

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

**March 19, 2015
6:00 p.m.**

(Note: These are not verbatim minutes; they are summary notes unless marked otherwise.)

MEMBERS PRESENT:

Kenneth Allin, Vice-Chairman
Carlos Coontz, Commissioner
Janet Acosta, Secretary
Tim Sanders, Commissioner
Robert Hearn, Commissioner
John Villescas, Chairman

OTHERS PRESENT:

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

MEMBERS ABSENT:

John Townsend

1. CALL TO ORDER

Chair Villescas called the regular meeting of the Extra-Territorial Zoning Commission to order at 6:03 p.m. Thursday, March 19, 2015 in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

2. ROLL CALL

Kenneth Allin, Vice-Chair	Here
Carlos Coontz, Commissioner	Here
John Townsend, Commissioner	Absent
Robert Hearn, Commissioner	Here
Tim Sanders, Commissioner	Here
Janet Acosta, Secretary	Here
John Villescas, Chair	Here

3. ANNOUNCEMENTS

None.

4. APPROVAL OF MINUTES: February 19 and March 5, 2015 Meeting Minutes

Commissioner Sanders made a motion to approve the minutes of both meetings with **Commissioner Allin** seconding the motion.

Kenneth Allin, Vice-Chair	Yes
Carlos Coontz, Commissioner	Yes
Robert Hearn, Commissioner	Yes
Tim Sanders, Commissioner	Yes

Janet Acosta, Secretary	Yes
John Villescas, Chair	Yes

The vote was 6-0-0 to **APPROVE** the minutes.

5. CHANGES TO THE AGENDA

Steve Meadows requested deletion of Item No. 8, Administrative Approvals, which were presented at the March 5, 2015 meeting.

Commissioner Acosta made a motion to delete Item No. 8, Administrative Approvals, with **Commissioner Hearn** seconding the motion.

Kenneth Allin, Vice-Chair	Yes
Carlos Coontz, Commissioner	Yes
Robert Hearn, Commissioner	Yes
Tim Sanders, Commissioner	Yes
Janet Acosta, Secretary	Yes
John Villescas, Chair	Yes

The motion was **APPROVED** by a vote of 6-0-0.

**NEW BUSINESS
REVIEW / DISCUSSION / ACTION**

6. CASE #Z14-001/Jaquess - Dash, 360 and 380 Bamert Road, Las Cruces, NM

The applicants, Jeanette Jaquess and G. Bernard Dash, are requesting a zone change from ER5M to ER3 on 4 contiguous parcels in order to standardize the zoning district on split-zoned properties. The 7.42-acre property is located at 360 and 380 Bamert Road, Las Cruces. The property was recorded in the Doña Ana County Clerk's Office on May 9, 2013 with Instrument #1311459, on December 2, 1999 in Plat Book 203, Page 454, on December 2, 1999 in Plat Book 203, and on August 23, 1995, in Book 23, Page 333. (Map Code Nos. 4-004-136-132-065, 4-004-136-126-066, 4-004-136-141-120, and 4-004-136-126-093.)

Steve Meadows, Planner, was sworn in and presented the case.

Commissioners' Comments:

- a. There are two houses and a tree that the current zoning boundary slices through.

Steve Meadows' Responses:

- a. This line was drawn off of the zoning and I would be more comfortable with looking at the survey that was done by a surveyor.

Jeanette Jaquess, 360 Bamert Road, the applicant, was sworn in and offered to answer questions.

Commissioners' Comments:

- b. How long have you known that it was zoned this way, did you find out by accident?

Jeanette Jaquess' Responses:

- b. I don't remember how I found out, but I have known for several years.

Commissioner Acosta made a motion to approve this request for a zone change based on facts and findings and staffs' recommendation, with **Commissioner Hearn** seconding the motion.

Kenneth Allin, Vice-Chair	Yes
Carlos Coontz, Commissioner	Yes
Robert Hearn, Commissioner	Yes
Tim Sanders, Commissioner	Yes
Janet Acosta, Secretary	Yes
John Villescas, Chair	Yes

The vote was 6-0-0 to **APPROVE** the zone change.

7. DISCUSSION AND DECISION ON SPECIAL MEETING OF APRIL 30, 2015

Janine Divyak reported that a special meeting on Thursday, April 30, 2015 was being proposed for the Doña Ana Sand & Gravel case due to the public interest generated.

Commissioner Acosta made a motion to have a special meeting on April 30 at 6:00 p.m. here in the BOCC Chambers for the Doña Ana Sand & Gravel case. **Commissioner Hearn** seconded the motion.

Chairman Villescas disclosed that a Commissioner had done a substantial amount of work for one of the parties involved, so he will not be in attendance at that meeting. Therefore 100% attendance will only be six commissioners, creating a potential for a 3-3 tie vote which would be a failure. The applicants could always appeal to the ETA.

Commissioner Allin	Aye
Commissioner Coontz	Aye
Commissioner Acosta	Aye
Commissioner Sanders	Aye
Commissioner Hearn	Aye
Chair Villescas	Aye

The motion was **APPROVED** by a vote of 6-0-0.

Chairman Villescascas suggested that two items be announced at the beginning of the meeting: 1) that the meeting would not last past 10:00 p.m. and 2) that staff would have another date already chosen in advance to continue the meeting if necessary.

Commissioner Acosta recommended that the Chairman announce at the beginning of the meeting that the neighborhood associations have one representative per association because otherwise you will have one neighborhood association and everyone will want to speak.

Janine Divyak said that what they could do is when the letters of opposition are received, staff could notify them that the Commission would prefer that they do have a neighborhood representative.

Commissioner Hearn said he was not comfortable with making it that restrictive and suggested using the City's method of saying "please listen to what everybody is saying and if what you are going to say is very much like what somebody else has already stated, please let that stand". But I think people deserve an opportunity to speak about the things that matter to them and not have us, for our convenience, tell them that they cannot talk.

Commissioner Acosta said she thought we would hear a lot of redundancy among the speakers which is fine if you put a time limit on the speakers.

Chairman Villescascas suggested enforcing a 4-minute time limit on each speaker, as well as a ten-minute time limit on the neighborhood representative. It was agreed that **Diane Duback, Recording Secretary**, will notify the speakers when they have exceeded the time limit. She will contact Jess Williams to borrow the timer used for BOCC meetings.

Steve Meadows said that the Chair could announce at the beginning of the meeting that the meeting will end at 10:00 p.m. and then another date will be set to continue the meeting. A special meeting could be the next morning or any day chosen.

8. PUBLIC INPUT

None.

9. STAFF INPUT

Janine Divyak reported that the draft Unified Development Code (UDC) has been released by the consultant for review. It is on the website and Janine has hard copies if anyone would like one. A series of work sessions is being hosted with the Planning & Zoning Commission. The first one was held today. We will also be meeting tomorrow with the Regional Leadership Committee and Planning & Zoning Commission to discuss the UDC.

10. COMMISSION INPUT

Commissioner Allin apologized for coming in to the meeting a couple of minutes late.

11. ADJOURNMENT

Commissioner Acosta made a motion to adjourn, with **Commissioner Hearn** seconding the motion. A vote of all “ayes” was heard from the Commissioners. The meeting was adjourned at 7:05 p.m.

Officer: Extra-Territorial Zoning Commission