

**Lea County Planning & Zoning Board**  
**Regular Meeting**  
**Tuesday, January 9, 2018 9:30 A.M.**  
**Commission Chambers, Lea County Courthouse, 100 N. Main, Lovington, NM**

**ITEM 01: Call to Order/ Roll Call**

The meeting was called to order at 9:30 am. All board members were present.

**ITEM 02: Comment from the Public**

A lady in the audience asked if the board had anything to do with paving of roads. The Chair stated that the board did not and the vice-chair added that the County does with the Road Advisory Board. The vice-chair, Mr. Kesner, stated and requested confirmation from Mr. Needham if that was true. Mr. Needham confirmed the statement to be true. Mr. Needham gave his contact information to the lady who asked the question.

**ITEM 03: Consideration of Approval of Minutes of November 14, 2017, Meeting**

Gary Eidson made the motion to approve the November 14, 2017 minutes and seconded by Kay Hardin. The minutes were approved unanimously.

**ITEM 04: Consideration of Approval of the Re-plat of Oakridge Park, Unit 2,  
Lot 8 of Section 05, Township 18 South, Range 38 East, N.M.P.M.,  
Lea County, New Mexico.**

Mr. Reid stated that the road between lots 7 & 8 was vacated in July of 2017 and the property owners would like to split the road east and west across the properties. Guy Kesner motioned for approval; seconded by Daniel Johncox and re-plat was approved unanimously.

**ITEM 05: Consideration of Approval of the Re-plat of Midway Acres, Unit 2,  
Lot 12B of Section 23, Township 17 South, Range 37 East, N.M.P.M.,  
Lea County, New Mexico.**

Midway Acres, Unit 2, Lot B was subdivided into Lot 12A & 12B in 2010 and now the owners of Lot 12 B would like to give a 3-acre Lot to a family member. They are asking the board to approve this request of dividing 12B into 12B1 & 12B2. Mr. Reid stated this did not violate and subdivision regulation because this subdivision is a Type 3 which can have up to 24 lots the smallest being less than 10 acres. Daniel Johncox moved for approval with a seconded by Dickie Wall. Question posed by Guy Kesner that previously the Lea County Soil and Water Conservation District made a recommendation that any county lot be a minimum of 5 acres. He wondered if the County Commission has made a decision about their recommendation. The recommendation has not been formerly presented to the County Commission, so the recommendation has not been accepted or rejected. The item was approved unanimously.

**ITEM 06: Consideration of Approval of Alto Mesa Division, a Type 5 Subdivision in the North half of the Northwest quarter of Section 13, Township 16 South, Range 35 East, N.M.P.M., Lea County, New Mexico.**

Kallie Windsor recused herself from voting on this agenda item, because she is promoting this real estate project for Darr Angell. Mr. Reid stated that an easement provides access to all subdivided properties from the County maintained Gill Road. The access to Tract C is from the easement and the owner of Tract C is the subservient estate for the easement. Mr. Kesner requested a flagpole lot the show permanent access to an all-weather surface be placed on this plat and other board members showed signs of agreement. Kay Hardin asked why the property couldn't just renegotiate with Chevron for an access road around the subdivision properties. Guy Kesner said Chevron is not going to want to renegotiate something they have already acquired. Johnney Hopper requested Google Earth be projected on the room monitors. Daniel Johncox asked if the oil lease road was not a prescriptive easement. Corey Needham answered it could be a prescriptive easement or an actually easement for Chevron. Gary Eidson commented that if the developer makes Tract C into a flagpole lot then the developer does not have to provide a chip-sealed road to Tract C. Johnney Hopper asked for clarification on the name of the road name to the north of the proposed subdivision. Information given shows that is an unnamed road, it is in line to the east with Avenue R. If Avenue R continued westward for two miles from its present terminus than it would connect to the road in question. Mr. Hopper continued and restated the information presented that tract A, and tract B had access from Gill Road and tract C would be flagpoled so it too would have public access from Gill road. Everyone agreed that those statements are correct. Gary Eidson made the motion to approve Alto Mesa Division, a Type 5 Subdivision, when Tract C is reconfigured into a flagpole Lot so it has public access from Gill Road. Second from Daniel Johncox and approved unanimously.

**ITEM 07: Consideration of Approval of Addressing Variance for 10225 N. World Drive for Charles D. Townsend in Section 24, Township 17 South, Range 37 East.**

The property is located north of Alabama on World Drive. World Drive is paved from Alabama to Ragsdale. Ragsdale is 660 feet south of Mr. Townsend's property. Under the Hobbs Addressing Manual, a secondary address requires a certified all-weather surface caliche roadway or a chip-sealed County approved roadway with dedication to the County. Mr. Townsend is unable to split the land because the land is connected to a mortgage agreement. Gary Eidson asked if the address was for just emergency proposes. It is for emergency purposes but also for placement of the mobile home and securing a septic system for the home as well. Daniel Johncox asked he is going for a variance. The request was restated that this item is before the board to ask for a variance to the Hobbs Addressing Manual that will allow a second address to be placed on an undivided parcel with improving the private road to county specifications or being attached to a County dedicated roadway. Daniel Johncox moved for approval with Kay Hardin seconding the motion. Charles Daniel "Danny" Townsend gave the history of the private road. He has built and maintained the road and maintained it since 1983. Stated that he was informed by the City that he cannot use the back 16-acres because there is not a County designated road within 150 feet of a residential structure. Mr. Hopper asked Mr. Townsend if to get to his property he is already going over a roadway that is not dedicated, it is just a used area. Mr. Townsend confirmed that he is correct. It has been a used area for entrance to his property for the last 34 years. Kevin Robinson, City of Hobbs Planning Department, said the idea that this is private land does not preclude Mr. Townsend from getting an address. What the address assignment manual does state is that

the particular private access has to be maintained where emergency responders can get to the habitable structure. The subsequent meetings the City and County has had have said this can be proven in two ways: first, certification by a certified engineer that the roadway is an all-weather access. The access being a requirement of the 2014 IFC Chapter 5. This Chapter 5 states any structure placed in the County must be within 150 feet of an all-weather access roadway. Just because World Drive north of Ragsdale is not dedicated does not mean Mr. Townsend could not get an address. Those are his two ways. Second, any street that is approved by the County or maintained by the County gets an address. Once the city understands that the County is going to maintain the roadway, that emergency vehicles are going to have access the homeowner is compliant for an address. In the past the Lea County Planning Board has granted these variances conditionally primarily saying as long as it is a family member or whatever, but that limits the density on these non-county maintained roadways. And the municipality wants the variances granted; the letters received by the municipality, then municipality will issue the address to emergency responders. The chair asked for questions of Mr. Robinson. Mr. Hopper asked "Whose responsibility is it to prepare that road and maintain that road to the municipality's standards for this address manual?" Mr. Robinson response is that it is not to the municipality's standards but to the County's standards and that is kind of the tricky thing. Mr. Hopper agrees stating Danny is crossing 800 feet or so of someone else's property to get to his. Mr. Robinson agrees stating this is true with many developmental rules and regulations. We say what it has to be like prior to the development occurring. In other words, prior to the development. We do not have any regulations and as far as I know the County does not have any regulations that says this is an on-going maintenance issue. It is the owner's responsibility, and yes you are right, Mr. Hopper, there is 800 feet there that Mr. Townsend is maintaining an easement to his benefit. Mr. Hopper stated he doesn't have a problem in giving the variance. It is just that every time a variance is requested trying to find out who is responsible for what issues tends to be a 'can of worms'. Mr. Eidson stated that it might be a different issue if the property owner was subdividing. Mr. Robinson stated that if the property was being subdivided then the property could not become compliant with the Lea County Subdivision Regulation because to the public access. Mr. Eidson stated he had no more question. Mr. Hopper moved for the question. The chair asked for more comments or questions. Having none called for the vote. The variance was approved unanimously.

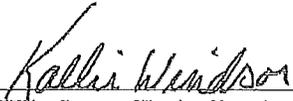
#### **ITEM 08: Set/Confirm Next Meeting(s)**

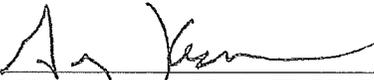
Mr. Reid proposed the second Tuesday of each month for all meetings in 2018. Mr. Kesner moved to have the second Tuesday of each month designation for Lea County Planning and Zoning Board's regular meeting include February 13 and March 13, 2018. Mrs. Hardin seconded the motion and it passed unanimously.

#### **ITEM 09: Adjournment**

Mr. Kesner moved to adjourn it was seconded by Mr. Johncox and approved by all at 10:15 am.

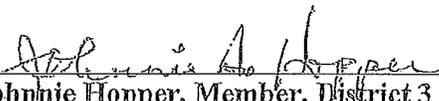
LEA COUNTY PLANNING & ZONING BOARD

  
Kallie Windsor, Chair, Lovington Extraterritorial Zoning Board

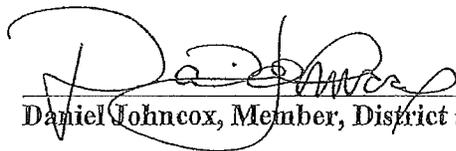
  
Guy Kesner, Vice-Chair, Hobbs Extraterritorial Zoning Board

  
Kay Hardin, Member, District 1

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Gary Eidson, Member, District 2

  
Johnnie Hopper, Member, District 3

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Dickie Wall, Member, District 4

  
Daniel Johncox, Member, District 5