Realize Las Cruces Ad Hoc Committee Agenda
March 15, 2023 at 3:00 PM
700 N Main, Las Cruces, NM 8001
City Hall, Room 2007 - C

I. Call To Order

II. Approval Of Minutes

II.I. January 18, 2023

Documents:

01-18-23 REALIZE TAC MINUTES.PDF

II.II. February 1, 2023

Documents:

02-01-23 REALIZE TAC MINUTES.PDF

III. Postponements

IV. Discussion Items

IV.I. Target Budget Recommendations

Discussion and endorsement of specific budget recommendations to support the initiatives of Elevate Las Cruces and Realize Las Cruces.

V. Upcoming Meeting Discussion Items

To Be Determined

VI. Public Participation

VII. Adjournment

Date Posted: 3-8-2023
REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION

Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc Committee Meeting held Wednesday, January 18, 2023, at 3:00 p.m.

MEMBERS PRESENT:
Daniel G. Buck
Paul Dulin
Arturo Duran
Sara Gonzales
Scott Kaiser
John Moscato
Ken Odenheim
George Pearson
Paul Pompeo
Abraham Sanchez
Dawn Sanchez
Sharon Thomas

MEMBERS ABSENT:
Christopher Brown
Dan Carter
David G. Lynch

STAFF PRESENT:
Katherine Harrison-Rogers, Senior Planner
David Sedillo, Director of Public Works
David Weir, Deputy Director Community Planning

1. CALL TO ORDER:
The meeting was called to order.

2. APPROVAL OF MINUTES -
   • November 16, 2022:
   • December 7, 2022:

   It was moved and seconded to approve minutes as presented. Motion passed unanimously.

3. POSTPONEMENTS:
There were none.

4. DISCUSSION ITEMS:
4.1 Chapter 3 - Zoning

- Section 3-4 Zoning Procedures

Katherine Harrison-Rogers provided a handout with everyone's comments that were given to her. She explained zoning map amendments. The question was raised regarding increasing the amount of information needed to do map amendments, as the public frequently asks about specifics regarding how the amendment will affect traffic and other things. It is difficult to make a good decision without more information. Katherine Harrison-Rogers mentioned that other communities require complete site plans before changing zoning, but it makes keeping track of things very difficult. Las Cruces City Staff compensates by analyzing applications as if the change is going to be generating the most difficulties as well as referring to the Future Development Map before making recommendations. Chapter 3 lists criteria for decisions that are verbatim from the Boards and Commissions Section of the Municipal Code. None of it can be deleted but the Board can add extra criteria. It was mentioned that giving too much information can cause applications to be denied due to community input. Board Members would like a rough sketch of proposed use to be presented with zone change requests. Katherine Harrison-Rogers made a note to ask the consultant for a way to get more information in the requests while remaining flexible for the developer. The new Code should help reduce the number of rezoning requests coming in because it changes the lot size requirements within the different zoning designations. Restricting uses for certain properties can be considered contract zoning and is not acceptable. Development agreements can help avoid this problem. There are provisions in the Code that allow the Zoning Committee to request more information and have the developer return at another meeting with the information requested. The suggestion was made to make the provision more specific as to when extra studies and information are to be requested to help prevent waste of time and money. Staff makes judgment calls as to when the extra information is needed and much of this is discussed at pre-application meetings with staff from various involved departments. A suggestion was made to add "if applicable" into the provision and leave it at that.

Katherine Harrison-Rogers moved on from applications procedures and requirements to criteria for decisions. There were many comments on property values. The criteria are currently verbatim from Municipal Code and have not been modified yet. It is possible to add more conditions if needed. Some of New Mexico Case Law is applicable and may be useful to add. A question was raised about spot zoning. Anything different from what is already there can be considered spot zoning, per State Statute. Using the infill process is more appropriate. Katherine Harrison-Rogers would like to see more definitive criteria included in the new Code.
According to staff "unreasonable increase in traffic" means that the traffic system will no longer function from an engineering standpoint. The exceptions for zone changes are verbatim out of State Statute.

The majority of questions and comments received beforehand were about site plans. Currently the site plan review is incorporated into the building permit process. The new Code will allow for a "pre-approval" before the builder tries to apply for permits by turning the site plan review into a formal step in the process prior to permitting. A comment was made that the draft currently requires such a detailed site plan that it might as well be a construction plan. The concern is that if the site plan is not approved, the builder has spent a huge amount on getting the plan designed and then has to go have it redesigned. The suggestion was made to have a concept plan required instead. Another suggestion was made to make site plans and subdivision plans the same. The difficulty with doing that is site plans for subdivisions are considered in the public realm and small private plots are considered in the private realm. Details for what the lists of submittal requirements mean are in the City Design Standards. A suggestion was made to remove "where applicable" as everyone is required to submit site plans anyway. The suggestion was made to require the location of easements to be indicated on site plans prior to permitting. Page 2009 section B6b seems to be the same as section 7 and a suggestion was made to combine them or include a reference to section 7. One section says that the City cannot force changes to a plan after approving it. The other section says that the City can agree to changes proposed by the builder without having to submit the changes to a full review. The wording may be changed slightly to clarify the paragraphs. SUPs and infill development proposals go to public hearing for site plan approval rather than staff. For site plans that have already been approved by P&Z, any amendment has to be approved by P&Z. Minor conditions can be approved by staff. Staff can require changes to be brought before P&Z if they feel it should not be approved administratively. Chapter 3 does not list the order of events, only the requirements involved in each step. The sequence of events is listed in the Chapter 1, along with graphics.

Comments on PUDs include a request for defining terms like "public benefit" and "economic benefit" more clearly. Staff hopes that the new Code will help eliminate some of the need for PUDs. Page 213 under Concept Plan Amendment, section IIX should read "... proposed change should be reviewed by the Planning and Zoning Commission and the City Council." This means that the changes are analyzed by staff, then go to public hearing before going to the Commission or Council. A suggestion was made to require re-approval in Sections C and D if there is 15% or more change in residential density or non-residential square footage. On page 213 under 9b, the document refers to base districts. The Board
would like to have the term "base district" clarified and make it easier for people to find out which base district is being discussed. Board Members agree that the document should have hyperlinks for all the confusing terms and to link to maps. On page 214 the very first item refers to association bylaws but not every PUD will have an association. In section F7 it refers to building area boundaries but in a PUD the Board does not know the building area boundaries ahead of time, unless this refers to setbacks. "As applicable" or something similar should be added for those situations. Page 214 section F12 says "proposed alignment of roadways" and then "additional traffic volumes associated for each road," at concept plan that would not all be known so it should be "proposed alignment of major roadways" and in F13 it refers to "proposed location, length/width of all roadways, bikeways, trails, walkways," is much too detailed for a concept plan. A suggestion was made to use development standards at this stage to simplify the concept plan. Staff hopes to include development triggers in the Code as well. In F17 it refers to land uses for each lot, parcel, or tract. The question was asked about how to know what is allowed. The developer will be dictating the allowed uses. Section XIV also refers to location and sizes of existing and proposed utilities, which refers to a master utility plan for the PUD. In 17E, total acreage for open space, private and public facilities, again there is no way of knowing exactly what that is until later. It is acceptable to present an estimate with room for 15% change up or down. Section G needs to require wording such as "based on clear and compelling evidence" so that additional studies cannot be arbitrarily demanded by committee members. Current variances allow P&Z and City Council to use economic development as a reason for approval. The new draft does not seem to have that provision. The request was made to add in this provision with some language about specific data.

Having the comments beforehand and being able to discuss the submitted comments at the meeting seems to work well. A concern was raised about the Committee possibly doing editing rather than discussing larger concerns about the document. Katherine Harrison-Rogers hopes to improve the spreadsheet for the Committee Members to submit comments. A request was made for staff to begin meetings with an update on what the Committee is supposed to be doing and how much progress towards the goal has been made.

5. UPCOMING MEETING DISCUSSION ITEMS:

To be determined.

6. PUBLIC PARTICIPATION

There was none.
7. ADJOURNMENT (5:05)

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Chairperson
REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION

Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc Committee Meeting held Wednesday, February 1, 2023, at 3:00 p.m.

MEMBERS PRESENT:
Christopher Brown
Daniel G. Buck
Paul Dulin
Arturo Duran
David G. Lynch
John Moscato
George Pearson
Paul Pompeo
Luis Rios
Dawn Sanchez
Sharon Thomas

MEMBERS ABSENT:
Dan Carter
Sara Gonzales
Scott Kaiser
Ken Odenheim

STAFF PRESENT:
Katherine Harrison-Rogers, Senior Planner
David Sedillo, Director of Public Works
Tony Trevino, Deputy Directory Public Works
David Weir, Deputy Director Community Planning
Natashia Billy, Senior Engineer, Public Works
Michael Kinney, Development Engineer, Community Development
Steve Pacheco, Senior Engineer , Public Works
Kyle Arend, Engineering Administrator, Public Works

1. CALL TO ORDER: The meeting was called to order. David Weir volunteered to sit in as Chair.

2. APPROVAL OF MINUTES -
   - January 4, 2023: Moved and seconded to approve minutes of January 4, 2023. Motion passed unanimously.

3. POSTPONEMENTS: None.

4. DISCUSSION ITEMS:
   4.1 Design Standards Section 5 - Drainage, Flood Control and Erosion
Section 3-4 Zoning Procedures

David Weir started the discussion of Section 5. Katherine Harrison-Rogers created a handout containing the comments from Board Members and the current Section 5 was passed out. Board Members discussed concerns about arroyos and natural drainage ways. FEMA does not recognize arroyos smaller than 150 CFS. The consultant is working on the regulations for local builders concerning arroyos. The suggestion was made to emphasize more strongly regulations and incentives to try to retain and use precipitation water. There was concern about having State Statute included in this Code and that there are currently references in this draft to flood zone types that do not exist in Las Cruces. Some Members have concerns about the organization and structure of the document. Katherine Harrison-Rogers went over the comments submitted by Board Members. There was a question about wind erosion. Comments were made about pages 318 and 320 regarding unclear wording of erosion protection standards. There were concerns about page 321 regarding revegetation requirements and irrigation systems. Staff also has the same concerns and will be taking them to the consultant. There was a discussion about erosion and slopes and soil types. The current process for developers is to submit their SWPPP at the same time as the rest of their design documents. That is not expected to change. Page 319 Section 3a and page 326 Section 9a discuss SWPPP development and submittal. The document references NM DOT regulations and EPA requirements.

The next item of discussion was stormwater management. A suggestion was made to include incentives for developers who submit plans for harvesting stormwater. The problem with this is that homeowners do not maintain the small ponds on their properties and the water still runs down the road, creating a safety hazard. Staff and consultant are trying to include green infrastructure as much as possible. Pages 322 through 325 have several references to violations of other regulations and laws and should be reorganized out of the sections on erosion control and stormwater management. There was concern about the water quality section being more like ordinance than design standard. There was discussion regarding the current wind erosion ordinance and that the City adheres to State and Federal regulations. City Staff have not had a chance to review this document, so they will be doing that after this meeting. This document is very different from the earlier version. Concern was raised regarding enforcement of Item 6.b.5. This section concerns allowances when the guidelines overlap with other departments such as the Utilities Department. Board Members are concerned that the new Code document is too specific and many things should be moved to a more easily modified manual while the standards remain more general. There was discussion about how different the storms are in this area compared to the rest of the country and how the design of roadways and drainage systems needs to be different.
because of that. Board Members are interested in having discussion with the consultants when convenient. Members were interested in having the word "arroyo" more clearly defined. On page 327, item F there is an indication that "additional requirements may be requested from the operator" and that seems too vague. Board Members ask for further clarification here. There will be a glossary attached when the document is finished for all the terms. Page 331 section ix is too broad and needs to be tightened up for the Las Cruces area. No variances will be allowed in flood zones. Page 332, section vii is unclear about which studies and maps need to be done and to whom they should be submitted. Some of this section comes verbatim from NFIP and FEMA.

Section E refers to incorporation of green infrastructure. It is not very in-depth. There was discussion regarding pervious concrete. Maintenance is an issue with this material.

Section F refers to drainage and stormwater quality submittals. Staff is not satisfied with this section but they have not had a chance to work on it.

Section G speaks of drainage system operation and maintenance. There was discussion about the difference between a master drainage study and a final drainage study. On page 338 section vii, it was suggested to add a recommendation that curb and gutter capture stormwater. There was discussion regarding situations when capturing stormwater may not be appropriate or safe.

Staff requested Board Members to submit more comments for discussion at the next meeting.

5. UPCOMING MEETING DISCUSSION ITEMS: To be determined.

6. PUBLIC PARTICIPATION: None.

7. ADJOURNMENT (4:50): It was moved and seconded to adjourn. Motion passed unanimously.

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Chairperson