

THE TWILIGHT ZONE: THE EXTRA-TERRITORIAL ZONE AROUND CITIES LAS CRUCES, NEW MEXICO CASE STUDY

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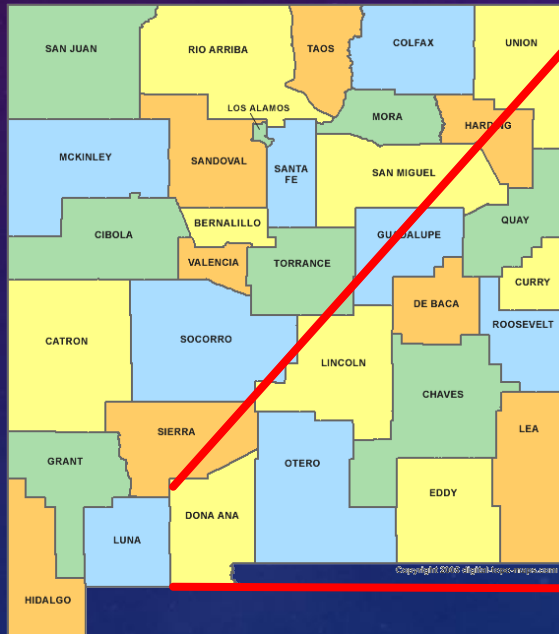
PROFESSOR EMERITUS

NEW MEXICO STATE UNIVERSITY

DEPARTMENT OF GEOGRAPHY

DONA ANA COUNTY, NEW MEXICO

3,814 SQUARE MILES





Rio Grande and Organ Mountains



Red Chile in Field



Dairy Farms in Dona Ana County



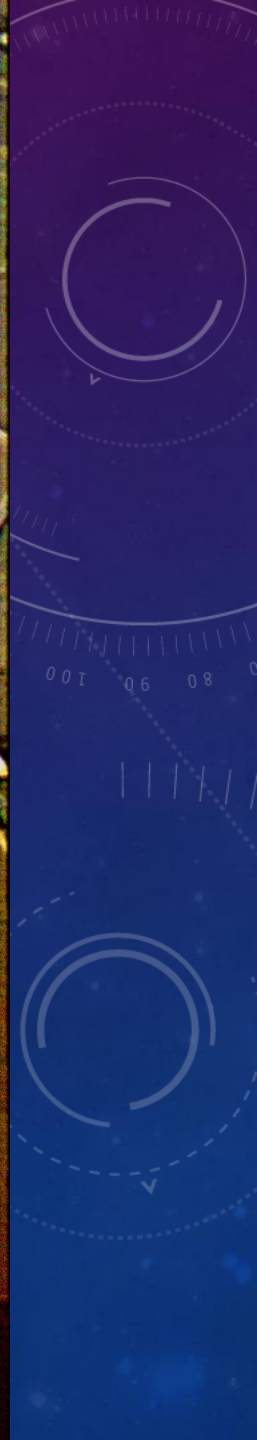
Picking Onions in the Field



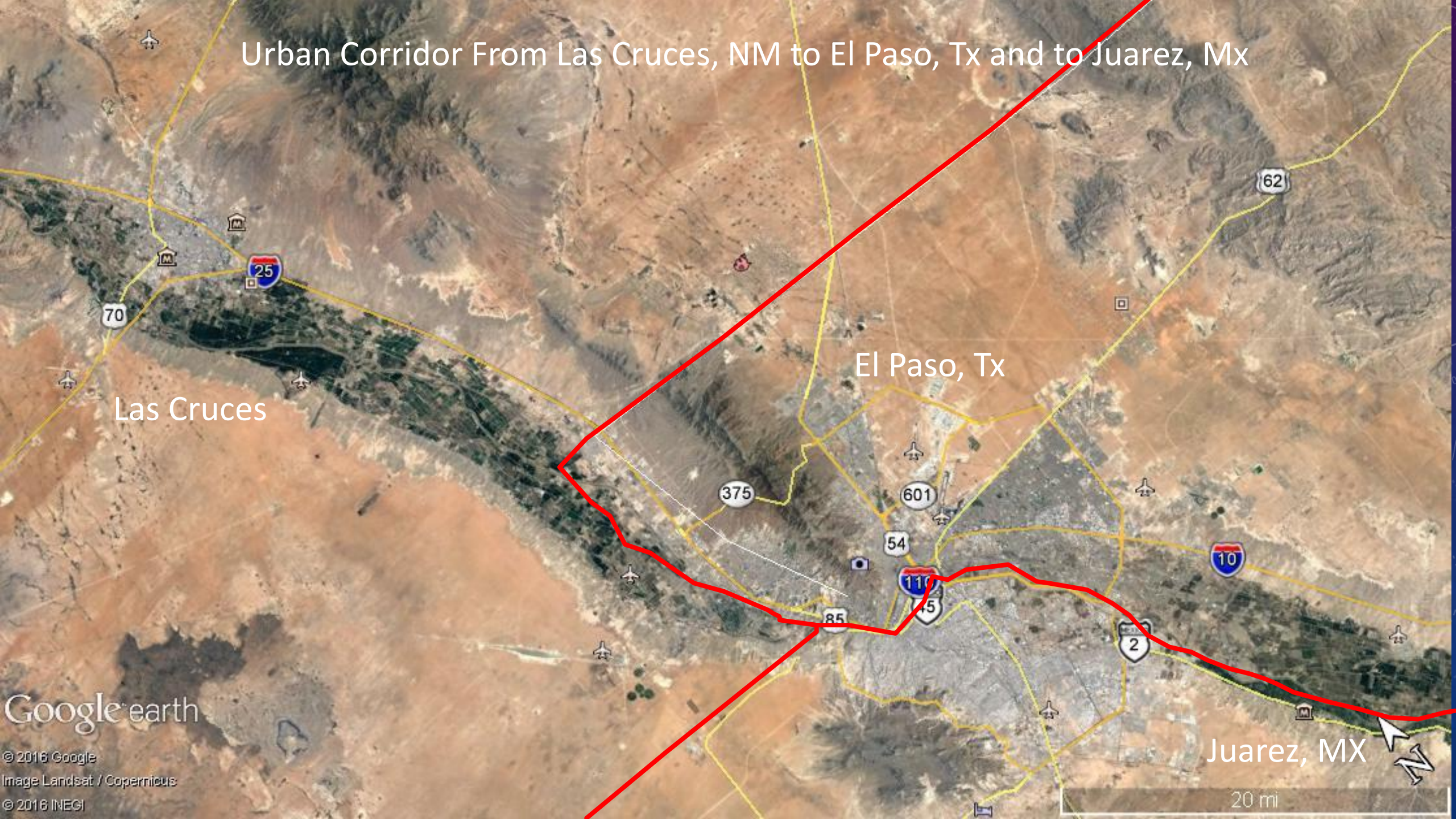
Pecan Orchards



Agriculture with Encroaching Urban Development



Urban Corridor From Las Cruces, NM to El Paso, Tx and to Juarez, Mx



Las Cruces

El Paso, Tx

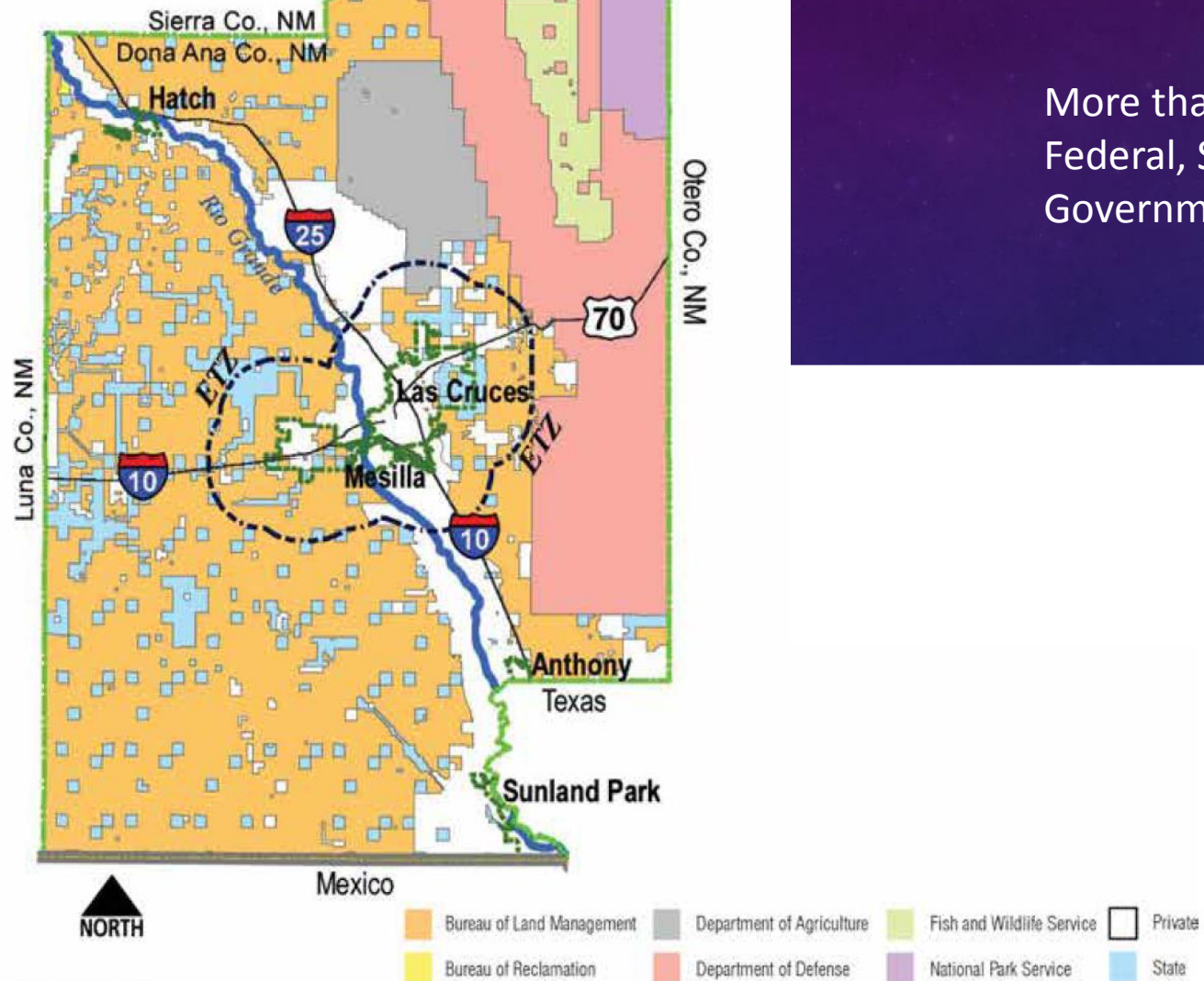
Juarez, MX

Google earth

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20 mi

LAND OWNERSHIP AND LAS CRUCES ETZ



*Sources: County GIS

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

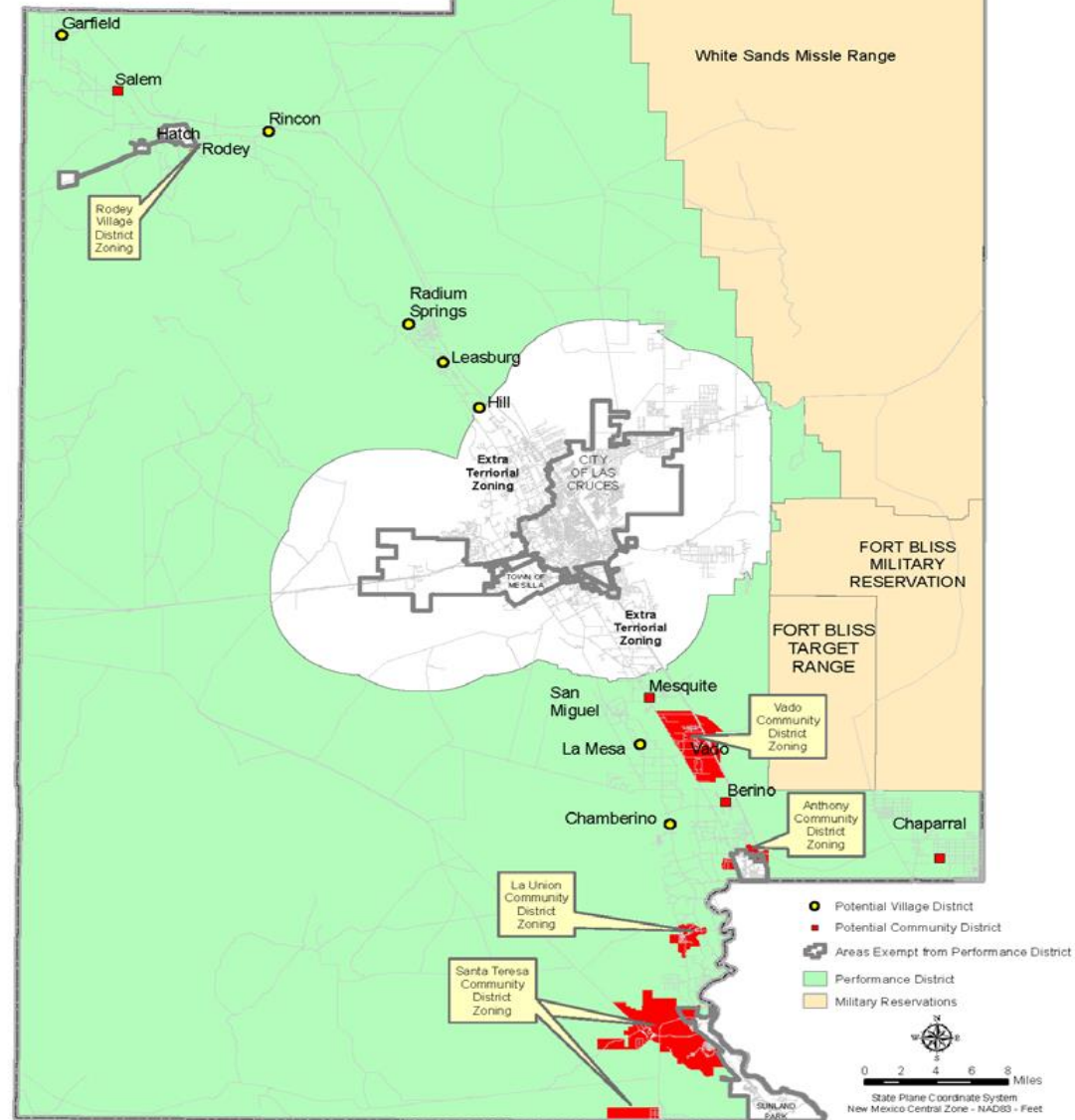
- MAPPED ZONING

- Salem
- Mesquite
- Vado
- Berino
- Chapparal
- La Union
- Anthony
- Camino Real Regional Utility Authority

Doña Ana County Land Use Regulations and Zoning Ordinance

Land Use Regulations

January 2011



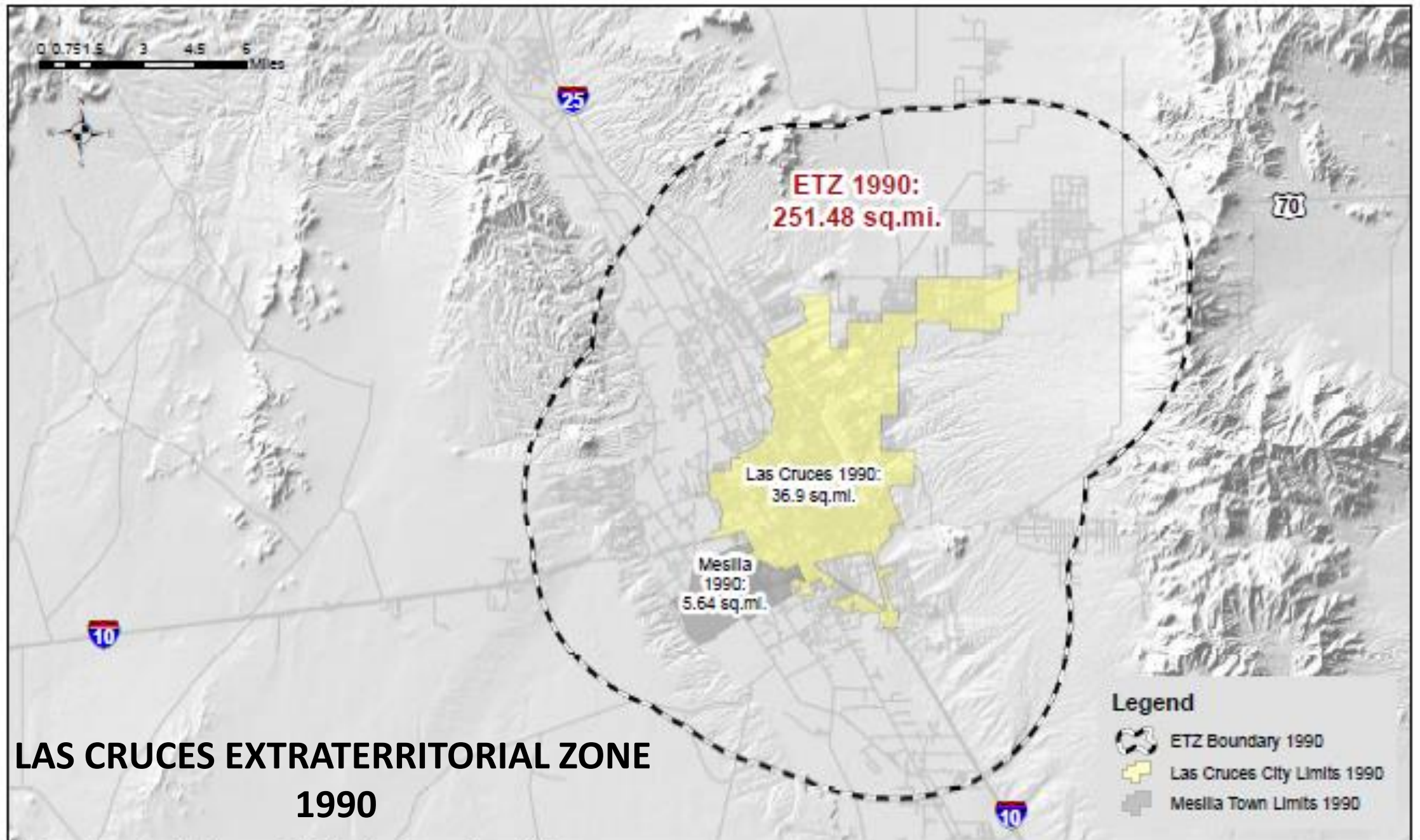
1988-COUNTY AND CITY AGREE TO CREATE ETZ

- 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



ETZ areas shown do not include areas of the City of Las Cruces or Town of Mesilla.

ETZ Boundary in 1990 followed aliquot part boundaries and were more jagged. This calculation does not replicate this geometry exactly but instead is a true 5 mile distance from Las Cruces City Limits.

Map by Dennis Smith Document Path: X:\DENNIS\ETZComparison1990to2017\ETZComparison1990to2017.mxd

SOUTH VALLEY EXTRA
TERRITORIAL ZONE

SCALE: 1" = 800'

LAND USE

- RESIDENTIAL
- RURAL RESIDENT
- VERY LOW DENSITY
- LOW DENSITY
- MEDIUM DENSITY
- COMMERCIAL
- INDUSTRIAL
- AGRICULTURE
- WATER
- TRANSPORTATION
- UNDEVELOPED
- WATER
- TRANSPORTATION
- UNDEVELOPED

LAND USE



SOUTH VALLEY EXTRA
TERRITORIAL ZONE 2

SCALE 1" = 100'

FUTURE TRANSPORTATION
IMPROVEMENTS
ROAD
RAIL
TRAIL

TRANSPORTATION ARTERIES



LOCATION OF SITE BUILT HOUSING



SOUTH VALLEY TERRITORY

EXTRA
LINE 2

SCALE: 1"

MANUFACTURED HOMES
ONE UNIT
TO MANUFACTURED UNIT

LOCATION OF MOBILE HOMES





SOUTH VALLEY EXTRA
TERRITORIAL ZONE II
SCALE 1:1000

CONFORMANCE OF EXISTING LAND USE TO PROPOSED ZONING CATEGORY

CONFORMANCE BY PERCENT
OF PARCELS:
PROPOSED ZONING
BASED ON GREATER THAN OR
EQUAL TO 90 PERCENT OF LOTS
CONFORMING (PER 40 ACRE CELL)

ER-1	ER-4
ER-2	ER-5
ER-3	ER-6



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

	<i>Minimum Front Setback</i>	<i>Minimum Rear Setback</i>	<i>Minimum Side Setback</i>	<i>Minimum Area</i>	<i>Minimum Width</i>	<i>Minimum Depth</i>	<i>Maximum Building Height</i>
ER1M ER1	25 feet	25 feet	15 feet	5 acres	300 feet	100 feet	35 feet
ER2M ER2	25 feet	25 feet	15 feet	2 acres	120 feet	100 feet	35 feet
ER3M ER3H ER3	25 feet	25 feet	15 feet	1 acre	100 feet	100 feet	35 feet
ER3/4M ER3/4	25 feet	25 feet	10 feet	3/4 acre	100 feet	100 feet	35 feet
ER4M ER4	25 feet	25 feet	10 feet	1/2 acre	100 feet	100 feet	35 feet
ER5M ER5	20 feet	25 feet	10 feet	1/3 acre	80 feet	80 feet	35 feet
ER6M ER6	20 feet	25 feet	7 feet	5000 sq. feet	60 feet	70 feet	35 feet
ER7 ER7m	20 feet	20 feet	7 feet	5000 sq. feet	60 feet	70 feet	45 feet
EC1	25 feet	15 feet	7 feet	5 acres	60 feet	70 feet	35 feet
EC2, EC3	25 feet	15 feet	7 feet	5000 sq. feet	60 feet	70 feet	45 feet
EI1, EI2, EI3, EI4	25 feet	15 feet	7 feet	5000 sq. feet	60 feet	70 feet	50 feet

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

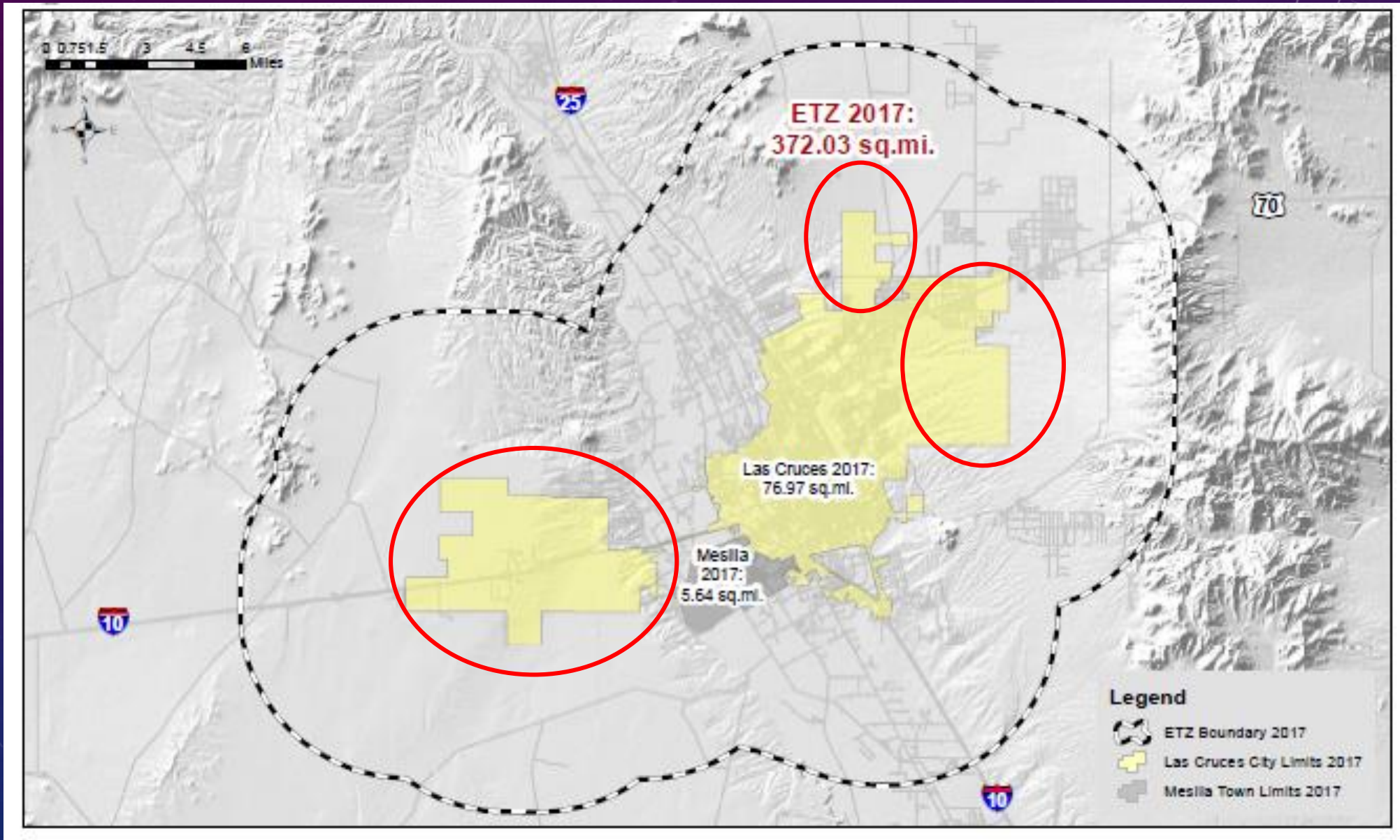
- Eliminated duplication between city and county government responsibilities
- One set of regulations for subdivision development
- Higher standards for subdivision development than county regulations
 - Closer to city standards

- 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>

SUSTAINABLE COMMUNITIES GRANT RESULT

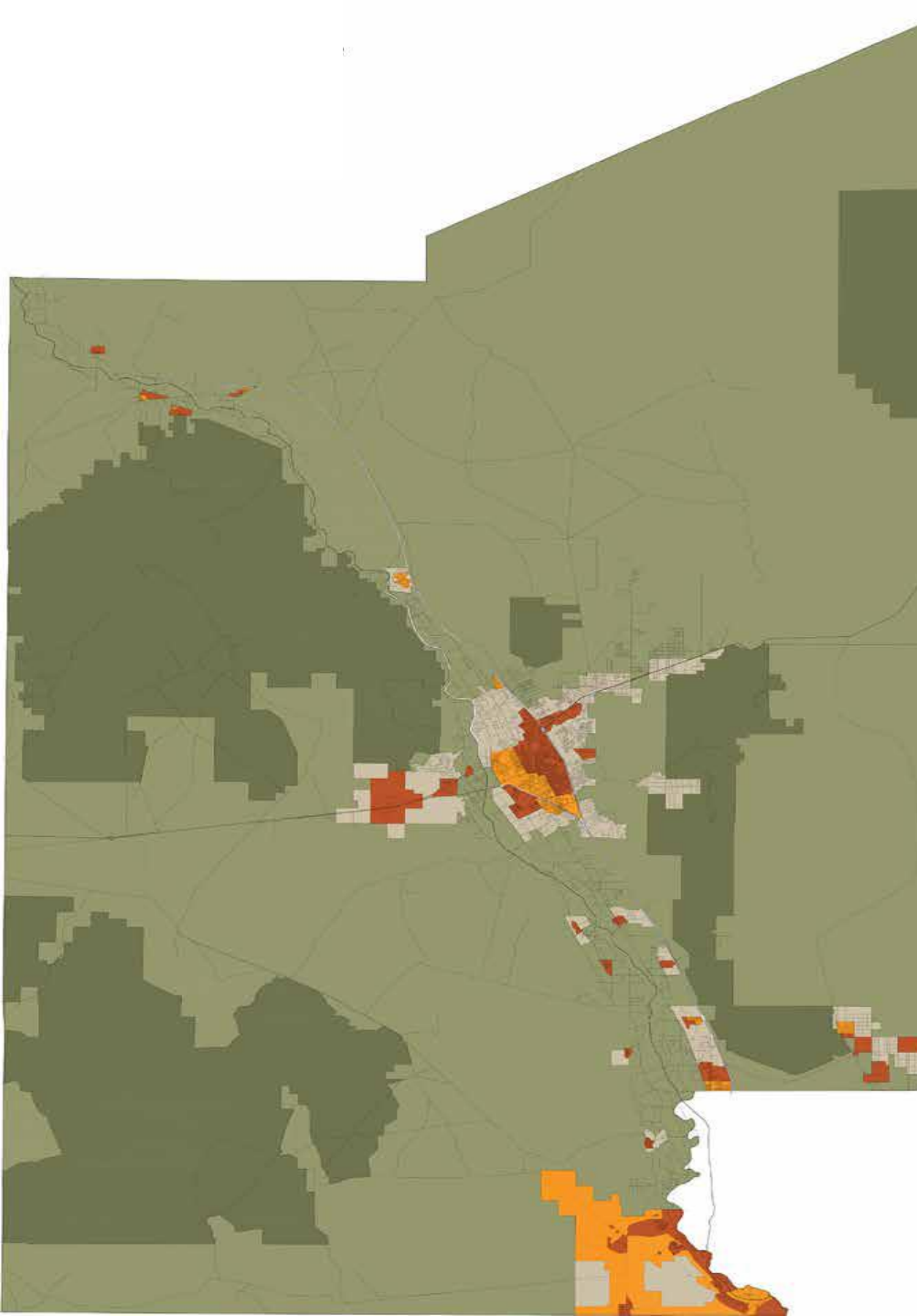
- Creation of Camino Real Consortium
 - 12 community organizations come together to oversee the grant
 - Includes City of Las Cruces and Dona Ana County
- 2012 -2015 Work on comprehensive plan
 - More than 20 county meetings
- 2015 Comprehensive Plan approved



Comprehensive Plan Community Meetings

CONTROVERSIAL SECTOR PLAN IN THE COMPREHENSIVE PLAN

Is it advisory or regulatory???



- O1 Preserved Open Space
- O2 Rural Open Space
- G1 Controlled Growth
- G2 Intended Growth
- G3 Targeted Growth

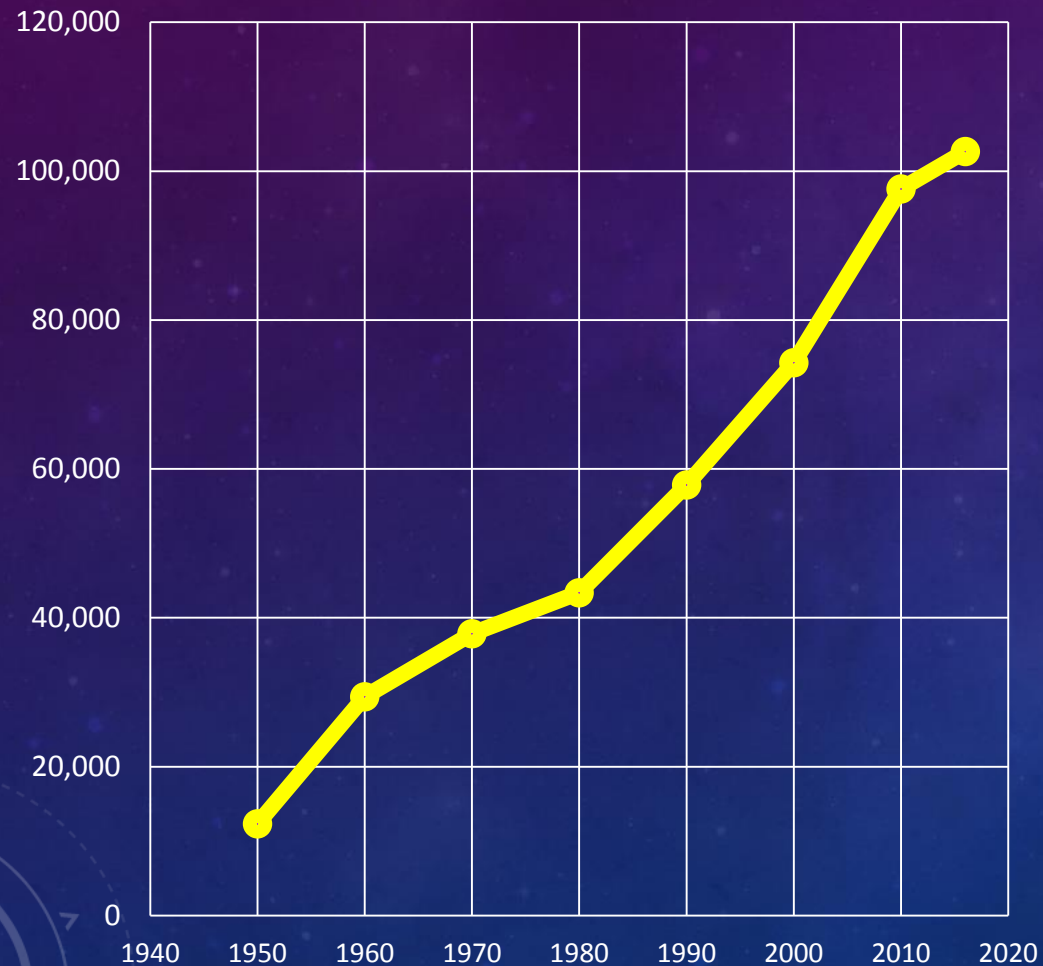
RESULT OF THE EFFORT

- 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

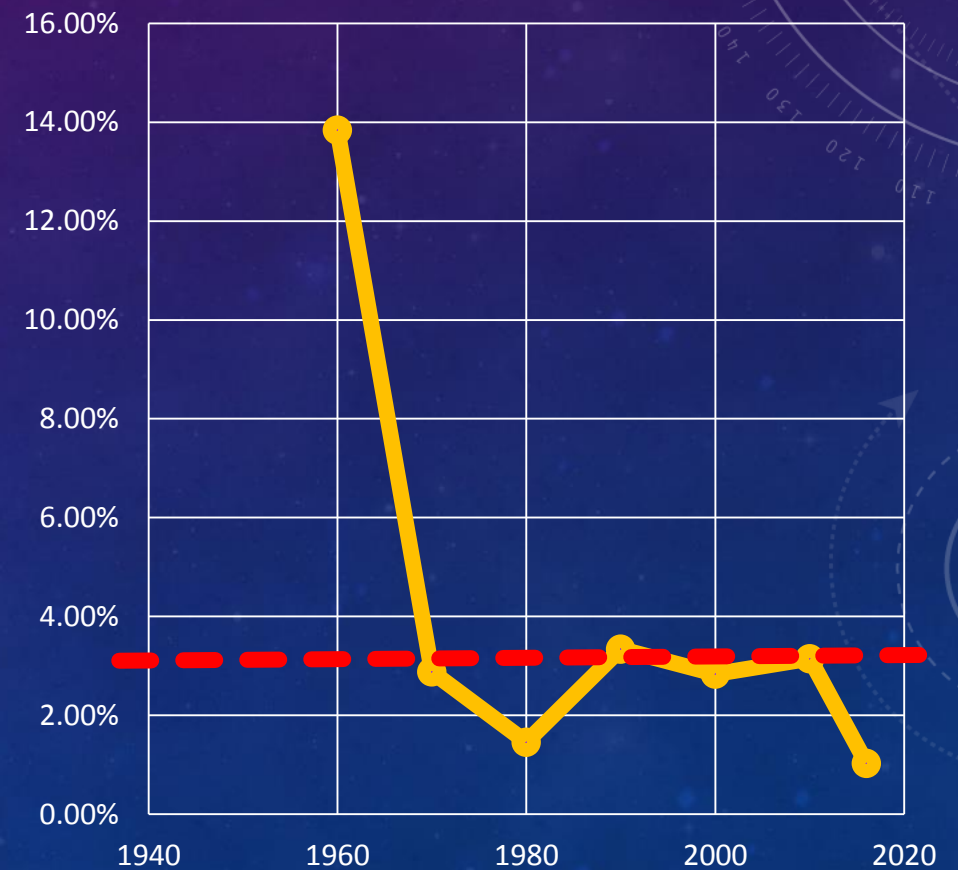
WHAT CHANGED?

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