

Neighborhood Bill of Rights, 3/11/07 DRAFTDRAFTDRAFT7

Preamble: It is paramount that citizens of Dona Ana County, New Mexico, and their government work together to invest in our communities and to protect our values, including our health, safety, welfare and our quality of life.

Premise: It is vital that local government give equal consideration to the property rights of current residents as to those proposing development projects. We submit this Neighborhood Bill of Rights in an effort to ensure balance, clarity, and fair process in land use decisions throughout Dona Ana County, the City of Las Cruces, and the Las Cruces Extraterritorial Zone, and will work to see these principles enacted in government.

A. Comprehensive Plans: Local government should create and follow comprehensive plans for all land use decisions.

1. Comprehensive Plans should be developed through a process involving broad public input as a matter of basic government accountability to citizens.
2. Comprehensive plans regarding land use should be clear and internally consistent.
3. Plans should concisely delineate preferred uses for geographically defined areas and the programs and regulatory tools that should be used to promote them.
4. Zoning and subdivision ordinances should implement comprehensive planning.
5. Comprehensive plans should remain in effect as written until any amendment or revision is finalized.
6. Comprehensive plans can be amended by sector planning.

B. Zoning: Zoning is the most basic guarantee to citizens about the future stability of neighborhood character and property values.

1. Zoning defines the character of a neighborhood and should be respected. It cannot effectively serve its purpose when existing zoning is eroded on a parcel by parcel basis. The practice of "spot" zoning should not be permitted.
2. New zoning designation should take into account historical and cultural character and the growth pattern in the area. Release of public lands must be accompanied by master planning and zoning.

C. Subdivisions: The subdivision process should enhance the character of the adjacent, existing neighborhoods.

1. The subdivision process should determine the appropriate infrastructure and services that must accompany new development.
2. Government elected and appointed officials and staff should visit and physically inspect a site before approving any new development plan.
3. "Conditional" approval of new subdivisions should not be permitted. preliminary plat and final plat approval should only occur after all required studies regarding fiscal and environmental impact, such as access, drainage, utility provision, traffic, services and construction drawings are complete.

D. Annexation: The City should adopt an annexation policy based on sound regional planning which will determine where the city intends to grow.

1. Regional planning, including the provision of water and sewer, and sound annexation policy should determine and drive annexation.
2. Sound annexation policy should include fiscal and environmental impact studies.
3. Annexation should require approval from both the Board of County Commissioners and City of Las Cruces Council in order to provide representation for communities impacted by annexation proposals.

E. Notification: Early notification of annexation, zone change and subdivision proposals and significant building projects is a right of all affected property owners within a reasonable distance of the project. Surrounding landowners or their representatives must be notified by mail and asked to identify potential issues and present proposed solutions, as part of initial annexation, zoning and subdivision applications.

F. Representation. Government, including elected and appointed officials and staff, represents the community whose tax dollars support it.

1. Balanced land use decisions that serve the entire community require diverse perspectives. No more than 25 percent of any quasi-judicial or appointed body reviewing and approving planning, zoning, and subdivision issues should consist of persons earning substantial income from real estate development, construction, financing, or sales activity.
2. Board of County Commissioners with the greatest Extra Territorial Zone constituency should serve on the Extra Territorial Zoning Authority.

3. At least 70 percent of the Extra Territorial Zoning Commission members should live in the Extra Territorial Zone.

4. Elected and appointed officials on commissions, councils and boards should indicate rationale for their votes.

G. Public Participation: The public has a right to participate in governmental processes.

1. Governmental entities should encourage full participation at all public meetings and land use hearings..

2. The government should provide institutional memory by maintaining accurate records of meetings and concerns filed by the public and implementing effective employee retention policies.