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**REGULAR MEETING OF THE
EXTRA-TERRITORIAL ZONING COMMISSION
FOR THE CITY OF LAS CRUCES
DONA ANA COUNTY GOVERNMENT OFFICES
JANUARY 7, 2016
6:00 p.m.**

BOARD MEMBERS PRESENT:

John Villescas, Chairman
Robert Hearn, Member
Tim Sanders, Member
Kenneth Allin, Vice Chairman
John S. Townsend, Member
Janet Acosta, Secretary

STAFF PRESENT:

Sara Gonzales, Associate Planner, CLC
Becky Baum, RC Creations, LLC, Recording Secretary

I. CALL TO ORDER (6:08 p.m.)

Villescas: Calling tonight's ETZC meeting to order. Today is January 7th, 2016. Time is approximately 6:08. The right sheet here.

Commission Members shall not privately discuss with any interested persons the merit of any case which is pending before this Commission. If there has been any such discussion, it should be disclosed at this time. Because this Commission acts in a quasi-judicial capacity, this hearing tonight follows the procedures mandated by the New Mexico Court of Appeals. Anyone wishing to give testimony on a case must be recognized by the Chair, go to the podium, state his or her name address, and be sworn in. An applicant's presentation may be limited to four minutes. Neighborhood representatives or representatives of other groups may be limited to three minutes each. A neighborhood spokesperson may be limited to ten minutes. You may speak more than once on a case, but the Chair reserves the right to further limit the time allocated to speak. This meeting will be conducted by a modified form of Robert's Rules of Order. It takes four affirmative votes for a passage of a case. Please note that a Commissioner may vote "yes" on an amendment to a main motion, yet vote "no" on the main motion. Any affected party may appeal the decision made by the Commission to the ETA. Ms. Acosta would you call roll please.

Acosta: Commissioner Hearn.

Hearn: Here.

1 Acosta: Commissioner Sanders.

2

3 Sanders: Here.

4

5 Acosta: Commissioner Townsend.

6

7 Townsend: Here.

8

9 Acosta: Commissioner Allin.

10

11 Allin: Here.

12

13 Acosta: Commissioner Acosta's present. And Chairman.

14

15 Villescas: I'm here. And note for the record we have a full Commission. Our
16 Commission right now is six. Our seventh member resigned and we
17 currently have an opening for our seventh position but as of now our
18 Commission consists of six members.

19

20 **II. ANNOUNCEMENTS**

21

22 Villescas: Announcements. Are there any announcements from the Commission?
23 Are there any announcements from staff?

24

25 Gonzales: No Mr. Chair.

26

27 Villescas: Okay.

28

29 **III. APPROVAL OF MINUTES - September 3, 2015**

30

31 Villescas: If not we'll go onto item three, Approval of the Minutes of September 3rd,
32 2015. Do I have a motion?

33

34 Allin: So moved.

35

36 Villescas: Do I have a second?

37

38 Sanders: Second.

39

40 Villescas: Is there any discussion on the approval of the minutes for September 3rd
41 of 2015? If not, Ms. Acosta would you poll the Commission.

42

43 Acosta: Commissioner Hearn.

44

45 Hearn: Aye.

46

1 Acosta: Commissioner Sanders.
2
3 Sanders: Aye.
4
5 Acosta: Commissioner Townsend.
6
7 Townsend: Aye.
8
9 Acosta: Commissioner Allin.
10
11 Allin: Aye.
12
13 Acosta: Commissioner Acosta votes aye. And Chairman.
14
15 Villescascas: I vote aye.

17 **IV. POSTPONEMENTS - NONE**

18
19 Villescascas: Item four, Postponements, I have down here none. Staff.
20
21 Gonzales: We have none. Correct.

23 **V. NEW BUSINESS**

24
25 1. **Case ETZS-15-021W: Zuniga Estates Subdivision Waiver Request.** A
26 request for approval of a waiver to the required right-of-way dedication and
27 roadway improvements associated with a replat known as Zuniga Estates
28 Subdivision. The applicant is seeking to waive the required right-of-way
29 dedication and roadway improvements to the access road created by the
30 subdivision, Achenbach Canyon Road, which is access to the subdivision
31 and Ruby Mine Road, which is located near the closest paved road, Soledad
32 Canyon Road. The subject property encompasses 10 +/- acres, is zoned
33 ER2 and is located on the north side of Achenbach Canyon Road, 1281 +/-
34 feet south of its intersection with Soledad Canyon Road; Parcel ID# 03-
35 11382. Submitted by Southwest Engineering, Inc., on behalf of Maria R.
36 Zuniga, property owner.

37
38 Villescascas: Okay, item five, New Business. Item number one, Case ETZS-15-021W,
39 Zuniga Estates Subdivision Waiver Request. Sara. Oh I don't have my
40 screen on. There we go. Sorry about that.

41
42 Gonzales: Not a problem. We are here, it is ETZS-15-021W. It is a waiver request
43 for roadway improvements and roadway dedication/easements required
44 for a subdivision proposal known as Zuniga Estates. This is your vicinity
45 map. You will see that it is south of Soledad Canyon and north of
46 Achenbach Road exactly on it, and to the west side of Ruby Mine Road.

1 The property is approximately 10 acres and they are proposing to do four
2 lots. This is kind of the aerial map. You will see that there isn't much of
3 the road improvements done. Most of the properties do show driveways
4 into their lots for the existing one that we have now. Per the ETZ
5 Subdivision Ordinance 4.2H it does require that all roadways linking to the
6 subdivision be improved; meaning they should be 24-feet wide, double
7 penetrated surfaces. In this case if you look, the previous aerial we have
8 Ruby Mine, or the vicinity map we can see Ruby Mine is 20-feet wide and
9 it is a terrain, basically you will see rocks not necessarily thin gravel. On
10 Achenbach Canyon Road when I drove out there it was between 13 to 15
11 feet wide and that's if you count the berm on the sides, and it's the same
12 kind of rock, it's not a gravel at all.

13 As far as the subdivision itself, the ETZ does require to have a
14 minimum access of the subdivision to be 50-feet wide and 1.5 inches of
15 asphalt to maintain that surface for the, for the subdivision. The applicant
16 is proposing a 20-foot road, 25-foot road easement graveled, not improved
17 as far as 1.5 asphalt.

18 This is the subdivision itself, so right here they are, they are giving
19 the 50-feet road easement which is required but proposing not to do the
20 road improvements from Ruby Mine down through Achenbach Canyon.
21 On the subdivision itself it does indicate the 30, or the 25-feet existing
22 utility and road easement but that is required to be 50-feet and improved.
23 That's the case specifics right there. These are the roads if you actually
24 look on Achenbach, this is the road itself. From here to here it's about 13-
25 feet including these, you're gonna look at about another two feet from the
26 berm, so it's not even accessible at this point in time.

27 The notification did go out to the areas. We are required to do a
28 300-foot radius, in this case I had to go to 415 to meet the requirements of
29 at least 15 notifications. Staff met on October 8, on October 8th of 2015
30 and we did vote to recommend denial of the waiver due to there are no
31 hardships of exceptional topographic, soil, or surface and sub areas that
32 can be the choice and waive the requirements from 6.1. At this point in
33 time that would be the presentation for this. You can vote "yes" to
34 approve the waiver request; "yes" to approve the waiver request with
35 conditions on the property; "no" to deny the waiver request; or you can
36 table or postpone. I am here for any questions. The applicant is here as
37 well.

38
39 Villescas: Thank you Sara. Does the Commission have any questions for staff at
40 this time? Please Mr. Sanders go ahead.

41
42 Sanders: Um yes Ms. Gonzales the, is the property currently subdivided or what is
43 the status of the subdivision into four lots?

44
45 Gonzales: Mr., Mr. Chairman, Commissioner. It has not been subdivided. This is a
46 proposal to do the subdivision. They do want to see if the waiver will be

1 approved or not to at least accommodate whether there would be funds or
2 not I'm guessing.
3
4 Sanders: Okay. Thank you.
5
6 Gonzales: But the subdivision has not been submitted for yet.
7
8 Villescas: But obviously there is an intent.
9
10 Gonzales: Correct. Yes sir.
11
12 Hearn: Mr. Chairman.
13
14 Villescas: Please go ahead.
15
16 Hearn: And Ms. Gonzales could you go, go back to, I'm, I that, I think that's the
17 right picture, I'm sorry. What changes do, does the applicant propose to
18 make to either Achenbach or Ruby Canyon?
19
20 Gonzales: The actual proposal is not to do any road improvements at this point in
21 time.
22
23 Hearn: Okay. That, that's what I thought. I just wanted to make sure, but there's
24 an easement that would be granted right at the front of the property.
25
26 Gonzales: Correct. They are giving up the 50-foot that is required at the edge of the
27 property. So they are maintaining that, they just do not wish to improve
28 Ruby Mine because it states that you have to go to the nearest paved
29 road. The nearest paved road is Soledad Canyon which would be that
30 1,500 feet.
31
32 Acosta: No.
33
34 Gonzales: So they would have to go all the way down to Ruby Mine and then up
35 north to Soledad Canyon.
36
37 Villescas: Okay just clear for the record easement with no improvement.
38
39 Gonzales: Correct. Yes sir.
40
41 Villescas: Any other questions? Good questions. Any other questions from staff? If
42 none, would the applicant care to come forward? Mr. Pompeo if you
43 would state your name and address for the record, Ms. Acosta will swear
44 you in.
45

1 Pompeo: Good evening Mr. Chairman. Paul Pompeo, Southwest Engineering, 475
2 Archuleta Road.
3
4 Acosta: Mr. Pompeo do you swear and affirm the testimony you are about to give
5 is the truth and nothing, excuse me, you are about to give is the truth and
6 nothing but the truth under penalty of law?
7
8 Pompeo: Yes I do.
9
10 Acosta: Thank you.
11
12 Villescascas: Please Mr. Pompeo go ahead.
13
14 Pompeo: Good evening Commission. I'll go through my presentation and then I'll
15 be happy to answer any questions you might have. First of all as staff's
16 pointed out the subdivision is located on Achenbach Road to the west of
17 Ruby Mine Road. Here's an aerial vicinity map. You'll notice the density
18 of the, the existing homes in the area. You'll also note that in this
19 particular picture only Miners Ridge Subdivision to the north of Soledad
20 Canyon Road and Soledad Canyon Road itself are improved roads in this
21 area.
22 I want to point out for the subdivision plat we have not, which is, is
23 shown on the screen here, we have not performed any topographic
24 surveying or engineering on the property at all so what this drawing
25 represents is what a maximum would be, it could be fewer lots than this,
26 we just don't know until we actually get into the engineering, the hard
27 engineering design of the subdivision. But just to lay our cards on the
28 table we're showing what a, what a maximum might be.
29 Waiver number one, section 4.G, 4.2G of the Extraterritorial
30 Subdivision Code requires roadways linking subdivisions to existing paved
31 roadways to be improved with a minimum pavement section of 24-foot of
32 double, double penetration surfacing. Due to the following reasons the
33 developer, developer feels that these requires, requirements should not be
34 applied to this development; there are existing gravel roadways that exist
35 to the majority of the distance to the subdivision and out to Soledad
36 Canyon Road. This roadway as we can see from the aerial is adequately
37 serving the homes that are present on it now. The subgrade soils in the
38 area are primarily sands and gravels and rocks with an R, New Mexico
39 State Department, Highway Department R evaluating stating 70, more
40 than adequate to carry the traffic on local (*inaudible*) roads. The
41 maximum additional three lots to the local roadway network will not rise
42 the traffic volume enough to require pavement of these roadways by
43 analysis. Requiring these improvements is arbitrary and capricious to the
44 subdivider. Other property owners in this area over the, since the 1960s
45 have created additional lots in this area without providing any roadway
46 improvements. If improvements are installed they will be at the sole cost

1 of the subdivider and not to any adjacent property owner, and as such
2 these property owners benefit from the installation without providing any
3 monetary assistance. Requiring a single developer to correct missing
4 infrastructure creates a disproportionate burden to that developer. So you
5 can see Commission there has been quite a lot of subdividing in this area,
6 lots much smaller than, are down to one acre in this area and they exist
7 on, on basically gravel roads.

8 Waiver number two, minimum road surfacing, next, 4.2G of the
9 Extraterritorial Zoning Code requires a minimum surfacing to access
10 subdivisions to be 1.5 inches of asphalt. Due to the following reasons the
11 developer feels this requirement should not be applied; the total maximum
12 number of lots created on this proposal would be three. No other asphalt
13 roadways exist in this area. And once again the R values of the soils in
14 this area are above 70, therefore not requiring paving for low volume
15 roadways. The subdivider proposes to install gravel surfacing for the new
16 lots. The requirement for asphalt pavement is not supported by a
17 pavement analysis. Gravel roadway for, for low volume roads is perfectly
18 acceptable assuming proper maintenance. To, to close my presentation
19 Commissioners I'd like to point out that, that should this waiver be
20 approved and should a subdivision of two or more lots be granted this is
21 not the end of the road for access requirements. The Dona Ana County
22 Administrative Code, Chapter 250, Land Use Zoning, Section 79 Part D
23 requires for a building permit that existing roadways provide legal access
24 to land parcels to be, either be approved or show through analysis the
25 existing pavement is adequate to handle the increased traffic created by
26 additional land tracts. So the requirements for gravel surfacing or wider
27 surfacing could be required at the time of building permit application. With
28 that Commission, that concludes my presentation. I would be happy to
29 answer any questions that you might have.

30
31 Villescas: Does any member of the Commission have any questions for Mr. Pompeo
32 at this time?

33
34 Sanders: Just have one ...

35
36 Villescas: Mr. Sanders go ahead.

37
38 Sanders: Mr. Pompeo who's the easement holder for Ruby Mine and Achenbach?

39
40 Pompeo: Those easements were originally platted on the original Talavera
41 Subdivision in the 1960s, so on that particular document they were to the
42 public.

43
44 Sanders: So they're easement. Okay.

45
46 Pompeo: Yes.

1
2 Sanders: Thank you. And is that to the south is that BLM?
3
4 Pompeo: Yes it is.
5
6 Sanders: Is it part of the monument?
7
8 Pompeo: I do not believe that that particular section is part of the monument.
9
10 Sanders: Okay. Thank you.
11
12 Villescas: Any other questions for Mr. Pompeo at this time? Mr. Pompeo thank you.
13 We may be calling you back.
14
15 Pompeo: Thank you Mr. Chairman.
16
17 Villescas: At this time we've heard from both staff and from Mr. Pompeo, would any
18 members of the public care to come forward and discuss this matter?
19 One item I'd like to mention before I bring you forward is we are discussing
20 the, the roadways at this time and not the subdivision. What we have
21 before us is a waiver request for the roadways, roadway improvements, so
22 let's keep our discussion to the roadway improvements and not to any
23 subdivision issues at this time. So please come forward. If you'd state
24 your name and address for the record.
25
26 Djang: Yes my name ...
27
28 Villescas: Ms. Acosta will swear you in.
29
30 Djang: Thank you very much. My name is Phillipp Djang. I reside at 5092 Ruby
31 Mine Road. And I'm here to present a petition ...
32
33 Acosta: Sir before you go on please ...
34
35 Djang: Yes.
36
37 Acosta: If I may interrupt. Can you rise, raise your right hand for me?
38
39 Djang: Yes.
40
41 Acosta: Do you swear and affirm the testimony you are about to give is the truth
42 and nothing but the truth under penalty of law?
43
44 Djang: Yes I do.
45
46 Acosta: Thank you sir.

1
2 Villescas: Please go ahead.
3
4 Djang: Thank you sir, Chairman. I'm here to present a petition to deny the zoning
5 of the stated subdivision waiver request. The reasons are as follows; we
6 the undersigned strongly oppose the applicant's request to waive the
7 requirements for road dedication, road improvements associated with
8 subdivision for the following reasons: Reason one, an increase in road
9 traffic on both Ruby Mine Road and Achenbach Canyon Road, those are
10 the only access roads to the subdivision. These are private roads to the
11 best I understand and it is the only access to the proposed four lot single-
12 family subdivision, approximately 2.5 acres per home and that would
13 result in increased road maintenance cost for all of the residents residing
14 both on Achenbach Canyon and Ruby Mine Road. We are estimating the
15 increase in motor vehicle traffic, let's say two cars per home would result
16 in approximately 30/40, 30 to 40 percent and that would result in
17 significant erosion to the existing roads and lower the quality of life in the
18 proposed area due to increased gusts and debris.
19 Finally there's a very large arroyo to the north of the proposed
20 subdivision and we believe that damage to that, that existing arroyo could
21 cause harm to adjacent properties. The following people have signed this
22 petition; Sunne Smith at 5124 Ruby Mine Road; Wendy Weir and myself
23 at 5092 Ruby Mine Road; Sandra Singhose and Sean Anderson at 5094
24 Ruby Mine Road; Henry Taylor and Marsha Taylor at 5095 Ruby Mine
25 Road; Mary, sorry I can't quite make out that name, Granger I believe, at
26 5051 Ruby Mine Road; Alan and Kathy Baker at 5041, 5041 Ruby Mine
27 Road. So I'm, I'd be pleased to present this petition to the Commission.
28
29 Villescas: If you present it to staff that would be appreciated.
30
31 Djang: Thank you Chairman.
32
33 Villescas: And let me, if you don't mind answering a couple of questions at least for
34 myself; I don't know if any other member of the Commission has a
35 question, you obviously use primarily Ruby, Ruby Mine Road?
36
37 Djang: Yes we do.
38
39 Villescas: And also could I ask you, where you notified? Are you on this notification
40 list?
41
42 Djang: Yes I am.
43
44 Villescas: I, I assume you, you received something that looks like this.
45
46 Djang: Yes we did.

1
2 Villescas: Can you tell me ...
3
4 Djang: I believe I did.
5
6 Villescas: Which number you are or at least, or, or I should've
7
8 Djang: Um I don't have ...
9
10 Villescas: Got it but I didn't, I'm sorry. What was, what was your address again?
11
12 Djang: It's 5092 Ruby Mine Road.
13
14 Villescas: I see you, Phillip A. Djang and Wendy R. Weir Trust.
15
16 Djang: Yes.
17
18 Villescas: Great. Thank you.
19
20 Djang: Thank you Mr. Chair.
21
22 Villescas: Does any other member of the Commission have a, a question? All right.
23 Thank you. Yeah if you could submit that permission, petition we'd
24 appreciate it. Does any other member of the public ... please come on up
25 ma'am. If you could state your name and address, Ms. Acosta will swear
26 you in.
27
28 Brenner: My name is Catherine Brenner. My address is 10615 Achenbach Canyon
29 Road and we are immediately adjacent to that property on its west border.
30
31 Acosta: Okay ma'am.
32
33 Villescas: I'm sorry, 10615 Achenbach Canyon Road.
34
35 Brenner: Yes.
36
37 Villescas: Okay, 14. I'm sorry Ms. Acosta.
38
39 Acosta: Ma'am can you raise your right hand for me please? Do you swear and
40 affirm the testimony you are about to give is the truth and nothing but the
41 truth under penalty of law?
42
43 Brenner: Yes I do.
44
45 Acosta: Okay. Thank you.
46

1 Brenner: We, as I mentioned we are adjacent to that property and currently the road
2 is in deplorable condition. We know, we knew it was in, the condition it
3 was in when we bought our property. But there are only two properties,
4 our property and the property that's to the east of us that actually use that
5 section of the road to get to Ruby Mine Road. And both of these
6 properties are just a couple in each property so there's about a total of four
7 cars that go up and down that road at any point in time. Putting four more
8 properties with potentially two or more people in each of those properties
9 and additional cars on the road would significantly increase the traffic on
10 that road and significantly make it more dangerous to drive on that road.
11 In addition to that I, from a safety standpoint if emergency vehicles
12 need to get to any of those properties or to our property or the other
13 property that is also, uses that road, it takes, under the best circumstances
14 because I've had this experience within the last few months where we had
15 to call the paramedics for my husband. I told them exactly how to get
16 there because there's only one way but unfortunately it's not the way that
17 Google and some of the other mapping services had, they went the wrong
18 direction, it took the paramedics more than an hour to get to our property
19 and take my husband to the hospital. So imagine children living there,
20 children who get injured, other people such as our selves who are elderly,
21 who would need paramedics to come into that area and it becomes a
22 nightmare. So unless that road is improved so that emergency vehicles
23 could get there, it's really an unsafe condition for people to, to subdivide
24 that into four properties or improve the road; one or the other but I don't
25 believe even improving that road is gonna make it any more safe to live
26 there. And the other gentleman who just spoke mentioned that that
27 property is right on the edge of a huge active arroyo, it's not an arroyo that
28 occasionally runs, it's not an arroyo that has a small trickle, it's an arroyo
29 that has a huge run when we have substantial rain. And that's all I have to
30 say.
31
32 Villescascas: Does any member of the Commission have any questions at this time?
33 Thank you for your comments ma'am. Appreciate it. Are there any other
34 ... please come on up sir.
35
36 Dickens: Good evening.
37
38 Villescascas: Good evening. If you could state your name and address for the record,
39 Ms. Acosta will swear you in.
40
41 Dickens: Yes my name is James Dickens and my address is 5119-2 Silver King.
42
43 Acosta: Do you swear and affirm the testimony you are about to give is the truth
44 and nothing but the truth under penalty of law?
45
46 Dickens: Yes I do.

1
2 Acosta: Thank you.
3
4 Villescas: Please go ahead.
5
6 Dickens: Sir, I believe Mr. Chairman one of your first questions was on that
7 previous map where was our piece of property. I think it was five or six.
8 Looking at the map you have on the screen right now there's a small finger
9 that sticks up to the north of the plot that you're looking at ...
10
11 Villescas: Right after that kink.
12
13 Dickens: That's right. That's our house right in that kink your honor so ...
14
15 Villescas: Okay it's five.
16
17 Dickens: So most of what my speech was, was gonna be about the community but I
18 understand from your request to limit it strictly to the roads so I'm gonna
19 try and do that.
20
21 Villescas: That's the item in question tonight, yes, please.
22
23 Dickens: Certainly. What I'd like to draw your attention to is, is the developer
24 referred to I believe Ruby Mine as a gravel roadway, I think that's a bit of a
25 misnomer, it's scraped earth and we all know what scraped earth looks
26 like in the middle of summer is it's basically sand and dirt. And every time
27 a car drives down the road you get these plumes of dust that travel as far
28 as the wind's gonna take them and to basically increase the houses by
29 four the, as we've talked about probably two cars per house at least and
30 then if they're anything like mine it's more like four cars per house. We're
31 gonna see clouds of dust up and down that road constantly. I don't travel
32 Ruby Mine, as I indicated I live off Silver King but the roads are basically
33 the same. Additionally the developer indicated that there was basically no
34 cost to those who are on the roadway to simply have other people use it,
35 but also that is not accurate. We have to pay for our roads to be scraped
36 and graded and that happens at least twice a year, sometimes more often
37 as we're getting more moisture thankfully at this time. And that is not a
38 road that is maintained by the County or the City; that is a road that we as
39 the landowners in the area have to pay for. So increasing the traffic by a
40 third or more will actually cost us quite a bit of money and so we're, we're
41 asking you to deny that request.
42
43 Villescas: If I could ask you right now with the snows and rains that we've had over
44 the last, oh I don't know, six weeks prior to, prior to our break at New
45 Mexico State, what is the conditions of the road at present?
46

1 Dickens: The, the snow ...
2
3 Villescas: Silver King I mean.
4
5 Dickens: The snow actually wasn't as bad as some of the heavier rains because it
6 melted fairly slowly up in that area.
7
8 Villescas: Uh huh.
9
10 Dickens: And so the, the washing away hasn't been all that dramatic as it has in
11 the, in the monsoon season. But certainly I think it, we're gonna be
12 probably looking at another scraping here pretty soon.
13
14 Villescas: Early spring ...
15
16 Dickens: Another grading.
17
18 Villescas: Late winter.
19
20 Dickens: Yes. That's correct.
21
22 Villescas: Yeah. Okay thank you very much.
23
24 Dickens: Thank you.
25
26 Villescas: I'm sorry, does any other member of the Commission have any questions?
27 Thank you very much.
28
29 Dickens: Thank you very much.
30
31 Villescas: Does any other member of the public have a comment? Please come on
32 up sir. If you could state your name and address for the record, Ms.
33 Acosta will swear you in.
34
35 Anderson: My name is Sean Anderson. I live at 5094 Ruby Mine Road.
36
37 Acosta: Mr. Anderson do you swear and affirm the, the testimony you are about to
38 give is the truth and nothing but the truth under penalty of law?
39
40 Anderson: I do.
41
42 Acosta: Thank you.
43
44 Villescas: I'm sorry, could you repeat your address again.
45
46 Anderson: Yes 5094 Ruby Mine.

1
2 Villescas: Thank you.
3
4 Anderson: I don't have a prepared statement. I'm just here to object to the granting
5 of a waiver due to the dust and destruction of the road by adding such
6 density on Achenbach. Every house there would have to traverse the
7 entire length of Ruby Mine Road and the noise and the dust would be
8 quite substantial for the residents on Ruby Mine Road. For that reason I
9 object.
10
11 Villescas: Could I ask you sir what is your normal travel route? You use Achenbach
12 to ...
13
14 Anderson: I travel Ruby Mine Road. I'm near the end.
15
16 Villescas: Okay, Ruby Mine Road.
17
18 Anderson: I'm, I'm next to Wendy Weir and Phillip Djang.
19
20 Villescas: Okay. I, I, I, I know where their property is, they're 13.
21
22 Anderson: Okay. Yes sir.
23
24 Villescas: So I see the general area.
25
26 Anderson: Yes sir.
27
28 Villescas: Okay. All right. I'm sorry, does any member of the Commission have any
29 questions? All right thank you sir.
30
31 Anderson: Thank you.
32
33 Villescas: Any ... please ma'am come on up. State your name and address for the
34 record and Ms. Acosta will swear you in.
35
36 Weir: Wendy Weir, 5092 Ruby Mine Road.
37
38 Acosta: If you can raise your right hand for me please ma'am. Thank you. Do you
39 swear and affirm the testimony you are about to give is the truth and
40 nothing but the truth under penalty of law?
41
42 Weir: I do.
43
44 Acosta: Thank you ma'am.
45
46 Villescas: Please go ahead.

1
2 Weir: Go ahead. Okay. I think that I, I, I just came in so I'm not sure what
3 everyone has said so I may be repeating what people have said but I think
4 the most important thing is that this is not a County maintained road.
5 Everyone that lives on that road has to pay for maintenance and adding
6 third, you know these four homes is gonna increase the traffic by 40 to 50
7 percent on that road. And that's gonna increase the expense to
8 everybody that lives on that road for maintaining it. So I object to the
9 waiver based on the significant increase in the traffic that will occur by
10 putting four homes here.
11
12 Villescascas: Let me ask you one question, one gentleman spoke earlier, said that he
13 has the road scraped about two or three times a year, is that fairly
14 accurate?
15
16 Weir: Yes, depends on the weather but just driving on it, even if the weather isn't
17 very significant, you have to grade it at least twice a year.
18
19 Villescascas: And then if the weather is significant of course ...
20
21 Weir: It can be ... yeah.
22
23 Villescascas: Scraping goes up.
24
25 Weir: It can be, I'd say a maximum of four times if it's really, if we're getting a lot
26 of washouts.
27
28 Villescascas: And everybody pitches in to pay for that cost.
29
30 Weir: Correct.
31
32 Villescascas: Yeah. Right.
33
34 Weir: Well not everybody, some people refuse to but most people do.
35
36 Villescascas: Yeah. Any other questions from the Commission? All right. Thank you.
37
38 Weir: Thank you.
39
40 Villescascas: Somebody else with their hand up a while ago? If not Mr. Pompeo would
41 you care to come up? You've already been sworn in Mr. Pompeo so
42 please go ahead.
43
44 Pompeo: Yes Mr. Chairman. Just two comments for what the members of the
45 community had to say. First of all when I mentioned costs and, and cost
46 sharing I was speaking merely to road improvements, if road

1 improvements were required for the subdivision that would be solely on
2 the developer and there would be no requirement from any adjacent
3 property owner. The County, at the time of subdivision if it's supposed to
4 be gravel roads the County will require roadway maintenance agreement
5 be signed by the developer, so they would be required to pitch in for the
6 maintenance costs to do that and that, that's in the County documents that
7 would be required.

8 Lastly I'd like to point out by the arrow you see here that some, that
9 subdividing this property whether it's two lots or three or four based on
10 proper engineering will follow the same development pattern you see on
11 the aerial above you. The majority of those lots all access from narrow in
12 situ soiled gravel roadways that exist out there right now. Development of
13 this subdivision will simply follow the same development pattern as you
14 see on the aerial before you. So we're not asking for any special privilege
15 that does not already currently exist in the area and with that Mr.
16 Chairman that's the basis for our waiver request. I'd be happy to answer
17 any questions that you might have.

18
19 Villescas: Does the Commission have any further questions for Mr. Pompeo while
20 he's up here?

21
22 Acosta: Mr. Chairman.

23
24 Villescas: Ms. Acosta go ahead.

25
26 Acosta: I've got one.

27
28 Villescas: Go ahead.

29
30 Acosta: Mr. Pompeo I'm looking back to back minutes that you had discussed this
31 previously with Mr. Murphy and Kyle and on page four and I know you
32 don't, may not have that document in front of you but if you can tell me,
33 one of your comments was "Well if we were in the County we would be
34 submitting a Claim of Exemption."

35
36 Pompeo: Correct.

37
38 Acosta: Can you elaborate on that because you seem to have something here, I
39 mean ...

40
41 Pompeo: If we, if this, if this subdivision laid in the County and not in the ETZ we
42 would be submitting a Claim of Exemption request for this, for this
43 property which would allow us to subdivide the property with no
44 improvements, however the, the paragraph that I did read into the record
45 that being "Dona Ana County Administrative Code, Chapter 250, Section
46 79 Part D requires adequate access to all lots." So the Claim of

1 Exemption would fall under that but we would not be asking, we would not
2 be required to getting a waiver to roadway improvements if we did it
3 through a Claim of Exemption.
4
5 Acosta: Okay. Thank you.
6
7 Villescas: Any other questions for Mr. Pompeo?
8
9 Hearn: Uh Mr. Chairman.
10
11 Villescas: Please go ahead.
12
13 Hearn: The fact that the Claim of Exemption does not exist within the ETZ was
14 one of the stellar accomplishments of the people that set the ETZ up in the
15 first place. They, they had to go to the State Legislature and get that
16 modification to the subdivision rules so that the arbitrary division of plots of
17 land into separate lots could not be done. And it's, it actually is something
18 that is in some cases at least we hoped worked well for the ETZ. I have a
19 question for Ms. Gonzales.
20
21 Villescas: Is that, is that correct Sara?
22
23 Gonzales: Yes Commissioner. What was your question?
24
25 Hearn: Um, in the DRC meeting, the EDRC meeting what was the input from the
26 Fire Department and the emergency services? Were you there?
27
28 Gonzales: The County Fire Department did not show. They did not attend
29 unfortunately. So there was no response from them. They actually
30 received the proposal and there was no comments given when the
31 proposal was submitted to them as far as review.
32
33 Hearn: Okay. Thank you.
34
35 Villescas: Thank you. If there is no further input at this time then I'll close it off to the
36 public and open it up to the Commission. Is there any discussion from the
37 Commission? Ms. Gonzales or Sara, would you mind bringing the
38 pictures back up to the roadways themselves?
39
40 Gonzales: These ones?
41
42 Villescas: Yeah. Thank you. Is there any discussion from the Commission?
43
44 Sanders: I, I just have one observation to make. I guess it might tell you which way
45 I'm leaning on this but I think as Mr. Allin pointed out, Allin pointed out in
46 one of our meetings we're getting one waiver request after another after

1 another for roadways and right-of-ways and you know I think granting
2 those just creates a bigger problem in that it doesn't give any impetus to
3 change the existing policies and so that's my comment.
4
5 Hearn: Mr. Chairman.
6
7 Villescas: Yes sir.
8
9 Hearn: Just, just looking at the situation out there and knowing it from having
10 driven in the area visiting friends and, and deciding not to buy a house out
11 there because of the condition of the roads, this whole area came about
12 and, and it exists in the people that live there enjoying it, but to my notion
13 it's not something that we should condone expansion of with the, the road
14 conditions the way they are. If folks wanted to change that and get
15 together and, and do something to share costs that would be great but it
16 just, it just seems almost like looking at two wrongs don't make a right to,
17 to go ahead and let this go farther. Thank you.
18
19 Acosta: Mr. Chairman.
20
21 Villescas: Ms. Acosta.
22
23 Acosta: In, in, right or wrong with what Commissioner Hearn said, but this is my,
24 my thing, I mean I'm, I'm all about road improvements and, and in
25 following policy and things of that nature, but we do not have anything in
26 writing that says such. I mean to that degree. What do we do? Do we
27 penalize Mr. Pompeo's group and say "Just because you happen to come
28 in 2016 and there's nothing and," and everyone else if you look around
29 how can we deny, and I'm not saying I'm, I'm for them, I'm just, kinda just
30 talking in general. How do we deny them and say absolutely not, we're
31 not gonna give you this, this waiver request and then we just stop growth
32 possibly there and it's just an empty lot. I think that's against, I mean, I
33 don't think that's fair to the, the property owners that, that have this. I think
34 that you can't just say "We're gonna stop it and we're gonna make an
35 example of you today." You can't do that. Until the County, the City, until
36 our overall I guess you call government decides to create a policy, we
37 cannot continue denying these individuals their right to subdivide whether
38 it's two, four or one lot. Just thoughts.
39
40 Townsend: Amen.
41
42 Hearn: Mr. Chairman.
43
44 Villescas: Yes sir.
45

1 Hearn: In fact we do have a policy, we have a law. They're asking for a waiver
2 from the law. It, it's not, not that we're doing something special, we're just
3 being asked to waive the requirements that exist and, and to me it, it, it
4 particularly in this area it doesn't make sense and, and I actually think
5 there are other ways of going about solving this problem that have not
6 been proposed other than just saying "We will do nothing." But that's the,
7 that's the proposition that's been put to us this evening.
8

9 Villescascas: I, I, I think just to comment for the record it, it goes back to what Mr.
10 Sanders, Mr. Allin, and what I said many years ago is that you know
11 waiver request after waiver request after waiver request has been granted
12 which puts us in situations like this. Too many waiver requests have been
13 granted. Had you know other waiver requests not been granted Mr.
14 Pompeo would not be looking at this you know putting the entire load on
15 his back. Obviously at some point back in the past other waiver requests
16 were granted, otherwise you would not be looking at this whole expanse of
17 road. You know what I mean? Other patches would have been improved
18 on the way. Unfortunately somewhere along the way other waiver
19 requests were granted otherwise there would improvements in route all
20 ready but you know I, you know Mr. Allin and I have been on this Board
21 long enough to know that unfortunately waiver request after waiver
22 request after waiver request were granted putting us in situations like this.
23 And that's you know just my comment. Anyone else?
24

25 Townsend: Mr. Chairman.
26

27 Villescascas: Yes. Could you lean up and turn your microphone on?
28

29 Townsend: Looking at the aerial view that Mr. Pompeo had, that's not what you would
30 call a remote area, there are quite a number of houses there and, yeah,
31 but there was a larger scale than, but there's a, a lot of large, fairly
32 significant number of houses in there.
33

34 Villescascas: Lean forward, we need to get you onto the record.
35

36 Townsend: And so if I understand this correctly if we deny this waiver then Mr.
37 Pompeo's group will have to come in and, and take care of all of those
38 roads. My question is why was this, if this is such a bad situation why was
39 it allowed to happen in the first place? And secondly why should he have
40 to bear the full cost of bringing the roads up to specification and everybody
41 else gets a free ride?
42

43 Gonzales: Mr. Chair. In response to that Commissioner, when it was taken into ETZ
44 the roads were already in those conditions, so we could not enforce
45 anything as far as us taking them over or being a part of the City. Since it
46 was already in ...

1
2 Townsend: And there's been no addition since then?
3
4 Gonzales: An issue since then? I do not know how many have been subdivided from
5 that time forward.
6
7 Townsend: Or additional, additional houses built, yeah, okay.
8
9 Gonzales: Correct. At that point also whenever someone comes in for a subdivision
10 then they are required to do road improvements, anyone who does come
11 forward for a subdivision. Once it's already ...
12
13 Villescas: In other words ...
14
15 Gonzales: Once it's been previously in a subdivision already.
16
17 Villescas: That was if those lots were already there they purchased them but did not
18 subdivide them and there was no need for a, a roadway improvement or,
19 as long as they didn't subdivide. If they bought the lot intact and did
20 nothing except put a house on it they were fine.
21
22 Gonzales: Mr. Chair. That would be correct Yes.
23
24 Villescas: Which is very possible. In other words like if Mr. Pompeo put one house
25 on that property we wouldn't be here today.
26
27 Gonzales: That is correct.
28
29 Villescas: Mr. Allin you're giving me that eye.
30
31 Allin: Well the past is the past and we're going to have to do something about
32 the future.
33
34 Villescas: That's correct. Is there any other discussion from the Board? If not then I
35 am ready to entertain a motion.
36
37 Hearn: Mr. Chairman.
38
39 Villescas: Yes sir.
40
41 Hearn: I move to approve Case ETZS-15-021W, project name Zuniga Estates,
42 based on our discussion, findings, and recommendations by staff.
43
44 Villescas: Do we have a second?
45
46 Sanders: I second.

1
2 Villescas: Do we have any discussion? If there's no further discussion, Ms. Acosta
3 would you poll the Commission.
4
5 Acosta: Commissioner Hearn.
6
7 Hearn: No.
8
9 Acosta: Commissioner Sanders.
10
11 Sanders: No.
12
13 Acosta: Commissioner Townsend.
14
15 Townsend: Aye.
16
17 Acosta: Commissioner Allin.
18
19 Allin: No.
20
21 Acosta: Commissioner Acosta votes aye. Chairman.
22
23 Villescas: I vote no. So ...
24
25 Acosta: Four to two.
26
27 Villescas: Vote is four to two, the motion fails and Mr. Pompeo you are free to appeal
28 to the ETZA on that item. We go back to our ...
29
30 2. **Case ETZS-15-022W: Valles Estates Subdivision Waiver Request.** A
31 request for approval of a waiver to the required right-of-way dedication and
32 roadway improvements associated with a replat known as Valles Estates
33 Subdivision. The applicant is seeking to waive the required roadway
34 improvements to White Opal Road as well as the required dedication and
35 roadway improvements to the new proposed subdivision. The subject
36 property encompasses 5.13 + acres, is zoned ER3M and is located on the
37 northwest side of Las Cruces Lateral, 651 +/- feet northeast of its intersection
38 with Highway 478; Parcel ID# 03-12628. Submitted by Southwest
39 Engineering, Inc., on behalf of Isidro R. and Corina M. Valles, property
40 owners.
41
42 Villescas: Okay, item number two under New Business, Case number ETZS-15-
43 022W, Valles Estates Subdivision Waiver Request. Ms. Gonzales.
44
45 Gonzales: Okay. We're here for another waiver request.
46

1 Acosta: Let me go ahead and swear you in.
2
3 Gonzales: I know.
4
5 Acosta: We did not do that the first time.
6
7 Villescas: Oh that's right.
8
9 Acosta: Can you state your name and address?
10
11 Gonzales: Sara, Sara Gonzalez, City of Las Cruces, Acting Planner. Address is
12 5197 (*inaudible*).
13
14 Acosta: Do you swear and affirm the testimony you are about to give is the truth
15 and nothing but the truth under penalty of law?
16
17 Gonzales: I do.
18
19 Acosta: Thank you ma'am.
20
21 Gonzales: Okay. This is ETZ Case, ETZS-015-022W, a request for a waiver from
22 road improvements and roadway dedication and easements required for a
23 subdivision known as Valles Estates. This is your vicinity map. Basically
24 we are looking at Highway 478, it is east of that intersection about 650
25 feet. White Opal Road is the access road to this property. The proposed
26 tract of land is 5.13 acres and they are proposing four lots. As you'll see
27 on the aerial there is already an existing home there, the rest is vacant lots
28 that they will be subdividing. The access road is going to be White Opal
29 which is coming off of Highway 478. Once again per the Subdivision
30 Code of the ETZ 4.2H they are required to do 24-feet of wide, double wide
31 penetration surfacing, gravel is not one of the requirements. They would
32 have to do that for White Opal Road and then through to the access road
33 to the subdivision. They are also required to give up the 50-feet for
34 access either a dedication or easement on the subdivision and improve it
35 1.5 inches of asphalt.
36 This is the proposal for the subdivision. If you notice here they are
37 proposing the 30-foot wide access easement for the subdivision however
38 it should maintain to be 50-feet. That also should be improved to the 1.5
39 asphalt for the subdivision owners, the property owners in that subdivision.
40 As far as White Opal, on the side it is currently 45-feet wide and changes
41 into 30-feet when you come up to the top for the access of the subdivision,
42 that is also not improved, it is graveled, it's more of a soft sand graveled.
43 That would need to be improved as far as the 24-foot wide double
44 penetrated surface. These are examples of the two roads or pictures of
45 the roads coming off of White Opal and then the bottom one is accessing
46 to the subdivision.

1 The notification map when out, this was also extended due to the
2 properties not being located within the 300-feet so we did have to extend it
3 to the 415 in order to meet the requirement of least notifications. The
4 ETZC, or EDRC did recommend denial due to it did not meet a substantial
5 hardship and also due to it does not meet the ETZ Subdivision Code
6 requirements for road improvements or right-of-way easements. Very
7 simple, we are down to you can vote "yes" to the waiver request; you can
8 vote "yes" to approve the waiver request with conditions; "no" to deny the
9 waiver request; or to postpone it. And I stand for any questions or ...

10
11 Villescas: Does the Commission have any questions for Ms. Gonzales at this time?

12
13 Hearn: Mr. Chairman.

14
15 Villescas: Please go ahead.

16
17 Hearn: There. Are these private roads?

18
19 Gonzales: Mr. Chair, Commissioner. I am not sure if they are private roads. White
20 Opal I, I do not believe so. I will have the applicant answer that question,
21 as far as maintenance for the roads, I'm not sure of that question.

22
23 Hearn: Okay then.

24
25 Villescas: Okay.

26
27 Hearn: Okay, fine.

28
29 Villescas: Any other questions from the Commission? If not, Mr. Pompeo. And
30 you're already sworn in Mr. Pompeo.

31
32 Pompeo: Yes, thank you Mr. Chairman. Once again this is a waiver request for
33 Valles Estates subdivision for roadway and right-of-way dedication. Once
34 again the property's located off of White Opal Road on South Main Street
35 as shown on this project location map. Here's a site aerial with the
36 property, the subject property outlined in red. And once again the
37 proposed subdivision plat. The difference in this particular application is,
38 is that there is already an existing house that exists on the property and
39 the purpose of this split is to be able to gift or will these properties to the
40 applicant's children.

41 Waiver number one, Section 4.2G of the Extraterritorial Subdivision
42 Code requires roadways linking subdivisions to existing paved roads be
43 improved with a minimum pavement section of 24-foot wide double
44 penetration surfacing. Due to the following reasons, the developer asked
45 this requirement not be applied to this development; a 24-plus-foot wide
46 gravel roadway exists out to Highway 478. This roadway is adequately

1 serving the existing homes in the area. The additional three lots for the
2 local roadway does not rise the traffic volume enough to require paving up
3 the roadways and that's by pavement analysis. Requiring these, these
4 improvements is arbitrary and capricious to the developer. Other
5 properties in this area have created additional lots without providing any
6 roadway improvements. If improvements were installed they will be at the
7 sole cost of the subdivider and not to any adjacent property owner, as
8 such these property owners benefit from the installation without providing
9 any monetary assistance. Requiring a single developer to correct missing
10 infrastructure creates a disproportionate burden on that developer.

11 Wavier number two; minimum roadway surfacing, 4.2G of the
12 Extraterritorial Zoning Code requires that the minimum surfacing to access
13 subdivisions be 1.5 inches of asphalt. Due to the following reasons the
14 developer feels these requirements should not be applied to this
15 development; total number of new lots created under this proposal is
16 three, no other asphalt roadways exist in this area. The subdivider
17 proposes to install gravel surfacing to the new lots, the requirement for
18 asphalt pavement is not supported by pavement analysis and a gravel
19 roadway for low volume roadways is perfectly acceptable assuming proper
20 maintenance.

21 Waiver number three, 4.2H of the Extraterritorial Zoning Code
22 requires that the minimum access to subdivisions be from adequately
23 width private, or right-of-way or public easement. Due to the following
24 reasons the developer feels this requirement should not be applied to the,
25 to the development. The access easements to this property range from
26 30 to 45 feet. Based on the total number of lots accessing this easement
27 a wider section is not necessarily based on accepted traffic engineering
28 standards. Further, the amount of un-subdivided land in this area is
29 minimal, so the need to account for future traffic volumes is not necessary.
30 Several past subdivisions have been developed in this area without
31 providing additional right-of-way or access easements. Requiring a single
32 developer to acquire additional right-of-ways or access easements to
33 correct missing infrastructure creates a disproportionate burden on that
34 developer. With that Mr. Chairman, that concludes my presentation. I'd
35 be happy to answer any questions that the Commission might have.

36
37 Villescas: Any questions for Mr. Pompeo at this time?

38
39 Hearn: Could you backup a slide or two Mr. Pompeo? There. Excuse me just a
40 second. I just wanted to see. Just, just I guess as, as kind of a note of, of
41 where we are requiring improvements according, as, as required by law,
42 you say is arbitrary and capricious.

43
44 Pompeo: Well Mr. Chairman, Commissioners. What I, what I mean by that
45 statement is simply this, we all know that the ETZ came into effect in '88
46 and '89 and it was you know a response to large scale development that

1 developers be required to put in improvements, but some people were
2 trapped. They had bought properties prior to the ETZ coming into effect,
3 they weren't in a position to subdivide and now maybe it's the property
4 they've owned for years, maybe it's something that they are now ready to
5 subdivide and the codes have changed. When you look around those
6 properties and you see that other people got theirs and they didn't have to
7 do roadway improvements, and everybody seems to be living happily in
8 the neighborhood, it seems disproportionate to require that single
9 developer to go in and pave the roads all the way out to the last paved
10 road thereby bypassing other people's properties and them enjoying the
11 benefit of paved roads without monetary assistance.
12
13 Hearn: I, I understand. Maybe that some of the waivers were arbitrary and
14 capricious. Could we back up again to one of the maps of the area or the
15 picture of the area?
16
17 Pompeo: Oops.
18
19 Hearn: That's a good one. What, what might be the future of development along
20 here? I think there's, there's one house and then, and then one or two
21 others that would benefit from whatever improvements are made to this
22 road, is that about right?
23
24 Pompeo: Mr. Chairman, Commissioners. What we were proposing when we say
25 that gravel the roadways would be this roadway at this interior road
26 section in here that doesn't exist right now. So those improvements would
27 only benefit the, the new lots in the future proposed subdivision.
28
29 Hearn: Right but there, there would also be improvements required by law that
30 you're asking to be waived for White Opal Road?
31
32 Pompeo: Yes that would be for this section of White Opal Road here and then
33 through the curve here and down to the subdivision sold.
34
35 Hearn: Right. Right.
36
37 Pompeo: Basically from this read line to this curve and then out to Highway 478.
38
39 Hearn: And that would, that would possibly also benefit that one house right along
40 there.
41
42 Pompeo: Well it would benefit all the homes here, these homes here, these two
43 homes up here, this home back here.
44
45 Hearn: Okay.
46

1 Pompeo: Several, quite a few homes.
2
3 Hearn: And, and some day we might look for the open area hate to, hate to think
4 about it but all this nice farmland and, and, and orchards may end up full
5 of houses. Just sort of thinking about it.
6
7 Pompeo: There's always a possibility but I, I doubt the pecan trees are coming out.
8
9 Hearn: Oh, but what I'm, what I'm, what I'm leading to is that White Opal Road
10 may have additional things being built along side it as time goes by.
11
12 Pompeo: Well if you look at the top of the photograph under Selway Road, that,
13 that's up next to that Casa Mexicana tile and the pecan sorting facility.
14 That road goes back and all the way through and then there's other roads
15 to the south that go back, that go back farther to the east. In other words I
16 don't believe that White Opal Road there's an easement that exists from
17 White Opal all the way to the pecan trees on the east side of the, of the
18 property, so if ...
19
20 Hearn: Oh right, and I was just looking at the ones down, down along Main Street.
21 That's fine. Thank you very much.
22
23 Pompeo: All right. Thank you.
24
25 Sanders: Leave that slide up. I just had one ...
26
27 Villescas: Yes go ahead Mr. Sanders.
28
29 Sanders: Kind of going along with Mr. Hearn was saying but, so they're, they're
30 asking for a waiver for this subdivision. I can see a future where the
31 adjacent subdivisions to White Opal, each one of them comes in saying
32 "Well there was a waiver granted for this subdivision, how about us, we
33 deserve a waiver." And you waive it all the way out to Highway 478 you
34 know, so it puts us in a position of you know what happened five years
35 ago ...
36
37 Pompeo: Well I don't ...
38
39 Sanders: To us really shouldn't matter. I think the policy needs to be changed and
40 that people such as yourself need to be talking to the politicos and work
41 on getting the policy changed if you don't like it.
42
43 Pompeo: Well Mr. Chairman and Commissioners. That, that has been Don Quixote
44 and the windmills for 24 years that I've been working ...
45
46 Sanders: I understand.

1
2 Pompeo: In the ETZ. There is just no way without forced improvement districts to
3 go in and, and pave all these roads so we're left with, with waivers. Now I
4 can't tell you that this road and these other lots that were created here
5 were created by a waiver process. I don't know that there is any existing
6 waivers in this area, but as you pointed out in the last case, granting them
7 a waiver previous does not grant a waiver today. So I'm standing before
8 you here with this applicant who's wanting to subdivide their property
9 based for an inner family split basically to give to their children and asking
10 that they not be constrained with hundreds of thousands of dollars of
11 roadway improvements so that they can simply you know have to go
12 through a court order partition later on in time and rather than do that, do a
13 subdivision in today's modern time. So I understand that, that, that codes
14 have to be changed, I've worked on it for 24 years. There isn't the will to
15 do it and so we're left with these waivers and that's why I've come before
16 this Commission for 24 years asking for waivers.
17
18 Sanders: Thank you.
19
20 Hearn: Is, is White Opal Road a private road?
21
22 Pompeo: Yes it is.
23
24 Hearn: Yeah.
25
26 Villescas: Any other questions for Mr. Pompeo? Thank you Mr. Pompeo.
27
28 Pompeo: Thank you Mr. Chairman.
29
30 Villescas: Would any members of the public care to come forward at this time? If
31 not, I'll close it off to the public and open it up to the Commission. Any
32 discussion from the Commission?
33
34 Hearn: Mr. Chairman.
35
36 Villescas: Yes sir.
37
38 Hearn: I'm, I'm still working through trying to keep track of all this. We're, we're
39 being asked for three separate waivers.
40
41 Gonzales: Mr. Chair, Commissioner. That is correct.
42
43 Hearn: And is it all or none?
44

1 Gonzales: You can propose to do some with conditions. You can change, that's what
2 a "yes" with conditions can be, you can approve. One we can separate
3 them out into three if you would propose to.
4
5 Villegas: Would you care to do that?
6
7 Hearn: I'm not that smart yet.
8
9 Villegas: Mr. Hearn.
10
11 Hearn: I studied this before I came in and I still didn't have it all in my head right
12 and I'm working on it.
13
14 Villegas: Okay we can take a few minutes.
15
16 Gonzales: Mr. Chair, Commissioner.
17
18 Villegas: Take your time.
19
20 Gonzales: I can explain the three waivers if you would like as far as so that way you
21 can separate them out.
22
23 Hearn: Okay.
24
25 Villegas: Go ahead.
26
27 Gonzales: The first waiver would be for White Opal is to do the 24-foot wide double
28 penetrated surfaces.
29
30 Villegas: Which is as we understand at this time is a private road.
31
32 Gonzales: These ...
33
34 Hearn: And the situation with that road right now or, or the applicant's proposal is?
35
36 Gonzales: To basically maintain it as being a graveled road.
37
38 Hearn: Just the way it is now.
39
40 Gonzales: Correct. Yes sir.
41
42 Hearn: Okay.
43
44 Gonzales: The second waiver is for the subdivision access road, it is to be improved
45 to 1.5 asphalt, so basically the four lots would have to be improved for the
46 road rather than just graveled.

1
2 Hearn: And that's, that's the road that runs right alongside the, the subdivision.
3
4 Gonzales: That will be within the subdivision. Correct. The third waiver will be for
5 the easement. They are to grant 50-feet not the 30-foot easement for
6 access.
7
8 Hearn: *(inaudible)*.
9
10 Villegas: I'm sorry Ms. Gonzales say that one again.
11
12 Gonzales: The easement for the property it shows a utility and access easement,
13 roadway easement on the property on the very top of it, I can go back. Up
14 here, this area is supposed to be 50-feet per Dona Ana County Standards.
15
16 Villegas: Okay and that's simply an easement.
17
18 Gonzales: Correct. It's supposed to be 50 but they are asking for a waiver to do the
19 30-feet.
20
21 Hearn: I guess part of my difficulty is there seems to only be two waivers called
22 out in the, oh. Yeah in the packet. Too much paper.
23
24 Gonzales: Mr. Chair, Commissioner. Yes they were put together doing too being as
25 road improvements so they would have to do the road improvements. We
26 can separate them out though as far as since they are sectional, as far as
27 the criteria they were put into the packet as one being the road
28 improvements for the roads itself.
29
30 Sanders: But you're saying we can separate the White Opal pavement requirement
31 from the subdivision pavement requirement?
32
33 Gonzales: Correct. That would be a "yes" with conditions and you can separate out
34 each waiver or you can do "yes" to a waiver, "no" to a waiver, "yes" to a
35 waiver if you choose to section them out.
36
37 Sanders: Okay.
38
39 Gonzales: So as it is proposed it would just be waiver one, roadway improvements to
40 White Opal due to "yes" or "no" basically when you propose it.
41
42 Villegas: Commissioner Sanders as I understand it we can do you know 1) being
43 Opal, 2) the improvements to the roadway within the subdivision and 3)
44 the easement within the subdivision. Is that correct Ms. Gonzales?
45
46 Gonzales: Commissioner Chair. Yes, that is correct.

1
2 Hearn: Does the, the road that, that runs down the, more, more or less northwest
3 part of the, the, the access road for the subdivision, it's there now?
4
5 Gonzales: Mr. Chair, Commissioner. No, there is no road there now.
6
7 Hearn: Okay we're just talking about how wide the easement will be and how wide
8 the, the pavement or preparation or whatever else on the road will be.
9
10 Gonzales: Correct. To, they're proposing one based on what is required and then
11 this is their proposal, what they would like to do.
12
13 Hearn: And, and is there really a major problem with making it a 50-foot easement
14 as opposed to a 30-foot easement.
15
16 Gonzales: Our codes say that it has to be 50-feet, that's why they're here for the
17 waiver request of the 30.
18
19 Hearn: I, I understand that. I'm, I'm, I'm just ...
20
21 Gonzales: Impacting, I, I don't know as far as analysis, if it will impact them to be 30-
22 feet or not, as far as 30 to 50.
23
24 Hearn: Cause if, if we, if we, sometimes you can do a waiver and it can be fixed
25 up later. If we let this be 30-feet, it's 30-feet forever.
26
27 Gonzales: That is correct.
28
29 Hearn: If, if, if we make a 50-foot easement and, and the, the improvements to the
30 road cover only 30-feet, that's fine you can fix the rest of it up later. I'm,
31 I'm just trying to figure out what the, what the situation is, why we're doing
32 30-feet instead of 50 when an easement is really an easy thing to do.
33
34 Gonzales: Mr. Chair, Commissioner. That would be up to the applicant as far as why
35 they have chosen to do the 30-feet rather than the 50 that is required.
36
37 Hearn: Could, could we ask them?
38
39 Villegas: We can always bring Mr. Pompeo back up and ask him. Mr. Pompeo.
40
41 Pompeo: Yes Mr. Chairman. One of the reasons that we, we went with 30 was, is
42 so we can keep the net, the gross acreage of the, or I'm sorry, the net
43 acreage of the properties up. There, a 24-foot road is required for a
44 simple cul-de-sac for a road that's never gonna be extended or have any
45 more traffic on it. The additional width is, is really not necessary and I
46 would like to point out that the Dona Ana County Subdivision Code allows

1 the, the, the Planning Director to waive roads on cul-de-sacs down to 30-
2 feet, so following that tone we've simply asked for 30 because even with a
3 24-foot surface, 50 just isn't, would be required. Because it doesn't extend
4 and go anywhere else.
5
6 Hearn: Are the, the easements in the cul-de-sac as shown, have they been
7 reviewed by the Fire Department? Is that, is that all good?
8
9 Pompeo: They, it, it was, it was sent through the review. I don't believe that they
10 commented but I would like to point out that the cul-de-sac head is a 50-
11 foot radius so it's standard size.
12
13 Hearn: Okay. But we had a DRC meeting and the Fire Department didn't show
14 up and didn't put in comments.
15
16 Pompeo: No Mr. Chairman. No Commissioner.
17
18 Hearn: And no body went back and beat them on the head and said "We gotta get
19 this."
20
21 Pompeo: Not I.
22
23 Hearn: Okay.
24
25 Villescascas: You know Commissioner Hearn the other thing that is possible if we, if we
26 split these into three it would allow us to come back and review the 50
27 versus 30-foot easement at a later time, once we knock the Fire
28 Department over the head. Because we could you know take a vote on,
29 on the road easements and vote "yeah" or "nay" or "postponement" on the
30 30 versus 50-foot easement, if the Commission is so inclined.
31
32 Acosta: Is this Commission, Mr. Chair.
33
34 Villescascas: Yes ma'am.
35
36 Acosta: Is this Commission wanting to separate or can we just make a motion as
37 presented? What is, what is this?
38
39 Villescascas: That, that's what I'm, that's what I'm trying to get out of the Commission, if
40 the Commission would like to separate these into three or if the
41 Commission would like to leave them all together and it would be a, a vote
42 "yeah" or "nay" on the, on the three as a lump sum.
43
44 Sanders: What purpose would it be to separate them?
45
46 Villescascas: Do you want to make a motion in that regard?

1
2 Sanders: I can try. Let me take a stab at it and then go from there. Case ETZS-15-
3 022W, my motion would be to waive the requirement to pave White Opal
4 Road to, the other two are more positive but it would, basically I want to
5 say require, maybe a condition to require the paving of the subdivision
6 access road and then lastly to require grant of a 30-foot easement along
7 the subdivision access road.
8
9 Villescas: Mr., Mr. Sanders if I could interrupt, and, and, and I don't want to sway you
10 one way or the other, I mean you can, you can, you know propose as you
11 wish. What I was hoping for was simply a, a, a motion to separate the
12 three issues.
13
14 Sanders: Oh I'm sorry. I thought you were looking for a motion on the entire thing.
15
16 Villescas: I, I, well if that's what you want to do you're entitled to it. I was looking for
17 a motion that we separate the three issues.
18
19 Sanders: I'll let my motion stand.
20
21 Villescas: Okay. Yeah, I mean yeah you're, like I said you can make whatever
22 motion you'd like. So ...
23
24 Sanders: So it's two ...
25
26 Villescas: So in other words your, your motion is simply to as it states here, waiver
27 request from right-of-way dedication easement and roadway
28 improvements.
29
30 Sanders: Well, so it's waiving the, the requirement for White Opal Road which is, my
31 understanding is a pavement, paving requirement?
32
33 Gonzales: Correct.
34
35 Sanders: But, and I'm not quite sure how to put this, but requiring the paving of the
36 subdivision access road and requiring that easement to be a 30-foot
37 easement.
38
39 Acosta: Staff is that correct?
40
41 Gonzales: Mr. Chair, Commissioners. That would be correct as far as the first waiver
42 would be to request, to approve the waiver or to deny the waiver. If you
43 eliminate that way maybe easier to I guess interpret.
44
45 Sanders: So we would approve ...
46

1 Gonzales: The ...
2
3 Sanders: The waiver of White Opal of, of, the waiver of paving White Opal Road
4 which basically means we're not gonna require paving it. But then we
5 would require paving of the subdivision access road.
6
7 Gonzales: So then you would be denying the waiver.
8
9 Sanders: Denying the waiver, yes, that's right. And then denying the ...
10
11 Villescas: Well everything has to be in the positive.
12
13 Acosta: Positive, yeah.
14
15 Villescas: You cannot,
16
17 Gonzales: Oh, okay.
18
19 Villescas: You cannot move to deny.
20
21 Gonzales: Okay.
22
23 Acosta: That's true. That's where I'm confused. It has to be (*inaudible*).
24
25 Villescas: Everything has to be ...
26
27 Acosta: Approve it even though he ...
28
29 Gonzales: Okay.
30
31 Acosta: May not, but yes.
32
33 Villescas: So if you lump them all together we have to vote all "yeah" or all "nay."
34 Because everything has to be in the positive.
35
36 Sanders: So ...
37
38 Villescas: So you have to move for a waiver, just like it reads here, waiver, I vote, I
39 move to, for a waiver request from right-of-way dedication easement and
40 roadway improvements. We've lumped them all together and then we
41 have to vote all "yeah" or all "nay."
42
43 Acosta: And you did the first time. His first motion was in the positive.
44
45 Villescas: Right. Just like it.
46

1 Acosta: We can vote on that.
2
3 Villescas: Just like it states here.
4
5 Acosta: Yeah.
6
7 Villescas: So then we either approve
8
9 Sanders: *(inaudible)*.
10
11 Villescas: Either approved all of them or deny all of them.
12
13 Sanders: Yeah.
14
15 Acosta: Okay so he made his first motion.
16
17 Hearn: Second.
18
19 Villescas: Did we keep up with that over there? You got it? Okay. So now we need
20 a second to ...
21
22 Hearn: Second.
23
24 Acosta: Commissioner Hearn second.
25
26 Villescas: Okay. Any discussion?
27
28 Townsend: Aren't we putting, passing a motion there for, to do two things. It might be
29 possible ...
30
31 Villescas: Three things.
32
33 Townsend: Yeah, it might be possible to vote for a person to want to vote against one
34 and vote for the others. I think we should vote on them as separate
35 issues.
36
37 Villescas: Well that's what I was looking for but we've already got a motion and a
38 second so if we want to separate them into three at this point since we
39 have a motion before us and a second what we would have to do is vote,
40 if, if you wanted to do that, again I'm not telling anybody how to vote, but if
41 you wanted to do that you would have to vote "no" on the motion in front of
42 us and then make another motion to vote on the three issues individually.
43 That's the only way you can do it at this point since we have a motion in
44 front of us which is all three issues at the same time.
45
46 Hearn: Mr. Chairman.

1
2 Villescas: Yes sir.
3
4 Hearn: It seems appropriate to me given the difficulty we're having untangling
5 these issues to get ourselves in a situation where we can consider each of
6 them separately if we could do it by withdrawing the current motion or
7 going ahead and voting and I guess I hope we vote it down and then, but
8 then can we try again?
9
10 Acosta: You want to (*inaudible*).
11
12 Villescas: Yeah, you can ...
13
14 Sanders: That's, that's a preference I can, can I just, just withdraw the motion ...
15
16 Gonzales: Yes.
17
18 Sanders: And then ...
19
20 Acosta: Mr. Hearn.
21
22 Sanders: Take an individual (*inaudible*).
23
24 Acosta: Will you take your, withdraw your second?
25
26 Hearn: Sure.
27
28 Acosta: Okay.
29
30 Villescas: Okay Mr. Hearn has withdrawn his second. Will you withdraw the main
31 motion?
32
33 Acosta: Yes.
34
35 Sanders: Yes.
36
37 Villescas: Okay. So we're back to where we started. So now we're looking for a
38 motion to separate the three issues.
39
40 Acosta: Mr. Chairman I'll take a stab at this. I'd like to make a motion to separate
41 the following waiver request for the right-of, right-of-way dedication would
42 be one motion to separate. The second one would be the easement
43 aspect of it, would be the second. And then the third, the road
44 improvements. So we can vote on those individually.
45
46 Sanders: Second.

1
2 Hearn: So was that a motion, we need a motion ...
3
4 Villegas: I, I think first we need a motion just to separate the three issues. Am, am I
5 correct here?
6
7 Allin: Yes.
8
9 Gonzales: Correct.
10
11 Acosta: I'm sorry?
12
13 Gonzales: Mr. Chair, Commissioner. That would be correct. You would separate
14 them out first.
15
16 Acosta: That's what I just said.
17
18 Gonzales: For the motion and ...
19
20 Acosta: I'd like to separate them out.
21
22 Gonzales: Then vote on them as far as to separate them out and then list the three
23 waivers.
24
25 Villegas: Okay. So it's just, just a simple motion to separate the three issues. Is
26 that what you said Ms. Acosta?
27
28 Acosta: Yeah.
29
30 Villegas: Okay.
31
32 Acosta: I actually separated each one individually to vote ...
33
34 Villegas: Okay.
35
36 Acosta: On each one based on dedication.
37
38 Villegas: Okay.
39
40 Acosta: Easement and roadway.
41
42 Villegas: All right. And we have a second from Commissioner Hearn?
43
44 Hearn: That was Commissioner Sanders.
45
46 Villegas: Commissioner Sanders, okay.

1
2 Sanders: Yeah.
3
4 Villescas: Any discussion on separating out the three issues? If not, Ms. Acosta
5 would you poll the Commission.
6
7 Acosta: Commissioner Hearn.
8
9 Hearn: Yes.
10
11 Acosta: Commissioner Sanders.
12
13 Sanders: Yes.
14
15 Acosta: Townsend.
16
17 Townsend: Yes.
18
19 Acosta: Commissioner Allin.
20
21 Allin: Yes.
22
23 Acosta: Commissioner Acosta votes aye. And Chairman.
24
25 Villescas: I vote aye.
26
27 Acosta: Okay so they're now separated.
28
29 Villescas: They're now separated. Okay so if I have them in correct order the first
30 one would be the road improvements for, that would be Opal.
31
32 Gonzales: Mr. Chair, Commissioner. That is correct.
33
34 Villescas: Okay. So let's see we would need a motion on road improvements for,
35 let's go what's stated here, White Opal Road.
36
37 Acosta: And Mr. Sanders can go back to his ...
38
39 Sanders: All right I'll go back to my initial, okay, on ETZS Case 15-022W, I offer a
40 motion that we waive the road improvement requirements on White Opal
41 Road.
42
43 Villescas: Do we have a second?
44
45 Hearn: Second.
46

1 Villescas: Phew! Okay.
2
3 Hearn: Bless you.
4
5 Villescas: Any discussion regarding the road improvements or the waiver for road
6 improvements on White Opal Road? Any discussion from the
7 Commission? Just one comment from myself, for the record our
8 understanding is that this is a private road.
9
10 Acosta: Yes.
11
12 Villescas: To me that makes a difference. That's why I want that on the record. Any
13 other discussion? If there's no further discussion, Ms. Acosta would you
14 poll the Commission.
15
16 Acosta: Commissioner Hearn.
17
18 Hearn: Yes.
19
20 Acosta: Commissioner Sanders.
21
22 Sanders: Yes.
23
24 Acosta: Commissioner Townsend.
25
26 Townsend: Yes.
27
28 Acosta: Commissioner Allin.
29
30 Allin: Yes.
31
32 Acosta: Commissioner Acosta votes aye. And Chairman.
33
34 Villescas: I vote aye. So that takes care of the first of the three wavier requests and
35 we have a unanimous waiver, waiver grant on the road improvements for
36 White Opal Road. Now staying with the waiver request for road
37 improvements. The second one would be for ... we need a motion don't
38 we. We need a motion for the waiver request for road improvements for,
39 does that have a name, for the road improvements within the subdivision.
40
41 Gonzales: Mr. Chair, Commissioners. That would be the access easement.
42
43 Villescas: Access, road, a waiver for the accident, access easement road within the
44 subdivision. We need a motion to that.
45
46 Hearn: Go Tim.

1
2 Sanders: Um, once again, on Case ETZS-15-022W I offer a motion that we waive
3 the, the right-of-way dedication ...
4
5 Villegas: No. Road improvements.
6
7 Sanders: No, well, oh I was, I was doing the right-of-way dedication. I'm sorry.
8
9 Villegas: We're, I think we're sticking with the, with the road improvements right
10 now.
11
12 Sanders: Yeah what's confusing here is to ...
13
14 Acosta: You've already done the road improvement. We've already voted on that.
15
16 Sanders: Yeah if you go on page 4-5 they have waiver number two as the ...
17
18 Villegas: Okay. I'm sorry. Go ahead. I'm sorry.
19
20 Sanders: Okay. (*inaudible*). Okay, yeah I'm just dealing with the easement into the
21 subdivision. ETZS-15-022W offer a motion that we waive the required
22 right-of-way dedication for the subdivision access road.
23
24 Villegas: Do we have a second?
25
26 Acosta: Second.
27
28 Villegas: Okay. That's a motion for a waiver request for the road access road.
29
30 Sanders: I'm gonna ask one question of Ms. Gonzales.
31
32 Villegas: Okay.
33
34 Sanders: So the, the paving issue for the access road should that be built into this
35 as a condition?
36
37 Gonzales: Mr. Chair, Commissioner. You can either separate them out or you can
38 have them as their own, as a stand-alone.
39
40 Sanders: We decided to separate them ...
41
42 Gonzales: That's where we had the three ...
43
44 Sanders: We're gonna separate them out.
45

1 Gonzales: That were designated and so that's when they became the three different
2 ones.
3
4 Sanders: I'll just, I'll just let it stand.
5
6 Hearn: That's the third one, right?
7
8 Sanders: Yeah, third one. Yeah.
9
10 Villegas: Okay.
11
12 Hearn: The paving of that one. And is it, is it clear the way that, that motion is
13 made that we're agreeing with the 30-foot easement?
14
15 Gonzales: Mr., Mr., Commissioner. Yes that is correct.
16
17 Hearn: Yep, yep, okay.
18
19 Villegas: So this one is for the 30-foot easement.
20
21 Acosta: Yes.
22
23 Villegas: Correct?
24
25 Acosta: That is correct.
26
27 Villegas: All right. And everyone understands that.
28
29 Sanders: Certainly.
30
31 Villegas: Okay. Any, any further discussion that we are currently discussing the,
32 the motion to grant a waiver for the 30-foot easement?
33
34 Townsend: Is that, that road doesn't exist right now does it?
35
36 Villegas: The road currently does not exist because currently the only house on that
37 property is a single house at the very top of that property.
38
39 Townsend: Yeah I ...
40
41 Villegas: The road would be created for, as I understand it from Mr. Pompeo he
42 wants to give land to his family.
43
44 Townsend: Yeah, but the road doesn't exist as of this moment?
45
46 Villegas: No.

1
2 Townsend: Okay.
3
4 Villescas: Any further discussion? If not, Ms. Acosta would you poll the
5 Commission.
6
7 Acosta: Commissioner Hearn.
8
9 Hearn: Yes.
10
11 Acosta: Commissioner Sanders.
12
13 Sanders: Yes.
14
15 Acosta: Commissioner Townsend.
16
17 Townsend: Aye.
18
19 Acosta: Commissioner Allin.
20
21 Allin: Yes.
22
23 Acosta: Commissioner Acosta votes aye. And Chairman.
24
25 Villescas: No.
26
27 Acosta: Five/one.
28
29 Villescas: So that passes on a vote of five to one so that grants the 30-foot
30 easement as requested by Mr. Pompeo on behalf of the applicant. That
31 leaves us with number three.
32
33 Acosta: Right-of, right-of-way dedication is our last one.
34
35 Villescas: Correct.
36
37 Gonzales: Mr. Chair, Commissioner. I believe that was the vote just recently as far
38 as the dedication in the easement.
39
40 Sanders: Yeah were on (*inaudible*).
41
42 Gonzales: The dedication easement. Now we're on to the paving which is the 1.5
43 asphalt that is required on that 30-foot access easement.
44
45 Acosta: Okay. Correction made.
46

1 Villescas: So we need a motion for waiver request for the paving of the 30-foot
2 access road. Is that correct Ms. Gonzales?
3
4 Gonzales: Mr. Chair, Commissioner. That is correct.
5
6 Villescas: Mr. Sanders you're on a roll.
7
8 Sanders: This could be three strike time. So on ETZS-15-022W I offer that we
9 approve the waiver request for the paving of the subdivision road to
10 County standards.
11
12 Villescas: Do we have a second?
13
14 Acosta: Second.
15
16 Villescas: Ms. Gonzales is that a fair motion and second?
17
18 Gonzales: Mr. Chair, Commissioner. That is correct. Yes.
19
20 Acosta: Is that what the applicant is requesting?
21
22 Villescas: Mr. Pompeo we could ...
23
24 Acosta: I, I'm, I'm, I'm a little grey there.
25
26 Villescas: Just want to make sure, are we addressing your needs?
27
28 Pompeo: Well we've asked for a waiver to the 1.5 inches of asphalt which is ...
29
30 Villescas: That's, that's what we just ...
31
32 Pompeo: What I understand you're getting ready to vote on.
33
34 Villescas: That's correct.
35
36 Pompeo: Okay.
37
38 Villescas: Is there any discussion from the Commission? And the Commission
39 understands what we're voting for, on right, the waiver request for the
40 paving of the access road. If there's no further discussion, Ms. Acosta
41 would you poll the Commission.
42
43 Acosta: Commissioner Hearn.
44
45 Hearn: No.
46

1 Acosta: Commissioner Sanders.
2
3 Sanders: No.
4
5 Acosta: Commissioner Townsend.
6
7 Townsend: Yes.
8
9 Acosta: Commissioner Allin.
10
11 Allin: No.
12
13 Acosta: Commissioner Acosta votes yes. Chairman.
14
15 Villescascas: I vote no.
16
17 Acosta: Four to two. Do not pass.
18
19 Villescascas: Two to four. So there is denial on the waiver request for the paving and
20 Mr. Pompeo can take that to the ETZA. Phew! That was tricky.
21
22 Townsend: He doesn't actually have to do that till they, till they divide?
23
24 Villescascas: Correct.
25
26 **VI. STAFF INPUT**
27
28 1. Monthly Subdivision Report
29
30 Villescascas: Okay Ms. Gonzales that brings us to item number six, Staff Input. Looks
31 like you, looks like you are staff. Monthly subdivision report.
32
33 Gonzales: Currently Mr. Commissioner and Chair they did not provide me with a
34 monthly staff report this month, since it was due to the end of the month.
35
36 Villescascas: Aaah.
37
38 Gonzales: I agree.
39
40 Villescascas: You had a holiday in there somewhere.
41
42 Gonzales: I think several of us did.
43
44 Villescascas: Um, do you want, care to bring that to us next month or would you rather,
45 or the Commission rather that e-mailed to us?
46

1 Acosta: E-mail would be great.

2
3 Hearn: Yeah.

4
5 Villescascas: Can you do that for us?

6
7 Gonzales: Mr. Commissioner and Chair that would be fine, yes.

8
9 Villescascas: Thank you.

10
11 **VII. COMMISSION INPUT**

12
13 Villescascas: Item number seven, Commission input. Any input from the Commission?
14 Oh. That's right.

15
16 **VIII. PUBLIC INPUT**

17
18 Villescascas: Any input from the public?

19
20 Acosta: Mr. Chairman I just want to state this and, and maybe it's just my
21 perception but whenever we do something in Talavera I think that we just
22 need to really look at that. We always say "no" to that area for all, for
23 everything, in my opinion and this is strictly my opinion. Every time
24 something's presented with a waiver or something specific and I know
25 they have a huge support over there. I mean it's a beautiful area we've
26 got and people that get involved, but we really need to be consistent on
27 our decisions across the board, whether it's in the valley or it's in the
28 upscale of Talavera area. And that's, I'm just saying that. Totally my
29 feeling but we just need to kind of watch how we vote and be more, a little
30 bit more consistent. That's all I would like to say.

31
32 Villescascas: Okay. Any other Commission input?

33
34 Villescascas: Public Input?

35
36 **IX. ADJOURNMENT (7:32 p.m.)**

37
38 Villescascas: If not, do we have a motion for adjournment?

39
40 Townsend: So moved.

41
42 Villescascas: Second.

43
44 Acosta: Second.

45
46 Hearn: Yep.

1
2
3
4
5
6
7
8
9
10
11
12

Villescas: All, all in favor.

MOTION PASSES UNANIMOUSLY.

Villescas: All opposed? We stand adjourned. Thank you.

Chairperson