

**EXTRA-TERRITORIAL ZONING COMMISSION
WORK SESSION
May 3, 2012**

THESE ARE NOT VERBATIM MINUTES, THESE ARE SUMMARY MINUTES

MEMBERS PRESENT:

John Villescascas, Chairman
Bob Hearn, Member
John Townsend, Member
Cliff Terry, Member

OTHERS PRESENT:

Janine Divyak, Chief Planner
Steve Meadows, Planner
Isabel De La Rosa, Recording Secretary

1. CALL TO ORDER:

Chairman Villescascas called the Work Session of the Extra-Territorial Zoning Commission to order at 6:10 p.m., Thursday, May 3, 2012 in the Commission Chambers in the Doña Ana County Government Center, 845 N. Motel Boulevard, Las Cruces, N.M.

2. ROLL CALL:

Commissioner Terry	Here
Commissioner Townsend	Here
Commissioner Hearn	Here
Chairman Villescascas	Here

3. ANNOUNCEMENTS: None

4. CHANGES TO THE AGENDA:

Steve Meadows asked that they switch items 5 and 6 due to #6 being more of an update and item 5 will be discuss.

Chairman Villescascas polled Commissioners – all ayes.

5. DISCUSSION ON THE DRAFT OF THE PROPOSED WIRELESS TELECOMMUNICATION REGULATIONS:

Steve Meadows related that the draft was reviewed by P&Z last week, exhibit A consisted of the proposed draft, exhibit B consisted of comments and notes provided by industry representatives, and exhibit C consisted of the existing DAC zoning regulations. Two-thirds of the draft was reviewed, some changes were made, and had discussions on some issues. The plan consisted of finish reviewing the rest of the draft by the next P&Z meeting, make changes and bring the final copy back to P&Z for recommendation to the BOCC unless more edits were required. He stated that P&Z, ETZ and probably the whole county's main point is collocation. He further stated that they would provide an update by next meeting date.

Commissioner Hearn asked if the plan can be adopted by the ETZ once the P&Z makes the recommendation for BOCC approval.

Steve Meadows stated that some of the language would have to be changed, but it could be done.

Chairman Villescascas asked if there was a way for the ETZ to steer the providers to use existing facilities like water tanks, gas stations, churches etc. to save money for the providers and promote revenues for the owners of these facilities.

Commissioner Terry stated that it would need to be suggested for the providers to have their engineers tested to see if they could use the facilities. He further stated that the towers should be engineered for the next company or outfit.

Chairman Villescascas stated that this was something that could be put in an ordinance.

Commissioner Terry suggested strengthening 9.C.2. to say “it shall be designed in such a manner that it will be able to accommodate other users.”

Commissioner Townsend stated that if people want service they have to put up with poles.

Commissioner Terry suggested relating this kind of information to the public; provide literature on cell towers; educate them to get cooperation from the public; and should it be something that the Commission needed to do.

6. PROPOSED AMENDMENT 2012-01 TO THE LAS CRUCES EXTRA-TERRITORIAL ZONING ORDINANCE (NO.88-02) Article I, “PURPOSE, AUTHORITY, AND SCOPE OF THE CODE”, SECTION 1.6: “DEFINITIONS”, ARTICLE III, “ZONING DISTRICTS AND SPECIAL USE PERMITS”, SECTION 3.1: “GENERAL DISTRICTS: PURPOSES AND USES”; AND SECTION 3.4: “HOME OCCUPATION PERMITS”, ARTICLE VII, “ACCESSORY BUILDINGS”, SECTION 7.1.A, “HEIGHT AND SETBACK REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS.” THE ETA REQUESTS THAT THE ETZ COMMISSION REVISIT THIS AMENDMENT BASED ON PUBLIC INPUT RECEIVED FROM THE PUBLIC HEARING. 7:10:13

Commissioner Hearn stated that he had concerns with three issues: 1) requirement for 7 individuals being in a day care center/child care center is excessive, and recommended making it as small as they could. He believed 5 were reasonable as too many kids were not being consistent with keeping it as a neighborhood.

Janine Divyak noted that originally it was 6-7 for childcare center and 5-7 for daycare center.

Commissioner Hearn stated that the primary requirement would be not to mess up the residential character of the neighborhood.

Janine Divyak stated that it reflected what the state required to have children in a home.

Commissioner Hearn stated that he would like this to be a maximum number.

Janine Divyak stated then to leave it as is and not amend the section of the ordinance.

Commissioner Hearn noted that the language was incorrect and stated that it should say that there should be up to 7 kids in the childcare center and an SUP would be required if want more than 7 kids. He suggested adding the word “not” more than 7 and it would work.

Steve Meadows stated that he agreed with taking out the number which matched the child care center definition.

Commissioner Hearn section 1.6.U.1 says to him that “if the use not on the list they could administratively bypass the whole SUP process.”

Janine Divyak explained that if a use is not on the list, the director would classify the use and decide what the request was similar to and follows the standards of that particular use, i.e. if the similar use requires an SUP, then an SUP would be required for that use as well.

Steve Meadows stated that it was classification of the use.

Janine Divyak suggested strengthening the language for clarity.

Commissioner Hearn stated on the home permits, item C says “no more than 5 people” and would like to see it go back to 1.

Chairman Villescas stated that it would be a lot of vehicles.

Chairman Villescas stated that 1 foot for the signage was good and everyone concurred.

Commissioner Terry noted that item 9.a relates back to 1 on summary regarding off street parking. He stated that it was very well written to cover it.

Janine Divyak noted that there were no hours of operation established and it was done purposely to allow people like accountants to work the hours that they want to, but as pointed out by Commissioner Hearn under C.6 – it talks about noise, interference, dust, create a disturbance.

Commissioner Hearn stated that instead of putting times on things, they are covered with other ordinances. He also stated taking exception to people not being able to perform work out of their garage, i.e. car repairs.

Janine Divyak noted that comments were made on 7.1.A – setback requirements for accessory structures.

Steve Meadows stated that comments were also made on the 5 feet saying it was dangerous and it

could be a fire hazard. He related that the fact was the fire department rules stated that there must be 5 feet between buildings.

Commissioner Hearn stated that as long as those were good with the fire code, then it makes sense.

Chairman Villescas noted that the 5 foot requirement was fine.

Janine Divyak stated that they will take it to the ETA and these were the recommendations made by consensus during work session.

7. **PUBLIC INPUT: None.**

8. **STAFF INPUT: None.**

9. **COMMISSION INPUT:**

Commissioner Terry noted that he would not be present in the next meeting due to an exciting professional opportunity.

10. **ADJOURNMENT:**

Commissioner Hearn moved to adjourn the meeting.

Commissioner Townsend seconded the motion.

All Ayes.

Chairman Villescas adjourned the work session at 8:01 p.m.

Officer: Extra-Territorial Zoning Commission

Submitted by: Isabel De La Rosa, Recording Secretary