



City of Las Cruces

City Council Action and Executive Summary

23-081

Type of Action:

☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A

1st Reading:

Adopted:

January 3, 2023

Drafter:

Cilicia Villegas

Department:

Economic Development

Program:

LAND MANAGEMENT
AND REAL ESTATE
SERVICES

Line of Business:

LAND MANAGEMENT AND
REAL ESTATE SERVICES

Title:

A RESOLUTION ADOPTING A FAST TRACK PERMITTING PROGRAM.

TYPE OF ACTION: ☒ Administrative ☐ Legislative ☐ Quasi-Judicial

PURPOSE(S) OF ACTION:

Approve the proposed Fast Track Permitting Program.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In July 2021, City Council approved the Las Cruces Innovation and Industrial Park Master Plan as per the recommendation of Elevate Las Cruces actions CE-2.5.1 and CP-4.1.5 to stimulate business development in the area. One of the strategic goals of the master plan is to improve the park's image and visibility which includes streamlining the development review and approval process.

In an effort to promote and offer a business-friendly environment, the proposed fast track permitting program would accelerate the review and approval of qualifying economic development projects within the City of Las Cruces.

The attached proposed Fast Track Permitting Program provides a framework defining the purpose, objective, and procedures including project eligibility requirements, the application process, and general guidelines.

SUPPORT INFORMATION:

[Exhibit "A" Fast Track Permitting Program](#)

PLAN(S):

Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

Economic Development PRC

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and establish the Fast Track Permitting Program.
2. Vote "No"; this will not approve the Resolution and will not establish the Fast Track Permitting Program.
3. Vote "Amend"; this could modify the Resolution and would need further direction from Council to staff.
4. Vote "Table"; this will postpone consideration of the Resolution and would need further direction from Council to staff.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

R 22-010

R 20-106

RESOLUTION 23-081

A RESOLUTION ADOPTING A FAST TRACK PERMITTING PROGRAM.

The City Council is informed that:

WHEREAS, in July 2021, City Council approved the Las Cruces Innovation and Industrial Park Master Plan as per the recommendation of Elevate Las Cruces actions CE-2.5.1 and CP-4.1.5 to stimulate business development in the area; and

WHEREAS, one of the strategic goals of the master plan is to improve the park's image and visibility which includes streamlining the development review and approval process; and

WHEREAS, in an effort to promote and offer a business-friendly environment, the proposed fast track permitting program would accelerate the review and approval of qualifying economic development projects within the City of Las Cruces; and

WHEREAS, the attached proposed Fast Track Permitting Program provides a framework defining the purpose, objective, and procedures including project eligibility requirements, application process, and general guidelines.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the Fast Track Permitting Program attached hereto as Exhibit "A", is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 03 day of January 2023

APPROVED

Mayor Pro Tem

ATTEST:

City Clerk

Moved by: Becki Graham

Seconded by: Johana Bencomo

AYES Kasandra Gandara, Johana Bencomo, Becki Graham, Becky Corran, Tessa Abeyta

NAYS

FAST TRACK PERMITTING PROGRAM

I. PURPOSE

This policy establishes general guidelines and minimum qualification standards for the Fast-Track process.

II. OBJECTIVE

To accelerate the review and approval of qualifying economic development projects. In an effort to promote and offer a business-friendly environment, the implementation of an efficient and effective streamlined review process is now available for businesses looking to relocate and/or expand into our City.

III. POLICY

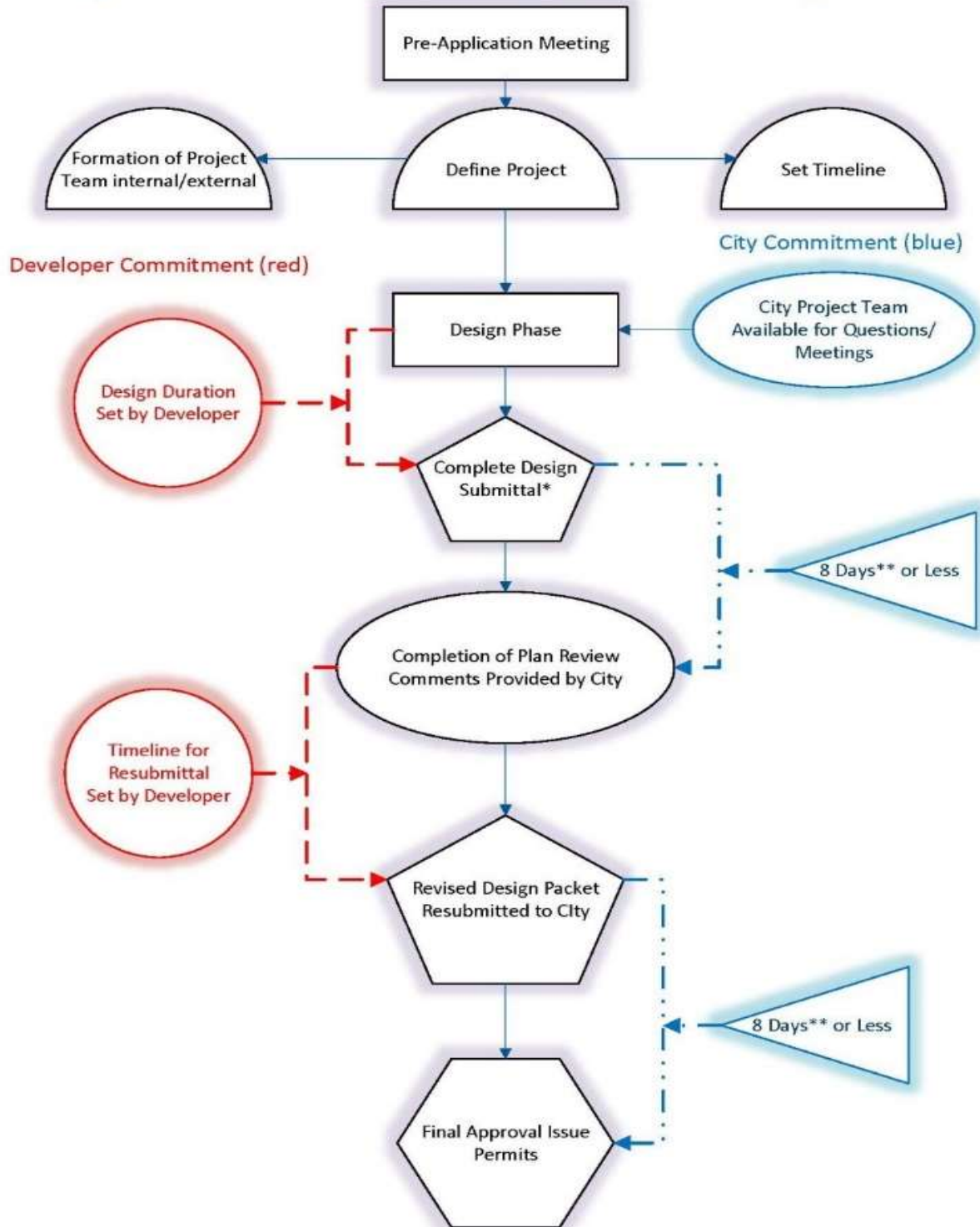
- A. All requests for Fast Track processing must be **in writing** to the City of Las Cruces Economic Development Department
 - 1. Projects not meeting the qualifications as defined in **Section D** of this policy, may be considered eligible on a case-by-case basis. Applicant will be required to show significant benefit to the City of Las Cruces as follows:
 - a. Describe the job creation over the course of the project (i.e., #of total direct jobs, amount of jobs that will be 10% above median household income, amount of gross annual payroll, anticipated construction contract work and associated payroll, etc.)
 - b. Provide evidence of financial strength defined in part as credit rating, management experience, and ability to obtain financing for the term of the project (i.e., D&B report, management capability-combined years of experience, profiles of core management team)
 - c. Describe the estimated amount of capital investment for the project (i.e., areas of primary focus and distribution of capital- land/buildings (purchased/leased), construction/improvements, infrastructure)
 - d. What is the estimated percentage of total revenues that will derive from outside of NM?
 - e. Describe the company's history and desire of commitment to support the community (i.e., competitive employee benefits, training programs, internships, community outreach, other types of public investment, etc.)
- B. A pre-application submission meeting with the City of Las Cruces is required for all potential Fast Track plans. At this meeting, the applicant must provide to the review agencies a written development schedule (working backwards from their proposed construction completion date). The applicant may request the pre-application meeting as soon as they have a written development plan available to present (preferably within a week's notice to ensure scheduling of all parties). If all agencies confirm the plan meets Fast Track criteria, the Community Development Department will issue written authorization to the applicant.

C. General Chronology of the Fast-Track Process

1. In order for this Fast-Track process to be successful, it requires coordination and cooperation between the applicant, the engineering and architectural plan consultants and participating government agencies throughout the entire process. It is imperative that the owner and the plan consultants adhere to the processing schedule (see flow chart below for complete details), if the Fast-Track schedule is to work. In order to make sure everyone stays on the same page; we recommend that developers attend all meetings with city staff.
2. City Contacts
 - a. Economic Development
575-541-2425
econdev@lascruces.gov
 - b. Community Development
575-528-3340, 575-528-3204, 575-528-3089
CDFastTrack2@lascruces.gov

3. Flow chart

City of Las Cruces Fast Track Permitting Process



Note:

* Design submittal shall include all required documents per CLC Development Standards

** Days refers to working days

D. DEFINITIONS *(If applicable; alphabetized)*

- A. Eligible Fast Track Project – must be for non-residential development AND meet at least ONE of the following minimum criteria:
1. Create at least 40 permanent full-time jobs in the first 24-months of operation
 2. Full build out of a building(s) of at least 20,000 square feet for a new or expanded operation in a target industry as determined by Economic Development
- ♦ Accepted Fast track applications will still be required to obtain all CLC Development Code approvals, with the exception of the adherence to the attached timeline flow chart
 - ♦ Inspections and Certificate of Occupancy are not eligible for fast tracking. However, depending on need and benefit to the City, they can be negotiated separately

E. GENERAL GUIDELINES *(Procedures)*

- A. Authority to File Applications
1. Any application for development review or approval under this process shall be filed by the person having legal authority to take action in accordance with the approval sought. That person is presumed to be the record owner, purchaser under a sale from the record owner, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary. The City shall be authorized to require proof of legal authority to take the action sought.
- B. Applications
1. Applications required under the Land Development Code shall be submitted on forms and in such manner as required by these regulations. Applications should be accompanied by all required documents and a nonrefundable fee established by City Council to defray the costs of processing applications. Applications shall be reviewed for completeness within five (5) days of filing. If the City determines that the application is complete, the application shall then be processed. If the City determines that it is incomplete, the City shall notify the applicant of the deficiencies. Only complete applications will be accepted for review and processing. The required time frame for action by an approval body starts once a complete application and documents are submitted.
- C. Inactive Development Applications
1. Generally, inactive development applications that have remained idle for a total of six (6) months shall be considered expired. The six (6) month time period will begin on the date that the most recent set of staff comments was returned to the applicant. A complete application along with the appropriate application fee shall be resubmitted in order to resume activity on an application in the development process.

D. Application Completeness

1. Any application that does not include required information or that is not accompanied by the required fee shall be returned to the applicant as incomplete and no further processing of the application shall occur until the deficiencies are corrected.
2. Basic fees associated with development applications are published in the current Fee Schedule of the Community Development Department.

E. Permit Phasing

1. A request may be made to the City of Las Cruces for the phasing of the fast track permit process.