

Lea County Planning & Zoning Board
Regular Meeting
Wednesday, April 6, 2016 9:00A.M.
City of Hobbs Annex, 200 E. Broadway, Hobbs, NM

ITEM 01: Call to Order

City of Hobbs Planning Board Chairman Tres Hicks called the meeting to order at 10:08A.M. Lea County Planning & Zoning Board members present were Kallie Windsor, Guy Kesner, Dickie Wall, Johnnie Hopper and Daniel Johncox. Also present from Lea County was County Attorney John Caldwell.

Members absent were Kay Hardin and Gary Eidson.

City of Hobbs Planning Board subcommittee members present were Chairman Tres Hicks, Vice-Chair Guy Kesner, Bobby Shaw and Dwayne Penick. Members absent were Brett Drennan and Larry Sanderson.

Also present were Kevin Robinson, Todd Randall, Commissioner Gary Buie, Gary Schubert and Administrative Coordinator Monica Russell.

ITEM 02: Review and Consideration Approval of Agenda

Mr. Hicks stated that there is no action to be taken today. The meeting is merely for an exchange of ideas between entities and will hopefully help streamline procedures for development and clean up regulations.

No changes were made to the agenda and was approved as is.

ITEM 03: Joint Review with Lea County Planning & Zoning Board

A) Proposed Amendment to City of Hobbs Title 16

Mr. Robinson stated that the City of Hobbs Planning Board set up a subcommittee to review Title 16, which is the Hobbs subdivision regulations. The subcommittee wanted to review that changes it made along with the LCPZB before presenting it to the full board.

Mr. Robinson stated that many of the changes were for clarification purposes.

The first change was prompted by the county's claim of exemption process and Hobbs' five acres exemption, there were potential subdivisions that could be created without government approval. Mr. Reid asked if the reason for this change to the regulations is because there was no government entity besides the county manager to approve the ten-acre split into two five-acre tracts. Mr. Robinson stated that what the county manager is stating with a claim of exemption is that party is exempt from the Lea County subdivision process. Mr. Randall stated that if the claim of

exemption is for something less than five acres, Hobbs reviews it, but with the current city code, there's no review by Hobbs for anything over five acres. The revision will change this to allow City of Hobbs to review any lot that is five acres or more.

Ms. Windsor stated that David Pyeatte of Elliott & Waldron Title Company gave her some of his notes on the updates, the first being that he strongly suggested limiting the ETZ subdivisions of five acres or less

Mr. Hicks stated that one of the things paramount in the regulations is not creating landlocked parcels. Mr. Reid stated that easements are now required by the county for landlocked parcels. The county also has the right to deny a claim of exemption. Ms. Windsor stated that the one of the things that causes the most problems is land purchases that are cash deals that don't involve a title company. Mr. Shaw stated that another complication is estates dividing up land among family members.

Mr. Randall stated that the City of Hobbs is currently reviewing any subdivision in the ETZ that is less than five acres. The question is whether they want to review ALL subdivisions regardless of the claim of exemption process. The effect of the change is the size of the subdivision. Mr. Reid stated that this adds two weeks to a months' time or more to go through the additional process.

Mr. Shaw suggested matching up with the county's policies so there isn't a different process. Mr. Hicks stated that making the policies match would ensure that any process would pass review by both entities.

Mr. Schubert suggested that the committee read the comments made by Mr. Pyeatt.

Mr. Shaw stated that these are the only things that concern the ETZ.

Other changes include making the Sketch Plan Review process consistent with the county's process, codifying certification by an engineer of record requirements, and making the regulations align with the City of Hobbs Major Thoroughfare Plan. Mr. Shaw pointed out that the Thoroughfare Plan will also affect the extraterritorial zone.

B) Private Roadways within City of Hobbs ETZ

Mr. Pyeatt's comments asked for a definition of the word "stamped" on page three. Mr. Hicks stated that this refers to placement of a certified engineer's stamp certifying subdivision improvement plans and that the infrastructure that is put in place is consistent with the plans. This is not a new step, wording was only added for clarification.

Mr. Johncox asked what can be administratively approved. Mr. Robinson stated that the summary process within the City's regulations can be administratively approved.

Mr. Pyeatt's next point concerns clarifying tying a subdivision description to a NGS

monument. The state minimum is less restrictive for surveyors and descriptions can end up being tied to a monument five miles away which makes it difficult to verify or write a legal description. The county is considering stating that a description has to be tied to a monument corner of that section.

Notations of block number and lot lines when splitting lots needs to be more consistent. For example, if Lot 2 is split, then the resulting parcels should be called Lots 2A and 2B, instead of Lots 8, 9 and 10, etc. This also makes it easy to follow the history of lots in the future. Mr. Hicks suggested the city and county work together on a naming and lot number guideline. He then asked if the committee would want to codify that.

Mr. Hicks stated that he largely agrees with many of these things, but these inclusions are taking a basic survey to the level of alpha standards and adding to the cost.

Mr. Shaw stated that subdividers need to view this document and provide input as well. Mr. Robinson stated that the upcoming public meeting on the 16th and that this revised document must be passed by ordinance.

Mr. Johncox asked if a surety bond is a hard requirement as he has never bought one. Mr. Hicks stated that this is required if a developer wants to start selling lots and get the plat approved prior to completion of improvements to ensure that the improvements will be completed. This is also an existing requirement.

Mr. Hicks stated the next item is a title issue. He asked for clarification on whether the county must accept dedications. Ms. Windsor stated that the county planning board is allowed to accept dedications but not maintenance, which is a separate issue with the road department and Lea County.

Mr. Johncox asked why a road can't be automatically accepted for maintenance if a subdivision plat has been filed with the county. Mr. Caldwell stated that the two-step process is set by state statute and doesn't want a developer to impose upon a local government entity the duty to maintain which incurs costs. That should be a formal acceptance made by the board of county commissioners. Mr. Caldwell suggested talking to county commissioners about a developing a system that's almost automatic. Mr. Reid stated that the difficulty can be solved with better communication between the planning department, developer and road department.

The next item Mr. Hicks addressed was if the city requires new dedication areas in the ETZ that county must also consent it. Mr. Reid stated that the county does and there's no issue with that. Mr. Robinson asked about county dedication requirements for roads. Mr. Shaw stated that there could be issues with private roads with multiple owners. Mr. Robinson agreed and that according to regulations of both entities, this would not be a compliance subdivision. He also stated this could be addressed by the county adopting a private road ordinance.

Mr. Robinson stated that the city and county have concurrent jurisdiction within the ETZ, which means that any proposed subdivision within the ETZ must be compliant

with City of Hobbs regulations. This could result in conflict when variances are issued from either entity. Mr. Shaw stated that a separate ETZ board, authority and regulations could be the solution to this.

Mr. Robinson stated that there is nothing within the current regulations that allows the creation of private roadways.

C. Addressing within City of Hobbs ETZ

Mr. Shaw stated that the intention at a previous meeting was to have the county and city attorneys discuss addressing. Mr. Caldwell stated that they have met once on addressing. He also stated that the county is concerned about people not getting addresses when needed. Mr. Robinson stated that a temporary address can be issued but not a permanent 911 address as they cannot issue addresses for vacant lots. The address becomes permanent when there is activity on the lot.

Mr. Caldwell brought up the question of the county being responsible for addressing outside the municipal boundaries. Mr. Robinson stated that the city addressing process that has been working well for the past two years, but agreed that this can be an area of cooperation with the county by setting up an MOU for the process.

Mr. Wall stated that an address is critical in the very beginning stage of the mortgage loan process.

Mr. Robinson stated that the city has taken over permitting responsibilities from the state for service to all citizens in Lea County, specifically in the ETZ. This allows the city to issue permits and conduct inspections, simplifying process.

Mr. Hicks asked if Mr. Robinson is proposing that the city and county adopt one of their maps for addressing.

Mr. Johncox left the meeting at 12:18P.M.

Mr. Shaw would like to discussion on addressing to continue. Mr. Hicks suggested staff get together with the attorneys for discussions.

Mr. Kesner suggested that the city could elect to not impose outside a given boundary and adopting a single map for permitting, addressing and planning purposes.

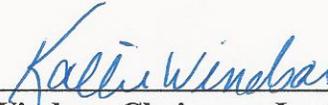
Mr. Robinson stated that they don't have authority to shrink an ETZ. Mr. Hicks stated that regulations state the ETZ is "up to five miles." There is a possibility of "sharing" the ETZ.

Mr. Hicks stated that a cooperative private road ordinance or guideline between the city and county would be very helpful in laying out some minimums.

ITEM 04: Adjournment

Mr. Hicks adjourned the meeting adjourned at 12:31P.M.

Lea County Planning & Zoning Board



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

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

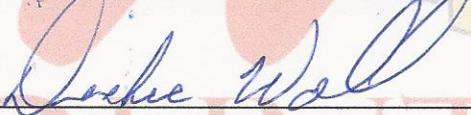
Kay Hardin, Member, District 1



Gary Eidson, Member, District 2



Johnnie Hopper, Member, District 3



Dickie Wall, Member, District 4



Daniel Johncox, Member, District 5