

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Tim Sanders, Member

STAFF PRESENT:

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

I. CALL TO ORDER (6:12 P.M.)

Villescas: I'm going to call tonight's ETZC meeting to order. Tonight's Thursday July 7th, 6:12 p.m.

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, 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. A neighborhood representatives or representatives of, 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 the, by the Commission to the ETA.

Ms. Acosta would you call the role please.

1 Acosta: Yes sir. Commissioner Allin.

2
3 Allin: Here.

4
5 Acosta: Commissioner Hearn.

6
7 Hearn: Here.

8
9 Acosta: Commissioner Sanders is not present. Commissioner Best.

10
11 Best: Here.

12
13 Acosta: Commissioner Townsend.

14
15 Townsend: Here.

16
17 Acosta: Commissioner Acosta is present. And Chairman.

18
19 Villescas: I am here.

20
21 **II. ANNOUNCEMENTS**

22
23 Villescas: Item number two on the agenda, Announcements. Are there any
24 announcements from the Commission? Are there any announcements
25 from staff?

26
27 Gonzales: There are no announcements Commissioner.

28
29 **III. APPROVAL OF MINUTES - June 2, 2015**

30
31 Villescas: Item three, Approval of the Minutes of June 2nd, 2015. Do I have a
32 motion?

33
34 Hearn: So moved.

35
36 Villescas: Do I have a second?

37
38 Acosta: Second.

39
40 Villescas: Any discussion? If there's no discussion, Ms Acosta would you poll the
41 Commission.

42
43 Acosta: Commissioner Allin.

44
45 Allin: Aye.

46

1 Acosta: Commissioner Hearn.

2

3 Hearn: Aye.

4

5 Acosta: Commissioner Best.

6

7 Best: Aye.

8

9 Acosta: Commissioner Townsend.

10

11 Townsend: Aye.

12

13 Acosta: Commissioner Acosta votes aye. And Chairman.

14

15 Villescas: Aye.

16

17 **IV. POSTPONEMENTS - NONE**

18

19 Villescas: Item four, Postponements. There is none from, sorry, are there any from
20 the Commission? None. Are there any from staff?

21

22 Gonzales: No Commissioner.

23

24 **V. OLD BUSINESS**

25

26 1. **Case 64783W: Replat of Lot 21, Subdivision "C" EBL&T Waiver.** A
27 request for approval of a waiver to the required roadway improvements
28 associated with a replat known as Replat of Lot 21, Subdivision "C" EBL&T.
29 The applicant is seeking to waive the required roadway improvements to
30 Webb Road as well as the required access roadway improvements within the
31 proposed subdivision. The subject property encompasses 4.92 +/- acres, os
32 zoned ER5 and is located on the east side of White Thorn Road, 619 +/- feet
33 south of its intersection with Westmoreland Avenue; a.k.a. 2595 Webb Road,
34 Parcel ID # 03-30038. Submitted by Moy Surveying Inc., on behalf of
35 Tommy and Sandra Brown, property owners.

36

37 Villescas: Then we'll go straight into item five, Old Business. Item number one is
38 Case number 64783W, Replat of Lot 21, Subdivision "C" EBL&T Waiver
39 request. Ms. Gonzales.

40

41 Gonzales: Mr. Commissioner and Commissioners there is at least in this case and
42 the second case, I want to bring this up in the beginning only due to our
43 last conversation with our waivers, if they are requesting more than one
44 request on a waiver form, you can separate them out. So you will be able
45 to vote and make a motion to separate them or vote on the case as an
46 entirety.

1 In this instance, you can vote for the road improvements as I've
2 explained. I'll go through them and then I can also give you your options if
3 you choose to actually separate them out.
4

5 Villescas: I'm sorry Ms. Gonzales, so are you saying that both our cases are related,
6 one and two?
7

8 Gonzales: No Mr. Commissioner. Each case is requesting two types of waivers.
9

10 Villescas: I see.
11

12 Gonzales: They are both identified as road improvements, however they are located
13 in separate, separate places within the proposed subdivision. So you can
14 vote to actually separate them out if the Commission chooses to, or you
15 can vote on them as a whole.
16

17 Villescas: I open it up to the Commission, what is the Commissions' pleasure?
18

19 Hearn: Mr. Chairman.
20

21 Villescas: Mr. Hearn.
22

23 Hearn: I think we have to wait until we've gone through the whole thing and, and
24 then make up our minds at the time.
25

26 Villescas: Okay, you want to listen to the presentation first.
27

28 Hearn: I think so.
29

30 Villescas: Okay, let's go with that Ms. Gonzales.
31

32 Gonzales: Okay, so this is Case 64783W for a Replat of Lot 21 Subdivision "C"
33 EBL&T Waiver Request for Webb Road. The property is located on the
34 east side of White Thorn Road. It is approximately 619 feet south of
35 Westmoreland Avenue. It does encompass 4.92 acres. And the applicant
36 is proposing four lots. This is the subject property's aerial. As you can
37 see there are some properties developed, however to the east of the
38 property they are actually undeveloped. Currently the road for Webb is
39 almost to the edge of the applicant's proposal for the property line. So
40 where the yellow line actually meets at the end and intersects with the
41 other yellow line, the road is almost paved up into that area. As for the
42 other line that goes up through the subject property, that is the proposed
43 road and utility easement that would be provided for the four lots.
44

45 This is the proposed subdivision. So as you can see Webb Road is
46 on the very bottom. That is paved, however it does not meet City
standards. There are certain zones within the ETZ code that does

1 reference that you would meet City standards if they are proposed within
2 these zones. This zone is an ER5 so it does propose to be within the
3 zones that meet the City of Las Cruces Design Standards. The access
4 easement is to the east of the property and it goes down that line, so you'll
5 see the 950 feet. That is where the proposal is for the properties to each
6 access.

7 Per each, per the ETZ code for Section 4.2, all subdivisions have to
8 provide road improvements of pavement to access that subdivision. In
9 this case, Webb Road is paved almost to the properties', I guess the
10 subject properties' subdivision line, however it does not meet the cross
11 section that is provided by the City of Las Cruces Design Standards. The
12 requirements would be that it would be a 30-foot paved roadway with curb,
13 curb, gutter, and sidewalk provided. Since the property(road) is already
14 paved, the applicant would only have to do curb, gutter, and sidewalk in
15 front of the subject property subdivision. So it would not continue down
16 Webb Road, it would just be entirely at that subdivision. The second
17 waiver that is being proposed is to not do any improvements except for
18 gravel for the access and road utility easement that is proposed to the
19 east. Any time a subdivision is subdivided and access road utility
20 easement is provided, it is to be improved with a 24-foot, or yeah 24-foot
21 width with a coarse base of pavement. It would not have to meet the
22 highest standards for a paved road. This would be what a street section
23 would look like, so this is what Webb Road would have to look like, but
24 only in front of the actual subdivision that is proposed. You would see
25 curb, gutter, and then sidewalk.

26 The applicant is requesting a waiver from both. They are asking for
27 a waiver from the City of Las Cruces Design Standards for Webb Road,
28 improving it with the additional pavement, curb, gutter, and sidewalk.
29 They are, they are also asking for a second waiver for the road and utility
30 easements provided for each of the four lots for access.

31 This is the current conditions of the roadways out there. As you
32 can see in front of the property there is pavement however after it, it does
33 become unpaved. It is basically just dirt. So almost up to their property
34 line that they are proposing it is actually paved at this point in time. This
35 was the notification map for those who did receive the letters within the
36 300-foot requirement.

37 For ETZ waivers and recommendation we did meet on the 5th of
38 2016 (May) and we did deny the waiver request due to there are no
39 exceptional topographic soil, or subsurface conditions that may modify or
40 be required to waive the improvements for that area. This would be the
41 case. You do have the option to vote "yes" to approve the waiver case for
42 64783W; you can vote "yes" to approve the waiver with conditions; you
43 can vote "no" to deny the waiver; or you can postpone. I'm here with any
44 questions. The applicant is here as well as its representative.

45
46 Villescas: Does the Commission have any question for Ms. Gonzales at this time?

1
2 Best: Mr. Chairman.
3
4 Villescascas: Yes, please.
5
6 Best: Was that ER5, the, the, the zoning for the, as it stands now?
7
8 Gonzales: Correct Mr. Commissioner. That is right.
9
10 Best: Okay. What is ER4M like it talks about in table four?
11
12 Gonzales: Oh, I'm sorry, then I misquoted.
13
14 Best: I just want to make sure I'm not confused.
15
16 Gonzales: No, you're okay. Yes. Are you looking at the correct staff report?
17
18 Best: Probably not. Okay, let's see. Never mind.
19
20 Villescascas: That was quick.
21
22 Best: That's why I couldn't find the ...
23
24 Villescascas: Commissioner Hearn am I premature at this point or do you want to take
25 up the discussion of separating these two, do you wanna wait until we
26 hear from the applicant?
27
28 Hearn: It sounded like we might wait until we've gone through the whole
29 discussion and we're down to the point of considering ...
30
31 Villescascas: Okay.
32
33 Hearn: How we want to do it. It's new to me.
34
35 Villescascas: Just want, just wanted to ask.
36
37 Hearn: Okay.
38
39 Villescascas: Are there any other questions for Ms. Gonzales at this time?
40
41 Hearn: Mr. Chairman.
42
43 Villescascas: Yes sir.
44

1 Hearn: It, the, the paving on the, on Webb Road up to the point that it stops being
2 paved, what, what is that? What condition, what type? It, it's not up to
3 code right?
4
5 Gonzales: Commissioner, Commissioner. No I tis not up to code. It is basically a, I
6 believe it is a 20-foot wide paved road. In the City Design Standards do
7 require that it be a 30-foot paved, road cross section with the curb, gutter,
8 and sidewalk.
9
10 Hearn: Right.
11
12 Gonzales: So at this point, not it is not up to code, however we could not bring the
13 entire Webb Road up to code, it would just be in the proposed subdivision
14 area.
15
16 Hearn: Just as a, as a side note, I have been seeing these combined for years
17 and they're always perplexing because in a sense we've got a code but in
18 another sense if we require that that piece of road be built we're putting a
19 massive piece of concrete right out in the middle of nowhere. And you
20 don't know how you get on to it, how you get off of it, how you handle
21 water running, how, how all those things work out and what in the world is
22 going to be the condition of it in five years, ten years, just sitting there.
23 That, that's just a perplexing thing that I have. Thank you Mr. Chairman.
24
25 Best: Mr. Chairman.
26
27 Villescas: Please go ahead.
28
29 Best: In previous cases we've seen where the applicants have had to improve a
30 road all the way to a specific point. What is different than this, why does,
31 why do they not have to improve Webb Road from Westmoreland all the
32 way like we did in previous cases?
33
34 Villescas: I can ... we'll go ahead Ms. Gonzales.
35
36 Gonzales: Mr. Commissioner. Based on the actual area map that you're seeing here
37 ...
38
39 Best: Yes.
40
41 Gonzales: Westmoreland is above the property. It does not provide its access.
42
43 Best: Oh, I'm sorry.
44
45 Gonzales: The access is ...
46

1 Best: White Thorn.
2
3 Gonzales: Well because the actual access is from Webb Road, the, the code reads
4 to the nearest paved road.
5
6 Best: Oh.
7
8 Gonzales: At this point in time the road is actually paved, it's just not up to Design
9 Standards.
10
11 Best: Okay.
12
13 Gonzales: So it's normally to the nearest paved road of access if it was there. So if
14 Webb Road was a complete dirt road all the way up to White Thorn, then
15 the applicant would have to actually improve that entire section.
16
17 Best: Thank you.
18
19 Villescas: Yeah. The code reads "paved road," it doesn't, it doesn't read to City
20 standards, it reads to "paved road." It's a good question though.
21 However, on the, on the side there is absolutely no paving there, it's just
22 that gravel road you showed us, correct?
23
24 Gonzales: Mr. Commissioner. That is correct. There is only I would say,
25 unfortunately there's no property pins out there in order for me to identify
26 where the property began or stopped. All I had would be the aerial based
27 model to actually accumulate possibly with our measuring tool, but there's
28 maybe about 20 feet or so that is not paved within the subject property
29 that is being subdivided. If there were property pins I could have
30 measured to decide where that property line ended, or maybe the
31 applicant can at least give more detail to see if it is paved all the way to
32 that end.
33
34 Villescas: Okay. At, at least to your sight when you were out there on the interior is
35 there anything at all or is it just like paths?
36
37 Gonzales: The interior, this was the only picture that I could provide for interior.
38 Basically there's a gate that's there and that's if I'm proposing it as the
39 correct property. As I had stated there's no property pins. When you drive
40 out there it is very exclusive. I had to find the house that was to the north
41 of it to maybe get a dimension of where the property was located. You
42 can't really identify on the street where the property begins or stops.
43
44 Villescas: Now the interior roads to the subdivision are also the full City standard as
45 identical to the exterior roads?
46

1 Gonzales: Mr. Commissioner and Chair. Yes, that is correct. However, in this case
2 City standards and ETZ standards are the same, so even for Dona Ana
3 County standards for an access road, it is still the 24-foot wide double
4 penetrated surface.
5
6 Villescas: Okay, with ...
7
8 Gonzales: So ...
9
10 Villescas: Sidewalk and gutter.
11
12 Gonzales: No sir.
13
14 Villescas: No.
15
16 Gonzales: No sir.
17
18 Villescas: No sidewalk and gutter on those.
19
20 Gonzales: It is, it is just the penetrated surface. They basically just want a 20-foot
21 wide road that fire or any emergency vehicles would have access to if
22 there was an emergency within that property provided.
23
24 Villescas: Any other questions for Ms. Gonzales?
25
26 Hearn: I, I, I guess another curiosity that, the, the road, the interior road I guess,
27 the one that's going down the side, when you mentioned fire access,
28 we've seen in the past that the Fire Department wants to be able to get in,
29 turn around, and get out. And, and is there a provision required or offered
30 to do something like a turnaround or a hammerhead or something at the
31 end of that road?
32
33 Gonzales: Here's the proposed subdivision. As you can see at the very end of the
34 property there is that corner. They have, based on the waiver that was
35 submitted they will meet the required improve, or required roadway
36 easements which are a 50-foot wide, so this will actually be increased
37 cause that was the comments based on Dona Ana County Engineering.
38 So at the edge of that property it should be enough for fire to turn around.
39
40 Hearn: This is the 950-foot road.
41
42 Gonzales: That is correct Commissioner.
43
44 Hearn: Okay.
45

1 Gonzales: Okay. The applicant has just informed me that there's one towards the
2 middle which will be the turnaround of the two lots, and then the one at the
3 very end. So fire will have access to their property.
4
5 Hearn: Okay.
6
7 Villescascas: Any other questions for Ms. Gonzales before we bring the applicant up? If
8 not, thank you Ms. Gonzales. I'm sure we'll be calling you back up.
9 Would the applicant care to step forward? If you could state your name
10 and address for the record, Ms. Acosta will swear you in.
11
12 Magallanez: Good, good evening. My name is Henry Magallanez. I'm with Moy
13 Survey, Surveying. I'm in Las Cruces, New Mexico 414 North Downtown
14 Mall.
15
16 Acosta: Sir if you could raise your right hand. Do you swear and affirm the
17 testimony you are about to give is the truth and, and nothing but the truth
18 under penalty of law?
19
20 Magallanez: I will.
21
22 Acosta: Thank you.
23
24 Villescascas: Please go ahead.
25
26 Magallanez: Thank you. I am the representative doing the subdivision work for this
27 replat. It's a four-lot split by Ms. Sandra Brown and her husband. And
28 what it basically is, is a family lot split right now. We have provided a 50-
29 foot road easement and turnarounds for the fire on the east side of the
30 property and that easement there actually was provided there before the
31 lot split to the property on lot 17, the south half of lot 17 there's a home
32 there and this is the home of Ms. Brown, but it's a different lot and block.
33 And that easement was in place. It's already been there, been utilized for
34 several years and now with the subdivision of what they're proposing, they
35 are expanding that easement and using the, part of the existing one to hit
36 that lot plus the four lots that are being proposed there. The two lots on
37 Webb Road which is I think three and four, the access would be through
38 basically Webb Road. And the other two, in the middle lots are through
39 the 25-foot, I mean 50-foot road easement. They had, our clients have
40 already have been improving, because they live on the lot 17, they've
41 been improving the roadway and they have spent considerable funds in
42 providing a better gravel type roadway and stuff like this here but we are
43 requesting that the asphalt be waived for that portion of the road.
44 Webb Road, and I believe, I thought it was all the way to the end of
45 the property in terms of it being paved and, but we are requesting on that
46 one is that any sidewalks and/or curbs be waived on that portion of road.

1 At this point I'd like to turn it over to our client, Ms. Sandra Brown and that
2 way you know she can leave, she has some pictures of the actual
3 improvements to the roadway of the 50-foot roadway that she has in that if
4 you'd like to see and stuff like that but at this point I'd like to turn it over to
5 her if you have any questions of the applicant.
6
7 Villescas: If you could state your name and address for the record please, Ms.
8 Acosta will wear you in.
9
10 Brown: Yes, my name is Sandra Brown. I live at 2595 Webb Road.
11
12 Acosta: Ms. Brown, if you can move your microphone to your mouth. Thank you,
13 closer. Thank you. And then raise your right hand for me. Thank you
14 ma'am. Do you swear and affirm the testimony you are about to give is
15 the truth and nothing but the truth under penalty of law?
16
17 Brown: Yes.
18
19 Acosta: Thank you.
20
21 Villescas: Please go ahead.
22
23 Brown: Hello and I would like to just say I'm a retired police detective from Santa
24 Fe. I retired in 2005, former Judge, Municipal Judge. And we moved to
25 Las Cruces, my husband and I to start our, our new life. And when we
26 bought this property it was in hopes that we could grow and split it for our
27 children including for my older brother who actually helped my
28 grandmother raise me. So anyway now it, it's time for me to help him out
29 as well as you know in his older years, but we're, our real, going back to
30 the subject, we'd like to see if we could, we've already done improvements
31 on the road, we did put the base course, the gravel, and, and we'd like to
32 see if we could get a variance for, on it. You know that's pretty much, it's
33 what I have to say. You know the road is like they said, she said earlier, it
34 is, Webb Road is paved. There's no gutters or anything to the side of it,
35 it's just a paved road and it ends just on the other side of our, where our
36 property starts at that, on that, what that, where we're talking about that
37 east side road. It's about, the what we're asking a variance on is about
38 600, about 600 feet where the lots would be split and like Mr. Henry said,
39 he, the two front properties would come off of Webb Road and the two
40 middle ones would come off the private road. Thank you.
41
42 Villescas: Thank you.
43
44 Brown: Yes, I do have some pictures. If I can show you, I'll come up. May I come
45 up?
46

1 Villescas: Sure.
2
3 Brown: AT THE DAIS AND SPEAKING TO MR. HEARN BUT NOT ON
4 MICROPHONE.
5
6 Best: Yeah this is the, is this a road. Isn't there a difference between road and
7 easement?
8
9 Brown: It ends and then it's just gravel and then dirt all the way.
10
11 Hearn: It, it ends right at the, as your property begins. So these pictures that we
12 have here are correct?
13
14 Brown: Yes, it is at the east side of our property.
15
16 Townsend: Out of the easement. For ...
17
18 Brown: This is the, where it is, on the other side of our property
19
20 Townsend: Well and I'm inclined to agree with her, think all in all this all (*inaudible*)
21
22 Hearn: I'm not, I'm not sure I understood does it, does the paving of Web Road
23 goes all the way across the front of your property to the east side.
24
25 Brown: It, it's right there at that, yes. It goes, it around, but we come off the
26 pavement it's more ...
27
28 Townsend: (*inaudible*).
29
30 Hearn: So as it stands right now all the way across the front of your property it's
31 paved just the way it is all the way back. It's, it's all continuous. Webb
32 Road.
33
34 Brown: It just, not it just doesn't, it just stops right there and it ...
35
36 Baum: She's not on the microphones so we're not getting this recorded.
37
38 Hearn: Oh sorry.
39
40 Brown: Okay, sorry I'll go ...
41
42 Hearn: Yeah.
43
44 Brown: Show the pictures just real quick and then just ...
45
46 Townsend: Just, just this right here, (*inaudible*) 20 feet.

1
2 Best: Yeah.
3
4 Villescas: We need to have you on record with any comments.
5
6 Brown: Yes I'll, I'll go back make the comments. There's a, these ...
7
8 Villescas: Okay. Thank you.
9
10 Brown: So what I was saying is yes, like she said the road is paved, Wave Road,
11 Webb Road is paved and just past our property and then we have our
12 private road that we improved with the gravel road that I, the picture that I
13 just showed you all.
14
15 Hearn: Mr. Chairman.
16
17 Villescas: Yes sir.
18
19 Hearn: Can I continue for just a second? If, if I were to go out there driving and,
20 and I came driving sort of east on Webb Road, I'd be driving on a paved
21 road, right?
22
23 Brown: Yes.
24
25 Hearn: And, and, and if I drove all the way to the end of the pavement I would
26 also be at the end of your property on the east side?
27
28 Brown: Yes.
29
30 Hearn: So that ...
31
32 Brown: Pretty much.
33
34 Hearn: The, the, the whole front of your property, the road is paved.
35
36 Brown: Yes.
37
38 Hearn: Okay.
39
40 Brown: Yes sir.
41
42 Hearn: Good. Thank you.
43
44 Brown: Thank you.
45
46 Best: Mr. Chairman.

1
2 Villescas: Yes sir.
3
4 Best: Ms. Brown you mentioned private road. You're not, on this road you're not
5 expecting the City to take over care of, of this property?
6
7 Brown: No.
8
9 Best: Or the, of the road?
10
11 Brown: No, it's just a private road for access to, to our house and to the two
12 pieces of property ...
13
14 Best: Okay.
15
16 Brown: That are there for, for our family.
17
18 Best: Thank you.
19
20 Villescas: Any other questions? Thank you.
21
22 Brown: Thank you.
23
24 Villescas: Ms. Gonzales can, would you come back up to the mic, we ask, I can ask
25 you a question. This map, let's see if that's north, it'd be west, on the east
26 side of the subject property that road with no name on it, is that a public or
27 a private road?
28
29 Gonzales: Mr. Chair, Commissioners. That is an access easement. So it's a road
30 and access utility easement which is still maintained by the property
31 owners. It is their private access. Because there is no roadway
32 connecting through there, it is not required to dedicate any of that land.
33
34 Villescas: Okay. And is the statement that Webb Road is fully paved up to that, let's
35 see that'd be the southeast corner, is that accurate?
36
37 Gonzales: Based on my comment earlier, unfortunately I wasn't able to do property
38 pins, I would say that it is at least close to that property line. From what I
39 could only see based on our aerial maps, there's no pins for me to say that
40 the property started or ended, so unfortunately I couldn't verify that that
41 would be true, however the applicant and the surveyor were out there to
42 survey the property so they would have more of that information. So I
43 would be, I would say that their justification could be correct.
44
45 Villescas: Okay. Any other questions for Ms. Gonzales while she's here?
46

1 Hearn: Mr. Chairman.
2
3 Villescascas: Please go ahead.
4
5 Hearn: Does, does the fact that that 950-foot private road or access road or, or
6 whatever, is, is in fact private, change anything about the requirements for
7 what it needs to, to have done to it or the condition that it's brought up to?
8
9 Gonzales: Mr. Chair, Commissioners. It is a lesser requirement for the access
10 easement but it is more for any emergency vehicles, for any of the
11 transportation that has to go out there to help anyone. The road
12 requirements do state that gravel is not an accepted roadway, that it
13 should be 24-foot based double penetrated surface. So if fire were to go
14 out there for an emergency call they would, they would want to have a
15 paved road rather than just a graveled roadway. Since it is only an
16 access, road access easement, that's why it does not require ...
17
18 Hearn: Got it.
19
20 Gonzales: The 50-foot wide cross section with curb, gutter, and sidewalk.
21
22 Villescascas: Simply paved. So paved but no gutter, sidewalk, etc. etc.
23
24 Gonzales: Mr. Chair, Commissioner. That is correct.
25
26 Villescascas: Okay. Any other questions before we let Ms. Gonzales back down again?
27 Okay, thank you Ms. Gonzales. So at this point we'd like to open it up to
28 the public. Are there any members of the, from the public that would like
29 to come up and make a comment on this case? Please come on up
30 ma'am. Okay, could you come on up to the microphone, state your name
31 and address for the record and Ms. Acosta will wear you in.
32
33 Murkowski: My name is Kathleen Murkowski. I live at 2620 Westmoreland.
34
35 Acosta: Do you swear and affirm that the testimony you are about to give is the
36 truth and nothing but the truth under penalty of law?
37
38 Murkowski: Yes, I do.
39
40 Acosta: Thank you ma'am.
41
42 Villescascas: Please go ahead.
43
44 Murkowski: I live off of Westmoreland so actually I live behind the properties that we're
45 looking at there, okay. My comment is simply that if you have rules and
46 regulations for developers and these people are acting as developers and

1 contractors, then I really think the rules should be upheld for everybody,
2 for all contractors, for all subdivisions. Okay my comment is I know the
3 gravel that's on that road, on that easement or driveway or whatever you
4 want to call it. And a lot of that property is fairly hilly and if we really get a
5 good rain and stuff we're gonna have a lot of wash there to start off with.
6 But I would just like to know why we would waive the rules and regulations
7 for these contractors, these subdividers where you don't do it for other
8 ones? Sooner or later Dona Ana County is gonna have to come up to the
9 level of other, other counties and other states and stuff. Right now I think
10 we're pretty far down. So I really think you need to start somewhere and
11 enforce the laws that you have on the books. And that's basically all I
12 have to say. Okay. I don't care if they subdivide that and build houses
13 there, but I would like to see it done right. Thank you for your time.
14
15 Villescas: Thank you ma'am. Is there anyone ... please sir, come on up. Again if
16 you could step up to the mic, state your name and address for the record,
17 Ms. Acosta will swear you in.
18
19 Phillips: My name is Jeremy Phillips. I live at 2600 Westmoreland.
20
21 Acosta: Mr. Phillips do you swear and affirm that the testimony you are about to
22 give is the truth and nothing but the truth under penalty of law?
23
24 Phillips: Yes ma'am.
25
26 Acosta: Thank you.
27
28 Phillips: My property borders that lot 17, what would be on the west side, the
29 entire.
30
31 Villescas: Number 10.
32
33 Phillips: Yeah, yeah, so, yeah you can see my property just like cattycorner ...
34
35 Villescas: Cattycorner. Yeah.
36
37 Phillips: To the point.
38
39 Villescas: Yeah, just to the northwest.
40
41 Phillips: Yeah north, to the northwest side. And so I'm a mortgage lender in Las
42 Cruces. No, no association with the subdivide, or you know with the
43 Browns. But I wanted to vote, or express my opinion of going forward with
44 this subdivision. It'll be good for our neighborhood. New buildings, you
45 know new construction especially with the regulations or, or the covenants
46 in place on this area for the size of homes, it'll really help our property

1 values and so I'm, I'm all for it. The, the variance for the road easement I,
2 I am fully supportive of it. On Westmoreland that entire length of
3 Westmoreland that you can see there and even continuing further down
4 towards Del Rey is all public, or privately maintained, you know red street
5 signs, so that's not paved, it's not County maintained. It, what they're
6 requesting truly does fit what, you know the rest of the you know the, the
7 surrounding area. So having them put curb and gutter in would truly be
8 ridiculous because there's nowhere for that water to go. So I think the
9 double, you know the base course it, it's sufficient and it's typical for the
10 area, so it's not gonna be an eyesore, it's not gonna be a degradation to
11 my property value or anybody else's property value in the neighborhood.
12 That's all I have to say.

13

14 Villescas: Thank you very much.

15

16 Phillips: You're welcome.

17

18 Villescas: Appreciate it. Is there any one else from the public that would like to come
19 up and make a comment on this case? If not, then we'll close it off ...

20

21 Best: There's one left, there's one over there, gentleman.

22

23 Villescas: Please sir come on up.

24

25 Best: Sorry.

26

27 Villescas: No, no. Good. Thank you. Number one pulls it off from the public.
28 Please sir if you could state your name and address for the record, Ms.
29 Acosta will swear you in.

30

31 Fetherlin: Sure. My name is Greg Fetherlin. My address is 5090 Vista Chico Loop
32 which is just south of their property.

33

34 Acosta: Do you swear and affirm the testimony you are about to ... can you raise
35 your right hand for me? Do you swear and affirm the testimony you are
36 about to give is the truth and nothing but the truth under penalty of law?

37

38 Fetherlin: Yes ma'am.

39

40 Acosta: Thank you.

41

42 Villescas: Please go ahead Mr. Sandoval.

43

44 Fetherlin: I'm just here to basically say the same thing. I'm, I'm for it. You know this
45 is coming up and growing neighborhood anyway. We do already have the
46 covenants in place for size, square footage, and all that. Looks like they're

1 abiding by that. The roadways that you all are talking about is just like
2 previous stated, there's a mixture of con, of paved and dirt road through
3 there. There's not too many curbs and gutters in that area to begin with,
4 so it will not affect market value. And I can say that cause I'm a real
5 estate appraiser in this, in this town, so just, here just to give approval on
6 my side as a neighbor.
7
8 Best: Where's your property sir? I'm sorry Mr. Chairman.
9
10 Fetherlin: My properties 5090 Vista Chico Loop. If you look on the, the map up
11 there, if you look to the south I am the third, I'm sorry, the second property
12 down to your left on that loop.
13
14 Best: Okay.
15
16 Villescascas: South of what road?
17
18 Fetherlin: I'm off Webb Road, Webb Road, yes, right where that yellow line is.
19
20 Villescascas: Yeah.
21
22 Fetherlin: If you quick down that ...
23
24 Villescascas: Straight down.
25
26 Fetherlin: Straight down, second house to your left.
27
28 Villescascas: Great. Thank you.
29
30 Fetherlin: Thank you.
31
32 Villescascas: Oh yeah, I see it. Any questions? Thank you Mr. Sandoval.
33
34 Fetherlin: Thank you.
35
36 Villescascas: Appreciate it. Before I prematurely cut it off to the public, is there anyone
37 else that would like to come up and make a statement on this case? If
38 not, then I'll cut it off from the public and open it up to the Commission. Is
39 there any discussion on part of the Commission?
40
41 Hearn: Mr. Chairman.
42
43 Villescascas: Mr. Hearn.
44

1 Hearn: I always seem to get my time. These, these two situations are different to
2 me to be sure. The situation with Webb, Webb Road, could we bring the
3 other picture back up just for a second, the one that was there?
4
5 Gonzales: This one? No.
6
7 Villescas: No. I think ...
8
9 Gonzales: This one.
10
11 Hearn: The, the one that showed the ... that one, there you go.
12
13 Gonzales: Okay.
14
15 Hearn: If, if, if we just think we someday we'd like Webb Road to be a, a nice well
16 paved road up to spec, with curbs and gutters and side, and, and
17 streetlights and sidewalks and all that, that's, that's gonna be a long piece
18 of road that needs to be paved that's that way that's no there. If we
19 require that the piece of Webb Road right across the front of this property
20 be paved that way, we're simply creating a worse situation than is there
21 now. It's a monstrosity that will fail and it won't even be around to become
22 part of the paving of the entire road someday, so that, that seems to me
23 that the variance request there is very reasonable.
24 On the access road, the County right now is full of private roads
25 which are unimproved, they're basically dirt roads. One of the biggest
26 problems with those dirt roads is access by emergency vehicles,
27 especially in bad weather and it's a real serious problem. I can't support
28 not having appropriate paving particularly of the, the sort that's required on
29 this road just to help ensure that there will be adequate access for fire
30 and, and ambulances, and even a way for people to get out in, in times of,
31 of heavy rain. Thank you Mr. Chairman.
32
33 Villescas: Thank you Mr. Hearn.
34
35 Hearn: And I, and I guess I sort of am thinking in terms of splitting this into
36 considering the two requests separately.
37
38 Villescas: I would, you know, as you know I, I cannot make a, a motion as such but I
39 would appreciate it if you would.
40
41 Hearn: Okay. I, I, I ...
42
43 Villescas: Hint. Hint.
44

1 Hearn: I, I move that the two separate pieces of this variance be separated, I'm
2 sorry, I don't have the thing to read and, and we vote on each one
3 separately.
4
5 Villescas: I think that suffices. Do we have a second?
6
7 Best: Second.
8
9 Villescas: Is there any discussion?
10
11 Acosta: Mr. Chair, who second the motion please? Mr., or Commissioner Best.
12
13 Villescas: Do we have any discussion? The motion is and the second to separate
14 the two waiver requests. If there's no discussion, Ms Acosta would you
15 poll the Commission.
16
17 Acosta: Commissioner Allin.
18
19 Allin: Aye.
20
21 Acosta: Commissioner Hearn.
22
23 Hearn: Aye.
24
25 Acosta: Commissioner Best.
26
27 Best: Aye.
28
29 Acosta: Commissioner Townsend.
30
31 Townsend: Aye.
32
33 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
34
35 Villescas: I vote aye. Since there's no rule on which goes first I guess I'll set it. Let's
36 take the side road first which is the waiver request, and they're not
37 numbered in any way are they Sara, I mean Ms. Gonzales?
38
39 Gonzales: Mr. Chair, Commissioner. No, they are not.
40
41 Villescas: Okay.
42
43 Gonzales: As long as they are separated.
44
45 Villescas: So I am gonna place first the waiver request on the, do I call it an
46 easement road?

1
2 Gonzales: Road and utility easement.
3
4 Villescas: Road and utility easement road, the one that runs on the eastern side of
5 the property. So we'll discuss that one first and call it waiver request "A."
6 How's that?
7
8 Gonzales: Mr. Chair, Commissioner. That would work.
9
10 Villescas: Okay. So waiver request A will be the easement road that runs on the
11 eastern border of the property. Is there any discussion? Well wait a
12 minute we don't have, we have to make a motion on that first, don't we?
13
14 Hearn: Mr. Chairman.
15
16 Villescas: Mr. Hearn.
17
18 Hearn: I move to approve the request for variance A as, as justified for the access
19 road in Case 64783W.
20
21 Townsend: Second the motion.
22
23 Acosta: Mr. Townsend if you go on the microphone please.
24
25 Townsend: I'll second the motion.
26
27 Villescas: So we have a motion. All, for the information for the public all motions
28 have to be done in the affirmative so we have a motion to grant the waiver
29 request in Case number 64783W and we're calling it A which is the
30 easement road property ...
31
32 Gonzales: Road and utility easement.
33
34 Villescas: Road and utility easement road on the eastern boarder of the property and
35 we have a second. Do we have any discussion?
36
37 Townsend: Mr. Chairman.
38
39 Villescas: Mr. Townsend.
40
41 Townsend: Ms. Gonzales if this is done, if the improvements to this road are made by,
42 then does the City or the County take it over and maintain it or?
43
44 Gonzales: Mr. Chair, Commissioner. No the City does, the County will not maintain
45 the road since it is just an access easement that is provided. Since it is a
46 road and access easement it is still part of their property. They are not

1 dedicating it in order for the County to actually have access to maintain
2 that roadway.
3
4 Townsend: Thank you.
5
6 Villescas: Regardless, to echo you know I can't make a motion, I can express an
7 opinion, to echo Commissioner Hearn's statement earlier, I think it is
8 important because the County is full of these roads that can posses, can
9 present a danger to fire equipment, police, and other first responders and
10 for future, you don't know what's gonna happen out there, what's gonna
11 develop out there. I think it is a good start to have that roadway
12 improvement in place. I think we should see more of this happen
13 throughout the County.
14
15 Townsend: That mean we're gonna start enforcing that out behind A Mountain?
16
17 Villescas: I sure would like to see it. I don't see why they're exempt. Are there any
18 other comments?
19
20 Acosta: So Mr. Chairman if I may, so we're approving, if we say yes we're
21 approving to, to grant the waiver correct?
22
23 Villescas: If we say yes we're granting the waiver. If we say no we're enforcing the
24 City code which is improving the roadway, paving without curb and gutter,
25 simply paving to what width Ms. Gonzales?
26
27 Gonzales: Mr. Chair, Commissioner. It would be 24-foot wide double penetrated
28 surface.
29
30 Villescas: Right, it's not the full-blown road it's just ...
31
32 Acosta: Right. Thank you sir.
33
34 Villescas: An easement.
35
36 Townsend: What is a double penetrated surface mean?
37
38 Gonzales: Mr. Chair, Commissioner. It's basically just to where it will hold the weight
39 of an emergency vehicle or something that is heavier. So they will have
40 to, the improvements are basically done by engineering. I'm going based
41 only my knowledge and the sense of it is just a surface that will hold the
42 weight of what our emergency vehicles have.
43
44 Townsend: Would that be asphalt or concrete or?
45
46 Gonzales: It is paving so it is asphalt.

1
2 Acosta: So this would run, Mr. Chairman if I may, I'm sorry.
3
4 Villescas: Please go ahead Ms. Acosta.
5
6 Acosta: So this will run, and, and I shouldn't get into this but I'm going to make the
7 comment any way, so it's gonna run the applicant maybe \$75,000 plus to
8 do something like this give or take, cause that's pretty expensive?
9
10 Gonzales: Mr. Chair, Commissioner. I do not have a cost estimate. The applicants,
11 normally if they were to provide the road improvements or if we have
12 someone who wants us to do road improvements within the City limits we
13 will do in lieu of, but they will have to hire an engineer to give us that cost
14 estimate.
15
16 Acosta: Okay. Thank you.
17
18 Villescas: You know, the double pen is for heavy equipment like a fire truck.
19
20 Acosta: It's pretty, yeah.
21
22 Villescas: It, it's single and then double for the fire truck. Are there any other
23 questions or comments from the Commission? If not then, Ms. Acosta
24 would you poll the Commission.
25
26 Acosta: Commissioner Allin.
27
28 Allin: Aye.
29
30 Acosta: Commissioner Hearn.
31
32 Hearn: No.
33
34 Acosta: Commissioner Best.
35
36 Best: No.
37
38 Acosta: Commissioner Townsend.
39
40 Townsend: Aye.
41
42 Acosta: Commissioner Acosta votes aye. And Chairman.
43
44 Villescas: No.
45
46 Acosta: Three to two. It does not pass.

1
2 Villescas: What was the, what was the count?
3
4 Acosta: Three no's and two yes, excuse me. I apologize. It's three to three.
5
6 Villescas: Three to three, so that one fails. So that waiver request on the eastern
7 part of the property, that one fails. So now we'll go to the one on the
8 Webb Road itself and we'll call that one 64783W B. And that one we need
9 a motion on as well.
10
11 Townsend: Mr. Chairman.
12
13 Villescas: Commissioner Townsend. Move up to the mic please.
14
15 Townsend: I would move that the request for the waiver on Webb Road be approved.
16
17 Villescas: 64783W.
18
19 Townsend: Yeah on Case, what is it? 64783W yes.
20
21 Villescas: We have a second?
22
23 Hearn: Second.
24
25 Villescas: Is there any discussion? If there's no further discussion Ms. Acosta would
26 you poll the Commission?
27
28 Acosta: Commissioner Allin.
29
30 Allin: Aye.
31
32 Acosta: Commissioner Hearn.
33
34 Hearn: Aye.
35
36 Acosta: Commissioner Best.
37
38 Best: Yes.
39
40 Acosta: Commissioner Townsend:
41
42 Townsend: Aye.
43
44 Acosta: Commissioner Acosta votes aye. And Chairman.
45
46 Villescas: No.

1
2 Acosta: Five to one sir, it passes.
3
4 Villescas: Five to one. So the waiver request is granted on the portion B which is the
5 waiver request on Webb Road. So that waiver request does pass by a
6 vote of five to one. So that is Case 64783W. Our next case is ...
7
8 Acosta: Mr. Chairman if I may interrupt?
9
10 Villescas: Oh, go ahead.
11
12 Acosta: Do they appeal this to?
13
14 Villescas: Yes, this can be, any of our business can be appealed to the ETZA. Am I
15 correct Ms. Gonzales?
16
17 Gonzales: Mr. Chair, Commissioner. That is correct. The applicant does have 15
18 days from tonight's meeting to appeal the case.
19
20 2. **Case 65413W: Margarita's Subdivision Replat No. 1 Waiver Request.** A
21 request for approval of a waiver to the required roadway improvements
22 associated with a replat known as Margarita's Subdivision Replat No. 1. The
23 applicant is seeking to waive the required roadway improvements to Calle de
24 Las Margaritas as well as the required roadway improvements within the
25 proposed subdivision. The subject property encompasses 5.181 +/- acres, is
26 zoned ER4M and is located on the west side of Calle de Las Margaritas, 809
27 +/- feet south of its intersection with Watson Lane; a.k.a. 3876 Calle de
28 Margaritas; Parcel ID# 03-29734. Submitted by Moy Surveying Inc., on
29 behalf of Manuel and Yolanda Avalos, Olivia Romero, and Lorenzo
30 Villalobos, property owners.
31
32 Villescas: Okay, item number two under old business. Case number 65413W,
33 Margarita's Subdivision Replat No. 1 Waiver Request. Ms. Gonzales.
34
35 Gonzales: Mr. Chair this is Margarita Subdivision Replat No. 1 Waive Request for a
36 property that is located at 3876 Calle de Las Margaritas for Case 65413W.
37
38 Best: Mr. Chairman. This is a new case; doesn't she have to be sworn in again?
39
40 Acosta: Yes. Ms. Gonzales can you raise your right hand for me. State your
41 name and address for the record.
42
43 Best: Sorry.
44
45 Acosta: No thank you ...
46

1 Gonzales: Sara ...
2
3 Acosta: Mr. Best, or Commissioner Best. I was working on the tallies here. Go
4 ahead.
5
6 Gonzales: Sara Gonzales 700 North Main Street, City of Las Cruces Planning.
7
8 Acosta: Ms. Gonzales do you swear and affirm the testimony you are about to give
9 is the truth and/or, truth and nothing but the truth under penalty of law?
10
11 Gonzales: Yes.
12
13 Acosta: Thank you ma'am.
14
15 Gonzales: Okay. So this is the location for the case. It is located on the west side of
16 Calle de las Margaritas. It is about 809 feet south of Watson Lane. The
17 property is approximately 5.181 acres and they are also proposing a four-
18 lot subdivision. This is the subject property that is to be subdivided. In
19 front of the property on Calle de Margaritas the access entrance way is
20 only a 50-foot wide entrance. So off of Calle de Margaritas the road is a
21 paved road, however once again we are back to it does have to meet City
22 standards. The zoning for it is the ER4M which does require the City of
23 Las Cruces Design Standards. They are also proposing a waiver from the
24 interior road and utility access easement that is provided for the four
25 interior lots. This is the proposed subdivision. As you can see towards
26 the east side of the property on Calle de las Margaritas it is only 50 feet
27 wide. That will be complete entrance in for the property. So that
28 easement will be utilized for those four lots. Through the center of it which
29 is, we will call it at this point a.k.a. Margaritas Lane, it has not been
30 addressed yet of course. They are providing the 50-foot width but they
31 are asking to only do a gravel surface as well for the easement that is
32 provided for these four lots that will be developed.
33 Once again the ETZ code does require that you do pave to the
34 nearest paved road; in this case the requirements are being met, however
35 they are required to do curb, gutter, and sidewalk only for that 50-foot
36 section, not the entire roadway, not all the way to Watson, but just the 50-
37 foot entrance into their property. The other waiver they are requesting is
38 for section 402., 4.2C which does require that any roadway improvements
39 within an interior lots that are being developed be improved as well. So
40 everything through Margarita Lane since it is an access road and utility
41 easement would need to be improved. This is the picture of what the road
42 would look like, but only for that 50-foot section. Once I show you the
43 pictures for what the area is located, it is a paved road, however this
44 would be towards the middle of these properties. In this case the
45 applicant is requesting two waivers, once again, one from the road
46 improvements for Calle de Margaritas for curb, gutter, and sidewalk, the

1 second would be for the road improvements required for the utility and
2 road access easement provided for the four lots.

3 These are the pictures on the outside of the property. Within the
4 property it is a fenced off area that is basically, you'll just see plants,
5 vegetation, natural state. It has not been graded, it is not changed. The
6 roads to each side of Calle de Margaritas do show that it is a paved
7 roadway. This was the notification map that was sent out for all the
8 properties that were located within the area of the 300 feet that is required.
9 We did attend EDRC on May 5th, however we did propose denial, or
10 recommend denial from staff cause it does not meet any topography or
11 hardships from the soil or subsurface areas.

12 This is the moment where you have to vote; "yes" to approve the
13 waiver request; vote "yes" to approve the waiver request with conditions;
14 vote "no" to deny the waiver request; or postpone. This is a map of the
15 subject property again. And I stand for questions and of course the
16 applicant is here and their representative as well.

17
18 Villescas: Are there any questions from the Commission for Ms. Gonzales?

19
20 Townsend: Fifty feet.

21
22 Villescas: Ms. Gonzales as, as with the other one, there's a difference in the
23 roadway that is a 50 foot to the subject property that goes to Calle de las
24 Margaritas and then the roadway that is within the subject property?

25
26 Gonzales: Mr. Chair. That is correct. The 50 feet that is indicated at the east side of
27 the, or directly on Calle de Margaritas, that section is where you would
28 have road improvements of curb, gutter, and sidewalk only on Calle de
29 Margaritas. Within the proposed subdivision, of the four lots, would be
30 required the 24-foot double penetrated surface for the access utility
31 easement.

32
33 Villescas: Okay. So within the subdivision is what, for reference, similar to what we
34 just had the prior applicants do on their eastern boarder?

35
36 Gonzales: Mr. Chair, Commissioner. That is correct.

37
38 Villescas: Okay. And what is in front of is what we granted a waiver on in front of the
39 subject property which was, I forget the name of the street already.

40
41 Gonzales: Mr. Chair. On Webb Road ...

42
43 Villescas: Uh huh, Webb Road.

44
45 Gonzales: That is correct that it, they are the same similarities of this proposed
46 subdivision.

1
2 Villescas: Okay, difference here is that this 50-foot roadway doesn't, doesn't go, isn't
3 one of those that goes nowhere. I mean this on is definitely going from
4 Point A to Point B.
5
6 Gonzales: Mr. Chair. Correct. That is within the subdivision itself. It will never go
7 out. It has its own cul-de-sac in order for fire and emergency vehicles. It
8 is within the subdivision.
9
10 Villescas: Yeah. Okay. Anyone else have any questions for Ms. Gonzales?
11
12 Best: Mr. Chairman.
13
14 Villescas: Please.
15
16 Best: Just for clarification Mr. Gonzales, that little ...
17
18 Townsend: Bottleneck.
19
20 Best: Top of the, top of the Tequila bottle. Is there anything there now? Or is
21 that undevelop, completely undeveloped.
22
23 Gonzales: This is directly in front of that property. It is basically just a paved roadway
24 and on the sides is the gravel and then the brush that is just grown. On
25 each side, I'm basically standing in the middle of the property when I took
26 the two pictures so you see one side to the left, one side to the right of that
27 subject property.
28
29 Villescas: And this is where the, this is the, the, the shorter section which would be
30 taken up to City code.
31
32 Gonzales: This would be the section that is only 50 feet wide and that's where they
33 would make the 50-foot cross section.
34
35 Villescas: Okay.
36
37 Gonzales: That is correct. Mr. Chair.
38
39 Villescas: Got it.
40
41 Hearn: I thought I understood but I'm not sure I do. Mr. Chairman may ...
42
43 Villescas: Yeah go ahead Mr. Hearn. I, I, I've got it but go ahead.
44
45 Gonzales: Let me see.
46

1 Hearn: Okay.
2
3 Gonzales: Let's go this picture.
4
5 Hearn: That's no helping. Okay.
6
7 Gonzales: This picture.
8
9 Hearn: The, the top of the Tequila bottle, how long is that?
10
11 Villescas: The neck?
12
13 Gonzales: Mr. Chair, Commissioner. The neck of that ...
14
15 Hearn: Yeah.
16
17 Gonzales: Is showing 290 feet based on the survey.
18
19 Hearn: Okay. And that, that, is that the picture that you were just showing us the
20 photograph?
21
22 Gonzales: Mr. Chair. No. We're looking off of Calle de Margaritas. We're looking at
23 the roadway that is directly in front of it, that is adjacent to that bottleneck.
24
25 Hearn: But ...
26
27 Gonzales: Calle de Margaritas is right here.
28
29 Hearn: Right.
30
31 Gonzales: So this is the piece, this little 50-foot, right where it says 50 feet, that is the
32 section in which the applicant would have to improve to curb, gutter, and
33 sidewalk.
34
35 Hearn: But your photographs weren't, weren't of what's there now. That, what,
36 what is there now?
37
38 Gonzales: The photographs that I was taken, that I took, I'm standing in Calle de
39 Margaritas Street, right in front of the property, directly adjacent, in front of
40 it. So what would have to be improved would be the curb, gutter, and
41 sidewalk.
42
43 Villescas: Okay, on Margaritas Lane.
44
45 Gonzales: Margaritas Lane is the access road utility easement.
46

1 Villescas: Okay.
2
3 Gonzales: That is the one that would be improved only to the 24-foot wide double
4 penetrated surface. That's the access easement for just the four lots to
5 access.
6
7 Villescas: Okay.
8
9 Gonzales: The access that it's getting from the main street is Calle de Margaritas.
10
11 Villescas: Okay.
12
13 Gonzales: That's that 50-foot section at the edge of the bottle.
14
15 Villescas: Good question Mr. Hearn.
16
17 Hearn: Still not tracking.
18
19 Villescas: Okay now, actually you just clarified it for me.
20
21 Hearn: Good.
22
23 Villescas: Yeah, so what is going to City Design Standards is 50-feet wide, by how
24 far across is that? Ms. Gonzales.
25
26 Gonzales: Mr. Chair, Commissioner. It's a, it's a local roadway so it would require
27 the 50-foot cross-section.
28
29 Villescas: See from you know what I mean, I, I know it's 50 foot across but how, how
30 long I guess is my question.
31
32 Gonzales: It would be 50 feet wide; 50 feet across ...
33
34 Villescas: Right.
35
36 Gonzales: And then 50 feet wide ...
37
38 Villescas: Oh, okay.
39
40 Gonzales: It's 50 by 50.
41
42 Villescas: Okay.
43
44 Hearn: Curb, curb, gutter, and sidewalk.
45
46 Gonzales: Mr. Chair, Commissioner. Yes.

1
2 Villescas: I see. I see. Okay.
3
4 Hearn: Good. Okay.
5
6 Villescas: And then ...
7
8 Hearn: No wonder I couldn't understand it.
9
10 Villescas: And then Margaritas Lane is how long from Calle Margaritas till the
11 turnaround, the last, the second turnaround, the final turnaround.
12
13 Gonzales: Calle de Margaritas is about 674 feet.
14
15 Villescas: Okay.
16
17 Gonzales: You can see the line that runs directly through the middle.
18
19 Villescas: Uh huh. That one.
20
21 Gonzales: And that's where the other property intersects almost to that cul-de-sac
22 area. So it starts from the edge of the property line and goes into it to the
23 west side. Once it gets to that cul-de-sac area it's about 674 feet to there.
24 So ...
25
26 Villescas: And that ...
27
28 Gonzales: So a few more feet additional for that cul-de-sac.
29
30 Villescas: Okay. And not, not including the, the cul-de-sac since it's 24 foot.
31
32 Gonzales: Mr. Chair. Correct.
33
34 Villescas: Okay. And that's not a, curb/gutter, that's just 24 feet, again not counting
35 the cul-de-sacs.
36
37 Gonzales: Mr. Chair. Correct. It is just for the access of those properties.
38
39 Villescas: Okay.
40
41 Hearn: And there is a request for a waiver for that as well.
42
43 Gonzales: Mr. Chairman. Commissioner. Yes, that is correct. The first waiver is the
44 50 by 50 cross section.
45
46 Hearn: Right.

1
2 Gonzales: The second waiver is for that access so including the, the two cul-de-sac
3 areas, the bubbled out areas, that's the access road easement. They're
4 asking for the waiver there. They would like to just provide the gravel
5 roadway for access.
6
7 Hearn: As opposed to the double penetration which is in the, in the standards?
8
9 Gonzales: Mr. Chair. Correct.
10
11 Hearn: Okay. Got it. Phew.
12
13 Villescas: Yeah. That's why I said it's so similar because I mean different place, but
14 it's a, the 24 foot in this case is down the center whereas in the previous
15 case it was on the side. I think we got it.
16
17 Gonzales: Okay.
18
19 Best: The fact that it was 50 feet.
20
21 Villescas: Commissioner Best you got it.
22
23 Best: Yes.
24
25 Villescas: Okay. Any other questions for Ms. Gonzales? Thank you.
26
27 Gonzales: Okay.
28
29 Villescas: Would the applicant care to come forward? Oh, hang on one second.
30
31 Hearn: We've got to swear you in again sir and I got the duty this time.
32
33 Villescas: Okay, go ahead Mr., Mr. Hearn.
34
35 Hearn: Your name and address.
36
37 Magallanez: Henry Magallanez with Moy Surveying, 414 North Downtown Mall, Las
38 Cruces, New Mexico.
39
40 Hearn: Do you swear or affirm that the testimony you are about to give is the truth
41 and nothing but the truth under penalty of law?
42
43 Magallanez: I will.
44
45 Hearn: Thank you.
46

1 Villescas: Please go ahead.

2
3 Magallanez: Again thank you for the opportunity. Margaritas, I mean this Margaritas
4 subdivision was a three-lot subdivision and what you're looking at is
5 almost like a bottle, is the neck of a bottle and then it's a wide section on
6 there. The two little lots next, next to the neck were separate but part of
7 this subdivision. Those are separate lots. So the only access to this lot
8 was that 50-foot strip of land which is the neck of this bottle that's, it's
9 been referred to here. The only frontage this property has is the 50-foot
10 frontage. It's a 50-foot frontage and again we're, we're requesting the
11 waiver for any, since Margaritas is paved, for any addition of road
12 improvements, sidewalks, curb, and gutter of that nature. Even if you put
13 sidewalks and curb and gutter you're gonna have a pavement of let's say
14 24-feet or 30-feet of pavement that you're having it there which would
15 require, 24-feet will require for the subdivision access, that would give you
16 about a 12-foot section of sidewalk in that particular area. So in this
17 particular case you know Calle de Margaritas does not have any
18 sidewalks at all. There's no sidewalks all along this strip of Calle de
19 Margaritas. There are no sidewalks on this property here.

20 The road easement, the road easement, the private road easement
21 that's in there, it has two cul-de-sacs in there for fire trucks and, of that
22 nature. This would be improved to gravel, base course type roadway.
23 The split of this property here is a group of people bought the property and
24 having all of their names as three ownerships. And that, what they want to
25 do is split up the property to give each of them their actual ownership.
26 The two properties in the south will be one owner, so they'll actually two
27 separate properties and then a third and the fourth would be the two top
28 ones. The, again we are looking at very much like the, the case
29 previously, we are looking for two waivers, one for the improvements to
30 Calle de Margaritas and the other one to the pavement of what we call
31 Margaritas Lane, but this is a private roadway. It's, it's not gonna go
32 anywhere else. This is totally enclosed into this subdivision. The, on the
33 east, west side, excuse me, there's a drain belonging to Elephant Butte
34 Irrigation District and that's gonna be there. And so this is gonna be
35 limited only to these four lots. It's a private road easement again, so we
36 are requesting approval for the waiver. We have the owners here and if
37 you have any particular questions to them and stuff like that I'd like to have
38 them come up. Thank you. I guess I should wait to see if there's any
39 questions of me.

40
41 Villescas: Any questions from the Commission? Looks like we're good. Thank you.

42
43 Magallanez: Thank you.

44
45 Villescas: Please come up. If you could state your name and address for the record,
46 Ms. Acosta will swear you in.

1
2 Avalos: Okay, my name is Manual Avalos and I live on 860 Dunlop, Mesilla.
3
4 Acosta: Mr. Avalos do you, do you swear and affirm the testimony you are about to
5 give is the truth under, truth and nothing but the truth under penalty of
6 law?
7
8 Avalos: Yes I do.
9
10 Acosta: Thank you.
11
12 Avalos: We bought this property about, I would say about a year and a half ago
13 and when we bought this property it was all trashy. It was just a bunch of
14 bushes and dirt and trash from the neighbors. This property is surrounded
15 by trailer parks. Okay, so there's three trailer parks around this property.
16 And this property, these trailer parks, they just have gravel roads. They
17 don't have pavement at all. I live on 60, 860 Dunlop and I have to go
18 through 860 Dunlop to go to my house, it's a, it's all gravel also. I've lived
19 there for 30 years now on that property and we have maintained that
20 property every since I lived there. There's four, four neighbors that we
21 have maintained that road ever since and that's one of the things that we
22 would like to do on this also on this other property, one of the neighbors
23 that's back there, his name is Lorenzo, he upgraded his property not too
24 long ago. He planted like 15 pecan trees and the neighbor, Mauricio also
25 planted 10 of them. I'm the owner of the two properties on the south side.
26 My house is behind the two properties on the south side. And we would
27 really like to get that waiver from you all and, to let you guys know, that
28 properties subdivision doesn't have a name yet but I heard somebody said
29 Tequila Bottle, that's gonna be it, if it's approved. Thank you.
30
31 Villescas: Thank you.
32
33 Avalos: Thank you.
34
35 Villescas: At this point I'll open it up to the public. If there's any members of the
36 public that would like to come forward and comment on this case, please
37 do so. Is there anyone that would like to come forward? Please come on
38 up. If you could state your name and address for the record, Ms. Acosta
39 will swear you in.
40
41 Beal: My name is Jimmy Beal and I own the property directly adjacent to that, to
42 the north of this proposed subdivision. The address there would be, oh
43 there's three addresses; there's 3848, 3850, and 3852 Calle de las
44 Margaritas. Again they're the property directly to the north of this
45 proposed subdivision. I've got several concerns ...
46

1 Acosta: Sir ...
2
3 Villescas: Once sec, we need to get you sworn in.
4
5 Beal: Go ahead. I'm sorry.
6
7 Acosta: So can you say your last name for me once more ...
8
9 Beal: Beal. It's B as in boy, E as in apple, A as in, I'm sorry E as in elephant, A
10 as in apple, L.
11
12 Villescas: Property. Property four.
13
14 Acosta: Okay. Sir could you raise your right hand for me. Thank you. Do you
15 swear and affirm the testimony you are about to give is the truth and
16 nothing but the truth under penalty of law?
17
18 Beal: I do.
19
20 Acosta: Thank you sir.
21
22 Villescas: Please go ahead sir.
23
24 Beal: I am not opposed to the subdivision however, and I'm not opposed to the,
25 to the variance of disallowing the, it just makes common sense of the 50-
26 foot there on Calle de las Margaritas. What I am opposed to is the, the
27 improvements to the lane itself, whatever you want to call that lane. My
28 question would be on the, one of the questions is on the 50 feet that you
29 have there that is on Calle de las Margaritas and maybe staff can clear
30 this up for me, but when you enter into that property and that 50-foot
31 there, who owns the property to, directly to the north and to the south of
32 that?
33
34 Villescas: On, you're talking about on the, on the, on the ...
35
36 Beal: Right where the ...
37
38 Villescas: The bottleneck itself?
39
40 Beal: Yes sir.
41
42 Villescas: The bottleneck.
43
44 Beal: The bottleneck itself. The north and the south lots there that are gonna be
45 created by this four-unit lot subdivision, because ...
46

1 Villescas: It won't be created. They already exist.
2
3 Best: Twelve and 13.
4
5 Villescas: They're, they're on the, the list. Am I allowed to disclose that Ms.
6 Gonzales?
7
8 Gonzales: *(shakes head yes)*.
9
10 Villescas: I am. On one side it's Rudy Chavez, on the other side it's Sapna LLC.
11
12 Beal: Okay, so these are different owners then with respect to, with respect to
13 the owners that are asking for the subdivision, is that correct?
14
15 Villescas: Correct.
16
17 Beal: Okay. So going forward with that then and having the property directly to
18 the north of that that just touches up there on their northeast corner, my
19 concern would be is that a single gravel road there is not going to work
20 guys. We bought this property 30 years ago that is there to the north. I
21 have stuck several vehicles in that lot. It is blow sand. It's not gonna cut
22 it. So that would be one concern there. My other concern would be of
23 course for emergency vehicles to enter into that property and attain it
24 because this property, and it's not really to the south of the property, those
25 are, those are houses. To the north I've got that lot there. To the
26 northwest of that property, that is a mobile home park. I believe it's still
27 named Scotia Mobile Home Park, I don't really know. Directly across
28 Calle de las Margaritas are also mobile home parks. If there is a fire down
29 there that would be cause for safety for everyone there with respect to not
30 being able to get into that property that they're proposing to subdivide to
31 create some sort, some type of fire barrier there between the two parks
32 themselves. I, I, I can just see it, it's, it's, could be a very you know
33 destructive tinderbox there. One of my other concerns would be that
34 having done so with this and not giving legal access there is the utilities
35 that go there. When I subdivided the property to the north, I have to
36 comply with all of that. And one of the reasons it was given for me having
37 to comply with that was because it had directly affects property values and
38 I'm concerned that if we allow this as ETZ and one of their responsibilities,
39 I was around when it was first implemented. One of the responsibilities is
40 to make the properties that come into the City comply with current City
41 rules and regulations. That's my understanding of why that, why that's like
42 that. So I had to bear the cost of improving that. I actually had to give a
43 utility easement to that mobile home park with respect to water utility
44 easement that runs along the north side of my property in order to get
45 Jornada Water down to the subdivision that, where I subdivided. So those

1 are kinda my concerns with respect to that. I appreciate your time. Thank
2 you.
3
4 Villescas: Mr. Beal just for your information, the reason that that 24-foot road is
5 required by the City down the center of the lot is exactly for what you
6 stated, for safety.
7
8 Beal: Absolutely.
9
10 Villescas: For, for fire and that's why it's double pen, and that's why it's, it's required
11 for the City.
12
13 Beal: I don't really have a problem ...
14
15 Villescas: Yeah.
16
17 Beal: With the, with the, you know double permeable base, but, and I'm not an
18 engineer either.
19
20 Villescas: Yeah.
21
22 Beal: But Calle de las Margaritas started off as a gravel road guys. They go in
23 there and in order to get the double permeable base, there's pavement on
24 it now.
25
26 Villescas: Yeah.
27
28 Beal: But that's not really going in there and putting asphalt down.
29
30 Villescas: Right.
31
32 Beal: That's going in there and putting a single aggregate down, tarring the
33 aggregate and then compacting that aggregate to get your double
34 permeable base. It's not really asphalt, so that's kind where I'm headed
35 with this you know with respect to that. I'm not in favor of curb and
36 guttering something that doesn't need to be, believe me.
37
38 Villescas: Yeah.
39
40 Beal: That's, that's, that's kinda not the purpose of ...
41
42 Villescas: But the interior road.
43
44 Beal: Sure.
45
46 Villescas: Like you referred to for fire and safety.

1
2 Beal: I would like to see, I would like to see you know utility access down there
3 and you know make it safe.
4
5 Villescas: Yeah. The other thing you referred to is, is, is cost.
6
7 Beal: Sure.
8
9 Villescas: You know and, and, and like you said you, you bore the cost.
10
11 Beal: We did.
12
13 Villescas: You know and, and to me you know when you subdivide it's, you know if
14 you're gonna subdivide there's, there's cost.
15
16 Beal: The easement wasn't actually, the utility easement to Jornada Water was
17 actually a condition of me being able to just to, to split that property once.
18
19 Villescas: Yep.
20
21 Beal: Not, not four times. Just once.
22
23 Villescas: Yeah. Yeah.
24
25 Beal: So my understand ...
26
27 Villescas: And there's a cost, and there's a cost to it.
28
29 Beal: Sure. There, there was. Yes sir.
30
31 Villescas: Yeah. Yeah.
32
33 Beal: Thank you so much.
34
35 Villescas: All right. Thank you. Is there anyone else from the public that would like
36 to make a comment?
37
38 Magallanez: Again my name is Henry Magallanez, I'm Moy Surveying. There is an
39 easement through that 24, that property in there so there is an easement
40 for sewer, water, whatever utility name be there. Again, a lot of the roads
41 adjacent to this mobile home, I mean the subdivision, are not in private
42 roads and they're not paved, they're gravel roadways and stuff like this
43 here. Again we would like for you to consider the variance for not paving
44 this portion and again for Calle de Margaritas, the 50-foot section. Thank
45 you.
46

1 Villescas: Are there any other members of the public that would like to come
2 forward? If not, we'll close it off to the public and open it up to the
3 Commission.
4
5 Hearn: Mr. Chairman.
6
7 Villescas: Mr. Hearn.
8
9 Hearn: It seemed helpful in the previous case to split it up to talk about each of
10 the requests separately, so I move that in Case 65413W we consider each
11 of the wavier requests separately.
12
13 Villescas: Do we have a second?
14
15 Best: Second.
16
17 Villescas: Any discussion? If not, Ms. Acosta would you poll the Commission.
18
19 Acosta: Commissioner Allin.
20
21 Allin: Aye.
22
23 Acosta: Commissioner Hearn.
24
25 Hearn: Aye.
26
27 Acosta: Commissioner Best.
28
29 Best: Aye.
30
31 Acosta: Commissioner Townsend.
32
33 Townsend: Aye.
34
35 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
36
37 Villescas: I vote aye. And again since there's no rule on, on which way to order
38 them, I will do so and we'll start with the interior road, that's the 24-foot
39 double pen that goes through the center of the property, we'll call that one
40 65413W A, we'll take that one up first, followed by the one on Calle de las
41 Margaritas which is the City code, curb, gutter, we'll call that one 65413W
42 B. So we shall start with discussion on 65, well, actually we would need a
43 motion first on 65413W A which is the interior road, 24-foot double pen
44 through the interior of the property.
45
46 Hearn: Mr. Chairman.

1
2 Villescas: Mr. Hearn.
3
4 Hearn: I move to approve Case 65413W A for the waiver on the required paving
5 on the access road.
6
7 Townsend: Second the motion.
8
9 Villescas: So we have a motion and a second on 65413W A, that's the interior road,
10 24-foot double pen road through the interior of the property. Do we have
11 any discussion? Not to make myself repetitive, but you all have heard me
12 say case after case after case I am a big proponent of those roads for the
13 purpose of fire trucks, police, safety, I think it's important no matter what
14 the rest of the neighborhood has, that any opportunity we have to make
15 these neighborhoods safe for fire trucks which are quite heavy, to have
16 the ability to go in there and keep the area safe, that we don't pass these
17 opportunities by to put in these roads and you know any time that you
18 subdivide it comes with a cost and I think that's just part of the cost and it's
19 a matter of public safety. So I would like to see this 24-foot double pen
20 road put in place. Any other comments, questions? Ms. Gonzales is, has
21 the podium if anyone has any questions of Ms. Gonzales. If there's no
22 further comments or questions, Ms. Acosta would you poll the
23 Commission.
24
25 Acosta: Commissioner Allin.
26
27 Allin: Aye.
28
29 Acosta: Commissioner Hearn.
30
31 Hearn: No.
32
33 Acosta: Commissioner Best.
34
35 Best: No.
36
37 Acosta: Commissioner Townsend.
38
39 Townsend: Aye.
40
41 Acosta: Commissioner Acosta votes aye. And Mr. Chairman.
42
43 Villescas: No.
44
45 Acosta: Three/three sir. It does not pass.
46

1 Villescas: Okay. That's 65413W A, does not pass. So the waiver request there is
2 denied. Again you can appeal that to the ETZA. Now we'll take up
3 65413W B which is the improvements or the waiver request to Calle de las
4 Margaritas, the 50-foot to City standards. Do we have a motion?
5
6 Hearn: Mr. Chairman.
7
8 Villescas: Mr. Hearn.
9
10 Hearn: Move to approve Case 65413W B, a request for wavier to meeting the City
11 standards on the small piece of road on Calle de las Margaritas.
12
13 Villescas: Do we have a second?
14
15 Acosta: I'll second that.
16
17 Villescas: Do we have any discussion?
18
19 Hearn: Mr. Chairman.
20
21 Villescas: Mr. Hearn.
22
23 Hearn: I guess just this, this seems clearly to me an, another case where putting
24 the curb, gutter, and, and all that pavement right in the middle of that road
25 would, would be a hindrance to traffic safety and all sorts of things. It just
26 doesn't seem to be the right thing to do. Thank you.
27
28 Villescas: Any other comments? I think, you know I was, I was leaning the other
29 way until I heard Mr. Beal who was in a similar situation and did go
30 through a, a great deal of expense and did his due diligence and did his
31 thing, his properties the right way and he didn't have any problem with that
32 waiver and didn't feel it was necessary. I first looked at it and thought, well
33 you know what that's, that's one-sixth of that entire road, unlike the other
34 cases where it was just a tiny portion of a huge road, so I said well you
35 know one-sixth, that's you know like 18%, but I think Mr. Beal swayed me
36 the other way. But anyway, that's just my comments. Anyone else have
37 any comments? If not, Ms. Acosta would you poll the Commission.
38
39 Acosta: Commissioner Allin.
40
41 Allin: Could we have both sides of the question please, restated.
42
43 Villescas: It's the waiver request to get a waiver for paving the portion that's on Calle
44 de las, de las Margaritas to City standards 50-foot curb and gutter. Yeah
45 to approve the waiver, no to deny it.
46

1 Allin: Yeah.
2
3 Townsend: He voted yeah.
4
5 Acosta: Commissioner Hearn.
6
7 Hearn: Yes.
8
9 Acosta: Commissioner Best.
10
11 Best: Yes.
12
13 Acosta: Commissioner Townsend.
14
15 Townsend: Yes.
16
17 Acosta: Commissioner Acosta ...
18
19 Villescas: That's you.
20
21 Acosta: I know but I was stuck. I just lost my chain of thought. So this is where
22 they don't have to put it in correct?
23
24 Villescas: If you vote yes, you, you're granting the wavier and they would not have to
25 put it in.
26
27 Acosta: Okay. Yes. Chairman, Mr. Chairman.
28
29 Villescas: I vote yes.
30
31 Acosta: Five to one sir. It passed.
32
33 Villescas: Okay. At one, that waiver passes
34
35 Magallanez: Six to none.
36
37 Acosta: Six to none, so sorry. I apologize.
38
39 Villescas: Six to, six to zero.
40
41 Gonzales: Yes.
42
43 Magallanez: I'm sorry,
44
45 Acosta: No, thank you it's been one of those nights.
46

1 **VI. NEW BUSINESS**

2
3 Villescas: So that brings us to item, whoops, just dropped my notes. Item number
4 six, New Business. Commission has none. Ms. Gonzales.

5
6 Gonzales: Staff does not have.

7
8 **VII. STAFF INPUT**

9
10 1. Monthly Subdivision Report

11
12 Villescas: Okay, item number seven, staff input. Monthly Subdivision report.

13
14 Gonzales: Mr. Chair, Commissioner. We did not receive any large land or minor
15 subdivisions last month.

16
17 Villescas: Oh, what've you been doing?

18
19 Gonzales: I know, they're coming in this month, don't worry.

20
21 Villescas: Okay. Slow June. Did we have May?

22
23 Gonzales: Mr. Chair, Commissioner. We had May last month, yes.

24
25 Villescas: Okay.

26
27 Gonzales: We had April and May to catch up.

28
29 Villescas: Okay.

30
31 **VIII. COMMISSION INPUT**

32
33 Villescas: Item number eight, Commission input. Is there any Commission input?

34
35 Hearn: I just, real quick, do you anticipate a meeting in August?

36
37 Gonzales: Mr. Chair, Commissioners, yes we will have one case in August and the
38 meeting will be on August 4th.

39
40 Villescas: Let me guess, that's a Thursday.

41
42 Hearn: It better be.

43
44 Villescas: August 4th.

1 **IX. PUBLIC INPUT - NONE**

2

3 Villescas: Okay, item nine, Public Input. Do we have any public input?

4

5 **X. ADJOURNMENT (7:37 P.M.)**

6

7 Villescas: If not, item ten, call for adjournment. Do we have a motion?

8

9 Best: So moved.

10

11 Villescas: I have a second.

12

13 Acosta: Second.

14

15 Villescas: All in favor.

16

17 **MOTION PASSES UNANIMOUSLY.**

18

19 Villescas: All opposed. We stand adjourned.

20

21

22

23

24

25

26

Chairperson

