

**MINUTES OF THE
EXTRA-TERRITORIAL ZONING AUTHORITY (ETA) MEETING**

August 17, 2016

1. CALL TO ORDER

05:32:53

Chairman Rawson called the Regular Meeting of the Extra-Territorial Zoning Authority to order at 5:32 p.m. Wednesday, August 17, 2016 in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

2. ROLL CALL

05:33:00

Led by: Diane Duback, Recording Secretary

<i>Leticia Benavidez, Commissioner</i>	Absent
<i>Jack Eakman, Councilor</i>	Present
<i>Kasandra Gandara, Councilor</i>	Present
<i>Wayne Hancock, Commissioner</i>	Present
<i>Benjamin Rawson, Chairman</i>	Present

3. ANNOUNCEMENTS

05:33:22

None.

4. APPROVAL OF MINUTES

05:33:28

July 20, 2016

Motion to approve the minutes of the July 20, 2016 ETA Meeting.

Motion: Jack Eakman

Second: Kasandra Gandara

<i>Jack Eakman, Councilor</i>	Yes
<i>Kasandra Gandara, Councilor</i>	Yes
<i>Wayne Hancock, Commissioner</i>	Abstain
<i>Benjamin Rawson, Chairman</i>	Yes

Passed.

5. CHANGES TO THE AGENDA

05:34:01

Chairman Rawson reminded everyone that with only four members of the Commission present, applicants have the option to postpone their case to a future meeting.

Chairman Rawson said they would start with Agenda Item No. 10 to give Commissioner Benavidez a few more minutes to arrive.

**OLD BUSINESS
REVIEW / DISCUSSION / ACTION**

6. CASE #65519A/Jacobs

05:40:51

Chairman Rawson asked the applicant if they wanted to proceed given that only four members of the Authority were present. They said they wanted to proceed.

A request to appeal the decision of the Extra-Territorial Zoning Commission for Case 65519W made on July 2, 2016 for denial of the waiver request for no improvements for the interior access roadway easements and to the nearest paved roadway known as Soledad Vista as required by the ETZ Subdivision Regulations and the Doña Ana County Design Standards. Submitted by Borderland Engineers and Surveyors, LLC, on behalf of Richard and Linda Jacobs, property owners. This case was postponed from the July 20, 2016 ETA Hearing to this date. Sara Gonzalez, Planner, City of Las Cruces, presented the case.

A motion was made to approve an appeal of the decision by the ETZ denying the waiver request.

Motion: Wayne Hancock

Second: Jack Eakman

A motion was made to go into closed session.

Motion: Jack Eakman

Second: Wayne Hancock

<i>Jack Eakman, Councilor</i>	Yes
<i>Kasandra Gandara, Councilor</i>	Yes
<i>Wayne Hancock, Commissioner</i>	Yes
<i>Benjamin Rawson, Chairman</i>	Yes

Passed.

Chairman Rawson recessed the meeting at 6:01 p.m. to go into closed session. Chairman Rawson reconvened the meeting at 6:22 p.m.

A vote was taken on the initial motion to approve the appeal.

<i>Jack Eakman, Councilor</i>	No
<i>Kasandra Gandara, Councilor</i>	No
<i>Wayne Hancock, Commissioner</i>	Yes
<i>Benjamin Rawson, Chairman</i>	Yes

Failed.

NEW BUSINESS REVIEW / DISCUSSION / ACTION

**7. CASE #V16-003/Kershaw
06:24:18**

Chairman Rawson asked the applicant if they wanted to proceed given that only four members of the Authority were present. They said they wanted to proceed.

Motion to approve variances from 15 ft. to zero ft. on the side yard setback and from 3,000 sq. ft. to 4,200 sq. ft. to the total accessory building footprint to construct a 1,200 sq. ft. (30' x 40') horse barn within an ER3M zoning district. Steve Meadows, Planner, Community Development, will discuss.

A motion to conditionally approve the variances was made with the following conditions: 1) applicant shall obtain a building permit from Doña Ana County and pay triple fee, 2) applicant shall provide a drainage report reviewed by Doña Ana County Engineering Department, and 3) applicant shall provide gutters to the structure to prevent runoff from impacting the adjacent property and lot. Granting the variance will not constitute a grant of special privilege inconsistent with the limitations of other properties within 350 feet and also within the same land use of the district, nor granting the variances will not be detrimental to the public health, safety, and welfare or materially injurious to the properties or improvements in the vicinity. Strict or literal interpretation or enforcement of the specified performance standard or regulation will not result in unnecessary physical hardship inconsistent with the purposes of this code.

Motion: Wayne Hancock
Second: Jack Eakman

<i>Jack Eakman, Councilor</i>	Yes
<i>Kasandra Gandara, Councilor</i>	Yes
<i>Wayne Hancock, Commissioner</i>	Yes

Benjamin Rawson, Chairman

Yes

Passed.

**8. CASE #64783A/Replat of Lot 21, Subdivision "C" EBL&T Waiver Request Appeal
06:53:12**

Chairman Rawson asked the applicant if they wanted to proceed given that only four members of the Authority were present. They said they wanted to proceed.

A request to appeal the decision of the Extra-Territorial Zoning Commission for Case #64783W made on July 7, 2016, for denial of the waiver request for no improvements for the interior access road and utility easement as required by the ETZ Subdivision Regulations and the Doña Ana County Design Standards. The subject property encompasses 4.92± acres, is zoned ER5 and is located on the east side of White Thorn Road, 619± feet south of its intersection with Westmoreland Avenue; a.k.a. 2595 Webb Road, Parcel ID #03-30038. Submitted by Moy Surveying Inc., on behalf of Tommy and Sandra Brown, property owners. Sara Gonzalez, Planner, City of Las Cruces, presented the case.

A motion was made to go into closed session.

Motion: Wayne Hancock

Second: Jack Eakman

Jack Eakman, Councilor

Yes

Kassandra Gandara, Councilor

Yes

Wayne Hancock, Commissioner

Yes

Benjamin Rawson, Chairman

Yes

Passed.

Chairman Rawson recessed the meeting at 7:47 p.m. to go into closed session. The Commission returned from closed session and Chairman Rawson reconvened the meeting at 8:13 p.m.

A motion was made to conditionally approve an appeal of the decision by the ETZC for denial of the waiver request with the following condition: 1) road improvements will have to be completed before building permits are pulled.

Motion: Wayne Hancock

Second: Jack Eakman

Jack Eakman, Councilor

Yes

<i>Kassandra Gandara, Councilor</i>	Yes
<i>Wayne Hancock, Commissioner</i>	Yes
<i>Benjamin Rawson, Chairman</i>	Yes

Passed.

Chairman Rawson called for a short recess at 8:15 p.m. and reconvened the meeting at 8:23 p.m.

**9. CASE #65413A/Margarita’s Subdivision Replat No. 1 Waiver Request Appeal
08:23:33**

Chairman Rawson asked the applicant if they wanted to proceed given that only four members of the Authority were present. They said they wanted to proceed.

A request to appeal the decision of the Extra-Territorial Zoning Commission for Case #65413W made on July 7, 2016, for denial of the waiver request for no improvements for the interior access roadway easements known as Margaritas Lane as required by the ETZ Subdivision Regulations and the Doña Ana County Design Standards. The subject property encompasses 5.181± acres, is zoned ER4M and is located on the west side of Calle de Las Margaritas, 809± feet south of its intersection with Watson Lane; a.k.a. 3876 Calle de Las Margaritas; Parcel ID #03-29734. Submitted by Moy Surveying Inc., on behalf of Manuel and Yolanda Avalos, Olivia Romero, and Lorenzo Villalobos, property owners. Sara Gonzalez, Planner, City of Las Cruces, presented the case.

A motion was made to approve an appeal of the decision by the ETZC for denial of the waiver request with the following condition: 1) road improvements will have to be completed before any building permits are pulled.

Motion: Wayne Hancock
Second: Jack Eakman

<i>Jack Eakman, Councilor</i>	Yes
<i>Kassandra Gandara, Councilor</i>	Yes
<i>Wayne Hancock, Commissioner</i>	Yes
<i>Benjamin Rawson, Chairman</i>	Yes

Passed.

**10. MINOR SUBDIVISIONS AND LARGE LAND AREA SUBDIVISIONS REPORT UPDATE FROM
THE CITY OF LAS CRUCES COMMUNITY DEVELOPMENT DEPARTMENT STAFF
05:35:04**

The City of Las Cruces had nothing to report for the month of July.

11. ADMINISTRATIVE APPROVALS

05:35:19

Steve Meadows reported on Administrative Approvals for the month of July.

12. STAFF INPUT

05:40:45

None.

13. AUTHORITY INPUT

05:40:47

None.

14. ADJOURNMENT

08:39:47

Chairman Rawson adjourned the meeting at 8:39 p.m.

Officer: Extra-Territorial Zoning Authority