

1 **DEVELOPMENT REVIEW COMMITTEE (DRC)**

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3 Following are the minutes from the City of Las Cruces Development Review Committee  
4 Meeting held Wednesday, February 13, 2019 at 9:00 a.m. at City Hall, Room 1158, 700  
5 North Main Street, Las Cruces, New Mexico.

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7 **DRC PRESENT:** David Weir, Chief Planning Administrator  
8 Mark Dubbin, Fire Department  
9 Ted Sweetser, Fire Department  
10 Rocio Nasir, Engineering Services-CD  
11 Meei Montoya, Utilities  
12 Andrew Wray, MVMPO  
13 Cathy Mathews, Landscape Architect  
14

15 **STAFF PRESENT:** Becky Baum, Recording Secretary, RC Creations, LLC  
16

17 **I. CALL TO ORDER (9:02)**

18  
19 Weir: Everybody. I think all the departments are represented if we'd like to go  
20 ahead and get the meeting started. Call the meeting to order.  
21

22 **II. APPROVAL OF MINUTES - January 23, 2019**

23  
24 Weir: The first item of action is approval of the minutes. Does anybody have  
25 any corrections or modifications they'd like to make? No? I have a  
26 couple, Becky. So just go through them quickly.  
27

28 Baum: Okay.  
29

30 Weir: On page 12, line 38 I think the word "provide" should be "private." On  
31 page 14, line 3 I believe the word "shorter" should be "narrower." On page  
32 16, line 10 I'd like to insert the word "you" between "if" and "have." And I  
33 have two more. On page 27, line 24 I'd like to replace the word  
34 "department" with "permit." And then on page 29, line 9 I believe "on"  
35 should be "one" so an "e" should be added ...  
36

37 Baum: Okay.  
38

39 Weir: To it and then those are the modifications that I had. Do I have a motion  
40 to approve the minutes as amended?  
41

42 Wray: So moved.  
43

44 Nasir: Second.  
45

46 Weir: Okay. We have a motion and a second. All those in favor say "aye."

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2 MOTION APPROVED UNANIMOUSLY.

3  
4 Weir: All those opposed? None. Minutes are approved.

5  
6 **III. OLD BUSINESS**

7  
8 **1. Discussion regarding definition of Block**

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10 Weir: The next item is old business, definition of a block. Yesterday I sent out  
11 the information that Fire had proposed be used. I also provided the  
12 definitions that currently exist in our Subdivision Code and Zoning Code  
13 and then just some other definitions that the APA provides. Mark, you had  
14 submitted that. Do you want to provide any other comments?

15  
16 Dubbin: Yes Mr. Chairman. The definition that we were, that I would propose was  
17 specifically for block length, and the one that I had proposed was that the  
18 block length be defined as the distance as measured along the rear  
19 property lines between intersecting streets.

20  
21 Weir: Does the Committee have any discussion they'd like to make in regards to  
22 that? Mark, I'm passing around something that we use in the Zoning Code  
23 when we come into areas of interpretation where we want to do  
24 consistencies. So what I'd like to propose is that we use a similar thing for  
25 the DRC, that they could be DRC definitions and then we can attach those  
26 to the Design Standards, the Subdivision Code, the Zoning Code. And  
27 then we can compile those and then when we have a consultant go  
28 through the ordinance and update it, they can take that into consideration.  
29 So today we just have this on as a discussion item so if the Committee is  
30 comfortable with this type of format, I would propose that we put it on next  
31 week's meeting as an action item and then you can take that draft with you  
32 and make any recommended changes to it that you'd like and then we'll  
33 bring it forward. So any comment or discussion in regards to that? Does  
34 that seem like a decent way forward?

35  
36 Nasir: Mr. Chairman. I like the idea of doing an interpretation because it'll be a  
37 very long time before we do a code change and definitely the intent of  
38 having a definition or interpretation is, so all of us will be on the same  
39 page when we're doing review. Even if we're not looking at it in DRC,  
40 when each individual reviewer or reviewing section looks at it we all will be  
41 on the same page. So I like the idea of having it official or as a, I'm trying  
42 to look up the words, I'm sorry, as a definition or interpretation by DRC  
43 which we are a body that is allowed to do such things.

1 Weir: Mark, you look like you have a comment, something further. So we don't  
2 have to take action today so if there's language you can get that to me in  
3 the next week.  
4

5 Dubbin: Well my question wasn't with the definition of "block" because you do have  
6 that cited in the Subdivision Code already. It was specifically for block  
7 length. So as you're, do you propose that I write a, I see it on the bottom.  
8

9 Weir: Yes. What I would recommend is that we all look at this and then if there's  
10 any changes you'd like submit that to me in the next week and then we'll  
11 bring it back next week.  
12

13 Mathews: That we look at the interpretation? This sheet?  
14

15 Weir: Yes.  
16

17 Mathews: Okay.  
18

19 Weir: That's what I'd recommend and then if it needs to be definition of "block"  
20 and "block face" we can add anything to it. What I really wanted to do  
21 today was see if you were comfortable with this type of approach. It  
22 seemed like it would; 1) provide a way forward and 2) also get this off our  
23 docket of discussion. It's something that we'd have in the minutes of the  
24 DRC, we'd have an actual document that everybody could refer to as  
25 they're reviewing subdivision construction drawings.  
26

27 Dubbin: I do think it's a good idea and it's a concise way to present it to the body  
28 and then we can weigh it in ...  
29

30 Weir: Take the gloves off, again. If that's good, any other discussion on that or  
31 we'll just put it back on the agenda next week? Okay. Great. And then  
32 like I said if you have a chance to look at it and you have any amendments  
33 or if you'd like me to send it out to you as a Word document I can do that  
34 also. Just the other note, this draft has "People Helping People." I'll put  
35 the new language on there for when we actually finalize it.  
36

#### 37 **IV. NEW BUSINESS** 38

##### 39 **1. Discussion regarding DRC meeting procedures** 40

41 Weir: Under new business, there have been some questions about how this  
42 body or this Committee functions. So I took it upon myself to I guess kind  
43 of organize what's existing in the Design Standards and Subdivision  
44 Codes for the responsibilities and organization of the Development  
45 Review Committee. I've put it into a format that some communities call  
46 "Rules of Procedure for the Committee" and so it has the purpose,

1 membership, duties, the meetings, decision criteria, what when someone  
2 appeals a decision of staff or the DRC the process they have to go  
3 through, also how we'll consistently look at things and how we would  
4 amend these. The majority of this document is information that's already  
5 in one of those two existing codes. The things that have been added, one  
6 was decision criteria and those are my take on how staff and the DRC has  
7 looked at things in the past so that's more of something we can talk about.  
8 The other section that I added was the Consistency Statement, was  
9 Section 7, and then Section 8 was just if we as a Committee decide to  
10 adopt this to follow at our meetings, it gives us the ability to amend them  
11 from time to time. I have not had Legal look at this and so this is kind of  
12 just a first take of what's going on. It's just, like I said 80% to 90% of it is  
13 what's already in the code in two different areas and so it puts it in one  
14 place and it's something that we can again have for reference as we  
15 conduct those meetings. So I'd entertain any comments.

16  
17 Mathews: Can I, David, may I ask a question? Okay. So you mentioned that pretty  
18 much the language is straight out of current code with the exception of the  
19 decision criteria which is sort of your take on how things have been done  
20 in the past, sort of tradition. And then, I apologize what was the second  
21 part that we're supposed to look at?

22  
23 Weir: There's a comment on consistency.

24  
25 Mathews: Yes, okay.

26  
27 Weir: And then also it there's another, the 8 Section is to give us the ability to  
28 modify this if there's something that comes up that we want to deal with in  
29 another way.

30  
31 Mathews: Okay.

32  
33 Nasir: And those are the new parts of what we're going to be ...

34  
35 Weir: Those are not in any ordinance.

36  
37 Nasir: Okay.

38  
39 Weir: Those are just, that would be us deciding that, "Yes. That's the way that  
40 we'll approach our meetings and review of proposals that come before us  
41 or issues that we want to discuss."

42  
43 Nasir: And you said it was 5, 7, and 8 are the new?

44  
45 Weir: Yes.

46

1 Nasir: Okay.  
2  
3 Weir: And again we can take a week to look at this if you want to have it as a  
4 discussion item next week. I don't think there's, like I said most of this is  
5 already in existing codes. It's just, it really becomes kind of a reference  
6 and a tool for us to conduct our meetings. Mark.  
7  
8 Dubbin: Can you let us know where some of these came from, like which codes  
9 they're referenced from?  
10  
11 Weir: A majority of it I believe is in the Design Standards, in the Purpose  
12 Statements. The majority of it's in the Definitions of the Development  
13 Review Committee and it's interesting, one calls it a formal committee and  
14 the other calls it an informal committee. But it also specifically talks about  
15 how decisions can be appealed.  
16  
17 Dubbin: That's actually the section I was wondering where all that came from. I  
18 can't recall anybody ever appealing anything to the ...  
19  
20 Weir: I know that ...  
21  
22 Dubbin: The meeting with three directors.  
23  
24 Weir: One time we've had, and that's what's called the super DRC. It is Section  
25 37-13 of the Subdivision Code I believe.  
26  
27 Nasir: Yes, 37 of the Subdivision.  
28  
29 Weir: And here is, Mark I'll pass down to you the actual part of the Municipal  
30 Code that it comes from. So it's the Subdivision Code that makes it a  
31 formal committee. The Design Standards just identify the DRC as an  
32 informal committee. So since the Subdivision Code is more restrictive or  
33 more directive in what takes place, that's how I dealt with the authority and  
34 the membership. The other thing, the Code itself calls out the Facilities  
35 Department but those functions that they reviewed is now in Parks and  
36 Rec so that's why I identified that as the department. So anything else the  
37 Committee would like to decide? Would you like to put this on for action  
38 next week or in two weeks, or we just put it on for another discussion?  
39  
40 Dubbin: And the action would be just to like have a summary of ...  
41  
42 Weir: The action would be that this would kind of be the way we agree to  
43 operate as a Committee. And so what I see the things that we'd have to  
44 agree to as a group is that "Yes, we agree that's how we review proposals  
45 and what we're trying to achieve."  
46

1 Wray: Where will this be filed, I guess for future reference?  
2  
3 Weir: In the Community Development Department.  
4  
5 Wray: Okay.  
6  
7 Weir: The way the majority of this talks about the Subdivision Administrator is  
8 kind of the person that chairs and controls and makes the initial  
9 interpretations on items and so it would be something that would be  
10 provided them. If the Committee thought it would be advantageous we  
11 could always include that with the Subdivision Code and Design  
12 Standards just like we did the interpretation so that people would be aware  
13 of how the DRC is conducting itself. The other option we could take is  
14 forward it as a resolution to either the P&Z or City Council and have them  
15 formally adopt it. But I don't know if we really need to do that or do we  
16 want to tie our hands and have them weigh in on that.  
17  
18 Wray: I think option one is the better option personally.  
19  
20 Weir: Okay.  
21  
22 Mathews: Does this fall under the auspices of an SOP? I mean because I know  
23 there's a process for that and a format for that, that then gets stored  
24 somewhere, where SOPs go to live.  
25  
26 Weir: Yes. I think it's similar to that.  
27  
28 Mathews: Yes.  
29  
30 Weir: But it's kind of interesting because like other than those three sections it's  
31 already in existing code.  
32  
33 Mathews: Yes.  
34  
35 Weir: So it ...  
36  
37 Mathews: Yes.  
38  
39 Weir: To me it's just, I kind of pulled it and put it all in one place.  
40  
41 Nasir: It's a procedure.  
42  
43 Mathews: It's almost like guidance for members ...  
44  
45 Weir: Yes.  
46

1 Mathews: In how the Committee operates.  
2  
3 Weir: Yes. And I know in Community Development we've created our own  
4 SOPs and we just put them in our own binder and book and have those  
5 available. Meei.  
6  
7 Montoya: So I have a quick question. Can I ask what prompt we have to draft up  
8 these few pages of the DRC committee? I'd just like to know a little bit  
9 since the majority of the body already resides in different codes. And also  
10 that I remember a few years ago Community Development has presented  
11 something to the Council, talk about DRC. So how is this consistent with  
12 what's presented to the Council and who, like you, like Andrew was  
13 asking, who needs to approve this? Should we just approve this among  
14 ourselves, "Here's how we're going to operate." Or I just don't later on that  
15 we all agree with this appeal and this and that, and somebody challenges  
16 this because it's not gone to someone higher than us to approve.  
17  
18 Weir: My understanding is what went before Council were the changes that  
19 established the appeal process. That was something that Cheryl  
20 Rodriguez worked on when she was the Planner in CD (Community  
21 Development) and she made those amendments to clarify how a planning-  
22 related interpretation would be appealed and how an engineering/utility  
23 item would be appealed. So where it came from, we've had quite a  
24 discussion for the last three months about the layout of a subdivision and  
25 how it all goes together and so internally to CD there was a lot of  
26 questions about, "What's the DRC's responsibility?" "What's the staff  
27 responsibility?" "What's the process to take something?" So this was my  
28 attempt to clarify that and again get everybody on the same page. And it  
29 didn't seem like it was a far reach since it's already in code, and that was  
30 part of the problem was people were citing different codes and conflicts  
31 and if we have it all in one place we can go look at it and reference it. So  
32 that's I guess the genesis of me putting this together. And since it is the  
33 DRC I felt this was the first appropriate place for the discussions to take  
34 place.  
35  
36 Mathews: Mr. Chair. As a relatively new Member I would really like to read through  
37 this, become familiar with my duties and obligations. So if we could, I  
38 would prefer to next week discuss.  
39  
40 Weir: Okay.  
41  
42 Mathews: And not have it as an action item because I don't think I'll be prepared to  
43 take good quality action.  
44  
45 Weir: Is that a consensus of the Committee?  
46

1 Nasir: Yes.  
2  
3 Dubbin: Well if we're discussing it, I mean I'd like after the meeting if we cite the  
4 sections of the code that it comes from so we can kind of review it. But  
5 then we were wondering if maybe Legal should weigh in on this because  
6 as you mentioned the conflicting, if one area of the code refers to it as an  
7 informal committee and another section says it's a formal committee, if we  
8 want to get some feedback from them as well. I like the idea of  
9 consolidating it all into one document that's official and they might have an  
10 opinion on that.  
11  
12 Weir: Okay.  
13  
14 Dubbin: And I'm not sure if one week is enough to give them time to do all that.  
15  
16 Weir: Is everybody comfortable with bringing it back on the agenda after Legal's  
17 reviewed it?  
18  
19 Mathews: So maybe not next week but perhaps later for discussion? Okay.  
20  
21 Weir: Yes. Okay. Any other comments or discussion needs to take place on  
22 this? Anybody?  
23  
24 Nasir: Can we put a date, like a month from now to come back, to give time to  
25 consult with Legal? Or do we want to have less or more?  
26  
27 Weir: What I will do, regardless if Legal gets it back we can discuss it in March,  
28 just give a status ...  
29  
30 Nasir: Okay.  
31  
32 Weir: On what's going on.  
33  
34 **2. Discussion regarding other development related items of interest**  
35  
36 Weir: Okay. The second item I had under new business, was there anything  
37 else that the Committee wanted to discuss that's come up since we've last  
38 met that you'd feel it'd be appropriate for the group? Okay.  
39  
40 **V. ADJOURNMENT (9:24)**  
41  
42 Weir: Okay. With that, do I have a motion to adjourn?  
43  
44 Wray: So moved.  
45  
46 Weir: And a second?



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Dubbin: Second.

Weir: Okay. All those in favor?

MOTION APPROVED UNANIMOUSLY.

Weir: All right. We're adjourned at 9:24.

  
\_\_\_\_\_  
Chairperson