

# MINUTES OF THE DOÑA ANA COUNTY PLANNING AND ZONING COMMISSION

September 8, 2016

## CALL TO ORDER

9:04:37

Chairman Westmoreland called a Special Meeting of the Planning and Zoning Commission to order at 9:04 a.m., Thursday, September 8, 2016 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

## 1. ROLL CALL

9:05 am

Led by: Amanda Alarcon, Project and Grant Coordinator

Mel Acosta	Present
Bob Czerniak	Absent
MaryAnn Galindo	Present
Bill Zarges	Present
Greg Daviet	Present
John Townsend	Present
Brent Westmoreland	Present

## 2. APPROVAL OR CHANGES TO THE AGENDA

09:05:17

Motion to approve the agenda.

Motion: Bill Zarges

Second: Greg Daviet

The motion was passed 6-0, 1 absentee.

## 3. APPROVAL OF MINUTES

09:05:32

Motion to approve the minutes.

None

## 4. OLD BUSINESS

09:05:35

### a. Discussion and Action on Article 2 and Section 5.2.3 of the Proposed Unified Development Code

Greg Daviet-repeated Dixie Farm is currently in the process of negotiating a cell phone tower on our location. We have already taken action under article 6 but I just wanted to repeat the disclosure.

Steve Meadows- presented wireless telecommunications- both ordinances in the county and the ETZ are extremely outdated and particular in the ETZ dating back to 1989.

Janine Divyak-attached Section 5.13 to your agenda packets for the wireless communication facilities and also made a few amendments based on some input that we received from the public and those are identified in red and for following the new section the old section is penciled in red with the page numbers on the bottom. Made some adjustments thus far based on some input received.

09:15:11

Chairman Westmoreland opened the meeting up to public input.

William Lutz- If I read this correctly the county is being exempted by the requirements if the cell tower is on county land and this is just a general principle if the county can't live with these deals on their own land how come private citizens have to meet the same requirements? It always concerns me that its becoming more of a practice things that are past applied to private citizens but not to the government because of the requirements.

Greg Daviet- I would be interested in staff's opinion on that. Mr. Lutz referring to the section on exemptions on zoning approval where it reads.

Janine Divyak- It states that in county owned property right of way and property, it needs to be in compliance with state law and approved by the board of county commissioners and furthermore if it is on public property it does need to be approved by the State Board of Finance. I don't see where there's an exemption from county zoning approval.

Greg Daviet- Falls under the following exemptions from zoning approval that specifically states it does not require compliance with zoning.

Janine Divyak-they still need to follow the zoning and developments standards in the ordinance as well.

Greg Daviet-specifically the part they are exempted from is the zoning approval process so they move directly to the approval by the Board and County Commissioners but they are still required to meet all the zoning standards.

Janine Divyak- meeting this afternoon with legal to discuss the rest of the comments from Section 2.11 to the end of the document, according to the matrix we have 3 more pages to go.

Ramon C- from Sunland Park NM-representing concerned citizens we like to see if we can be instructed in Spanish and provide this information in Spanish, NM being a bilingual state.

Mel Acosta-there was an issue with finances.

Janine Divyak-it cost around \$50.00 a page to translate and I know we don't have the resources but we are making efforts in putting notifications, summaries bilingually and have translation services at the public hearings as well.

Ramon C- from Sunland Park NM-if it is financial-lack of funds being a bilingual state is there any where we can request assistance from the state or assistance from any other government entities that would be able to assist with it?

Bob Hearn-not sure what the process is on Article 2. I have put in my comments in and questions right at 2.3.2 not sure if they had been reviewed. Article 2 Section 2.3 there are no rules for the ones submitted by CDD, P&Z, and BOCC and shouldn't there be? Notice changes in Miller Criteria.

Janine Divyak-we are is addressing all the comments that we received via the matrix when we conclude with the section we will let you review the comment matrix and discuss any issues you may have

Bob Hearn-it has to do with a resident finding a zone change more in the public good or more in concert with the Comprehensive Plan than the existing zoning

Janine Divyak-discussed at length with legal and as well as their opinion as well as our comments are addressed in the matrix.

Bob Hearn-how the county has the authority to rezone the county without anybody being notified without any right of appeal.

Mel Acosta- do you have a period of time to request existing zone that they have, can that be done?

Janine Divyak-my understanding this is a legislative matter so individual notification does not need to be made however I would prefer to defer to legal to discuss this matter further.

Discussing the Miller Criteria

Bob Hearn-Article 1.1 ETZ what is the time line and sequences and how it all goes together?

BOCC and legal discussing the approval of the JPA and UDC.

Brent Westmoreland-likely hood we may be re-legislating ourselves out of the ability to rezone and making it extremely difficult is concerning to me.

Discussing the JPA will come into place before the UDC gets approved and also discussing strip zoning and the additional criteria for strip zoning.

Discussing temporary use permits, needs to be defined and have a 14 day use to balance the needs for special events with the option to have that permit removed. Section 2.2.5 temporary use permits the zoning administrator reviews case by case basis.

Patty Hughs-discussing special use permits and the process to submitting.

Discussion on extension of comments.

Bill Zarges- latest deadline September 09, 2016 published public hearing on the September 20, 22 meeting, need to have some form of this document done.

Motion to move to set the deadline for public comments to midnight Thursday September 22 and move the public hearing in the evening on the 11<sup>th</sup> of October and the morning of the 13<sup>th</sup> of October.

Motion: Greg Daviet  
Second: Bill Townsend

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

**5. New Business**

**12:24:01**

**a. Discussion and Action on any other issues related to the Proposed Unified Development Code**

**6. Committee Reports**

**12:24:02**

**None**

**7. Administrative Approvals**

**12:24:03**

**None**

**8. Staff Input**

**12:24:03**

**9. Commission Input**

**12:24:08**

**Commissioners are discussing the JPA and when to review the JPA**

**10. Adjournment**

**12:27:11**

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**Officer: Planning and Zoning Commission**