

**MINUTES OF THE  
EXTRA-TERRITORIAL ZONING COMMISSION (ETZ) MEETING**

**November 21, 2013**

**6:00 p.m.**

*(Note: These are not verbatim minutes, these are summary notes.)*

**MEMBERS PRESENT:**

Kenneth Allin, Vice-Chairperson  
John Townsend, Commissioner  
Tim Sanders, Commissioner  
Robert Hearn, Commissioner  
John Villescas, Chairperson

**OTHERS PRESENT:**

Janine Divyak, Chief Planner, Community Development  
Steve Meadows, Planner, Community Development

**MEMBERS ABSENT:**

Douglas Hoffman, Commissioner  
Janet Acosta, Secretary

**1. CALL TO ORDER**

**Chairman Villescas** called the Regular Meeting of the Extra-Territorial Zoning Commission to order at 6:13 p.m. Thursday, November 21, 2013 in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

**2. ROLL CALL**

Kenneth Allin, Vice-Chairperson	Here
Douglas Hoffman, Commissioner	Absent
John Townsend, Commissioner	Here
John Villescas, Chairperson	Here
Janet Acosta, Secretary	Absent
Tim Sanders, Commissioner	Here
Robert Hearn, Commissioner	Here

**3. ANNOUNCEMENTS**

None.

**4. APPROVAL OF MINUTES:** October 17, 2013 Meeting Minutes

**Commissioner Townsend** made a motion to approve the minutes of the October 17, 2013 meeting, with **Commissioner Sanders** seconding the motion.

Vice-Chairperson Allin	Aye
Commissioner Townsend	Aye
Commissioner Sanders	Aye
Commissioner Hearn	Aye
Chairperson Villescas	Aye

The vote was 5-0-0 to **APPROVE** the minutes.

**5. CHANGES TO THE AGENDA**

None.

**NEW BUSINESS  
REVIEW / DISCUSSION / ACTION**

**6. CASE #Z13-006 – 3240 Venus, LLC, 9295 Butterfield Blvd., Las Cruces**

**Steve Meadows, Planner**, was sworn in and presented this case. This case is a zone change request on the southern 1.44-acres of a 3.45-acre parcel from EC2 to EI1, and from ER5M to EI1 on the 0.28- and 0.30-acre parcels. Based on the request not meeting the “Miller” Criteria, the 2.1.D Evaluation Criteria, several policies and objectives of the Comprehensive Plan 2000-2020, and being considered a spot zone, staff recommends denial of the request.

**Commissioner Hearn** asked if the requirements on septic tanks are different for an industrial area than for a residential area?

**Janine Divyak** said that industrial septic tanks are based on the use; depending upon the type of use, you may have to get a discharge permit.

**Chairperson Villescas** noted that the two smaller parcels do not meet the sewer requirements for their current zoning which is a ¼ acre minimum in size.

**Commissioner Sanders** asked staff if the applicant came in with a request to rezone the larger parcel only as EI1c, would staff have looked more favorably on it.

**Steve Meadows** said we would have had a different take for sure because that would have seemed to be just cleaning the zoning up.

**Commissioner Sanders** asked if the Commission has the ability to make that as a motion to simply rezone that larger parcel and leave the others as is.

**Steve Meadows** said the ETA can, I’m not sure about the ETZ, but Mr. Scanlon can address that change in the request.

**Commissioner Townsend** asked for clarification on septic for the two smaller lots.

**Steve Meadows** said there are alternative septic systems for smaller lots. The FAST systems which are very expensive and costly to maintain are available for undersized lots.

**Chairperson Villescas** asked if all the other parcels in the area are grandfathered in.

**Steve Meadows** responded yes that would be the case since they were platted in 1962.

**Ted Scanlon**, representative of the applicant, was sworn in. My clients are trying to clean up the zoning mess. You can't build residences on the two smaller lots because they are so small. I have never heard of NMED issuing a septic permit to lots smaller than ½ acre. This change would also provide access to the northern parcel from Bataan Memorial which is a paved road. Current access is from Easy Lane which is a dirt track with a turnaround that can't accommodate fire vehicles. Also, we meet the Miller criteria because when these lots were platted in 1962 the septic requirements didn't exist. There is a substantial change in circumstances between that time and today. My clients just want to combine the lots, get rid of the split zoning and make some use of the currently undevelopable two smaller residential parcels by combining them into a larger one. There are no plans for development at this time. Also, the requirements for septic on industrially-zoned land is gallons per day per acre.

**Commissioner Sanders** asked if it was an option to take land from the bigger parcel to make the two smaller parcels ¾ acres.

**Ted Scanlon** responded that could always be done, but was not the client's plan.

**Commissioner Hearn** asked staff if there would be a reconsideration of their recommendation based on Mr. Scanlon's discussion of the Miller Criteria.

**Steve Meadows** said in light of some different insights that we've just heard, we're not totally opposed to it, but cannot make that recommendation on the fly; however the ETZ can make that decision.

**Commissioner Allin** made a motion to approve the zone change request from EC2 and ER5M to E11 on the three contiguous lots, with **Commissioner Townsend** seconding the motion.

**Commissioner Hearn** said the whole area out there really needs to be cleaned up. I go with the interpretation of the Miller Criteria that reflects the change in laws that have materially affected the use of the land and I'm in favor of voting for the motion.

**Chairperson Villescas** agreed with **Commissioner Hearn**.

Commissioner Townsend	aye
Commissioner Sanders	aye
Commissioner Hearn	aye
Vice-Chairperson Allin	aye
Chairperson Villescas	aye

The vote was **APPROVED** by a vote of 5-0-0.

**7. ADMINISTRATIVE APPROVALS**

**Janine Divyak, Chief Planner**, reported for the month of October. They received permit applications for 11 single-family dwellings, 13 additions to single-family dwellings, 2 commercial, 2 additions to commercial, and 27 mobile home installations.

**8. STAFF INPUT**

**Steve Meadows** said there were no cases at this time for the December meeting, but we will have a definitive answer by next week and confirm with the Commission by email.

**Commissioner Sanders** asked about the status of the Doña Ana Sand & Gravel case and the rezoning for the property.

**Steve Meadows** said we held a Public Meeting at the end of September, received input and are waiting on a list from the Applicant on uses they would not want to make use of. We are looking at a recommendation in January.

**Janine Divyak** invited the Commissioners to the Viva Doña Ana Workshops being held tomorrow and Saturday regarding the Corridor Plan. They will be held on Friday at Mesilla Plaza from 2:00-4:00 p.m. and at the Rio Grande Winery from 6:00-8:00 p.m. On Saturday the workshops will be at Sunland Park at Ardivino's Crossing from 9:00-11:00 a.m. and then at the Village of Hatch from 1:30-3:30 p.m.

**9. COMMISSION INPUT**

None.

**10. ADJOURNMENT**

**Commissioner Townsend** made a motion for adjournment, with **Commissioner Allin** seconding the motion. **Chairperson Villescas** adjourned the meeting at 7:20 p.m.

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Officer: Extra-Territorial Zoning Commission

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Submitted by: Diane M. Duback, Recording Secretary