see there's a dramatic increase in the number of properties so
21 notified to the extent that under the existing provisions there are 37
22 properties notified or property owners notified but under the proposed
23 there will be 81 so a huge increase in the numbers notified.

24 With this issue and the notification process is considered, the State
25 Statutes state that when you are rezoning property of one block in size or
26 less which certainly meets the criteria for this example, you only need to
27 notify properties within 100 feet of the subject parcel by certified mail. So
28 that red line around the property indicates that that's the 100-foot
29 boundary. Beyond that red line boundary the 100-feet up to our 500-foot
30 distance State Statues are quiet. So what we're proposing to do is still
31 notify the individuals but via first class and trying to remove that burden of
32 picking up certified mail. We're trying to do that so they'll receive first class
33 mail, costs are reduced, and so that's what we're seeking to do. What that
34 means and this a little confusing, but what that means is at least with
35 zoning cases at the P & Z level, we never send out certified, but first class.
36 We do send out a notice and there are 81 first class notices being sent out
37 under what is being proposed. At the City Council level, because it
38 requires certification under the existing provisions, if we're to go up to the
39 500 foot boundary there would be 81 certified letters mailed out and none
40 of those would be first class. The proposal keeping the 500-foot distance;
41 there's no change at the P & Z level. But at City Council this is where you
42 get 19 properties receiving certified and the remainder outside this red line
43 receives the first class notice to the tune of 62 of them. So there's a
44 significant difference with that.

45 This boundary here represents the 300-foot notice distance for
46 neighborhood groups or neighborhood associations pursuant to the

1 existing policy. Under the proposal we are going to match the property
2 notification distance of 500 feet and you'll see that it has a slightly bigger
3 impact because neighborhood association boundaries are larger and so
4 there's not going to be that many that are affected normally. In this case
5 you see these boundaries by this thicker, darkened line here. There's one
6 boundary. Here's another boundary and you begin to see a third just
7 popping out here. But nonetheless, with the new 500-foot distance we're
8 impacting two neighborhood groups, theoretically casting a broader net
9 and notifying more individuals. So to that tune we're doubling the number
10 of associations or neighborhood groups that are notified. So that's what
11 the provisions mean graphically anyway.

12 That's the history of where we've been and kind of a summary of
13 the provisions that are being considered for implementation. Specifically,
14 as it relates to the cases that will be heard by this Commission, we have
15 Zoning Code amendment, we have Subdivision Code amendment and to
16 explain those fairly quickly since I've gone over some of the nuances.
17 There are some key sections that will be affected. Section 38-10, which
18 deals with the Planning and Zoning Commission powers and authority, we
19 are introducing the pre-application procedure. I've touched on that. It will
20 impact annexations, zone changes, SUPs, PUDs. Variances will also be
21 impacted. It takes advantage of the pre-ap meeting that is already
22 existing. There's no procedural change that staff will have to make for
23 that.

24 It will require or introduce determination as for need for early
25 notification to neighborhood groups and/or noticed area when
26 neighborhood groups are not well represented in the area and the
27 determination will be made on some factors. We're not just going to say,
28 "Yeah, we think this neighborhood likes to be noticed on whatever
29 development matters." We're going to have to base them on some criteria
30 and so we decided to look at traffic impact as an example. If there's a
31 proposal for change of zoning to commercial and it's a long a roadway that
32 already has a level of service that's questionable; I mean, based on traffic
33 analysis that has taken place and the introduction of commercial zoning
34 might even decrease the level of service further. That could be a reason
35 for the notification.

36 Land use conflicts: if they're seeking commercial zoning and it's
37 right next to residential and we think the neighborhood's going to come a
38 little unglued with that, that could trigger a need for early notification, and
39 so forth. Other neighborhood concerns could also be considered and
40 those are tangible, you know, requests or issues that can be raised or that
41 have come up throughout interaction with them. But types of issues that
42 we will not entertain triggering the early notice is, you know, when we hear
43 that that vacant private parcel represents open space that, "I enjoy and I
44 walk my dog through the property," and so forth and, "I'm losing that open
45 space." Well, it's not an element that staff would consider for early
46 notification. That's just not going to do it. Other things might be, you

1 know, "I enjoy 35-foot height requirement in the R-1 zone and I don't want
2 my neighbor to build up to 35 feet, I only want 25 feet," and they let us
3 know that that's their concern. Well, the zoning's in place. There are set
4 standards that already apply across the board. We're not going to
5 consider that a legitimate neighborhood concern. Things like that I try to
6 write into the proposed amendment, things that could trigger early notice,
7 some things that we wouldn't consider as trigger for early notice.

8 The proposal: the early notice seeks to inform the community early
9 about the proposal, gives them information about who the applicant is,
10 contact information, gives them information about staff; who they can
11 contact at the City level to ask questions, relevant questions about zoning
12 in general, things of that nature and it also invites the opportunity for a
13 meeting, an agreed upon meeting, time, place, all that good stuff between
14 the developer/applicant, and the neighborhood. It seeks to have that
15 meeting handled prior to submittal so within 15 days is when all this takes
16 place. If they agree to have a meeting beyond the 15-day threshold that
17 could delay submittal of the application in its entirety so the developer has
18 to kind of take that under consideration. They need to push for meeting
19 within that 15-day window prior to submittal but they could certainly
20 exceed that if they're willing to push back their submittal deadline.

21 Even after that first 15 days, let's assume a developer submits his
22 packet; no meeting was requested by the neighborhood and then later on
23 the neighborhood requests a meeting. It's day 16 or day 17, the packet's
24 been submitted. That's okay. We're not going to hold up the developer
25 but when the matter reaches this Body the developer will have been told
26 by staff, "You know, it's probably a good idea to go ahead and meet with
27 them anyway. We're not going to hold you up but, you know, when you
28 get to the Planning and Zoning Commission it'd go a heck of a lot
29 smoother if you meet with them and resolve some of the concerns they
30 might have, because if you get here and again everything goes haywire,
31 you might postpone the case and ask for the same thing that we've asked
32 them to do." So we're still going to encourage that but it's not going to be a
33 requirement if they exceed that 15 day pre-submittal window.

34 One point I really want to make is building permits in terms of
35 development and what might trigger consideration of early notification.
36 Building permits are not part of the overall types of development that will
37 be considered under these amendments so it is specifically referenced in
38 the Code as an "exclusion." I do know in various parts of town we've been
39 asked to notify neighborhood entities when building permits get submitted
40 and it's everything we can do to make sure that they get processed in a
41 timely manner and to all the appropriate individuals for review etc., and so
42 we try to let them know. But we don't, as a matter of policy, do that and
43 we're certainly not considering that as part of this amendment process. I
44 talked about the 15 calendar day threshold. I'm not going to go over that
45 again.

46 Sign size: I've hit at four by four. Note on that is we're going to

1 require one sign per street frontage so even if it's a residential lot and you
2 have dual street frontage, you're probably going to be looking at two signs
3 to post and if you're dealing with a zone change or something like that or a
4 master plan on a very large tract of land you may have multiple signs to
5 post as well. Staff won't be making that determination.

6 I talked about State Statutes regarding mail out notice. One
7 clarification on there is it'll apply to all final action items of P & Z with
8 exclusion of the subdivisions that you hear. Those all are handled first
9 class mail and that'll remain. But it also applies for final action items at
10 City Council and it ties to items, for instance, that are like a PUD site plan
11 with no concept plan. It ties to items such as Special Use Permits, the infill
12 processes, etc., just to kind of give you an idea of those type of items
13 where it applies.

14 Recommended cases to City Council from this Body and
15 subdivisions: just to further clarify following the existing first class method,
16 there's no change there. I talked about the one block or less, the 100 foot
17 certified and first class thereafter and first class notice to neighborhood
18 groups. That will remain pursuant to that policy.

19 Let's see, at the City Council level Section 38-13 is also being
20 amended. It basically incorporates some of the same information that I've
21 just gone over for the authority of the Planning and Zoning Commission
22 and it'll point to those sections rather than just reiterate them so there's
23 not going to be a lot of wording changes in that section. We're also
24 bringing forward proposed changes to Section 38-49 under the PUD.
25 PUDs as we all know can be substantially controversial and so there's
26 language in there that again echoes what I've just gone over under the
27 previous Section 38-10. We also impact Section 38-54 SUPs, very
28 similarly as the PUD and as the other section, no need to go over that.
29 There is one miscellaneous clean up on 38-10 and that was tied to the
30 conditional zoning. I'm merely making you aware that. It has nothing to
31 do with this notification amendment. I just thought it was necessary and
32 long overdue.

33 There's a discussion in the Code over conditional zoning and when
34 revocation takes place and there are certain conditions that you all can
35 place on, as a recommended element on a zone change, as an example,
36 where you can prohibit billboards. You can prohibit certain types of use
37 and if that gets carried forward to City Council and City Council acts on
38 that and approves that. We're just clarifying that those types of
39 prohibitions aren't subject to the two year trigger for revocation if nothing
40 happens to that property. In other words, it'll remain in place until they
41 either get the condition lifted through another ordinance action or end of
42 days. I don't know. But, regardless, that's what it's seeking to do is just to
43 clarify and it's merely clean up in that nature.

44 Subdivision Code amendment: the only thing I would say about that
45 is it's very similar to the Zoning Code. It's carrying the same type of
46 amendment language over from the Zoning Code. It's just that the Zoning

1 Code is set up where you have annexation, master plan, preliminary plat,
2 and all the other platting mechanisms and there's a lot of repetition in
3 there so you're going to see a much thicker document and a lot of
4 language added. I would've loved to have figured out a better way to
5 organize that document but I didn't have time. So there's a lot of format
6 issues with that document that I'll have clerical staff clean up before I bring
7 it forward formally. But nonetheless it has the same type of issues,
8 newspaper notice, agenda, all those same early notice requirements are
9 also included.

10 For pre-application meetings: if the type of application didn't have a
11 pre-application section one was introduced and if it was rather vague. We
12 clarified what was meant by pre-application meeting and that there was a
13 potential for early notification in neighborhood group meetings. So, that's
14 what that does; nothing out of the ordinary other than what I've already
15 described.

16 The only other item I'd like some ... A few other items I'd like some
17 discussion one, at least one element of it is the Subdivision Code
18 amendments will obviously impact annexation, master plans, preliminary
19 plats, and final plats. Final plats typically are considered completely in
20 line. In fact when we think of final plats they're the last step towards the
21 full subdivision process. You normally go master plan, preliminary plat,
22 final plat, and then you file the thing or at the County that allows you to sell
23 lots and develop and go to town. The final plat is normally very... it should
24 be very consistent with preliminary plat, which is consistent with the
25 master plan. So those don't require any review by the Planning and
26 Zoning Commission.

27 However, there are other processes that might require Planning
28 and Zoning Commission consideration and those are infill subdivision
29 processes, alternate summary when there are two lots being created, and
30 re-plats where they were increasing the number of lots, previously filed
31 subdivisions, that's the catch there, and of course vacation plats.
32 Sometimes those types of plats, final plats can receive a little friction, if
33 you will, from the neighborhood and so that's why they're being included in
34 these proposals for amendment.

35 The only thing I'd ask of this Commission is some feedback 'cause
36 of the infill subdivision process, if some of you are familiar with that. We
37 have an infill plan and we have the processes that identify not only in the
38 Subdivision Code as to how to do an infill development. But we also have
39 it in the Zoning Code and for the Subdivision Code the whole idea of
40 including infill into this amendment language can fly in the face of the very
41 reason it exists. We're trying to take advantage of vacant or underutilized
42 properties in the City; trying to take advantage of existing infrastructure
43 that might be immediately adjacent to vacant property or underutilized
44 property; and as an incentive for people to want to develop it further and
45 improve these underutilized properties and therefore add greater value to
46 the tax rolls. One of the things we said is we would try to streamline the

1 review process. Well, if we add infill into this scenario for amendment it's
2 not going to streamline, it's going to add more time to it. But as you know
3 in the past we have had several infill cases that have come before you
4 and its neighbors have not been entirely pleased with the proposal. So
5 that's why I added it. What I'm asking this Commission is: what do you
6 think? Should we keep it there? Should we remove it from amendment
7 consideration? Your thoughts would be very much welcomed on that.

8 Then just one final note is the miscellaneous clean up on the
9 Subdivision Code, the authority of the Commission and the voting. I'm just
10 making your voting description consistent with the zoning provisions and
11 also the Municipal Code. It's worded really awkwardly in the Subdivision
12 Code so I'm just making it consistent so there's really no change there.
13 And that concludes my presentation, Mr. Chairman. I'd be happy to
14 entertain any questions you might have.

15
16 Crane: Thank you, Mr. Banegas, and let me speak on behalf of the Commission
17 and say you've done an immense amount of extremely detailed work here
18 for which I admire tremendously and congratulate you and your staff for
19 having lasted through it.

20
21 Banegas: Thank you.

22
23 Crane: So at this point you would like whatever comments we have, correct? Mr.
24 Scholz.

25
26 Scholz: Just two quick: one I would hesitate to bog down the Infill process...

27
28 Banegas: Okay.

29
30 Scholz: ... because I really feel like we should work on that; that is, we should
31 make that as streamlined as possible. We do give notice don't we?

32
33 Banegas: Yes, we do.

34
35 Scholz: So I think, you know, giving a regular notice, I think, would be sufficient, at
36 least that's my opinion, because I'd like to see those properties used. You
37 know, when I drive around neighborhoods and I see these empty lots in
38 otherwise built up neighborhoods I say to myself, "That's a real shame,
39 you know. Why isn't that land being developed?" I think we have, you
40 know, several groups like Habitat and things like that that are anxious to
41 utilize places like this and so I think we have people who are willing to do,
42 you know, good work on those plats. I do recall an instance, oh probably
43 four or five years ago, where somebody wanted to build townhouses or
44 apartments and that's the one you're referring to.

45
46 Banegas: Yes.

1
2 Scholz: Yeah. That was in a neighborhood south of Lohman as I recall.
3
4 Banegas: That's correct.
5
6 Scholz: And they had like quarter acre lots in those days and, you know, I think we
7 resolved it by having the developer meet with the people...
8
9 Banegas: Correct.
10
11 Scholz: ... and eventually he reduced the size of the development and I think it
12 was compatible.
13
14 Banegas: Correct.
15
16 Scholz: But I like the idea of infill. I think it's, you know, a critical thing. My other
17 comment is an interesting typo I discovered as I was scanning through
18 this. It's on page four of the Administration of the Zoning Code, under
19 item two, Neighborhood Group Notice Meeting, and it says "...And the
20 general nature of the conversation that tool place". It should be "took
21 place".
22
23 Banegas: Took. Yes.
24
25 Scholz: And that's something that spell check won't catch, I know.
26
27 Banegas: Okay. I got it.
28
29 Scholz: Other than that I agree with Chair Crane. You did a great job on this. This
30 is a good update.
31
32 Banegas: Thank you.
33
34 Scholz: And I think it will ... I think, in a sense it will encourage people to comment
35 on it, which is what we'd like.
36
37 Banegas: Yes.
38
39 Scholz: In another way, I think, it'll also alleviate some of the problems that we've
40 had.
41
42 Banegas: Thank you.
43
44 Crane: Mr. Shipley.
45
46 Shipley: Mr. Banegas, I thought it was a very very good job as well. On the Citizen

1 Notification Policy Manual, as I was going through that I had a question
2 about page eight, there is a... about the sixth or seventh line down it says
3 "Long term staff should strive to have the page graphically oriented and be
4 more interactive for the user and."
5

6 Banegas: Oops.

7

8 Shipley: So I don't know what the thought was, whether that was period in the
9 wrong place and the "and" should go away or whatever. Further down on
10 that same page in the next paragraph, about half way down it says "the
11 item will be left on the page for no longer than one month".
12

13 Crane: Excuse me, Mr. Shipley, which page are you on?

14

15 Shipley: Page eight.

16

17 Crane: Eight. Thank you.

18

19 Shipley: Of this.

20

21 Crane: Yep.

22

23 Shipley: The Citizen Notification Policy Manual. And it says, it's talking about the
24 items left on there for one month so that, "... to view past actions, so that
25 the page primarily reflects current activities while providing a small window
26 on which to view past actions." I kind of thought that probably should be
27 two months and the reason I say that is that that's kind of the history and if
28 somebody didn't get a chance to participate or attend a meeting or
29 whatever, one month is generally not long enough for ... so that they can
30 have a chance to at least understand what happened, what goes on.
31

32 Banegas: Okay.

33

34 Shipley: You know it's there ... you say it's there four weeks and then it's gone.
35 That's really just a blip on the screen.
36

37 Banegas: Okay.

38

39 Shipley: I wanted to also say that I think the idea of using Facebook and CLC TV
40 are very, very good ideas. I think we need to become technologically
41 savvy and use every media that we can and again, I think, that was ... I
42 said the two-month's activity was there. I really like the way you
43 consolidated. I thought the four by four signs; that's absolutely fantastic
44 because the signs that we have now get blown away too quickly and
45 they're too small and too many people don't even notice them. Four by
46 four signs will work very well. That's a great ... I just want to say, as Mr.

1 Scholz said, it is a very very good package.
2
3 Banegas: Thank you.
4
5 Shipley: I like the 21 days because of mail but if you're going to first class mail
6 people will get the mail and open it sooner than they would be going to get
7 a registered letter.
8
9 Banegas: Yes.
10
11 Shipley: So I think that 15 days is okay.
12
13 Banegas: Okay.
14
15 Shipley: But thank you very much for your hard work and your staff's hard work.
16
17 Banegas: You're welcome.
18
19 Crane: Commissioner Beard.
20
21 Beard: I thought it was a very good presentation and I agree with your numbers.
22 The certified mail was a problem with me, to tell you the truth. I got
23 certified mail the day that I came here to listen to it and it was because of
24 this round robin type of thing. I just didn't get it.
25
26 Banegas: Right.
27
28 Beard: So I like the first class mail to tell you the truth. The infield, infill I mean,
29 I've seen where there's controversy quite a bit there and personally, I
30 would like to be given a chance to hear it. If it's just put on the agenda ...
31 well, if there's a proposal for an Infill and somebody complains about it,
32 will it automatically be heard here?
33
34 Banegas: Mr. Chairman, Commissioner Beard, the infill development proposals will
35 still come forward to this Body and there will still be notice, whether or not
36 it takes the type of notice or the potential for early notification and/or
37 neighborhood group meeting. That's kind of the issue at hand which could
38 delay submittal and delay development of the infill parcel. But this body
39 would still debate.
40
41 Beard: So we would see it regardless?
42
43 Banegas: Right.
44
45 Beard: And we would approve it also?
46

1 Banegas: That's correct.
2
3 Beard: Okay.
4
5 Banegas: The only caveat to that is if it's vacant land it's already zoned and they're
6 merely looking to build something consistent with the zoning and they
7 want to take advantage of the quick review of building permit submittal
8 that does not come before this Body. But if they're looking to use a use or
9 put a use on the property that's not allowed. It's considered a use
10 variance. It's under the infill process that would come before you or if
11 they're looking to subdivide land and take advantage of infill provisions
12 that would also come before you.
13
14 Beard: Good. Good. I like that.
15
16 Banegas: Okay.
17
18 Crane: Commissioner Ferrary.
19
20 Ferrary: I also found this very interesting and helpful, Mr. Banegas, and as the new
21 kid on the block, especially so. I also agree with, you know, doing the
22 Facebook and, you know, having that so you can get more interaction
23 than a website would be. I don't know if anyone's considered, you know,
24 to Twitter or have, you know, if the City has, you know, something people
25 can react to and we can get information also. Sometimes it's kind of
26 dangerous, but a lot of fun too. But also on the signs, have you thought of
27 instead of wood posts have you thought of steel posts? Easier to get in
28 and out of the ground.
29
30 Banegas: Mr. Chairman, Commissioner Ferrary, the steel posts that we, I call them
31 T-posts. They're kind of those ... ranchers use them to some extent.
32 They're the green metal posts and they have a heavy-duty version and
33 they have a lighter duty version. It's the lighter duty that I think will be just
34 fine for purposes of posting signs here.
35
36 Ferrary: And then just Zip Ties to the back.
37
38 Banegas: Correct, absolutely. Punch holes in the corrugated plastic, Zip Tie them,
39 and "Bob's your uncle."
40
41 Ferrary: Real easy.
42
43 Banegas: Yeah.
44
45 Ferrary: Thank you.
46

- 1 Crane: Commissioner Beard.
- 2
- 3 Beard: The signs bring up another question to me, too. If a contractor is doing
4 everything by the Code but somebody complains about what they're going
5 to put on there, such as the building's going to be higher than the next
6 door neighbor wants it, so that is going to be heard? Is the contractor still
7 required to put that sign out for that particular protest?
- 8
- 9 Banegas: No. Mr. Chairman, Commissioner Beard. I'm assuming, based on your
10 description of the framing of the question, you're talking about just a
11 building permit that would be applied for on this whatever parcel you're
12 talking about. If that is the case there would be no need... People will
13 come to the pre-app meetings for all sorts of reasons and we have had
14 individuals come and say, "You know, what are my setbacks? I'm looking
15 to build a house or something," and if it's consistent with the zoning and it
16 meets all the development requirements for that zone, height, setbacks,
17 etc, they can submit their permit and get it reviewed and if it passes
18 muster then they get their permit and they can build. They don't have to
19 post signs. They don't have to come before this Body. It's an
20 administrative function. If they are doing something under the infill
21 proposal and the use is different than what the zone would allow and
22 they're looking to build something, that would come before this Body for
23 consideration and, you know, building height might be an issue discussed.
24 But if it's consistent with the zoning district and they're not exceeding that,
25 you know, there's not a whole lot of basis for denial on my opinion.
- 26
- 27 Beard: Thank you for clarifying that.
- 28
- 29 Crane: I have a number of points and let me make sure I understand this infill
30 business: in the interests of a smooth, streamlined procedure for handling
31 infill development you are proposing that these new notification terms not
32 apply to that. Am I understanding you correctly?
- 33
- 34 Banegas: Mr. Chairman, as presently written in your packets it is included as part of
35 the amendment so it would be subject to potential early notice
36 requirements, potential neighborhood group meetings, before submittal.
37 So it is being considered but I raise the question of whether or not that
38 should remain. You know should we remove it from consideration.
- 39
- 40 Crane: I appreciate the idea, speaking personally, of streamlining that process but
41 I don't know what is so distinctly different from infill versus other kinds of
42 development. That means the infill process should not be subject to the
43 same review and notification. I feel that the public may get used to the
44 idea that there is this new, more uniform notification process and miss the
45 fact that if we pull infill from it that is not covered and then there'll be an
46 outcry that people did not get the notification they expected. So I feel it

- 1 might be safer to include it.
2
- 3 Banegas: Okay.
4
- 5 Crane: Another point I have is that the Citizen Notification Policy Manual is
6 internal for the Community Development Department.
7
- 8 Banegas: Mr. Chairman, that will be an internal policy manual that we will follow as
9 Community Development staff but we do anticipate taking that forward for
10 City Council approval via resolution.
11
- 12 Crane: Well, I have a number of picky little points to make which I'm not going to
13 bore you or the Commission with. I wonder how I should get them across
14 to you economically. I was hoping you would say this was entirely an
15 internal document and therefore I shouldn't worry. I'm talking about
16 commas and stuff like that.
17
- 18 Banegas: If you'd like, Mr. Chairman, you can just provide me those changes and I'll
19 be happy to ...
20
- 21 Crane: I'll mark it up and send it to you. There's nothing substantive. Okay.
22
- 23 Banegas: Okay.
24
- 25 Crane: And then the public document, Section 38 and Section 37; I think it was
26 Section 37, Subdivision Code. I had a point which may be the same one
27 as, I think it was Commissioner Shipley raised, yes, "tool." So page 25.
28 And in regard to fixes, I noticed that as you pointed out there's a great
29 deal of boilerplate in here which is transferred almost verbatim between, I
30 think, in some cases ... in one of your two documents five or six different
31 places. So if I happen to notice something some place, maybe your staff
32 could go back and look at the others. Okay.
33
- 34 Banegas: Yes.
35
- 36 Crane: Section 38, Article II, Administration of Zoning Code, page II-III, I'd love to
37 see a comma in line five at the top, "but not be limited to, the following",
38 and a hyphen in paragraph B, three lines from the bottom, post (hyphen)
39 meeting. I tripped over that and had to go back and re-read it, realize
40 what you said, what you intended. I know it's small but it is our City Code.
41
- 42 Banegas: Right.
43
- 44 Crane: And V, page 163, what was my point here? Oh, yes, we have "minotes"
45 instead of "minutes" and that cannot stand.
46

1 Banegas: Yes.

2
3 Crane: So I was as picky as I could be and found very little fault which grieves me
4 but shortens the meeting. Any other Commissioners have any points for
5 Mr. Banegas or questions? So, sir, what do you require of us tonight?

6
7 Banegas: The purpose was just to apprise you of these, kind of the history and these
8 two proposals coming forward in April at your regular meeting for
9 recommendation to City Council, approval recommendation hopefully.

10
11 Crane: April, not this coming week.

12
13 Banegas: That's correct, April.

14
15 Crane: Okay. Thank you. Any further comment gentlemen and lady? Thank
16 you, Mr. Banegas.

17
18 **IV. ADJOURNMENT (7:15 PM)**

19
20 Banegas: You're welcome.

21
22 Crane: We stand adjourned at 7:15.

23
24 Banegas: Thank you.

25
26
27
28
29
30
31 _____
Chairperson

32

842

**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.

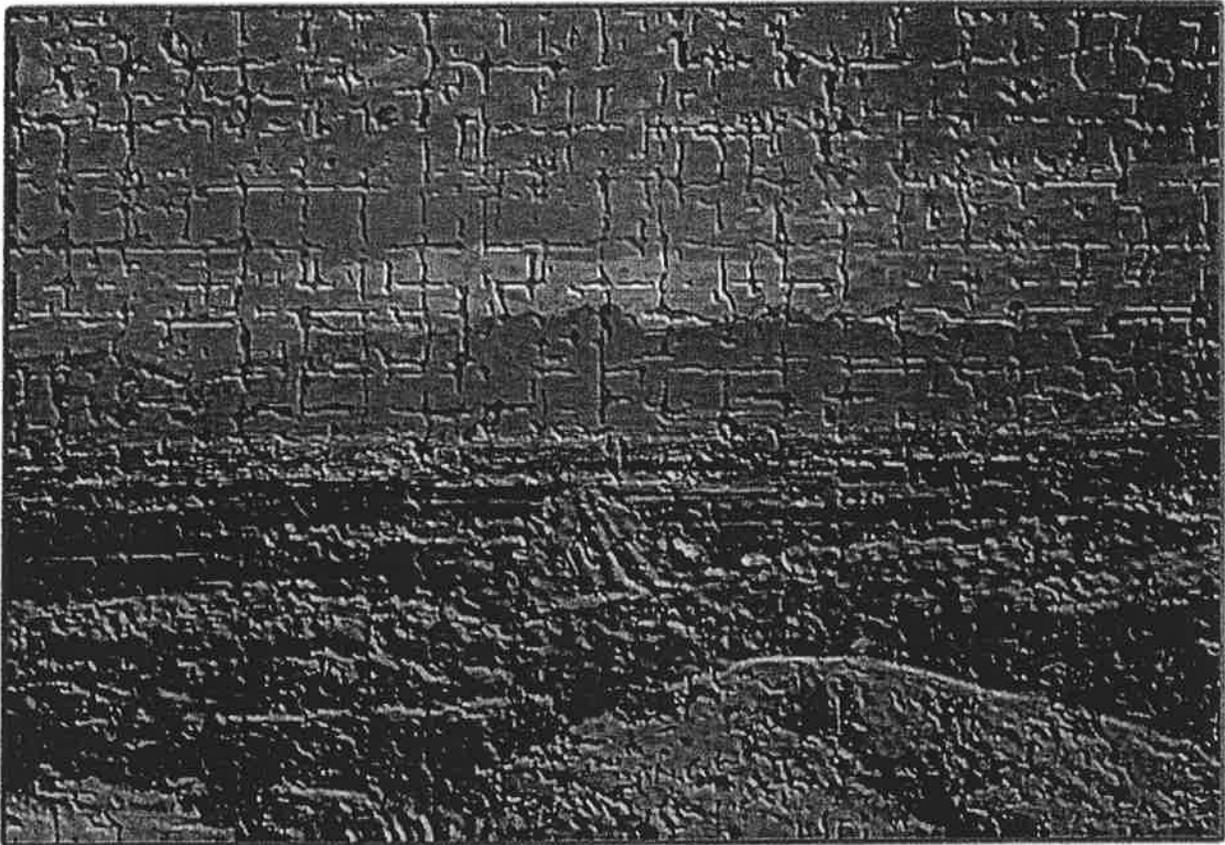
The third document is the existing Identified Neighborhood Association Information and Notification Policy. It is presented as reference in context to notification provisions associated specifically with registered neighborhood associations. This policy is being referenced in the department's policy 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 Notification and Participation Report and Analysis of Options
for a More Informed Community*



Prepared by: Vincent M. Banegas, AICP

Deputy Director, Community Development Department

June 26, 2012

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Purpose

This report is intended to examine and analyze the various issues, methodologies and strategies regarding public notification and resulting participation that are in play within the existing City organizational structure and also within other agencies across the region. Ultimately, this effort will focus on the production of a set of "best practices" geared toward efficiently and effectively notifying, and as a result, soliciting participation and input from the general public regarding affairs of municipal government. Such an effort promises to achieve a more informed community on matters that span the spectrum of City sponsored activities often focused on general informational meetings, land use planning, proposed development, infrastructure improvements, and community-wide activities/events that ultimately create some degree of impact on City residents. The outcome of this effort and ultimate implementation of recommended practices is intended to be used by the City organization as a whole and not solely one or two individual departments.

Background

For several years, the City of Las Cruces has actively sought the distribution of information to its residents in hopes of obtaining their input and insight into various municipal activities believed to have some impact and/or benefit to the community. In fact, it is not only the position of this City to engage its citizenry, but also one shared by other communities and State and Federal levels of government. Since the City derives much of its authority from enabling legislation through the State of New Mexico, so must the City at minimum, follow and regulate notification procedures in accordance to those provided via State Statutes. These standards for the notification of the community are the minimum standards that municipalities must meet or exceed.

It is important to note the manner of notification that State Law mandates of municipalities. Table 1 illustrates these standards presently in place for the processes/activities listed. Where the table identifies "None", the State Statutes are silent as to the requirements that apply to the stated action. Other processes/activities like holding a general public information meeting not rising to the level of requiring a quorum of appointed board, commission or council members, establishing law or policy, or otherwise carrying out official governmental action or business other than to inform and solicit input from citizens were not identified within the statutes and thus, do not have any specific notice requirements. As a result these activities are not recognized in Table 1, but are still discussed as part of this report.

From a development code perspective, notification procedures have been used albeit not in the same manner or fashion as they are presently applied since the adoption of the 1930 Las Cruces Zoning Code. At that time, newspaper notification and compliance with *Section 5 of Chapter 27 of the New Mexico Session Laws of 1927* governed all related proceedings. In fact, in consideration of previous codes, the same provisions in use today are quite similar to those in use since adoption of the 1969 Las Cruces Zoning Code; the code that regulated all things development at that time.

Standards used as of the writing of this report, have been the very same processes in use since the adoption of the 1981 Las Cruces Zoning Code, as amended, the 1991 Las Cruces Subdivision Code, as amended, and adoption of the 1989 Extra-Territorial Subdivision Code, as amended. Since adoption of these codes, discussions have ensued over possible modifications to notification efforts, but to date, no amendment to these standards have been made. It should be noted however, that some notification experimentation has taken place. Circumstances surrounding these attempts will be discussed later. Table 1 also identifies the standards in use by the City today. These standards exceed those minimum requirements established by State Statute in almost every area State Statutes speak to and as evidenced by Table 1, address other activities that typically involve public participation and input. In every case, the standards established by the Open Meetings Act are met through the applicable requirements.

Table 1: State and CLC Minimum Notification Standards Comparison

Action	Subdivision		Zoning		Entity		Variance		Plans		Code Amend.	
	State	CLC	State	CLC	State	CLC	State	CLC	State	CLC	State	CLC
Agenda Posting	Reasonable, defined by body	6 days prior to hearing	Reasonable, defined by body	6 days prior to hearing	Reasonable, defined by body	6 days prior to hearing	No reference	6 days prior to hearing	No reference	6 days prior to hearing	No reference	6 days prior to hearing
Mail Notification Timing	5 days prior to hearing	9 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing
Mail Distance	No reference	200' excl. ROW; 300' NA	100' excluding ROW	200' excl. ROW; 300' NA	No reference	200' excl. ROW; 300' NA	No reference	200' excl. ROW for Neigh. Plan; None for comp. plan	No reference	No reference	No reference	No reference
Mailed Parties	Applicant - Owner of Sub.	Property Owners W/I dist.; NA	Property owners W/I distance	Property Owners W/I dist.; NA	No reference	Property Owners W/I dist.; NA	No reference	Property Owners W/I dist.; NA	No reference	No reference	No reference	No reference
Newspaper Publication	No reference	9 days prior to hearing	15 days prior to hearing	15 days prior to hearing	No reference	15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	2 weeks publication of title	15 days prior to P&Z. City Clerk process CC.
Sign Posting	No reference	9 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	10 days prior to hearing	No reference	No reference
Sign Size	No reference	No reference; Use 18"X24"	No reference	No reference; Use 18"X24"	No reference	No reference; Use 18"X24"	No reference	No reference; Use 18"X24"	No reference	No reference	No reference	No reference
Sign Location	No reference	Conspicuous locations	No reference	Conspicuous locations	No reference	Conspicuous locations	No reference	Conspicuous locations	No reference	No reference	No reference	No reference
Other/Misc.	Regular mail	1st Class	1 block or <, certified mail; > 1 block, 1st class mail	Min. 15 unique property owners; 1st class P&Z, cert. CC	No reference	Min. 15 unique property owners; 1st class P&Z, cert. CC	Refers to Comp. Plan creation	1st class P&Z, cert. CC	Refers to Comp. Plan creation	1st class P&Z, cert. CC	Actions that do not amend zoning map	Assumes general code amendment

Other types of activities not identified on these tables such as Councilor held District meetings, general informational meetings, and issue specific meetings wherein information is either collected or distributed by elected official or City staff yet where no official action or decision will be generated have no set State mandated criteria to follow. These activities tend to utilize a variety of differing notification strategies singularly or in tandem such as newspaper ads, first class mailings, postcard mailings, radio spots such as those announced for community events, email distribution, utility bill insert/mailed, neighborhood association notification, door to door flyer placement as well as others.

In that no single notification method is an absolute guarantee of "getting the word out," over the past several years, the City, mainly through its Community Development Department has attempted to test other means of notification as an opportunity to not only solicit comment from a broader cross section of persons, but to also generate greater participation in projects and programs. Staff has sought out notification options that are different from the normal processes and through that message, communicate and demonstrate to the public that participation is a large part of what staff may need to better understand project approach, key issues and obtain general consensus of related issues both large and small.

The following examples demonstrate new methodologies used in the notification of various stakeholders. Each attempt, while beginning with the initial "casting of the notification net" to inform the stakeholder, also focused on techniques to engage said stakeholders while in attendance at the specific venue. In this regard, please understand that the engagement techniques although important to planning processes, exceed the scope and purpose of this report.

In September, 2008, the Las Cruces Metropolitan Planning Organization formally adopted policy provisions of public participation strategies that were in use for many years. As mandated by Federal Transportation Regulations, MPO's serving regions with a population of 50,000 or greater are required to adopt a planning process that considers projects beneficial to the furtherance of sound transportation practices. As part of that effort, adoption of a formal public participation process was completed. Therein, the MPO establishes not only the planning process for much of its scope of work, but also the means or tools by which the community notification and engagement will take place. For example, the plan discusses the use of press releases to print, radio and television related media sources, website utilization, an e-newsletter and master mailing list to name a few. These techniques although not always 100% successful in reaching the MPO stakeholders, have proven to at minimum reach a broad cross section of interested parties in an attempt to solicit input on the issues at hand.

Another example involves the significant update and amendment of the University Avenue Corridor Plan and its companion University Avenue Corridor Plan Overlay District. During this effort, first class and certified mail notification, radio spots, flyers, comment boxes, informal discussions with focus groups at area businesses, open houses and “meet and greets” at area businesses were used not only for notification of related stakeholders, but also the advertisement of the project by word of mouth from one interested stakeholder to another.

Finally, a third example involves the recently completed Picturing El Paseo project wherein staff through the United States Environmental Protection Agency’s Smart Growth Implementation Assistance program partnered with the United States Environmental Protection Agency, United States Department of Housing and Urban Development, the United States Department of Transportation and a host of local businesses and community based groups and the general public to seek out ways to solicit and engage the public in a planning/visioning process for the El Paseo Corridor. In particular, the effort focused on the inclusion of those groups that historically have been underrepresented and/or otherwise might have felt disenfranchised in past planning efforts. As such, substantial efforts were undertaken to notify and solicit public participation on development of a vision for the El Paseo Corridor ranging from traditional methods (e.g., flyers, posters, surveys, websites, or radio spots) to the contemporary use of social media such as Facebook. Once notified, an equally broad-based approach to engaging the general public ensued to foster trust and buy-in to the planning process. As a result of this project, a “toolkit” for public participation was created with each “tool” identified and discussed in a report entitled *“Public Involvement Plan and Toolkit for Las Cruces,”* a document prepared by EPA staff and consulting staff with considerable input by Community Development staff. This report although not the focus of the issue at hand can be found in Appendix 1.

As illustrated, efforts in the past and present regarding public notification have varied and have in large part been robust in application. As previously indicated, no one method or combined use of various methods can guarantee 100% notification of the target stakeholder. Ultimately, a determination as to the best public notification approach has to be made using a pragmatic application of available options. As such, it is the intent of this report to identify techniques used in the past and present along with emerging trends that can be considered for future notification efforts that are well suited for the variety of issues that require public notification.

After review of the strategies in place today along with consideration of those tested, a comparative review of surrounding communities both large and small was done in March, 2012. The idea behind this comparison was to glean a possible "best practices" model by which to gauge changes to the local notification efforts. A total of seven communities in New Mexico, Arizona, Colorado and California were examined with much of the data obtained speaking to the respective development processes those communities practiced. In summary, the review seems to reveal that although there are some differences in terms of how notification is handled when compared to our measures, there are far more similarities to what we have in place. *This seems to imply that "best practices" at least with notification is what works best for a given community.*

Research showed for instance that notification time frames were often streamlined to reflect one time frame regardless of case type resulting in less confusion for staff and citizen alike. This differs a bit from what is used here in Las Cruces due to our processes having various time frames being imposed depending on the type of case and the method of notification. Also, neighborhood association and/or neighborhood meetings in the absence of an association were often called for early in the application submittal process as a requirement. Here in Las Cruces, we have a policy that has the City notify any applicable neighborhood associations when a development proposal is within association boundaries or within 300 feet of said boundaries. It is the responsibility of the planner handling an applicable case to check for neighborhood associations that may fall within the distance thresholds. The policy also calls for the applicant to give notice via certified letters to association representatives within five days of submitting an application to the City of the intent to develop and to provide detailed information of said development plans. Development as defined by the policy is a submittal package for a zone change, variance, special use permit, master plan, preliminary plat, or annexation. Other nuances gleaned from the research show at least one community providing notice at various times throughout the review/approval process as deemed applicable by the planning manager. Additionally, distance thresholds for notification by that same community are varied and are also determined by the manager based on the merits and or assumed impacts of a given proposal. Thereafter, most of the requirements the communities used fall in line with what Las Cruces presently follows.

Current Issues

At the present time, the City maintains a policy of transparency regarding the many issues it must address on behalf of the citizens of Las Cruces. To accomplish this, the City continues to investigate ways to better inform and/or solicit input in order to make an informed decision. From time to time, some of the issues are contentious and elicit a variety of emotions and input regarding the topic at hand. It is the general feeling and attitude of the public, elected officials and administration that due to these realities, some of the current notification practices are insufficient at notifying the affected stakeholder. As a result, the City has been asked to investigate and implement as applicable, better notification practices to ensure that no stakeholder with significant investment on a given issue is left out of the discussion. This section will examine some of the realities that have to be considered when modifying notification policy. At times it becomes easy to suggest a new approach to notification, but upon further analysis of logistical realities such as operational impacts, it appears that some ideas might be better left for special circumstances as opposed to a matter of general practice.

Cost of Doing Business vs. Assessed Fees. Ideally, the practice and standards in place for notification of the public regarding a great many public processes undertaken by the City are funded in part by applicable fees associated with a requested activity. As an example, when a property owner wishes to convert the zoning of owned land, by regulation, consideration of the request must take on a staff and public review process which has inherent steps and notification measures built in. These processes and steps are in part covered by the fees assessed for the type of request submitted, but are also subsidized by tax-payer dollars. As such, efforts are made to inform the public in a number of ways, each having associated costs. In that these fees are subsidized with general fund monies from City coffers, standard practice dictates utilization of more economical and as a general rule, accepted methods of notification versus approaches that are expensive and suspect in terms of success. It should be mentioned yet again that the last fee increase for a great many of the processes that at least impact Community Development (CD) type activities took place in 2000 with the exception of sign fees being last updated in 1990. In 2006 CD staff analyzed all development fees excepting building permit related fees and proposed various increases based on a more assertive cost recovery model with less subsidy. At that time, staff was asked to continue monitoring the issue, but to not effect fee increases promulgated by the study. The present fees in place are those referenced in the 2006 presentation and are actually those fees established in 2000. Further analysis of notification costs will be undertaken in the Options and Analysis section of this report.

Notification Expectation/Perception. The perception variable of who should and should not receive official notice is one that City staff frequently battles particularly when addressing contentious issues. Again, following established codified notification requirements, staff is invariably presented with questions or concerns over why one neighbor was notified about a case while another neighbor sometimes immediately adjacent to the first was not. In many of these instances, the notification boundaries established simply do not extend far enough to include the second neighbor even though the property may very well be immediately adjacent to the one that received notice. Often, in instances such as these, the general public overlooks the fact that other notification methods are also used such as newspaper notices that in essence provide notice to all City residents, agendas being posted in public locations such as City Hall, and website information (more on this presented later in this report), etc. Staff recognizes that not all citizens receive the newspaper, have a computer and internet capabilities or visit City Hall often enough to catch notice of an upcoming meeting, but the reality is those methods are also used and put into play because no one method has proven 100% effective in notifying affected stakeholders on any given issue. The very nature of required certified mail notification to property owners itself has been shown to be very problematic. In many instances, letters get returned through the post office as undeliverable and/or unclaimed. Such is the nature of certified mail and since the costs for this method are great, the usefulness is often drawn into question.

Resources. Staff and monetary availability for the conduct of notification is also a very real barrier at times. Related to cost of doing business and revenues available to conduct said business, assigned resources are often spread thin for all assigned work. Some of the new innovations or ideas that are labor intensive in nature become really impacted by staff resources. In a recent work session discussion on notification strategies (March 26, 2012), the distribution of flyers (door to door) option was identified as potential enhancement of current notification procedures. What wasn't said; however, was that short of volunteer efforts or payment for services rendered, Community Development staff would be selected to distribute flyers in this manner which then raises a question of whether that effort is truly an effective use of time and money (salaries and benefits) for the staff conducting the work. If the payment for services option is used, current fee assessment in no way considers this cost which then raises the issue of potential fee increases to cover operations. Volunteer efforts could be considered and as a point of fact have been in the past (once - early 1990s) when a group of Boy Scouts offered to deliver re-addressing flyers in the east mesa area. After the first day, one of the scouts was bit by a dog and resulted in the cancellation of their volunteer effort.

Safety and Liability. As important as the need to notify and be inclusive, so to must each option weigh the importance of safety and potential liability exposure. Under the previous paragraph, the door to door option unveiled a very real safety and liability concern. That example did not impact a City staff person directly, but could have if City personnel were used in the conduct of this activity. If not an animal causing concern, there have been many instances when City staffs, acting under their dutiful authority, have been aggressively approached by a citizen questioning the purpose for their presence. Sometimes this approach is assertive in nature and sometimes truly aggressive. Point is there are City positions that can more readily take on that role of asserting their presence and the reason for it (e.g. Code Enforcement Officers, Police Officers, Fire Fighters) while those such as Community Development staff, short of a City issued I.D. card and verbal communication, have little else to assert the validity of their presence. Another example speaks to potential placement of much larger property notification signs (signs currently used for notification of a zoning case, variance, etc. on a subject property). Presently, staff erects these signs on the subject property when application of a development action is made. These signs although designed to draw attention are relatively small to allow ease of placement on the given property. If a much larger sign is considered, installation techniques will have to be changed which may be more of a work hazard to the staff person installing the sign, but also opens up liability issues should placement of the sign cause damage to property such as sprinkler/drip systems buried underground.

Variability. As indicated earlier, notification processes are carried out for many different reasons to alert citizens about a variety of issues. This report highlights activities to a large extent carried out by the Community Development Department, but in truth, several other departments also conduct meetings with members of the general public. As such, these departments must conduct some form of notification as well in order to adequately inform and create successful dialogue with the public. Sometimes the purpose of meetings are directed to known stakeholders that are easily contacted resulting in successful notification while others take on a broad spectrum of stakeholders where direct contact is less manageable requiring other notification options in order to cast a broader notification net. It is for this reason that the options ultimately approved for use as a matter of practice remain flexible and variable depending on the issue and or general circumstances involved. There cannot be a one size fits all approach to notification because doing so may result in a process that far exceeds its goal and becomes inefficient in practice.

Options and Analysis

In order to aid in determining the most suitable approach to conduct notification efforts, this report seeks to identify the most realistic options available and to glean relevant information to aid in the determination of which options might be considered appropriate for use and the circumstances for said use. Information presented will talk to Community Development activities at minimum and will go beyond to those tasks conducted elsewhere in the City when applicable. The data presented will be actual values derived from case files/reports, source information when third party efforts are involved and/or provided by those who are familiar with the respective processes. Where applicable, ideas on how to adjust the stated methods will be presented to improve upon the method identified.

Traditional/Conventional Methods

Mailings – This process is required pursuant to State Law under specific circumstances. The City ordinances also speak to this method and exceeds the time thresholds established by law. If measures are to change, they must be amended within the appropriate sections of the Municipal Code to coincide with revised standards. The average number of letters mailed out varies considerably based on communication purpose and related issues. For case handling within Community Development, the variation is directly related to the type of case and case location. For instance in the core part of the City, the parcels are typically more densely arranged resulting in more letters that are required to meet code. Locations outside this area and particularly on the fringe of the City have larger lots and thus, require less mail-out. However, for purposes of this exercise, the average size mail-out being considered is 25 letters.

Certified Mailings. This mail out method is required pursuant to State and Local law as specified in codified provisions. Cost of certified mailings up to 1 ounce in weight (typical notification letter) currently costs \$5.75 per letter (return certified receipt). Other online options for preparing and tracking certified mailouts appear cheaper by \$0.80 per letter, but when adding the United States Postal Service approved certified envelope to coincide with the online printing format, the costs actually increase by as much as \$0.75 per envelope bringing the cost upwards of \$6.50 per certified letter. Using the case average of 25 letters, the average notification costs involving certified mail-outs is \$153.75 (includes envelope cost of \$0.40 each).

Potential Adjustment. In that certified mailings have been problematic with property owners due to USPS delivery parameters and the need to pick up the letter from the post office when delivery was attempted and not successful (property owner not available for signature), the City may opt to more closely follow State Law minimum requirements and only carryout certified mailings for zoning related cases and even then, only send certified letters when zoning of property is one block or less in size. Certified letters would be distributed to the subject property and to the properties within the first 100 feet (state law minimum) of the City's prescribed 200 foot notification boundary; excluding right-of-way. Anything rezoned above the one block size would all be sent notification letters via first class mailing consistent with State law. Amendment to City regulations will be required should this be considered an acceptable approach. As an alternative, local codes and State Statute merely indicate the use of certified mailing when necessary, but do not require signed return paper receipts as has been standard practice for years. As such, opting for electronic email receipts in lieu of paper receipts saves \$1.20 for each letter bringing costs per letter to \$4.95. A certificate of mailing option is available through the post office, but based on website information, is NOT considered as a form of certified mailing. If it were, costs would equal the email receipt option.

Table 2. Mailing Cost Comparisons

	<i>1st Class</i>	<i>Certified w/printed return receipt</i>	<i>Certified w/email receipt</i>	<i>Certificate of Mailing</i>
<i>Service Charge</i>	-	\$2.95	\$2.95	\$2.95
<i>Postage</i>	\$0.45	\$0.45	\$0.45	\$0.45
<i>Printed return receipt</i>	-	\$2.35	-	-
<i>Email receipt</i>	-	-	\$1.15	-
<i>Certificate of Mailing</i>	-	-	-	\$1.15
<i>Envelope Standard</i>	\$0.40	\$0.40	\$0.40	\$0.40
Sub-total per letter	\$0.85	\$6.15	\$4.95	\$4.95
Total cost for average 25 letter mailing	\$21.25	\$153.75	\$123.75	\$123.75*

*Note: May not meet certified mailing definition pursuant to State Law.

First Class Mailings. With Community Development case handling involving subdivision, and any other process that requires recommendation from a subordinate body to City Council, first class mailing announcing that body's hearing or meeting is required. Currently the cost for up to a 1 ounce letter is \$0.45. Assuming the case average of 25 letters, total subordinate hearing mailing costs are \$11.65 (includes envelope costs of \$0.40 each). Beyond those activities conducted by Community Development, first class mailing is not a requirement for notification of affected property owners but is often recommended. In instances where notification is prudent, first class letters should continue to be used as the method of choice for notification. Any board or committee that has criteria for "reasonable notice" calling for certified letter notification should modify said criteria to use first class mailings unless state law prohibits this action.

Potential Adjustment. See Certified Mailings discussion for any modification to existing practice. Also, examine reasonable notice provisions with all boards and committees and modify letter notification requirements to coincide with a first class mailing option.

Newspaper ads, Legal Section – Presently both State (dependent on process) and local ordinance require posting of meeting and case related information in "a newspaper of general circulation" prior to the public hearing where said case will be heard. The two local newspapers where posting may occur include the Las Cruces Sun News and the Las Cruces Bulletin. Although the Bulletin has been used in the past as an alternative, the Sun News has the most readership and circulation numbers particularly on Sunday editions where numbers jump considerably. Additionally, the Bulletin is a weekly paper whereas the Sun News is a daily paper offering better opportunities to meet posting requirements and reach out to the largest group for notification purposes. Cost associated with an "average" ad regarding a Planning and Zoning Commission meeting listing the respective cases slated for consideration is \$144.00. Obviously fluctuations exist on a monthly basis, but generally speaking this average exists for this specific body. Other subordinate boards also require ads to be posted and costs for those postings is likely to be very similar in that similar requirements to meet New Mexico Open Meetings Act standards apply to all committees, boards, commissions, etc.

Potential Adjustment. None is recommended. That said, in the past, various citizens at least from the Community Development perspective have advised of the need to post a "regular" ad in the State/local section of the

newspaper rather than the legal section. The legal section has been used for decades in that the ad is a legal requirement and that this section of the newspaper is where said postings are placed and where citizens have gone to seeking information on municipal government meeting activities. Additionally, placing an ad elsewhere in the newspaper in a manner similar to the ads placed when the City seeks board members, etc. (2"X4" ad) are considerably more expensive. In fact, the amount for a weekday posting is approximately \$255.00 and approximately \$277.00 for weekend postings. Additionally, there is no incontrovertible proof that ads placed elsewhere in the paper receive more attention than those placed in the legal section.

Property Signs – For all cases presently heard by the Planning and Zoning Commission and/or the Extra-territorial Planning Commission, signs identifying the case and relaying relevant information about the upcoming meeting where the case will be heard are placed in the most suitable location on the property in question. These signs are printed on a material called "duraplast" which is in essence corrugated plastic (similar to corrugated cardboard) and measure 18" by 24". Much of the information contained on the sign stock is pre-printed requiring some to be hand-written indicating the specific case number and date of the respective meeting. For cost savings, the Community Development Department will often purchase signs in bulk from the same company for all case types handled. Generally, these signs cost \$4.04 per sign. Depending on the size of the parcel being acted on and the number of frontages said parcel may have, two or more signs may be erected on the property in order to more adequately provide notice.

Potential Adjustment. As of the writing of this report, staff was unaware of any requirements by any other body calling for sign posting. In order to provide better communication to the general public, staff would recommend that all boards, commissions and committees that have an issue specific to a tract or parcel of land wherein said board, committee or commission will act on an issue potentially impacting surrounding properties, neighborhoods, etc., post signs in similar vein as what is done in Community Development. Said adjustment does not guarantee a higher degree of communication with the general public, but does serve as an added measure if none currently exists.

Neighborhood Association Notification/Mailing. As previously stated, a policy is in place for notification of registered neighborhood associations when development takes place. Three key performance aspects call for 1) the City to notify any applicable registered neighborhood associations when a development proposal is within association boundaries or within 300 feet of said boundaries; 2) the applicant to give notice via certified letters to association representatives within five days of submitting an application to the City of the intent to develop and to provide detailed information of said development plans; and 3) the neighborhood association to allow open membership to persons within prescribed boundaries, hold at least one meeting per year along with other operational parameters deemed to be fair and democratic in nature. For purposes of the policy, development as defined by the policy is a submittal package for a zone change, variance, special use permit, master plan, preliminary plat, or annexation.

Potential Adjustment. As earlier stipulated, some communities have codified the requirement regarding neighborhood association notification when pending development is imminent. The provision could call for proof of notification and proof of holding a meeting (assumes association contact only) to discuss the aspects of the request prior to scheduling the case before the first hearing body to which the case would otherwise be directed. Failure to provide the necessary proof to City staff would then cause the case to be postponed indefinitely until evidence can otherwise be presented. Amendments to an original submittal made by the applicant could cause additional notification and meetings with the association. It should be stipulated that notice to association bodies could be via first class mail or email to the top representatives of the group. It would then be their responsibility to notify their membership of any and all meetings with the applicant on the matter. As a point of reference regarding existing operations, staff routinely recommends notification of pending developments by the applicant to neighborhood associations, but has not codified authority to ensure this has taken place.

Contemporary Methods

Website Information. The City of Las Cruces has maintained its website for approximately 10 years having changed format and software once since its inception. For approximately four years under the previous format, the Community Development Department along with other City departments utilized the website to announce meetings, issues and various informational items that were a benefit to the community at large. The Community Development Department as an example, structured a few web pages for the sole purpose of announcing incoming development proposals submitted for further processing, consideration and approval. Said proposals were related to planning, subdivision, zoning, annexation and variance activities. As designed, a customer could in fact review the titles of all proposals, determine the date of submittal, review a synopsis of the development application, and finally track to an extent, the review process and status of said proposal. In that the posting of information was handled in-house, costs associated with the upkeep of said data was limited to staff salary and benefits per the amount of time taken each month to maintain the data. It is estimated that approximately \$1,900 per year was spent maintaining this information on a monthly basis. This amount was derived by taking the Planning Technician Senior salary and benefits multiplying this amount by the approximate number of hours each month taken to update the information (approximately 6 hours), times 12 (number of months).

With the launch of the new City website, the old webpage format for posting of development information became incompatible. As such, efforts are presently underway to launch a similar development notification application in the new web environment. Staff has met with the Information Technology Department to determine how best to approach this transition. Staff has requested significant changes in how the information is displayed so that a more interactive and graphical query process and delivery of information can be achieved. Unfortunately, staff has been advised that there are limitations to requested improvements especially where the graphics are concerned at the present time. Staff hopes that in the near future, the new information can be posted and maintained so to provide the needed information to those that can gain access via the internet. Although initial costs to establish the new environment will be higher than the \$1,900 due to the number of staff interacting on and engaging the development of the application through the new environment, ongoing maintenance is expected to remain virtually the same as before with perhaps slight increases per annum as salaries are adjusted. This option is a very useful tool for the dissemination of information however as stated, is limited to those

with internet access only. Those without, will see significantly less benefit, but can utilize one of the other options discussed and presented.

Potential Adjustment. Staff is in the process of creating a similar application as before within the new website environment. Staff will continue to pursue a more interactive and graphical approach to querying out case, plan or information items that are specific to geographic areas that might be of interest to citizens as opposed to City-wide issues. Doing so will allow neighborhoods and property owners/tenants an opportunity to see what issues are potentially taking place in their neighborhood. Should such an application come online with these features in mind, staff recommends that all departments maintain a similar setup in that they too have issues that are often applicable or of interest to neighborhoods and/or residents city-wide.

Listserv/Email Notification. The idea for a list service whereby users that have “opted in” for emails to be sent to their pre-defined email address informing them of issues has been in use for several years in the computing world. The idea is not too different from what is discussed in the Newsletter option that follows in context to the distribution aspects, but through the use of software specifically designed to host a listserv, the flexibility to create, provide and distribute information and allow subscribers a venue for interaction on a given topic is far more robust. L-Soft Corporation for example presently sells a product called LISTSERV and can be used in tandem with our existing website and is scalable to serve the City’s existing and future needs. The product, based on initial review, is compatible with the City’s existing computer environment and allows the management of all types of mailing lists, including email newsletters, announcement lists, discussion groups and email communities. Features within the product allow for the management of content posted on a given topic and include security features that prevent the software’s use from becoming a threat to the City’s network. Further research is pending on the ListServ option by the City’s Information Technology Department and costs for implementation of this technology varies depending on software version purchased and number of seats needed. As such, prices may range from \$500 to roughly \$9,500. Assuming the upper price range considers far more licenses that the City may need, initial estimates place an anticipated price for purchase of the product at approximately \$4,000.

Use of a simple email distribution list is a very basic alternative. Once again, those wishing to subscribe and receive development related information would merely have to supply a valid email address which could be housed on the network if multiple departments wished to use the source or could be housed by staff handling development matters. Once a proposal was submitted, those individuals could receive basic information about the proposal along with PDF scans of all related submittal documents. The application requires no additional software other than what is in use today, but would require maintenance of the email list when individuals modify contact information and/or otherwise opt out of the service.

Potential Adjustment. None. With exception of the basic email notification aspect, this is a new application that would come online if chosen as an acceptable and implementable option.

Newsletter. Newsletters have been used by various departments within the City organization for many years and for a variety of purposes. Three current examples involve the monthly Metropolitan Planning Organization's Intersections newsletter, the official City of Las Cruces quarterly newsletter, Community Connections and finally the City Manager's weekly newsletter to City Council. The purpose for each of these newsletters is to inform the community and Council of various organization and topic specific items that may be of interest to citizens, stakeholders and Councilors/staff alike, but are uniquely different in content and associated distribution. Intersections for example, is prepared by MPO staff, contains information about activities and issues involving the MPO region and transportation planning in general and is distributed to individuals and groups that have asked to be informed of all things MPO. Thus, recipients are those that have since been identified on an email list maintained by the MPO. Community Connections on the other hand, is a newsletter that is prepared by City staff, contains a variety of topics related to the City and the services it provides and is distributed to approximately 58,000 households in the Las Cruces community. The City Manager newsletter is very topic specific to the organization and is intended to keep the City Council informed on significant issues that are ongoing within the organization or that have come up in meetings. The newsletter although intended for Council, is distributed to City staff and various stakeholders that have asked to be included on the distribution email list maintained by staff.

From a distribution standpoint, Community Connections utilizes the most current mailing list obtained through the local United States Post Office based on carrier route address data. At a mailing cost of approximately \$9,000 each quarter

(does not include production costs), Community Connections is by far one of, if not the most expensive newsletters the City distributes for the purposes of maintaining an informed community. In that other departments may have a need to distribute information in a similar manner; further examination of the distribution numbers and mailing costs may need to be examined. If for example, Community Development distributes a newsletter on all things planning, zoning, housing, and development, staff would have to determine whether distribution would be via an email list created and maintained in similar fashion as the MPO and City Manager newsletters or whether staff would try and isolate the distribution to areas directly affected by the issues, developments or topics discussed therein. In addition, staff would need to determine whether to send the information to property owners only (using Dona Ana County Assessor data) or to all residents within a notification area defined by staff. In either case, distribution would try to isolate a specific distance around a development proposal or area where a plan is being drafted, and could be distributed to either all residents via data sources recommended by the USPS such as Maponics (isolating to closest carrier route level) or again, property owners specifically. At roughly \$0.16 a newsletter (based on Community Connection data) for postage, costs are within reason if property owner distribution will suffice. If resident notification is desired, a service like Maponics could provide deliverable address within a prescribed distance around a subject property, but will increase costs by \$100 at minimum for each distribution list provided by the Maponics service. In that their service isolates a radially defined geographic area with a centroid defined by address, intersection, or other geographic marker, staff would have to manipulate the data to a degree in order to limit the distribution to those most likely impacted by a proposal without duplicating mailing list or service costs when multiple areas within a relatively small distance from one another are under development or planning consideration. Either way, each option would necessitate a budget increase to the postage budget line item to accommodate the anticipated monthly distribution of information pursuant to the development submittal process. Other than the costs represented in this option, it is very difficult to isolate an approximate overall cost per month for providing a notification newsletter using the resident notification approach. In terms of the newsletter preparation costs, that is entirely dependent on the amount of data and information shared based on the newsletter format that is ultimately created. To give some idea of costs however, the MPO newsletter takes one staff person four hours to generate. Admittedly, the newsletter is very basic in design and not very lengthy in content. If the salary and benefit schedule used for the website application is applied, approximate production costs for a newsletter is roughly \$1,300 per year.

Potential Adjustment. None. This is a new application for various departments inclusive of Community Development (non-MPO) that would come online if chosen as an acceptable and implementable option. The purpose, focus and distribution timing of such an application dictates the level of complexity and amount of resources absorbed.

Social Media. As social media grows in popularity, so to do the opportunities for utilization of this venue for purposes of public notification. The two most popular social media applications in use today are Facebook and Twitter. The applications are entirely web based, but are accessible via desktop computers, notebook or laptop computers, tablets (e.g. iPad) and even smartphones. Several studies with one of the most recent being by www.onlinemba.com, show amazing use statistics for these top two popular applications which translates into a very strong possibility of successfully disseminating necessary information to a target audience. As with most things, each application has its drawbacks. Twitter for example might be used to tweet simple announcements of no more than 140 characters in length to persons in the community that have opted to follow a specific department or related activities; however, the message, due to the character limitations, may not allow an adequate amount of information to be posted about an issue or case submittal and there are no capabilities to post or attach pictures or graphics to the tweeted message which may help convey issue specific information.

Facebook on the other hand, has a 60,000 character length limit on what is called a status update (may be an announcement of pending developments submitted for review), and also allows the insertion of pictures or graphics that can demonstrate further what an issue involves. Individuals like with Twitter, may "friend" a department and in so doing, learn about projects or other information that the department intends to share such as development proposals. Facebook allows "friends" to share information and post comments about the posted message and as such, the application can in essence become a discussion forum of sorts wherein individuals with similar or divergent viewpoints can discuss the merits or faults of a specific issue. This in turn allows staff an opportunity to obtain a clearer picture of any and all concerns regarding the subject at hand. At least with Facebook, one potential drawback may involve the need to moderate the site regularly and eliminate comments that have inappropriate content. This effort becomes an issue that directly impacts cost of service in that staff would be assigned to the task and would have to monitor activity regularly. There is presently no data that staff is aware of that can translate this effort over any given time into costs associated with doing so.

In regards to social media, the City continues to study the issue surrounding its use thus, there are no specific guidelines to follow at this time. In addition to receiving permission to use such a method, staff would be learning in part what it takes to maintain such an outlet for municipal information.

Potential Adjustment. None. Although some limited applications have either been or are currently in use, this option is for all intents and purposes a new application that would come online if chosen as an acceptable and implementable form of communication.

Robo-Calls or Voice Broadcasting. Robo-calls so called due to the nature of the outgoing call to residents by a digitally recorded message played via automated means are considered by some to be a blessing and by others the bane of human existence. Robo-calls have received national attention to say the least in that this modern technology allows a pre-recorded message to be delivered and played to large numbers of potential listeners without consuming a large amount of resources. Politicians have used this technology as of late to solicit support during an election and sometimes to garner support for a position or view. Conceivably, this technology may be used by municipalities to disseminate information on issues, policies, cases or events that the City is dealing with or involved with. The applicability can be useful in almost all of what the City may deal with throughout any given year. At least from a Community Development perspective, meeting reminders could be sent to affected residents informing them generally of cases that may be of interest to them within the neighborhood in which they reside. The timing of the message is important in that if delivered too soon, the message may be forgotten. Too late, and there may not be enough time to arrange schedules in order to attend the intended meeting. Robo-calls like telephone polls or surveys are often viewed as a nuisance to the general public in that the message or call is made generally in the evening in hopes of catching the intended audience at home or away from work where the call can be received more appropriately. During this time however, citizens are usually home relaxing from the day's activities or having dinner with family and/or friends and thus, when the call comes through, the household activity is disrupted.

Agencies that coordinate and assist with robo-calling activities do exist and based on information obtained from one source, Dynamic Interactive, they have previously provided services for the City. The agent informed staff that the lowest geographic area for which phone numbers could be provided (assuming the City had no numbers to provide) was by zip code. This effort could be provided at no extra charge. Beyond that, cost for the service was stated to be \$0.03 per call. Based on website information, there exists an opportunity to have calls reach live persons with the intended message, leave messages on answering machines/services, or a blended recipient approach whereby the message could be received either live or left on or with answering devices/services. Unless the City had phone number sources available for a smaller geographic area than zip code, a "message campaign" would be received by persons in a much larger area than what may be considered the "affected area" of an issue, plan or case. There may be opportunities for the manipulation of the City's customer database via Munis and ArcMap to isolate specific persons/properties for the purpose of obtaining a more limited number of recipients by which to launch a message campaign. The effort to do this with each campaign may require considerable staff resources and may be somewhat problematic if phone number record information is absent in the customer profile. Testing of the database to select out records by a smaller geographic area and to determine available phone information has NOT been completed. Until this is done, the extent of resources to carry out the task is unknown.

The message itself will have to include as staff understands it, an opt out action at the start of the message that allows citizens a chance to end the call and also request not to be placed on a similar call campaign again. This action would comply with the Telephone Consumer Protection Act of 1991 (TCPA). Similarly, Dynamic Interactive suggests the message also include an option for more information which if selected would automatically dial the number of staff persons that may be available to provide said information. This feature could prove problematic if the limited staff on hand to carry out that role were busy and/or there were not enough staff on hand familiar with the case(s) to provide the information. The logistics of robo-calling would definitely have to be carefully considered prior to launching this option by any City department.

Potential Adjustment. None. This is a new application that would come online if chosen as an acceptable and implementable option. It should be noted that the Do not Call Registry as staff understands it, has no impact on messages of public benefit such as what is being proposed herein. With the option to opt out and an option to obtain more information, any proposed City generated call campaign appears to be in keeping with Federal and State Law.

Nixle or CityWatch. Nixle Connect, the most widely used product in the Nixle arsenal is a community information service that allows public agencies the opportunity to distribute authenticated and authorized messages to the general public via email and/or text messaging. Recipients of these messages must subscribe to the Nixle service at no cost and may opt to receive the messages either in email or text form (controlled by the subscriber). This is helpful for users that have limited texting on their cell phone service plan. Message types allowed by Nixle vary, but those supported by and relevant to this report are typically deemed priority/alert or emergency messages, less important advisory messages (like a weather advisory), traffic messages, or community information messages (i.e. announcing public meetings or case submittals, etc.). The Police and Fire Departments currently use Nixle for emergency/priority related messaging and based on the Nixle representative, use of the service for this specific purpose is free to public agencies. General community communication that might provide public announcements such as development submittal information or community meeting notices are treated differently from a cost perspective. Based on an estimate, City costs for Nixle Connect for non-priority alert purposes are based on the population and would be approximately \$4,400 per year. There is no limit on the number of messages sent or the number of department representatives that become authenticated distributors of messages. Thus, from a cost sharing perspective, the service could become very cost effective. One key aspect with this service as with other methods discussed that require subscribers that opt in to that service is the need to promote and widely advertise the service and its benefits. If there is no promotion campaign that seeks out subscribers, the value of this service will be limited at best. According to the representative, current subscribers that receive emergency service announcements number 1,845. This seems like a low number based on the 2010 census 21 years of age or greater population cohort which is listed as 68,599. This cohort was selected for reference in that they are most likely to possess email or a cell phone and wish to follow municipal issues that might affect their lifestyle, property, etc

One item worthy of mention is the possibility of adding to the Nixle service a feature called Nixle Dial which allows voice messaging capabilities much like robo-calls. Costs were not obtained for this service, but the fact that it is an option might make the overall method appealing in order to accommodate future need and allow contact to those that might not have cell service.

CityWatch is software that has been purchased and is presently available for departments to use in very similar vein as Nixle. In fact based on a quick comparison, it appears that CityWatch operates much like Nixle with exception of having an option for voice messaging. Staff's understanding at this time is that the Public Information Office is promoting the product and trying to get more departments on board with its use. As of this writing staff is unaware of any ongoing costs associated with non-priority alert messaging such as meeting announcements or case submittal announcements.

Potential Adjustment. None. For purposes of broadcasting public service messages other than priority alerts, this would be considered a new application that would come online if chosen as an acceptable and implementable option.

CLC-TV. Another outlet for distribution of information already exists and has been in use for a number of years. CLC-TV program formatting allows information such as weekly development submittal information to be displayed as part of the daily programming via static bulletin slides. With assistance from the Public Information Office, a template could be prepared that allows a designated staff person within any given department to create a table that reflects information to be shared with the public. In the case of Community Development as an example, any and all development activity and contact information could be entered on a weekly basis for display via CLC-TV and the associated static bulletin slides. Activity would be dated so that the most recent is shown first within the table with all other entries for a given month identified in the order received. The information would be updated weekly with only the current month's data reflected. Based on the document "Policy and Guidelines for the Operation and Use of CLC-TV", costs associated with this type of effort may exist, but are built into operational budgets that PIO requests each year.

Although this method is useful, not everybody watches CLC-TV and thus, the message and/or dissemination of information may not reach the intended audience or a large enough audience to have a significant impact. That said, it is yet another avenue to notify the public on municipal operational matters that might not otherwise be distributed.

Potential Adjustment. As needed by individual departments. Although CLC-TV is in operation at present, bulletin slides for the purposes identified will have to be prepared for use through this venue. This effort would take minimal effort to carry out.

Door Hangers. The last option this report will speak to for the dissemination of information involves the use of door hangers. So called due to the method cards typically 4.5 inches by 11 inches are placed at the front entrance of residences, door hangers are what some consider a fairly inexpensive method for informing the general public of sales, services and other information. At the dimensions listed above, there is a finite level of information that can be conveyed to the public. Costs for simple card production are \$75 per 500 cards printed with a price break at 1,000 cards (\$110). The number of cards that any one issue may require from a distribution perspective will vary significantly, but in terms of case handling via the Community Development Department, the numbers will align with the mailing option presently in place unless tenant notification will also be required. The real costs for this type of method come in the form of personnel used for card distribution. It is unrealistic to consider entry level staff as the distributor of related information in that staff time and resources can be used more effectively elsewhere in the organization. Conceivably however, co-op students hired on by the respective departments may be used for this purpose inasmuch as the salaries for these individuals are significantly lower than full-time equivalent (FTE) positions even at the entry level. Other distribution options might include outsourcing the distribution although in discussions with a local printer that provided the printing quote, there are no businesses at present that are set up to carry out this type of effort. It was stated that typically the businesses that distribute flyers and door hangers throughout the community use their own staffs for the effort. As such, an option as in the case of Community Development case handling may be to require an individual(s) that have a case pending before the Planning and Zoning Commission or other body to distribute door hangers with all applicable information within a period stipulated by the City. These hangars could be delivered to property owners/residents located on properties pre-defined by City staff. Even with this option, in order to reap the greatest cost savings benefit, generic door hangers would have to be printed with information regarding the case number and meeting type and date left blank. It is anticipated that this information would either have to be filled in by City personnel or the applicant. It is not anticipated that a large number of hangars would be needed for any one particular case assuming property owners/locations would only receive a hangar (in lieu of residents), nonetheless, staff would view this need to be handled by the applicant.

One concern with actual entry onto private property whether by City personnel or other individuals is the safety factor involved. As previously identified, angry property owners/tenants and/or pets may pose serious problems for those distributing the hangars. Also, complaints about littering are also possibilities given our windy weather during certain times of the year.

Potential Adjustment. None. This is a new application that would come online if chosen as an acceptable and implementable option.

Staff Recommendation

Based on the information provided and discussed, staff feels that the present process for the dissemination of information regarding City issues/business can be improved. At least with the efforts carried out by the Community Development Department most of what presently is in place will have to largely remain as stipulated by State law. Without question, the current practice seemingly falls short of providing the necessary notice to residents that may otherwise be affected by pending actions and in many instances has shown to be a burden on property owners as in the case and use of certified mailings. As such, implementation of a few of the unconventional or contemporary ways for distributing information may positively impact and bolster notice requirements and serve to be yet another tangible option for improving communication and engagement between City government and the citizens it serves. At the very least, said improvement sets the stage for opportunities to engage the public on various matters. Once notice has been received however, the difficult task becomes how best to involve those interested on the topics at hand in order to extract the essence of all related issues, the positives, negatives, ideas and ultimately solutions that provide a win-win scenario for the stakeholders involved. Tips and strategies on how best to achieve this can be found in the document identified earlier entitled "*Public Involvement Plan and Toolkit for Las Cruces*" which is attached as an appendix to this report.

Staff therefore would recommend each department consider and engage the following actions related to the types of notification processes the City typically undertakes.

Departmental review

Each department within the City should investigate the information contained in this report to identify ways of improving overall City/Citizen communication as it relates to projects, general information dissemination, case handling and processing, solicitation of input and similar activities. Upon review of related recommendations, each department should then initiate a notification policy that will be adhered to when soliciting or seeking to engage the general public on municipal matters deemed to have a direct impact on residents. Adequate detail will be necessary to outline the various instances where notification is required, how it will be achieved and the manner by which costs will be covered if applicable.

- 1) Review and adherence to minimum State Law requirements should be maintained at all costs as the process/issue dictates. Legal section use for legally mandated notification will still be used primarily due to costs, but ads when appropriate should be considered as a viable alternative when issues and opportunities for said use are deemed more prudent.
- 2) Certified mail used in the conduct of citizen notification should be converted to first class mail as applicable. Departments should examine "reasonable notice" requirements that may have been established for themselves or the boards, committees, commissions they interact with and if certified mailings are a requirement, revision of same should be undertaken to enact notice via first class mail. In lieu of the delivery certificate certified mail provides, an "Affidavit of Notice" reflecting those individuals that were sent notice along with the date and purpose of the notice can be generated and filed for future reference with the corresponding case or project file.
- 3) Sign use and placement should be considered by department staff across the organization when department activities impact a specific parcel or tract of land whereby providing limited information about pending actions to the general public within reasonable distance is prudent.
- 4) Website modification and implementation of key projects and undertakings by each department should be considered as a means of informing the public of same and the relevant issue(s) that pertain. Anticipated actions, dates of meetings, status updates and related information should be conveyed and maintained as applicable.
- 5) Listserv related software should be examined for its applicability across all department lines to help establish listings of citizens wishing to engage the public process regarding issues and projects the City is involved with. Dissemination of information can then be initiated as necessary and a forum established wherein topics can be debated and input received on an issue. At minimum, email distribution lists should be collected, maintained and used for distribution of applicable information.

- 6) Social Media should be considered as a viable addition to methods used in informing the general public. As indicated previously, those interested in the applicable departments actions or work programs could “friend” said department and monitor work flow and related commentary received by others or the City. The popularity and flexibility of access to this method proves to be worthy of further consideration.
- 7) Neighborhood association notification pursuant to the policy as written should be consistently applied, practiced and enforced by all departments within the City. Respective City staff should examine how best to codify related provisions thus encouraging neighborhoods to organize and register with the City which in turn allows for a better communication conduit between City and the respective neighborhood.
- 8) CLC-TV should be used to convey projects, issues, development submittal, etc. through the use of static bulletin slides. The option and parameters for its use are largely in place and costs associated with this method are low.
- 9) Nixle/City Watch should be investigated for implementation on an organization wide basis. In fact City Watch which is already available appears to be taking this course at present. Costs for City Watch are moot at this point in that the City has already purchased the software product. Costs for Nixel should the City wish to go this direction are reasonable and may prove to have a greater benefit in that voice calling capabilities are a possible add-on to the Nixel product. Either way, promotion of this method and venue if implemented will be necessary in order to truly have the greatest impact for the dissemination of information with the added bonus of allowing those interested to opt into the service and receive updates with little to no significant impact to their daily routine.

Conclusion

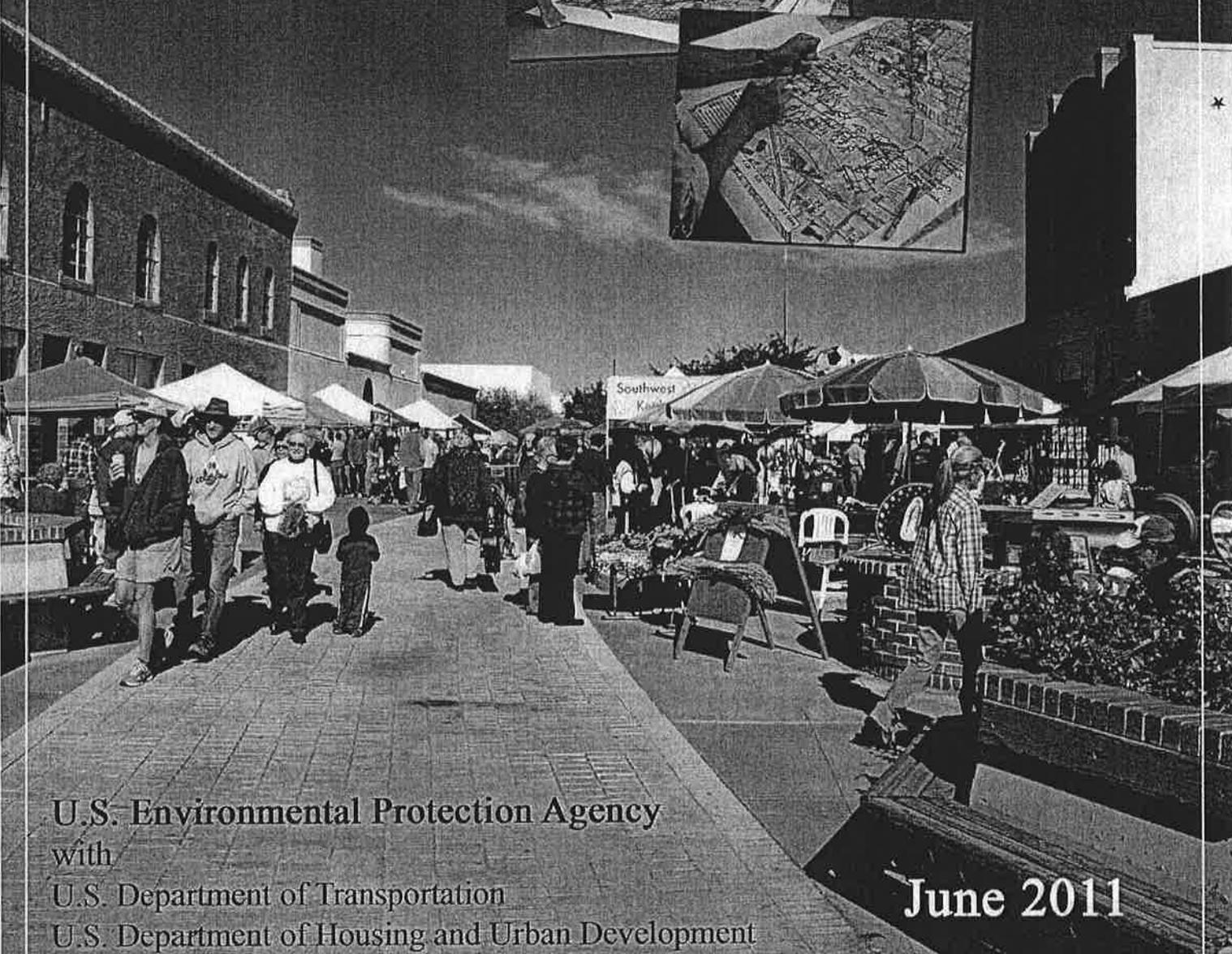
As the report stipulates, there are various departmental activities that require notification of residents and sometimes those processes are policy while others are tied to State Law and/or local ordinance. The report findings clearly demonstrate that in many instances the processes undertaken to provide notice while many, may not be reaching various stakeholder groups adequately or effectively. In hopes of improving successful notification strategies, this report suggest that various contemporary methods be examined by the respective departments within the City organization in hopes of determining which of those listed may bolster notification effectiveness as a means to better inform the citizenry. While implementation of additional methods may improve notification effectiveness, it goes without saying that there will never be a 100 percent level of effectiveness no matter how many methods are employed. Additionally, some of these methods come at a price in either soft or hard costs and as such, have to be balanced in context to the degree of which successful notification will be measured. Absorbing these costs by government can take place on a limited basis so as not to impact approved/future budgets and due to related limitations, other strategies of covering costs will have to be examined for many of the services provided particularly those involving public notification. Cost sharing as an example with parties for which notification requirements stem should be looked at and may very well come in the form of increased application/processing fees. This issue is a debate for another time and is not the focus of this report. Nonetheless, it needs to be said that the more complex and varied a process such as notification gets, the more costly the process becomes.

Appendix

Public Involvement Plan and Toolkit

Attached to this report as reflected on subsequent pages is the Public Involvement Plan and Toolkit which was referenced earlier in this report. Although different in focus, the toolkit is nonetheless part of the overall process of engaging the community once they have been made aware through notification, of any issues that may be of interest regarding municipal activities.

Public Involvement Plan and Toolkit for Las Cruces



U.S. Environmental Protection Agency
with
U.S. Department of Transportation
U.S. Department of Housing and Urban Development

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I. BACKGROUND

The city of Las Cruces is committed to developing a robust public participation model that includes deliberative planning and visioning processes. To that end, the city applied for technical assistance through the U. S. Environmental Protection Agency's Smart Growth Implementation Assistance program (see Appendix A for a description of the program). The goal was to develop a Public Involvement Plan and Toolkit that include strategies that invite and maintain the participation of all residents, especially ethnically diverse, low-income populations and others that have had limited to no previous involvement in community planning and design. Creative outreach and participation strategies that focus more on pictures than words were tested in two visioning workshops for the El Paseo corridor, a 1.7-mile corridor that extends southeast from Main Street in downtown Las Cruces to the New Mexico State University campus. The Public Involvement Plan and Toolkit summarize the process this project created and includes many, but not all, of the outreach and participation tools the project used to begin developing a vision for the El Paseo corridor. The plan and toolkit are intended to be used by city staff for all city efforts requiring public involvement.

Through the assistance, the city hopes to:

- Implement new public participation models that use multiple and non-traditional techniques to engage—and build collaborations among—the government, residents, and other stakeholders.
- Demonstrate the application of public participation tools to redevelopment efforts in the El Paseo corridor area that support fair choices in housing, mobility, and commercial activity.
- Develop options for how a public participation strategy or toolkit could be applied to the city's larger, comprehensive planning efforts.

EPA selected the city of Las Cruces because of the city's interest in developing inclusive public participation strategies that would help Las Cruces become a more sustainable and equitable community by:

- Promoting biking and walking as a safe alternative to driving.
- Reusing brownfields and vacant and underused parcels, thereby reducing pressure to develop on open space and agricultural land.
- Encouraging a mix of residential and commercial uses for residents and visitors regardless of race, ethnicity, or income level in the El Paseo corridor, as well as throughout the city.

- Incorporating landscaping into street design and site development to reduce flooding and improve water quality (commonly referred to as “green infrastructure”).

Though written specifically for city of Las Cruces staff and decision-makers, the strategies and tools compiled in this document will be useful for many other communities wishing to expand the conversations about development to include populations that have often remained outside of decision-making process because of socioeconomic issues and language barriers. A more inclusive decision-making process can help communities identify and decide upon policies that encourage development that is good for the environment, the economy, public health, and the community.

“Picturing El Paseo” – A Snapshot

The El Paseo corridor was selected by Las Cruces staff as the location to test public involvement practices because of its potential to accommodate future mixed-use, development that would still serve the needs of existing residents and users. Staff from EPA, the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Transportation (DOT), along with the EPA contractor ESMpr and city of Las Cruces staff, made up the project team that developed a public involvement process and selected (and sometimes created) specific involvement tools.

El Paseo Road is an active corridor with a mix of uses and a diverse population, many of whom rely on public transit or walking to get around, including low-income families, senior citizens, and high school and university students. The corridor is home to some of the highest commercial vacancy rates in the city. The design is heavily automobile-oriented and is dominated by strip malls separated from the street by vast, mostly empty parking lots. These design factors, combined with heavy automobile traffic, make the area unpleasant and dangerous to pedestrians.

In the spring and summer of 2010, city staff undertook extensive community outreach in preparation for workshops in the fall using the outreach tools described in Section IV. Strategies ranged from using social media and establishing a project website (www.picturingelpaseo.org) to more direct engagement with citizens through an activity called “Planners with Scanners.” In this activity, city staff went out into the community to senior centers, coffee shops, and other places to gather stories about what El Paseo used to be—a vibrant street where one would go to “see and be seen.”

The two “Picturing El Paseo” visioning workshops were held in the fall of 2010 to test outreach and participation strategies collected and developed by the project team. The first visioning workshop was held in October 2010. This workshop was for invited stakeholder groups to test participation techniques and to train city staff to lead the second visioning workshop. A photobook created to summarize the activities is included in Appendix B. The second public

workshop was held in November and was open to the public. In both workshops, activities were very visual: annotating maps, using visual preference surveys on computers, and artists drawing participants' ideas for El Paseo in real time. Participants were also broken into small groups to assemble photographs that city staff collected from people prior to the workshop into a collage that illustrated what they liked and did not like about the corridor area.

As part of the visioning process, the Federal Highway Administration (FHWA) funded a one-day road safety audit (RSA) in October 2010. An RSA is a formal safety performance evaluation of an existing or future road or intersection conducted by an independent, multidisciplinary team. The El Paseo team included representatives from FHWA, the city of Las Cruces, Las Cruces Police Department, New Mexico Department of Transportation, Las Cruces RoadRUNNER Transit, and Las Cruces Municipal Planning Organization. The RSA's preliminary recommendations included improving crosswalks and sidewalks and reducing the number of driveways off of El Paseo. The recommendations are generally consistent with the comments from participants of both workshops.

Finally, the city also hosted a green infrastructure workshop in August 2010. The workshop, developed by the city of Las Cruces staff with EPA assistance, was for local design and engineering professionals, city staff, and decision-makers. The purpose was to present and educate participants in green infrastructure practices appropriate for an arid climate such as Las Cruces. The workshop preceded the El Paseo visioning workshop and complemented the visioning efforts by educating city staff about green infrastructure techniques, which allowed them to include a session about these techniques in the visioning workshops.

The Picturing El Paseo workshops and associated activities provided the city with a rich collection of images and written comments that city staff began to analyze in early 2011. City staff and leaders hope that El Paseo can one day return to being the heart of Las Cruces.

II. INTRODUCTION

The Public Involvement Plan and Toolkit provide a framework for meaningful public engagement and the outreach and participation strategies necessary to build trust, excitement, and support among Las Cruces residents for a city project or initiative. When done correctly, public involvement creates the opportunity for mutually equitable outcomes, growth that increases economic vitality, and environmental stewardship. These initiatives can result in a more equitable, environmentally responsible, and economically healthy Las Cruces that is appreciated by residents and visitors.

Successful public involvement means including all voices—the traditionally represented as well as underrepresented groups. Traditionally represented groups include politicians, developers, philanthropists, and voting constituencies who routinely participate in civic affairs.

Underrepresented groups include those who have, for a variety of reasons, not participated. These groups might include people with limited mobility, the learning impaired, non-English speakers, those ineligible to vote, and the low income. These voices are important parts of a rich social dialogue and bringing them together can inform the planning process in ways that create more environmentally, economically, and socially sustainable outcomes for all participants.

Involving the community requires time and resources, but community involvement is worth the effort for several reasons:

- Incorporating substantive public input increases the likelihood that the public will support the project.
- Proactive public involvement can reduce or eliminate disputes by bringing public and stakeholder interests together at key project stages.
- The project can be improved by bringing an informed citizenry together with professionals.
- Development can be expedited with a clear mandate from the community.
- Trust is created between the city and the community.

The plan presented here outlines the necessary steps for establishing realistic goals, selecting appropriate outreach and participation strategies from the accompanying toolkit, evaluating the results, and sharing those results with the community.

III. PUBLIC INVOLVEMENT PLAN PROCESS

The process to develop a Public Involvement Plan involves six steps:

1. Ask the key questions.
2. Set the goals and expected outcomes of public involvement.
3. Develop outreach and participation for the Public Involvement Plan.
4. Perform outreach and participation as outlined in your plan.
5. Evaluate the results against plan goals and outcomes.
6. Share the results.

1. Ask the Key Questions

The first step asks four key questions. These questions determine if the plan should move forward. If the answer to any one of these questions is “no,” then the city should change the plan to address concerns or determine if the plan should be cancelled.

The four key questions are:

- A. Do we have the right team?
- B. Do we have the time?
- C. Do we have the resources?
- D. Does our plan meet legal requirements?

A. Do we have the right team?

This plan is intended for all city of Las Cruces departments, since public involvement is not under any single department’s purview. All city-led projects benefit from public involvement whether it is a redesign of a particular street, a new housing development, a new park project, or even a new budget process. Many projects and initiatives will benefit greatly from cross-departmental cooperation. The team, though led by a particular department, could also include staff from other departments that have an interest in the outcomes. This would not only improve communication among departments but also expand the participation of community stakeholders that traditionally may have only been involved in the activities of one specific department. A diversity of voices will ultimately produce richer results.

B. Do we have the time?

The time needed for a public involvement process can vary greatly. Typically, three months of outreach prior to the involvement activities (e.g. public workshops) will be enough time to raise awareness through the Internet and media and to engage community-based organizations and other interested parties.

C. Do we have the resources?

Sufficient resources are needed to put the PI Plan into action, including time and staff to develop the PI Plan, generate all materials needed, and perform the outreach and participation tasks. Tasks can be resource intensive, and a team of staff members or volunteers will probably be required.

Language considerations must be taken into account during the execution of the public involvement plan. All information should be available in both English and Spanish. Spanish-language information should be presented in the local dialect and use plain language free of technical jargon. Staff should consult with native speakers regarding each initiative governed by this plan to ensure that Spanish information adequately matches all English materials in content, form, and tone. In addition to producing materials in the two most commonly used languages in the area, the city should accommodate those who speak other languages. Showing the willingness to translate materials to make them more accessible will demonstrate to target audiences the city's commitment to engaging them, and they will hopefully appreciate the effort to communicate and be more interested in working with the city.

D. Does our plan meet legal requirements?

Regulations and laws at various levels of government affect public involvement, often requiring specific outreach activities or participation techniques. All legal requirements will need to be considered as the city implements the plan to create legally defensible processes. The following legal issues are among the requirements that the city might need to address, where appropriate, in the plan:

- Americans with Disabilities Act.
- National Environmental Policy Act.
- Federal Transportation Planning Requirements.
- Environmental Justice Requirements.
- Housing and Urban Development Requirements.
- State of New Mexico Open Meetings Act.
- State of New Mexico Inspection of Public Records.

2. Set Goals and Outcomes

Setting goals for the plan is important to determine the activities that comprise the plan and to evaluate the success of public involvement. The goals and desired outcomes should be defined in a document that all involved parties have a chance to review prior to involvement activities. If the goal is to create a community-driven design, an expected outcome would be substantive

public input to give to designers. Writing these expected outcomes down makes evaluating the involvement process after the plan has been completed much easier.

3. Develop Outreach and Participation Activities

After asking the key questions and setting the goals, the city would develop specific outreach and participation activities. Outreach and participation tools are described in the toolkit in Section IV. Outreach activities should be well defined and include details such as target audience, budgetary implications, and who is responsible for developing and distributing outreach materials or performing outreach activities. Participation activities should be described so they can be understood by the public and should include details such as step-by-step instructions to perform the activity, the results that will be generated, and how the results will be used. Describing the outreach and participation activities creates a work plan that will guide the project team and become part of the public record of the project. Additionally, defining public involvement activities in writing clearly lays out the city's commitment to involving the public.

4. Perform Outreach and Participation Activities

After the public involvement plan for the project or initiative is crafted, it should be reviewed and discussed by the project team—those who will actually perform the outreach and participation tasks. Team members need to be realistic in understanding the amount of work involved in producing the outreach materials, distributing these materials, developing participation, and facilitating participation exercises. Additionally, team members will benefit from occasionally taking a step back, looking at the big picture, and ensuring that they are honestly listening to other people.

5. Evaluate the Results

Upon completing the involvement activities, team members should evaluate the input received and the process used. The results of this evaluation can be as important as any input gathered, as the lessons learned can help improve subsequent plans.

A successful public involvement process may result in a great deal of public input, often gathered through multiple methods. This input needs to be carefully examined and summarized. Then the input should be shared with the public, allowing the public to “double check” the results. This step also maintains transparency in the involvement process. All input should be synthesized into a format that is clear and understandable to the public and to future staff and decision-makers to provide insight into the process used to gather it.

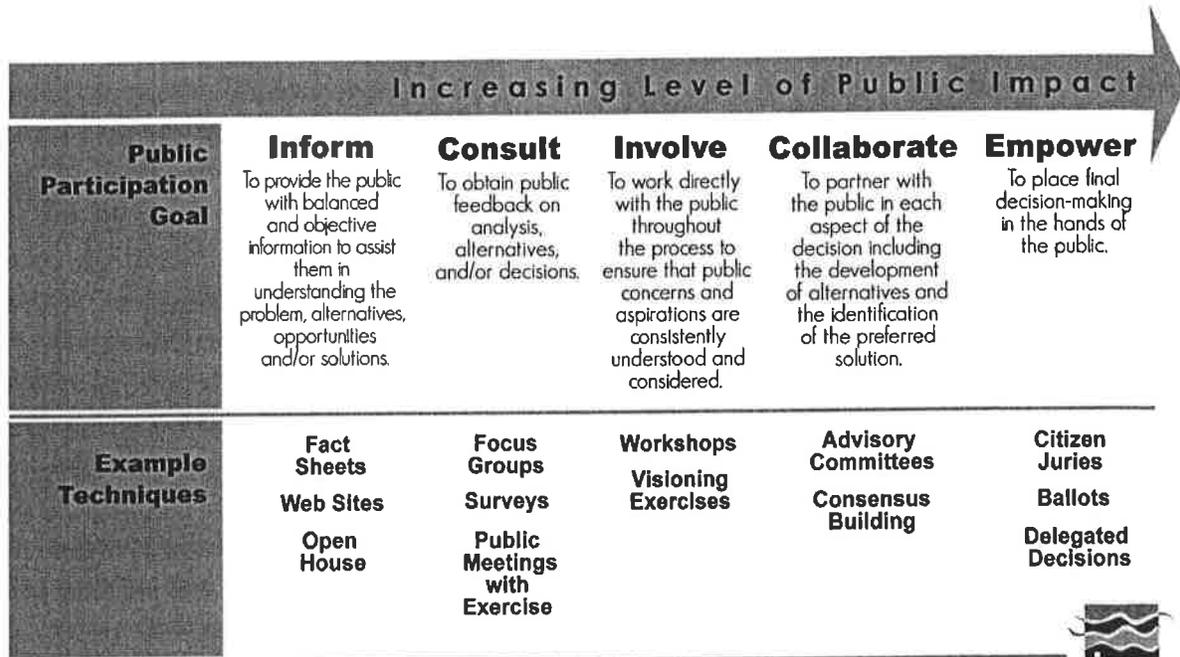
After synthesizing public input, the team should evaluate the entire public involvement process to identify lessons learned. This exercise will help the team determine which activities were most successful in meeting the goals. If the process and the results align with the expected outcomes and goals, the lessons learned can provide guidance for similar success in the future. If there is a disparity between outcomes and expectations or if goals were not met, then the city should consider how future attempts at similar involvement could be modified. Furthermore, even if outcomes are not what were expected, sharing this fact can build public trust by demonstrating that the city values honest, transparent communication and not just results.

7. Share the Results

As with all aspects of the public involvement plan, the performance evaluation should be well documented. By writing documents that describe the processes, the results, and the evaluation of those results and processes, the city creates a public record for each initiative. This public record helps staff look back on the process and understand the effort involved, the benefits realized, and the lessons learned. The documents also allow all members of the community to share in the project's success and facilitates public dialogue about the results of public involvement processes. The city can keep two-way communication open after sharing the results to give the public avenues to comment on these results. Comments regarding the results can steer decision-making, gauge public sentiment, and develop buy-in from stakeholder groups, other city departments, and the public.

Tailoring the Public Involvement Plan to a Project

To tailor this plan to a specific project, the team needs to determine what level of involvement is needed and set the goals accordingly. The goals outlined for the plan will drive the outreach and participation tools described in Section IV. Outreach requires identifying target audiences and specific strategies to reach these audiences. In participation, the techniques will change depending on the type and level of participation needed to develop the input the project needs. The Public Participation Spectrum (Figure 1) can be used to determine the level and type of involvement for the project. The spectrum can be used as a sliding scale of public involvement that starts with basic involvement that simply informs and goes up to empowering the public to make decisions. A particular project will fall somewhere on this scale, and the team can "slide" the outreach and participation activities to meet the needs of the project or initiative.



Specific tools for Outreach and Participation are outlined in the Toolkit.



Figure 1. International Association of Public Participation (IAP2) Public Participation Spectrum (<http://www.iap2.org/>)

Summary

This public involvement plan process provides specific methods to reach out to and involve the public in municipal actions. This engagement allows interested parties to learn about and influence decisions that affect their community. Decision-makers can use the public involvement process to gauge public sentiment and gather helpful input for current and proposed policies and projects. The community has a better chance of reaching equitable outcomes when all parties are involved, informed, and included in decision-making. By using this tool for decision-making, a community can make decisions that balance economic vitality, equity among citizens, and environmental stewardship. By honestly and earnestly seeking to incorporate public aspirations, advice, concerns, and considerations, the city of Las Cruces creates a great opportunity to move forward in the best interest of all community members.

IV. TOOLKIT

1. Introduction

The toolkit contains outreach and participation tools the city could use in their involvement process. Like any tool used to repair or build something, the tools described in this section are designed to be used in concert with one another to accomplish the goals and objectives established for a particular public involvement effort. The toolkit includes:

- **Outreach tools** to inform and engage all segments of the population, including those who may be affected by an initiative, the general population, and those who have traditionally been underrepresented.
- **Participation tools** to create and document useful input.

Certain tools will prove widely useful and could be used frequently on multiple projects or on iterative efforts. Other, more specialized tools may not get used as often but are available in this toolkit should they be needed. As work moves forward, new tools may be needed to perform a specific function. These tools can be added to the toolkit using the New Tool Worksheet in Appendix B.

Upon completion of any public outreach or involvement effort, city staff should write a summary memo that documents and analyzes comments received. The memo should also document the tools used and the success of those tools in achieving the effort's goals. Lessons learned will help with subsequent outreach and involvement activities. To assist in evaluation efforts, the team can use the Evaluation Worksheet in Appendix B.

Finally, staff availability is crucial to the success of any outreach and participation efforts. As noted in Section III, a cross-departmental project team should be established at the beginning of any effort. On that team should be a primary staff contact who responds to public inquiries and forwards correspondence to the appropriate project team member for timely response.

2. Outreach Tools

Outreach tools help connect staff and elected officials with audiences to develop awareness of and participation in the project under consideration. These tools also provide basic project information and direct interested parties to additional resources that give more information. In general, implementing as many of these tools as possible will provide more information to the community about a project and the opportunities to become involved. Outreach should be two-pronged—focused outreach to specific residents and stakeholders whose input is needed for an

inclusive involvement and more general outreach to reach a broader audience. Focused outreach involves city staff going out into the community—reaching the businesses, religious institutions, schools, and social clubs of those residents who have, for any number of reasons, not been engaged in city planning and policy efforts. Involvement strategies to reach a broader audience include more traditional media campaigns (e.g., flyers, posters, websites, or radio spots) but also social media such as Facebook and Twitter. Although the “more is better” approach may be tempered by time and budget constraints, the city should go straight to the people to involve them.

A. Project Announcement

A project announcement is a simple, one-page description of the effort that the city is undertaking. It tells readers who is involved, what the project is, where and when it is happening, and how the process will work. It is developed in print and digital formats and released to the public, businesses, institutions, agencies, and members of the community who are targeted for outreach. The announcement should be translated into the predominant languages of the community. In print format, the announcement may take the form of a flyer, bulk mail piece, or poster. The digital format can be an image file or a PDF that is uploaded to a relevant website, used in social media, or sent by e-newsletter. Costs may be higher if the city uses professional graphic design, certain distribution methods, or multiple distribution methods.

B. Partnerships with Community-Based Organizations

Community-based organizations (CBOs) are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; churches and other faith-based organizations; service clubs; schools that provide English as a second language programs; service providers for youths, families, and persons with disabilities; and many others.

Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underrepresented groups. The city can reach out to specific organizations to provide these groups with project information and encourage them to become involved. Should these groups have specific needs that might affect the involvement process, the city should clearly outline strategies to meet those needs. For example, organizations that represent people whose first language is not English should be invited to participate in exercises where they can receive information and provide input in the language with which they are most comfortable. Often, the organization can provide the venue and opportunity to meet with the group and perform a participation tool exercise, such as a coffee circle (described in the Participation Tools section).

C. School Partnerships

School administrations can publish information in school websites or newsletters or send email to distribution lists to engage students and their parents. Outreach activities can also be integrated into school curricula to inform students about a project through activities such as learning games and field trips. In high school, educators can create modules for classes and clubs involved in activities such as photography, computer science, art, civics, or creative writing. For instance, if the city of Las Cruces is undertaking a planning effort for a particular neighborhood, students of the local school could undertake a history project documenting the neighborhood. Or a multimedia class could produce short films documenting a “day in the life” of neighborhood residents.

D. Project Website

A project-specific website gives detailed and extensive information and allows for two-way communication. It should complement, not replace, other outreach and involvement efforts, since many people do not have access to the Internet or do not use it frequently. The website can stand alone or could be integrated into the city’s existing website. If possible, the city should use an intuitive URL, such as [www.\[project name\].org](http://www.[project name].org) or [www.\[city name\].gov/\[project name\]](http://www.[city name].gov/[project name]). Websites should be easy to access and to navigate and have translations available in Spanish or other appropriate languages.

E. Social Media

Social media and social networking websites include Facebook, Twitter, YouTube, and blogs. For any initiative, the city could create a social media strategy and invite target audiences (identified using city email lists or previously interested groups) to participate. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience. If the medium allows for public commenting, the project team should moderate those comments to ensure content is appropriate.

F. Electronic Newsletters

Email newsletters quickly and easily disseminate information to contact lists. While e-newsletters can be inexpensive if sent electronically through a listserv, an e-newsletter service may provide a more attractive-looking and engaging newsletter, but at an increased cost.