

**Lea County Planning & Zoning Board**  
**Regular Meeting**  
**Tuesday, March 13, 2018 9:30 A.M.**  
**Commission Chambers, Lea County Courthouse, 100 N. Main, Lovington,**  
**NM**

**AGENDA**

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

The March 13, 2018 meeting of the Lea County Planning and Zoning Board was called to order by Kallie Windsor at 9:33 am. Members present were Kallie Windsor, Guy Kesner, Kay Hardin, Johnnie Hopper, & Daniel Johncox. Members absent were Gary Eidson and Dickie Wall.

**ITEM 02: Comment from the Public**

No public comments

**ITEM 03: Consideration of Approval of Minutes of January 9, 2018, Meeting**

Motion to approve the minutes from the January 9, 2018 Planning and Zoning Board was made by Guy Kesner and seconded by Daniel Johncox. The minutes were approved unanimously.

**ITEM 04: Open Public Hearing**

Mr. Seay spoke up and stated that the advertising for the public notice was incorrect. As seen below for Item 05 it states that the Libba Land Subdivision is located in Section 33, Township 18 South, Range 38 East, but the location of Libba Land Subdivision is actually in Section 34, Township 18 South, Range 38 East. He stated that the public hearing was falsely advertised. Mr. Johncox asked Mr. Reid if all the land owners received the same legal notice. Mr. Reid answered in the affirmative. Mr. Seay stated that the legal notice did not state the section, township, and range, but referred recipients to the Lea County website to review the agenda and as stated above the agenda had the incorrect section listing. Mr. Kesner asked if Mr. Reid had a copy of the notification of the owners and he did not. Mr. Hopper stated the location is wrong on the agenda, but correct in the board packet information. Mr. Seay brought his copy of the notification letter and the board members reviewed the document. Mr. Johncox asked if Mr. Seay property was in section 34. Mr. Seay gave an affirmative answer. Mr. Seay confirmed with Mr. Hopper that he lived on Illinois Street in Section 34. Mr. Seay

noted that the way it is advertised that the stated location is a mile from the actual location. Mr. Johncox stated that he wondered if the Daily News-Sun could show what was printed. Mr. Reid stated he would retrieve his copy from upstairs. Mr. Seay brought his copy from the Daily News-Sun paper. Mr. Reid confirmed for Mr. Kesner that this was the same document that went out to all the home owners. Mr. Johncox asked Mr. Reid to explain what is required for a public hearing notice for publication. Mr. Reid stated that all the public hearing notices he reviewed just stated that a public hearing was being held for a certain subdivision without any location being given. He also stated that Lea County Subdivision Regulation states that just the public notice will be sent to all the contiguous land owners; since that is what is required; that is what he did. At this time, Mr. Reid requested time for him to confer with the county attorney about the situation. Mr. Johncox stated as the developer that if this is an I that needs to be dotted or a T to be crossed then he has no problem with postponing the hearing until next month. Whatever needs to be completed so everything is according to the Lea County Subdivision Regulations. Mr. Johncox through Mr. Seay explanation realized that the legal notice refers all landowners to the Lea County website which has the agenda for the meeting. The agenda gives the location for Libba Land Subdivision and the agenda as stated previous listed the section incorrectly. After the board reviewed the agenda on the county website and agreed there was an error, Mr. Johncox stated the he thought the best thing to do was postpone the hearing until such time as a correct public hearing notice could be published and all contiguous property owners notified properly. Mr. Kesner suggest to the chair to close this public hearing, then table the item to the next meeting.

Swear in a witnesses; have each state their name.

**ITEM 05: Consideration of Approval of Libba Land Subdivision, Type 2 Subdivision of 51 Lots in Section 33, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico.**

The chair asked for a motion to close the public hearing. Mr. Johncox moved to close the hearing and it was seconded by Kay Hardin. It was approved unanimously. Mr. Kesner moved to table Item 5 until a proper notification could be sent to all interested parties and published properly in a county publication. Mrs. Hardin seconded the motion and it was approved unanimously. Mr. Johncox thanked Mr. Seay for making the board aware of this oversight.

**ITEM 06: Close Public Hearing**

The chair asked for a motion to close the public hearing. Mr. Johncox moved to close the hearing and it was seconded by Kay Hardin. It was approved unanimously.

**ITEM 07: Discussion of Road Installations in Type 3A, 3B of less than 10 Lots, and Type 5 Subdivisions. (15:02)**

Mr. Johncox requested the origination of this item. Mr. Reid informed the Board this item is coming to the board for discussion because of a continuous problem he is having pertaining to the requiring the building of roadways in small (less than 10 lots or less than 1320 feet length) subdivisions. He would like to get some direction from the Board about requiring roadways to be built in these types of subdivision. Mr. Reid stated the Lea County Subdivision Regulations do not specifically address if improved roadways are required for these subdivision or not.

Mr. Reid present the current project of the subdividing of Tract B-2 in the Babb subdivision into 4 lots of approximately 1-acre per lot. The proposed re-division project is 1729 feet north of Kansas Street and fronts Rolling Meadows Street on the west. Approximately 440 feet of the 588 feet of this project fronts Isaac on the east side. This project is in the extra-territory zone for the City of Hobbs and they have joint platting and planning jurisdiction with Lea County. The City of Hobbs is requiring that the subdivider build an improved roadway in the middle of this project to connect Rolling Meadows St. with Isaac St. The COH staff is siting Lea County Subdivision Regulation (LCSR) 16.2.1(F). 16.2.1(F) "Block lengths shall not exceed thirteen hundred twenty (1320) feet and cross streets shall match adjoining streets wherever practicable." This project is 1729.97 feet from Kansas and ends at 2318.05 feet north of Kansas.

A previous roadway was requested to be placed between Tract B-1 and Tract B-2 by the COH Staff in 2010 when the Babb Subdivision was first established. The owner request that compliance would endanger their grandchildren who would have to cross the road continuously to get to their recreational field and livestock. The request was granted because a road was not placed in this location. The Babb Subdivision begins 1485.87 feet north of Kansas and ends 2318.05 feet north of Kansas. Rolling Meadows is a local roadway that connects Kansas St. with Alabama St. The ingress and egress of Kansas St. is 5280 feet from each other without any side streets. The density of this roadway is 26 residential structures and has been in place since the 1980's.

**Board Questions:**

Mr. Hopper: Isaac St. dead ends at Florida St. and Kansas St. goes all the way up to Alabama St. is that correct? Affirmative from Mr. Reid.

Mr. Reid outline the subdivision on a satellite map of the area and notated were the roadway is being requested.

Mr. Kesner: The roadway is not being connected to Florida St.? Mr. Reid noted that the proposed roadway would not connect to Florida St. nor would it connect to Georgia St. (south of Florida St.).

Mr. Hopper: The subdivider wants to build a road? Mr. Reid: The subdivider does not want to build a road, but COH Staff wants him to build a road because there is not another outlet for this mile-long street.

Mr. Hopper: COH Staff is mandating the subdivider to build a road? Mr. Reid: Yes. COH Staff is using LCSR 16.1.2(F) to require the road.

Mr. Kesner stated the reason is the block length. He stated the COH Planning Board had a similar discussion about a COH staff wanting a road to be built in a subdivision off of Ja-Rob St. Mr. Kesner noted that the COH Planning Board went against COH staff's recommendation.

Mr. Reid stated that he previously requested a determination of LCSR 16.1.2(F) from the County Attorney. The County Attorney stated that there is two interpretation of the regulations. One is that if of subdivision is being developed on a roadway that does not have an exit point within 1320 feet than the subdivided could be required to place an outlet roadway even if the outlet would be more than the 1320 feet required by the regulation. Second, would be when a subdivider is developing a subdivision that has a block length longer than 1320 feet, then the subdivider is required to place an intersection at 1320 feet. Mr. Reid re-iterated that he would like feedback from the Board about this dilemma for smaller subdivisions.

Mr. Reid referred to the Babb letter at this time and explain the Mr. Sheffler's Claim of Exemption document. Mr. Sheffler divided the property into a Tract A & Tract B in 2009. The south line of Tract A was 1145.47 feet north of Kansas St. and the north line of Tract A was 1435.87 feet north of Kansas St. Mr. Sheffler should have be required to build a road at the north end of Tract A which connected to Idaho St. on the east side of the property.

Mrs. Windsor: There is two access areas to the project area; one off of Rolling Meadows St. and one off of Isaac St.? Mr. Reid: Yes, that is correct.

Mr. Hopper: When the COH sent a letter to the Babb's about building the road and she requested that they not build the road for safety reason, did anyone follow-up on this requirement? Did the COH just let them go on without building the road.

Mr. Reid: Since the road has not been built, my belief is they accepted the request and allowed the Babb's not to build the road. Mr. Reid also stated that there is documentation that show approval by both the County and the City for not the Babb's not to build the road. He did not have the documentation in his possession, but the COH engineering dept. has the documentation.

Mrs. Windsor: The County did not sign this plat? Mr. Reid: No, he stated during his research about this concern of the County not signing some Claim of

Exemption plats that in the extra-territorial zones of Hobbs and Lovington prior to 2011 that many Claim of Exemption plat were not signed. When talking to people in the County Public Works Dept. they stated that until the present County Manager the County did not sign the plats, but all were approved by the County Commission.

Mrs. Windsor: The Babb's sold to Mr. Menchaca? Mr. Reid: No, the Babb's sold to Mr. Alvarado.

Mrs. Windsor: Including their house? Mr. Reid: No, the Babb's sold all of Tract B-2 to Mr. Alvarado. Then he sold the same property to Mr. Menchaca.

Mr. Kesner: Where did this notation of "Joe said to dedicate Georgia Ave. to Rolling Meadows. And to build the road."? Where did this come from? Mr. Reid: This is a notation COH staff sent me when the necessity of a road was being discussed.

Mr. Kesner: Having 1320 feet intersection in this rural of an area may be unnecessary because of density. Lots of 150 feet in a 1320-foot block length is only going to have a density factor of 8 dwellings, but on a half section line of 2640 feet with a density factor of 17 dwelling that makes more sense. Now, this is just a discussion item.

Mr. Reid: Yes, this is just a discussion item. How would the Board like me to pursue these situations?

1. To tell every subdivider that if they are developing property and it is more than 1320 feet from a county maintained roadway or plat dedicated street that as the subdivider, they will be required to build a road whether it connects to anywhere or not.
2. Tell the COH to stop referencing County regulation to demand subdividers in the ETZ are compliant with regulations.
3. Any suggestions the board may have.

Mr. Johncox: I think the City of Hobbs should focus on their own rules.

Mr. Kesner: Well, these projects are in the ETZ and COH has platting and planning jurisdiction. The COH has a maximum block length of 880 feet, but the county's is larger and should be. Sometime more common sense needs to be used by staffs. The tracts for this project are not going to be reduced any further so the density in this area will not get any larger, so why is an outlet road necessary. The only way these lots could be divided in the future would be when the city provides these tracts with water and sewer in the next 100+ years or so.

Mr. Hopper: If we make every subdivider build a road at 1320 feet, then is the County going to accept these roads and bring them in to their maintenance plan. What is the thinking on that?

Mr. Reid: If the Board want everyone to build roads, then I will enforce that and all required roads will be built to county specifications. The roads will be presented to

the County Commission and the Commissioners will decide if the road will be added to the County Maintenance Program. So roads could be required to be built and the County Commissioner decide not to maintain these new roads. The original developer or the present land owners would be required to maintain the roads perennially.

Mr. Kesner: That is what I brought up at the Hobbs Planning Board.

Mr. Johncox: I think the subdivider should submit the subdivision.

Mr. Kesner: I think we need to get the County Commission to agree on what types of roads they will accept for County maintenance. Road with moderate to high usage. If I was doing your job or COH staff, then I would look at that half section line and draw a red line around the area stating that anything developed along this area a road will be required to be built. Have a meeting and forewarn everyone. Maybe we change the 1320 feet designation and add when reasonable necessary or just change the length. I agree with Mr. Johncox; it does not make any sense to put a road in this particular subdivision.

Mr. Reid: Let clarify what I am hearing. If I tell Mr. Menchaca to submit his subdivision plan and plat without the road to this Lea County Planning and Zoning Board that this Board to be receptive to approving his subdivision without Mr. Menchaca having to build a road.

Mr. Kesner: What will the Lea County Soil & Water Conservation District says about this subdivision?

Mr. Reid: You are asking about their suggestion the no tract ever be smaller than 7.5 acres in the future. Mr. K. yes. Well I am not sure if this small a subdivision is required to notify state agencies about it possible establishment.

Mr. Kesner: What makes it challenging about a decision is we get all these opinions from state agencies, but we do not get direction from the County Commission.

Mr. Johncox: Mr. Menchaca will need to get a variance for subdividing Tract B of Babb Subdivision, because the LSCR states lots must average 2 acres, but cannot be any less than one acre.

Mr. Reid: Then I will be required to get that variance approved by the County Commission.

Mr. Kesner: Mr. Menchaca is going to need to reconfigure his property to get to 1-acre parcel, correct?

Mr. Reid: He might. It will depend on whether it will still be required of Mr. Menchaca to dedicate the east 30' of his property for future road purposes.

Mr. Hopper: Wasn't that 30' on the Babb Subdivision Plat shown as a 30' easement.

Mr. Reid: Yes, it is.

Mr. Hopper: Then why does it need to be dedicated.

Mr. Reid: Let me explain if I can, am still unsure of some of the particulars. If infrastructure improvements are to be made and franchise fee are to be paid, then the City and the County would like a governmental entity to own the property. Until actual use, I prefer, the easement option, but if actual usage is involved then dedication language should be used.

ITEM 08: Set/Confirm Next Meeting(s)

Mrs. Windsor stated the next meetings would be April 10<sup>th</sup>, May 8<sup>th</sup>, June 12<sup>th</sup>

ITEM 09: Adjourn

Meeting adjourned at 10:45 am.