

**RE: VISTA RANCHO ANNEXATION/ZONE CHANGE/MASTER PLAN,
JULY 2006**

Written and submitted by Sandy Geiger - July 2006

ANNEXATION ISSUES

Issue #1: Lack of Annexation Policy.

- The NM State Statutes (3-21-3.2) state that the ETZ land use authority shall have jurisdictions and powers of an ETZ zoning authority and shall carry out all its duties related to planning, platting, jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided for in the Municipal Code. Unfortunately, our city's municipal code has an annexation policy which is actually a procedure, not a policy. It excludes participation by the ETZ Commission and Authority, contrary to the ETZ Comprehensive Plan's Objective 12.1 establishing effective inter-governmental communications and coordination including promotion of smooth transition of land uses along the ETZ boundaries.
- An Annexation Impact Analysis Report prepared by Community Development was provided to the City Manager on Sept. 13, 2003 with a request for direction from Council. The lead question was "Does Council wish to require that an annexation impact analysis report with detailed impacts be prepared prior to annexation?" The annexation impact analysis should consider several points, generally including the collection of statistical data, preparation of maps of the area, an analysis of existing public services, estimates of the new area's urban service needs and the costs associated with providing those services, estimates of revenues generated by the annexation, an evaluation of the social and economic characteristics of the area, and consideration of any special problems associated with the area. These items are then described in detail. What was the result of this report? Can it be applied here?

Issue #2: Notification. The residents in the ETZ are not presently eligible for early notification regarding major housing or road construction projects or annexation by the City of Las Cruces even though this request has been noted for years. The City's Neighborhood Notification policy was adopted last summer. By providing the neighborhoods with early notification, they can participate in the badly needed sector planning involving not only the proposed subdivision, but all impacted areas. We recommend extension of early notification to ETZ residents.

Issue #3: Representation. As it stands, the ETZ residents are county residents. They have no representation in the process of annexation as defined by the City of Las Cruces. The first public hearing of an annexation proposal is with the City's Planning and Zoning Commission. The second is with the City Council. There is no opportunity for ETZ residents to participate in the selection of these appointed and elected officials.

DEVELOPMENT CONCERNS AND CODE

Although the vision established in both the City Comprehensive Plan (1999) and the ETZ Comprehensive Plan (2000) was crafted with public participation and is a valuable planning tool, there is a breakdown in its implementation as evidenced by the Vista Rancho proposal.

Concern #1: Destruction of Rural Open Character. The annexation boundary creates a strange-jutting out appearance to the City limits. The annexation is responsible for the master plan and zone change request. The proposed master plan/zone change looks like the typical monopoly board of the 1950's. There is no indication of master plan integration with the characteristics of the environmentally sensitive escarpment terrain, nor surrounding properties and their land uses. There is no buffering with surrounding properties, no protection of view sheds indicated. The result is incompatibility with the surrounding area. Construction and increased construction and build out traffic will severely affect air quality.

Code: The CLC Comprehensive Plan, Land Use Element, 1.2.3. states that “rural residential areas are typically found on the outer rim of the urban area, in many cases delineating City limit borders. In rural area, citizens find inexpensive living opportunities, engage in agricultural and/or ranching activities, or simply enjoy the openness of the rural environment. Overall, the City values rural areas for their open space and clear views to the surrounding mountains and mesas, as well as for their cultural heritage and economic viability in agriculture and ranching. Policies shall be established to maintain and enhance rural residential living. Under Open Space: “There are two critical relationships which must be maintained and enhanced in a healthy urban fabric: the relationship of the fabric to its people, and to its natural surroundings. Open space, whether in the urban or rural environment, is the binding element to these relationships....The need for urban open space must be examined, establishing open space systems with arroyos, irrigation channels, parks and recreation facilities, schools, as well as with private development.”

Code (continued): The CLC Comprehensive Plan has an entire section devoted to the Environment Element, which is a guide to protect and enhance the natural environment and the impact on such environment through man's daily activities.....Air quality and water quality and quantity are addressed. Goal 1, Policy 1.2 c intends to reduce or eliminate known or suspected sources of particulate matter including ... Best Available Control Measures for disturbed soils from man's activities. Also in this section is a discussion of hillside and escarpment development and the complications associated with development. Slope stability, erosion, storm water runoff are a few of the problems. CLC Comprehensive Plan (Land Use Element) Goal 2, Objective 3, Policy 3.3a states that a master plan requires submittal of a written report that includes (a list of items followed by) environmental/geological impacts. Has this been done?

Concern #2: Incompatible, spot-zoned, high density mixed use/commercial on land zoned medium density residential (ETZ 1/3 acres lots) without public input.

Code: Zoning is paramount in NM law. Zoning protects the existing community. A zone change requires demonstration of a mistake in previous zoning or major change in the circumstances (Miller v. City of Albuquerque). The purpose of the CLC Zoning Code (38-2) is to “achieve an urban form which supports and enhances our unique environment. The intent of this Code is to encourage the most appropriate use of the land and to promote the health, safety and welfare of the community for the purpose of **improving each citizen’s quality of life.**” The ETZ Zoning Ordinance states similar purpose of promoting the health, safety and welfare of the community. Furthermore, the ETZ Comprehensive Plan’s Future Land Use Concept Map 2020 outlines the area east of and surrounding the Dona Ana I-25 interchange as a commercial area along with another area at the intersection of Dona Ana Road and Thorpe Road. Why aren’t we implementing the existing plans?

The Land Use, Growth Management Section, Goal 2, Objective 1, Policy 1.2 states that development shall not be approved where it significantly decreases the level of service of surrounding infrastructure. 900-1900 dwelling units will have a negative impact.

Concern #3: Community. We want community, not subdivisions. To develop community, regional or sector planning must be required. To have not involved the community impacted by the Vista Rancho annexation/master planning is plainly not good planning at all.

Code: CLC Comprehensive Plan Land Use Element, Goal 3, Future Concepts 2, and 3 require sector planning and neighborhood planning that are to be implemented by the “Planning Area Process for the City.” The ETZ Comprehensive Plan Goal 2 talks about developing the physical structure of the ETZ in a manner that provides a “sense of community” and reflects a logical, efficient, aesthetic and environmentally sound overall form that will serve to.....retain an “open character” in the ETZ.