

Lea County Planning & Zoning Board
Regular Meeting
Tuesday, June 9, 2015 9:30A.M.
Lea County Commission Chambers, 100 N. Main, Lovington, NM

ITEM 01: **CALL TO ORDER** - Chairman Kallie Windsor called the meeting to order at 9:38A.M. at the Lea County Commission Chambers. Members present were Kallie Windsor, Guy Kesner, Johnnie Hopper, Gary Eidson and Daniel Johncox. Kay Hardin arrived after the meeting began. Member absent was Robbie Robinson. Also present were Lea County Planner Bruce Reid and Lea County Administrative Coordinator Monica Russell.

ITEM 02: Comments from the Public

There were no comments from the public.

ITEM 03: Consideration of Approval of the May 5, 2015, Minutes

Mr. Eidson motioned to approve the minutes of the May 5, 2015, meeting. Motion seconded by Mr. Johncox and carried unanimously.

ITEM 04: Consideration of Approval of the May 27, 2015, Minutes

Mr. Johncox motioned to approve the minutes of the May 27, 2015, meeting upon the following correction: change the motion to adjourn to read "Chairman Windsor adjourned the meeting at 2:05P.M." Motion seconded by Mr. Kesner and carried unanimously.

ITEM 05: Consideration of Approval of Juarez Subdivision: NW/4 of Section 24, Township 16 South, Range 35 East, N.M.P.M., Lea County, New Mexico

Mr. Reid stated that the owner originally sold the north fifteen acres of the original fifty acres to his brother through a claim of exemption but it came through with a one in five on it instead of a family exemption. Later he intended to sell fifteen acres to his sister with a family exemption, but the sister decided not to buy it. Mr. Reid stated that the claim of exemption can't be changed unless the land is sold to a family member. The owner then decided to make it a subdivision, keep twenty acres and sell two 15-acre tracts on either side of the central twenty acres. He is asking for a Type 5 to create two lots out of the remaining thirty-five acres.

Mr. Reid stated that the owner has water rights and is considering selling five acres of water rights with the land. Mr. Reid stated that there is access to the properties without having to build a new road, and that the restrictions state that no buildings or improvements can be closer than twenty-five feet to the south property line. Mr. Eidson stated it should be clarified which tract this restriction refers to. Mr. Reid stated that he will have the owner retype the restriction so that it refers to the property line of Lot B.

Mr. Eidson stated that the restrictions he puts on the subdivisions apply to both tracts, so the owner is subject to his own restrictions.

Ms. Windsor stated that the disclosure statement referring to Gill Road intersecting County Road 82 needs to be corrected to read “intersects with County Road 83.”

Mr. Kesner motioned to approve Juarez Subdivision: NW/4 of Section 24, Township 16 South, Range 35 East, N.M.P.M., Lea County, New Mexico. Motion seconded by Mr. Johncox and carried unanimously.

ITEM 06: Consideration of Approval of Mauck Subdivision: West Half of Section 35, township 15 South, Range 35 East, N.M.P.M., Lea County, New Mexico, Horizon Estate Re-Plat of Lot 16

Mr. Reid stated that Mr. Mauck would like to subdivide his property, Lot 16 of Horizon Estates Subdivision, into Lots 16A, 8.8 acres and 16B, two acres, as a Type 5 subdivision. Mr. Eidson suggested that this should be a Type 3A subdivision, as it is less than ten acres, and Type 5 is for ten acres or larger.

Mr. Eidson asked if the restrictive covenants of Horizon Estates allow this.

Mr. Eidson also stated that this is not a replat; this is a subdivision of a lot within a subdivision, so the title needs to be changed. Mr. Johncox agreed with Mr. Eidson, stating that a replat doesn't change the number of lots in a subdivision. Mr. Eidson stated that the correct title of this should be “Subdivision of Lot 16 of Horizon Estates Subdivision into Lots 16A and 16B.”

Ms. Windsor asked Mr. Reid to find the restrictive covenants for Horizon Estates.

Mr. Kesner stated that he doesn't think that the request can be denied unless something in the restrictive covenants says that it can't be done. Mr. Eidson stated that he believes that if lots are created in an existing subdivision then the subdivision process must be gone through. Ms. Windsor asked if there is anything in the subdivision regulations stating that lots can't be made smaller in an existing subdivision. Mr. Eidson stated that there would probably be a two acre minimum for septic and water.

Mr. Reid returned with restrictive covenants for Horizon Estates. Upon reading through them, the board did not discover anything that would prohibit dividing lots in a subdivision. One provision stated that there cannot be more than two residences per lot.

Mr. Kesner stated that he doesn't think that the board can prohibit dividing the lot but that the plat needs to list the restrictive covenants and state the subdivision is subject to those covenants.

Mr. Eidson motioned to table approval of the subdivision so that the county attorney

can review it. Motion seconded by Mr. Kesner and carried unanimously.

ITEM 07: Consideration of Approval of Revisions to the Lea County Subdivision Regulations

Mr. Reid gave an update on the revisions. He is currently working on a side by side comparison of the State's regulations and the county's regulations.

He has found that the state regulations only talk about a maximum annual water usage for a subdivision. He is trying to find out where the reference to forty years in the county's subdivision regulations came from. Mr. Reid stated that the reason the state is always kicking back submissions is because they are holding Lea County to their own regulations, which are more restrictive than the state's. Mr. Johncox countered that it is not up to the office of the state engineer to make the county adhere to it's own subdivision regulations. Ms. Windsor stated that one paragraph in the regulations states that a well log must be provided, and the next paragraph states that a test well must be drilled. The regulations also state that for new community water systems the subdivider shall submit a water supply plan and a geohydrolic report, as well as "any other information that the state engineer may need."

Mr. Eidson stated that the basis of Lea County's regulations came from a template that was created by New Mexico Association of Counties. Each county tweaked the general regulations for their own use.

Mr. Johncox stated that the state engineer requests an expensive geohydrological report when information gathered by the U.S.G.S. should provide ample data.

Mr. Johncox stated that this is limited to type 3A less than two acres. Over two acres is a little more lenient.

Ms. Hardin ask if other counties can be consulted about what their regulations are.

ITEM 08: Set/Confirm Next Meeting(s)

The next meeting was confirmed for July 14, 2015, at the Lea County Commission chambers. The following meeting was set for August 11, 2015. Ms. Windsor stated that she will not be able to attend the July meeting.

ITEM 10: Adjourn

Mr. Johncox motioned to adjourn. Motion seconded by Mr. Kesner and carried unanimously. Meeting adjourned at 10:53A.M

Lea County Planning & Zoning Board

**Kallie Windsor, Chairman, Lovington Extraterritorial
Zoning Board**

**Guy Kesner, Vice-Chairman, Hobbs Extraterritorial
Zoning Board**

Kay Hardin, Member, District 1

Gary Eidson, Member, District 2

Johnnie Hopper, Member, District 3

Robbie Robinson, Member, District 4

Daniel Johncox, Member, District 5

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