DONA ANA COUNTY, NEW MEXICO

3,814 SQUARE MILES
Pecan Orchards
Urban Corridor From Las Cruces, NM to El Paso, Tx and to Juarez, Mx
More than 60% of ETZ in Federal, State or Local Government Ownership
BEFORE THE ETZ........

• County and City had joint control over area within 5 miles of city limits
  • County administered zoning for a largely rural part of Dona Ana County
    • Protect agriculture
    • Rate of urban development picks up significantly in county near city boundary
    • Low level regulation
    • Many mobile homes
    • Proliferation of colonias
      • Still 33 designated colonias in the county
Colonia Development in Dona Ana County
BEFORE THE ETZ....

• City and county........
  • both controlled subdivisions
  • met with developers to enforce regulations
  • became aware of development community’s frustration
    • Conflicting subdivision regulations
    • Interpretation by county and city planning and engineering staffs
• Illegal subdivisions created in the county because of state law and unscrupulous land owners
MEANWHILE IN THE REST OF THE COUNTY......

- MUNICIPAL ZONING
- Hatch
- Las Cruces
- Mesilla
- Anthony
- Sunland Park

- REMAINDER OF THE COUNTY PERFORMANCE DISTRICT

• MAPPED ZONING
• Salem
• Mesquite
• Vado
• Berino
• Chapparal
• La Union
• Anthony
• Camino Real Regional Utility Authority
1988-COUNTY AND CITY AGREE TO CREATE ETZ

- Within 5 miles of Las Cruces city boundary
- Sign a Joint Powers Agreement (JPA)
- ETZ took effect on February 1, 1989
- Form two boards to oversee the ETZ
  - planning commission
  - zoning/subdivision authority
DEVELOPMENT OF ZONING CODE AND SUBDIVISION REGULATIONS

• County and City requested support from the university to help develop the zoning code and subdivision ordinance

• University developed a series of maps and coordinated public meetings
  • Mapping was done manually because county did not have GIS at the time
  • Explain the number of zoning categories and their definitions
  • Allocation of zoning categories

• Process took about nine months
LAS CRUCES EXTRATERRITORIAL ZONE
1990
TRANSPORTATION ARTERIES
LOCATION OF SITE BUILT HOUSING
LOCATION OF MOBILE HOMES
CONFORMANCE OF EXISTING LAND USE TO PROPOSED ZONING CATEGORY
PUBLIC MEETINGS WERE HELD BY THE ETZ PLANNING COMMISSION IN EACH QUARTER OF THE EXTRATERRITORIAL ZONE.
### ETZ ZONING CLASSIFICATIONS

A total of 24 zoning Classifications

17 residential classifications

<table>
<thead>
<tr>
<th>Classification</th>
<th>Minimum Front Setback</th>
<th>Minimum Rear Setback</th>
<th>Minimum Side Setback</th>
<th>Minimum Area</th>
<th>Minimum Width</th>
<th>Minimum Depth</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>ER1M, ER1</td>
<td>25 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>5 acres</td>
<td>300 feet</td>
<td>100 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER2M, ER2</td>
<td>25 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>2 acres</td>
<td>120 feet</td>
<td>100 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER3M, ER3H, ER3</td>
<td>25 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>1 acre</td>
<td>100 feet</td>
<td>100 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER3/4M, ER3/4</td>
<td>25 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>3/4 acre</td>
<td>100 feet</td>
<td>100 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER4M, ER4</td>
<td>25 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>1/2 acre</td>
<td>100 feet</td>
<td>100 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER5M, ER5</td>
<td>20 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>1/3 acre</td>
<td>80 feet</td>
<td>80 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER6M, ER6</td>
<td>20 feet</td>
<td>25 feet</td>
<td>7 feet</td>
<td>5000 sq. feet</td>
<td>60 feet</td>
<td>70 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>ER7M, ER7m</td>
<td>20 feet</td>
<td>20 feet</td>
<td>7 feet</td>
<td>5000 sq. feet</td>
<td>60 feet</td>
<td>70 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>EC1</td>
<td>25 feet</td>
<td>15 feet</td>
<td>7 feet</td>
<td>5 acres</td>
<td>60 feet</td>
<td>70 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>EC2, EC3</td>
<td>25 feet</td>
<td>15 feet</td>
<td>7 feet</td>
<td>5000 sq. feet</td>
<td>60 feet</td>
<td>70 feet</td>
<td>45 feet</td>
</tr>
<tr>
<td>El1, El2, El3, El4</td>
<td>25 feet</td>
<td>15 feet</td>
<td>7 feet</td>
<td>5000 sq. feet</td>
<td>60 feet</td>
<td>70 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>
ETZ ADMINISTRATION

• Control of Subdivisions
  • Administered by city

• Control of Zoning
  • Administered by County

• ETZ Planning and Zoning Commission
  • 3 members from inside City of Las Cruces
  • 3 members from inside ETZ
  • 1 member chosen by other six members from anywhere in county outside ETZ and not from City of Las Cruces

• ETZ Authority (Elected Officials)
  • 2 Las Cruces City Councilors appointed by mayor
  • 3 County Commissioners essentially self appointed
“NO MAS ETZ”-NEGATIVE RESPONSE TO ETZ
EFFECTS OF THE ETZ

• Subdivisions
  • Eliminated duplication between city and county government responsibilities
  • One set of regulations for subdivision development
  • Higher standards for subdivision development than county regulations
    • Closer to city standards

• Zoning
  • New area of regulation
    • Developer must learn city regs, ETZ regs, and county regs
  • Large number of zoning categories-24 separate categories of zoning
  • Edge matching issues

Became a “hallowed” document to be protected by residents
As city annexes new land, ETZ also expands
END OF THE ETZ

• 2012 Dona Ana County
  • Sustainable Communities Grant from HUD, EPA, DOT
  • $2 million + $1 million in in-kind matching
  • New Comprehensive Plan
  • New Unified Development Code for all of unincorporated county
    • Including the ETZ
    • 20 zoning categories
  • Five other plans developed as part of grant
  • https://donaanacounty.org/development
• Creation of Camino Real Consortium
  • 12 community organizations come together to oversee the grant
    • Includes City of Las Cruces and Dona Ana County

• 2012 -2015 Work on comprehensive plan
  • More than 20 county meetings

• 2015 Comprehensive Plan approved
Comprehensive Plan Community Meetings
CONTROVERSIAL SECTOR PLAN IN THE COMPREHENSIVE PLAN

Is it advisory or regulatory???
RESULT OF THE EFFORT

• 2014-2016 Work on the new Zoning and Subdivision code for County including the ETZ
  • Planning Commission holds more than 60 community meetings to review, revise and edit the Unified Development Code

• 2016 Unified Development Code approved
  • The appointed Planning Commission 7-0
  • 2 months later the Elected County Commission approved UDC 3-2

• February 2, 2017 UDC takes effect and ETZ is abolished
WHAT CHANGED?

From 1990-2010 about 3% per year

Las Cruces, NM Population Growth

Percent Change in Population-10 Year Average
WHAT CHANGED?

• At the same time unincorporated county population was also increasing
  • Majority of this population is in the ETZ
• Between 1980 - 2015 county population increased from
  • 46,000 - 1980
  • 108,000 - 2015
WHAT CHANGED?

• Higher level of professionalism in county staff
  • Staff includes planners with more than 20 years of land use planning experience,
  • Landscape architects, GIS staff with more than 15 years experience

• Increased number of county planning staff
  • When ETZ went into effect in 1989 number of county planners = 2
  • When UDC went into effect in 2017 number of county planners = 12
WHAT CHANGED?

• The City of Las Cruces recognized that the County would have a higher level of regulation which was closer to the city’s regulations and in some instances even a higher level of regulation

• County Planning and Zoning Commission open to idea of accepting responsibility for ETZ area to control zoning and subdivisions

• Awareness by Board of County Commission of need for higher level of regulation in county because of increased development and more complex development
THE END OF THE LAS CRUCES ETZ

• City of Las Cruces eliminates ETZ
  December 16, 2016
• UDC recorded by County Clerk January 3, 2017
• UDC takes effect February 2, 2017 upon approval of
  New Mexico Department of Finance and Administration
LESSONS AND IMPLICATIONS

• ETZ created because city did not want to annex land that would be developed primarily as residential

• Developers wanted to develop in ETZ; larger lots, lower per acre price and lower regulations, access to water from water districts

• ETZ created because city recognized county did not have regulation that would serve the needs of the city in the long term
LESSONS AND IMPLICATIONS

• Duplication of regulation created resentment by the development community making it harder to develop land

• ETZ was a stop gap
  • Created a third level of regulation (city and county being the first two) that was neither city or county
    • Questions about city controlling development in unincorporated part of county
      • “If I wanted to be in the city, I would annex to the city.”
  • Filled the gap while county staff and regulation caught up to what was happening in the urbanizing portion of the county (it took 25 years)
BOTTOM LINE

• Municipalities granted the privilege of incorporation and self-government

• They should have the political will to annex and control land use in proximity to their borders to promote orderly and sustainable development
  • Don’t leave it to chance or make it someone else’s responsibility

• The ability to generate tax dollars should not be the only consideration to annex or not