

Lea County Planning & Zoning Board
Regular Meeting
Tuesday, August 14, 2018 9:30 A.M.
Commission Chambers, Lea County Courthouse, 100 N. Main, Lovington, NM

MINUTES

ITEM 01: Call to Order

The meeting is called to order by Chairman, Kallie Windsor, at 9:36 a.m. on Tuesday, August 14, 2018.

ITEM 02: Roll Call: Kallie Windsor, Guy Kesner, Kay Hardin, Gary Eidson, Johnnie Hopper, Dickie Wall, & Daniel Johncox

All members present except for Gary Eidson.

ITEM 03: Comment from the Public

No Comments from the public.

ITEM 04: Consideration of Approval of Minutes of July 10, 2018, Meeting

July 10, 2018 Minutes were approved unanimously. Moved by Daniel Johncox and seconded by Johnnie Hopper.

ITEM 04a: Sign Approval Sheet for Minutes of July 10, 2018 Meeting

ITEM 05: Public Hearing: Consideration for Approval of Variance for Minimum Average Lot Size & for Minimum Lot Size under Lea County Subdivision Regulation 16.4.5B 2b for Babb Subdivision, in Section 33, Township 17 South, Range 38 East, N.M.P.M., Lea County, New Mexico. Daniel Johncox moved the public hearing be opened with a second from Kay Hardin and motion was unanimously approved. Presentation on Variances to Lea County Subdivision Regulation 16.4.5B 2b for Babb Subdivision by the County Planner. Bruce Reid was sworn in by Kallie Windsor. Mr. Reid read the regulation and explained the with the removal of land for the dedicated roads that the acreage for the subdivision is less than two acres per lot. The Babb subdivision is 6.06 acres in size on two tracts of land. The replat of Tract B2 will change the number of tracts from two to five. Rendering the average lot size to move from 3.03 acres per Tract to 1.21 acres per Tract. Mr. Reid presented a chart showing all the subdivision, north of Kansas and west of Grimes, with the subdivision size and average lot size. Johnnie Hopper asked to review the plat and asked why the dedicated road easement on the east was included in the acreage size for the subdivision and the lots. Mr. Reid explain that the regulation references the total size of the acreage of the subdivision without exclusion of any of the subdivisions easements. Dickie Wall asked if the easement was excluded in the lot size does the lot size comply with the liquid waste requirement. Mr. Reid confirmed

that it did, but went on to explain that it would be less than one acre, which is the reason for the next variance. Ms. Windsor stated that a liquid waste system may be placed on a lot size less than three-quarters of an acre but it is a different system that is an Evapotranspiration system the decomposes the waste before water emission. Mr. Hopper asked if Isaac Street was dedicated to Florida Street. Mr. Reid confirmed that information. Mr. Johncox question why the roadway is not allowed to be used in the net lot size. Mr. Reid the only reason he can understand is so there is more than enough area to leech the effluence properly. Mr. Johncox stated that the LC Planning and Zoning Board has been approving these variances for as long as he can remember. He does believe the rule was proposed for these types of subdivision. He believes this rule is for larger more sophisticated developers. Developers have been trying for years to change these liquid waste requirements and getting the Lea County Subdivision Regulation become more in-line with the NM State Authority Regulation for liquid waste and lot sizes. Mr. Johncox moved to approve with Mr. Wall seconding. Mr. Kesner asked Mr. Hopper if he was looking at the road north of Isaacs and on the east side of the subdivision as not being a dedicated ROW that it is just an easement. Mr. Hopper mentioned that the Planning Department is making the assumption that their access will be from the west and not the east. Mr. Reid stated that their access is from the west. No one accesses their property from the east. Mr. Johncox questioned if there was a county maintained road in front of these properties. Mr. Reid confirmed that Rolling Meadows Drive is on the west of these properties. Mr. Hopper stated caution to make sure the owners of Lots 3&4 that entrance to their lots need to come from Rolling Meadows Drive and not from Isaac St. Chairman Windsor call for the vote. The motion passed unanimously for the Subdivision lot size average variance. Discussion for variance of average lot size. Mr. Reid presented the same information as previously presented for the first variance, but with the emphasis on individual lot size instead of average lot size. A little more discussion about why easements acreage lessen a lot size for liquid waste acreage. Mr. Wall moved to approve this minimum lot size variance with Mr. Johncox seconding the motion. Motion passed unanimously. Chairperson Windsor entertained a motion to close the public hearing. Mr. Johncox moved to close the public hearing with a second by Ms. Hardin. Unanimous approval to close the public hearing.

ITEM 06: Consideration for Approval for Preliminary Plat Gallegos Subdivision, a Type 3-A Subdivision, in Section 8, Township 15 South, Range 36 East, N.M.P.M., Lea County, New Mexico. Mr. Reid presented the information stating the preliminary plat approval was being sought so Mr. Gallegos would have time to improve his 30 feet of Falcon Road to County standards. Falcon Road is a private road and not County maintained. Mr. Gallegos owns the north 30 feet of Falcon Road adjoining NM 206 on the west ROW of NM 206. Chairperson Windsor asked for the number of houses on Mr. Gallegos' property. She wanted the board to realize that the 10 parcel to the west and south of Mr. Gallegos' property have never been subdivided properly. And most probably have unpermitted septic tanks. The road will be improved to County specification. Daniel

Johncox stated that the road must be improved to County specification for a caliche road with engineer approval. Mr. Hopper asked if the property to the south had a thirty-foot easement. 'No' was Mr. Reid's response. Question were asked by the Board about future mortgages, addressing, and title insurance for the properties to be subdivided. Board inquired about County width specification for roadways. They were informed that the ROW width is sixty-foot, the roadway is 28-foot width with drainage swales of sixteen feet on each side. Chairperson Windsor stated the solution given is like "putting lipstick on a pig". Mr. Kesner continued with his concern that the road being in poor condition now and with the addition lots for the subdivision it will get worse. It has been proven previously that multiple property owners do not continue maintenance on a private road beyond the initial development of the roadway. Chairperson Windsor's concern was for the property owners to the west that had to drive the road to have access to NM 206. Ms. Ball, City Planner for Lovington, interjected that the reason she came to the meeting today is she has had some inquiries from the property owners to the west of Mr. Gallegos' property. Ms. Ball stated these property owners have told her that Mr. Gallegos has informed them that the portion of the road that traverses his property is his road and the property owners to the west cannot travel on the portion of the road owned by him. The Board discussed many options for this problem, but consensus determined that Falcon Road should be a prescriptive easement and a court of law will have to decide the issue. Mr. Kesner stated Mr. Gallegos needs to get with his neighbors and ask for a paving district (Road Improvement District) for this road. Mr. Kesner moved that the Gallegos Subdivision be approved as presented. Chairperson Windsor asked for the vote, but Mr. Hopper wished to see the proposed plat. He had questions about the easement confirmed on the plat. The Board decided that the twenty-foot easement was a utility easement and it more than likely belonged to Lea County Electric Co-op. Mr. Hopper inquired whether the surveyor found any easements for the property to the south of Mr. Gallegos' property. Mr. Reid stated that none was listed on the plat and he didn't think the surveyor needed to do that for this survey. Mr. Hopper stated he should do that for every survey. Without any more inquiries, Ms. Windsor called for the vote, stating that Mr. Kesner moved the question and that it was second by Mr. Johncox. The motion failed with a unanimous vote.

ITEM 07: Consideration for Approval of the Preliminary Replat of Lot 1 of Lynch Subdivision, a Type 3-B Subdivision, in Section 9, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico. Mr. Reid presented the Lynch Subdivision to the Board stating it is a Type-3A subdivision with a maximum capacity of 5 lots. Mr. Ragsdale the owner of Lot 1 in Lynch Subdivision is requesting to split his lot in two. This will cause the Lynch Subdivision to have 6 lots instead of 5 lots and changes the Subdivision Type from a 3-A to a 3-B. This change occurs because Lot 1 is being re-platted within seven years of the original subdivision being approved. All 3-B Subdivision require State Agency opinion letters. The State Agency will receive the Subdivision Plat and the Subdivision Disclosure statement. With this information the State Agency will send a favorable or unfavorable opinion letter about the proposed Subdivision. Once the letters

are received and approval from the Planning and Zoning Board is given, then the Board of County Commissioners will hear the request for approval of the Subdivision. Many of the Board members inquired about the seven-year moratorium for subdivisions. The answer is so a small subdivision that does not need state agency approval to exist does not become a large subdivision without approval from the responsible state agencies. *Example: A person buys 40-acres of land and divides it into 5 8-acre parcels of land. This would be a Type 3-A subdivision with only needing approval of the Planning and Zoning Board. He sells the land to 5 different people. In 2 years the owner decides to split each parcel in half and sells the second half to another person. Now instead of the subdivision having 5 lots it has 10 4-acre parcel. In two years each property owner splits their lot in half. Now, there is 20 2-acre parcels of land in a Type 3-A subdivision. These land could be split again into 40 1-acre parcels of land without infrastructure and utility easements.* Much discussion the Mr. Ragsdale is following the subdivision procedures and there is access to the property. Ms. Gomez from Ken Berry Construction states the this is needed because it is very hard in the County to find enough land to build a nice custom built home. Most lots available for build only have 60-foot footages. Ms. Hardin stated she thinks Mr. Ragsdale should have to wait the seven year waiting period. Mr. Wall stated that the County Regulations are becoming too prohibitive for builders and developers and he believed he should be helping developers. Mr. Wall moved to approve the item with Mr. Johncox seconding and all member voting to approve the motion unanimously.

ITEM 08: Consideration for Approval of the Replat of Lot 9, Block 2, Unit 1 of Quail Run Subdivision, in Section 27, Township 19 South, Range 38 East, N.M.P.M., Lea County, New Mexico. Mr. Reid presented the plat again to the board this item had been presented at the previous meeting. The pipeline now adorned the plat. Much debate about whether the pipeline existed or not. Planner missed a surveyor's note that stated the surveyor call one-call, but no one responded because actual work on the pipeline was not being performed at that moment. Motion for approval made by Mr. Kesner and seconded by Mr. Johncox and approved by all.

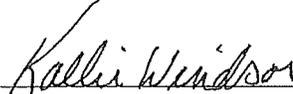
ITEM 09: Consideration for Approval of Subdivision of Tract 15 in Chaparral Subdivision in Section 04, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico. Mr. Reid's presentation reminded the board that Mr. Navarrette vacated the south portion of Llewellyn Street and presented the deed for the return of Llewellyn to the owners of Tract 15 & Tract 16. Questions on commercial properties allow-ability in this subdivision were posed. Two mobile home parks currently occupy tracts in this subdivision, so commercial properties are allowed. The Tract is accessible by a County maintained road. Mr. Johncox moved for approval with Mr. Kesner seconding and all Board Members voting to approve the motion.

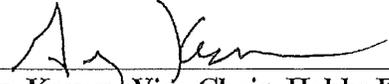
ITEM 10: Confirm Next Meeting Dates September 11th & October 9th
Dates are accepted as stated.

ITEM 11: Adjourn

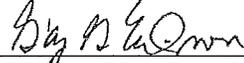
Mr. Johncox moved to adjourn the meeting with Ms. Hardin second. The meeting adjourned at 11:08 am on August 14, 2018.

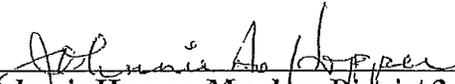
LEA COUNTY PLANNING & ZONING BOARD


Kallie Windsor, Chair, Lovington Extraterritorial Zoning Board

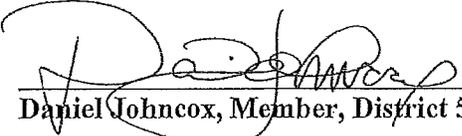

Guy Kesner, Vice-Chair, Hobbs Extraterritorial Zoning Board


Kay Hardin, Member, District 1


Gary Eidson, Member, District 2


Johnnie Hopper, Member, District 3

Dickie Wall, Member, District 4


Daniel Johncox, Member, District 5