

**MINUTES OF THE DOÑA ANA COUNTY  
PLANNING AND ZONING COMMISSION**

**December 1, 2016**

**CALL TO ORDER**

**9:01:43**

Chairman Westmoreland called a Special Meeting of the Planning and Zoning Commission to order at 9:01 a.m., Thursday, December 1, 2016 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

**1. ROLL CALL**

**9:01:59**

Led by: Amanda Alarcon, Recording Secretary

Mel Acosta	Here
Bob Czerniak	Here
Maryann Galindo	Here
Bill Zarges	Here
Greg Daviet	Here
John Townsend	Here
Brent Westmoreland	Here

**2. APPROVAL OR CHANGES TO THE AGENDA**

**09:02:22**

Motion to approve the agenda.

Motion: Bill Zarges

Second: John Townsend

The motion was passed by a vote of “ayes” from all Commissioners present.

**3. APPROVAL OF MINUTES**

**09:02:37**

Motion to approve the November 10, 2016 minutes.

Motion: Bill Zarges

Second: John Townsend

The motion was passed by a vote of “ayes” from all Commissioners

**4. OLD BUSINESS**

**09:02:59**

Discussion and Action on proposed amendments to the Unified Development Code, per the direction of the Board of County Commissioners:

- a. Review lot coverage requirements.
- b. Notice requirements for proposed zoning changes.
- c. Consider recommendation regarding the implementation timeframe.
- d. Concerns about the adverse impact of the UDC on private property rights.
- e. Review potential adverse impact of the UDC on affordable housing.
- f. Review agricultural uses in the land use matrix, zoning map, and Section 5.11 to ensure compliance with "Right to Farm Act", support dairy operations, and support family farming.

Janine Divyak-review of lot coverage requirements for the R and R5L zone, the 5% percent maximum is very limiting. Staff recommendation is for the total lot coverage to be 10% or 12,500 sf of the lot size, whichever is greater.

09:05:01  
Public Input

09:06:37  
Brent Westmoreland-Let the record show that Commissioner Daviet is present.

09:13:05  
Motion I move to recommend to the BOCC that 12,500 sq. ft. or 5% of the lot size, whichever is greater and taking into account Mr. Hughes presentation to exclude residential driveways and include a definition; however, for the definition, instead of just calling it an access driveway I would add the word residential access driveway just to differentiate it from other things, if that isn't a problem.

Motion: Bill Zarges  
Second: Maryann Galindo

Discussion ensued from the public and the Commission on the lot size coverage.

09:19:34  
Motion I move to amend Commissioner Zarges motion to change the 5% portion of that to 10% that will allow on an R5L lot that it's meeting the minimum lot size requirement to build approximately 22,000 sq. ft.

Motion: Greg Daviet  
Second: John Townsend

Commissioner Zarges agreed to the friendly amendment.

The motion was passed by a vote of “ayes” from all Commissioners present.

Brent Westmoreland - Item 4 b Notice requirements for proposed zoning changes

09:54:35

Motion I move to recommend to Board of County Commissioners that notice be given to property owners of the change in their zoning classification through the use of the tax bill sent out annually.

Motion: Robert Czerniak

Second: Bill Zarges

The motion was passed by a vote of “ayes” from all Commissioners present.

Brent Westmoreland- Item 4 c Consider recommendation regarding the implementation timeframe.

Robert Czerniak- I think we should leave this alone as we have voted on this and discussed this before and we made our recommendation to the BOCC already.

Discussion on implementing the Unified Development Code for staff and applicants and being prepared to implement the code.

10:01:52

Motion I move that the Planning and Zoning Commission recommend to the Board of County Commissioners that the effective date be 30 days after recordation.

Motion: Greg Daviet

Second: Bill Zarges

Mel Acosta	Yes
Bob Czerniak	Yes
Maryann Galindo	Yes
Bill Zarges	Yes
Greg Daviet	No
John Townsend	No
Brent Westmoreland	No

The motion was passed by a vote of 4 to 3, motion carries from all Commissioners present.

Brent Westmoreland - Item 4 d Concerns about the adverse impact of the UDC on private property rights.

Discuss the impact of the UDC on the private property rights with audience and staff.

10:37:37

Motion I move to consider the adverse impacts on private property rights and the recommended amendments that we are sending to BOCC are intended to address those concerns.

Motion: Greg Daviet

Second: Bob Czerniak

The motion was passed by a vote of “ayes” from all Commissioners present.

Brent Westmoreland - Item 4 e Review potential adverse impact of the UDC on affordable housing.

Janine Divyak- at our last meeting we had some questions and concerns from both the Commission and the public. Mr. Jorge Castillo took those into consideration and is offering an amendment to what is being proposed that is within your agenda packet.

Jorge Castillo-comment from Commissioner Czerniak regarding a statement that the affordable housing subdivision design option should demonstrably reduce cost for the home buyers, which is included in 2.12.18.a.1. Commissioner Daviet comments that we did not want to promote substandard development so we took out any references to development per say and stuck with design on 2.12.18.a.2, we included a statement the subdivision design must be compatible with subdivision development standards in this chapter. Commissioner Daviet commented about an expedited process for subdivisions, those were adjusted in modified language in 2.12.18.b. There were 2 comments from the general public one being why should we limit this particular option to the Colonia’s communities that has been removed. Second comment, why where we placing a date on affordable housing developments and that the term used in the initial language, that has been removed as well and making it simpler to read.

Public input on affordable housing and discussion with Commissioners and staff

10:54:02

Motion I move to approve the replacement language for Section 2.12.18

Motion: Robert Czerniak

Second: Bill Zarges

Mel Acosta	Yes
Bob Czerniak	Yes
Maryann Galindo	Yes
Bill Zarges	Yes
Greg Daviet	Yes

John Townsend                      Yes  
Brent Westmoreland                Yes

The motion was passed by a vote of “ayes” from all Commissioners present.

Brent Westmoreland - next item 4 f Review agricultural uses in the land use matrix, zoning map, and Section 5.11 to ensure compliance with "Right to Farm Act", support dairy operations, and support family farming.

Janine Divyak-the last item on the agenda is to review the agricultural uses in the land use matrix which we have done. We revisited the zoning maps and then ensured that section 5.11 complies with the right to farm act as well as supports dairy operations and supports family farming. We did discuss zoning maps as we have been getting requests from dairy farmers to zoned I3 rather than T2.

Discussion with staff on the zoning maps on the dairy farmers and review of the land use matrix with regards to agriculture uses.

11:16:47

Motion I move to accept staff’s recommendations for the zoning of primarily dairy but also other intensive agricultural uses to I2 and I3 which was presented with the addition of the Gonzales Dairy that is currently zoned MU and should be zoned I2 as well

Motion: Greg Daviet  
Second: Bill Zarges

Mel Acosta                            Yes  
Bob Czerniak                         Yes  
Maryann Galindo                    Yes  
Bill Zarges                            Yes  
Greg Daviet                            Yes  
John Townsend                        Yes  
Brent Westmoreland                Yes

The motion was passed by a vote of “ayes” from all Commissioners present.

5. COMMITTEE REPORTS

11:16:43

None.

6. ADMINISTRATIVE APPROVALS

11:18:44

None.

7. STAFF INPUT

11:18:47

Janine Divyak- I just want to thank you all for your time, commitment and dedication to this project. We will give the Board of County Commissioners a detailed list of your recommendations to the October 13<sup>th</sup> version of the UDC.

Brent Westmoreland-when will it be going in front of BOCC?

Janine Divyak-public hearing is December 13<sup>th</sup> 9:00 a.m.

Brent Westmoreland-what is in our future as far as P&Z meetings, any case coming up?

Luis Marmolejo-appeal in January

8. COMMISSION INPUT

11:20:14

Greg Daviet-comment on how much I appreciate the dedication of the public, staff and of my fellow Commissioners in this process and how even though reasonable people can disagree, we continue to work together to try to find good solutions for our neighbors and community and the county. I think that's a testament to how we conduct ourselves at the Commission that the public still feels that even though sometimes our answer is no, the lines are still open for their input and will still be heard and seriously considered. I think this is a good example that it's really quite contrary there's more that binds us then separates us.

10. ADJOURNMENT

11:21:31

Chairman Westmoreland adjourned the meeting at 11:21 a.m.

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Officer: Planning and Zoning Commission