

BOARD OF ADJUSTMENT/ PLANNING & ZONING COMMISSION
REGULAR MEETING
Monday, June 29, 2020 @ 4:00 PM
CITY OF LAS VEGAS COUNCIL CHAMBERS
1700 NORTH GRAND AVENUE, LAS VEGAS, NEW MEXICO

CALL TO ORDER:

Chairperson Mack Crow called the meeting to order at 4:03 pm. Mr. Crow thanked all the Commissioners for coming to the meeting, as it was particularly important.

PLEDGE OF ALLEGIANCE:

Mr. Crow asked everyone to stand up to recite the Pledge of Allegiance.

ROLL CALL:

Present:

Joe Coca
Mack Crow
Dianne Lindsay
Manny Barela
Mike Sweeney

Absent:

APPROVAL OF AGENDA:

Mr. Crow asked if everyone had the opportunity to review the Agenda and asked for a motion to approve it. Mr. Sweeney made a motion to approve the Agenda as presented, seconded by Ms. Lindsay. Mr. Crow asked all in favor say "Aye". All Commissioners stated "Aye". Motion passed as presented.

APPROVAL OF MINUTES:

Mr. Crow stated that the next item on the agenda is the approval of the minutes for May 26, 2020. He asked if any of the Commissioners had any questions, comments, or changes to the minutes. He stated that he had reviewed the minutes and he found nothing. None of the Commissioners had any changes. Mr. Crow asked for a motion to approve or disapprove the minutes. Mr. Barela made a motion to approve the minutes for May 26, 2020 as presented, seconded by Mr. Coca. Mr. Crow asked for a roll call vote.

ROLL CALL: Mike Sweeney – abstained, as he was not at the meeting
 Manny Barela - Yes
 Dianne Lindsay – Yes
 Mack Crow – Yes
 Joe Coca - Yes

Mr. Crow stated that the minutes for May 26, 2020 were now approved as presented.

BOARD OF ADJUSTMENT:

Mr. Crow stated that there were no applications to present at this time.

PLANNING AND ZONING:

Mr. Crow stated that Item #1 on the Agenda is an Application submitted by Alejandro & Sharon Rivera for a Zone Change from a C-3 (General Commercial Zone) to an R-3 (Mixed Residential Zone) for property located at 1015 Railroad Avenue, Las Vegas, NM 87701. We are tasked with making a recommendation to City Council for approval or disapproval of the application.

Mr. Crow asked all the Commissioners if they had the opportunity to review the packet or even drive by the area in question. He also asked if there was any discussion on this application.

Maria Perea advised Mr. Crow that everyone had to be sworn in before any discussion.

Mr. Crow asked everyone that was going to speak on this item and the next item on the agenda which is the LV Lakeside Subdivision to stand up and be sworn in. All were sworn in.

Mr. Crow again asked the Commissioners if they had any questions, comments, or discussion of Mr. & Mrs. Rivera's application.

None of the Commissioners had questions.

Mr. Crow stated that he had one question. He asked Mr. & Mrs. Rivera if when they were bringing in the singlewide mobile home if it was going to be brought the west side. He stated that on the east side it is pretty much an incline and it would be difficult to bring it in from east to west. He asked if he was saying that right.

Mr. Rivera responded that what they intended to do was add dirt to the incline to back up the mobile home onto the lot. He also stated that it was a small doublewide that was being brought in. He stated that the mobile home could not be brought in through the alley. We will be adding the dirt to make a ramp to move it in and the dirt will then be used to beautify the area.

Maria Perea stated that it would also help with all the holes in the front under the concrete.

Mr. Crow asked if anyone had any questions.

Mr. Sweeney asked, out of curiosity, do you know how long this has been zoned commercial?

Mr. Rivera responded, honestly, I do not know how long they have been zoned that way.

Mr. Crow stated, correct me if I am wrong, but all those buildings in the immediate area are all residential.

Maria Perea responded yes. She stated that she included pictures showing that they were all residential. She stated that when they completed the first Zoning Map in the late 70's or early

80's, I do not know why they zoned them all commercial. I have been looking at those areas to do block zone changes to what they should be, but I have not had the time to do them.

Mr. Crow added that he agreed with Mr. Sweeney, but he was simply curious.

Mr. Sweeney asked if there was a mom & pop store in the area at some point.

Maria Perea answered that all the mom & pop stores were off of Grand Avenue. The only one on Railroad Avenue is a couple of blocks further down where the gentleman had his gun shop and auto parts store. The store is closed now, but it is zoned commercial.

Mr. Sweeney stated it was the store called Amigo Auto Parts.

Mr. Crow stated that if no one had any objections, he would like to take of his mask.

Maria Perea stated that the people in the meeting were all far enough apart to be able to do it.

Ms. Lindsay asked Maria if there were any letters for or against this project.

Maria Perea responded, no, I did not receive any letters, calls or anything for this project.

Mr. Coca advised Mr. Crow that he had a question for Mr. Rivera. He continued and asked what the purpose of moving in this mobile home in there?

Mr. Rivera stated that there is nothing on the property to begin with. It is a vacant lot. A young couple that is just starting out want to move their mobile home in there.

Mr. Coca asked if this was going to be a rental.

Mr. Rivera responded that it is going to be a sold property to the individuals that want to place the mobile home there. They are coming in through Oakwood Homes to place this mobile home. We have to go through this zone change in order for us to allow them the opportunity for upward mobility.

Mr. Crow asked, so they are going to do a land/home package?

Mr. Rivera responded yes.

Mr. Coca stated that we are proposing to change it from a commercial to a residential and if you are renting the lot, then wouldn't that make it commercial again, as a business?

Mr. Rivera responded that they were not renting the lot, Mr. Coca.

Mr. Coca asked, you are selling the property?

Mr. Rivera responded, yes, we are selling the property.

Mr. Coca stated that clarifies it. Thank you.

Mr. Rivera stated that even if we were going to rent it, what difference would that make?

Mr. Coca stated therein we go back to the business. The reason we are changing it from commercial to residential is because there is no business there, but if you are putting a business in there, we are going back to where we were.

Mr. Rivera stated that it his understanding that they will not let you put a mobile home on a commercial property.

Maria Perea responded, “unless there is actually a business there”. They will let you put a mobile home or manufactured home as a caretaker dwelling for your business, but in a commercial zone they will not allow a mobile home just because. You have to have an actual business there. If you recall when we did that one for Mr. Sandoval on Grand Avenue. He was putting in that mobile home as a caretaker dwelling for the little store he had in the building where the bar was and for the little area where he sold his tractors, farm implements and his apples in the summer. We had to go through a Special Use Permit to allow him to put the mobile home there as a caretaker dwelling. That was before he died.

Mr. Coca asked, so he was allowed to do that with a Special Use Permit?

Mr. Crow stated that this is going to be a land/home package, which is basically a sale, not a rental or anything like that.

Mr. Rivera stated that is why are going through the process. We cannot move forward and sell anything unless we change it.

Mr. Coca again asked, so the objective is to sell not to rent?

Mr. Rivera responded yes, to sell the property not to rent it.

Mr. Crow asked if there were any other questions, comments, or observations. No one responded, so Mr. Crow asked for a motion to accept or reject this application as presented or amended in any way.

Ms. Lindsay made a motion to approve the application as presented for a Zone Change from a C-3 to an R-3. Mr. Sweeney seconded the motion. Mr. Crow asked for a roll call vote and asked that he not be called to vote unless there was a tie.

ROLL CALL: Joe Coca – Yes
 Dianne Lindsay – Yes
 Mike Sweeney - Yes
 Manny Barela – Yes

Mr. Crow stated that the motion is approved as presented and thanked everyone for being at the meeting.

Mr. Crow stated that next on the Agenda is an Application submitted by LV Lakeside, LLC (Carlos Lopez) for the re-subdivision of property located off of NM Hwy 518, across from Storrie Lake. Application is for approval or disapproval of the Final Subdivision Plat. The Master Plan for the property was approved by the Planning & Zoning Commission on May 28, 2019. The Preliminary Plat was approved on November 25, 2019. Final Plat is now available for review. Mr. Crow asked Carlos Lopez if he wanted to do a presentation before we continue.

Mr. Lopez stated that he would like to refresh everyone's memory. He stated that they had come before the Commission previously with a preliminary plat. We are trying to take an old 91-lot subdivision approved in 1964 and bring this property up to its current uses. So, with that, we are taking the 91 lots and are reducing the lots to 32 single family lots, about $\frac{3}{4}$ of an acre.

Mr. Crow asked, but there are some lots that are larger than the $\frac{3}{4}$ acres?

Mr. Lopez continued, yes there are, but $\frac{3}{4}$ acre lots are the minimum required to meet the Environment Departments requirements for septic tanks. Since the 60's there was a mobile home development that was done by the previous owner. What we are trying to do is to take the original 91 lots on this property, separate the mobile home park, separate the farmland/irrigation land, and preserve the 32 single family lot down on the south side of the property.

Mr. Crow asked if Parcel A was the farmland?

Mr. Lopez said yes.

Mr. Crow asked if all that was above the flood plain?

Mr. Lopez responded yes and there is a FEMA map in your packets showing what is in the flood plain. All the single family lots are outside the floodplain.

Mr. Crow stated that he had seen the map and then asked about Tract C. He wanted to know if it was on the north side of that.

Mr. Lopez stated that we have Tract B, which is the Mobile Home Park, Tract A which is the farm/irrigation land and I don't think it's identified, but I guess that would be the 32-lot subdivision.

Maria Perea took the plat out and showed them where Parcel C was.

Mr. Lopez stated that it was on the plat as Tract C, but for his purposes he just likes to apply a number to the lots.

Mr. Crow stated that he was simply confused.

Mr. Lopez continued that some of the questions asked by the Commission at the last meeting, which has been a while, the main issued was the MDF water line showing it falling within a roadway easement. That is a City water line and the plat indicates the MDF line within a roadway easement. That was the main issue as to why the project was tabled at the last meeting. Another

request was an Environment Department letter or documentation showing what the requirements on lot size for septic tanks was, which is a minimum of $\frac{3}{4}$ of an acre. This information is included in your packets.

Mr. Crow stated that there is still some confusion as to which Fire Department will service the area, is that correct?

Mr. Lopez stated that was a discussion at the last meeting as there was a gentleman here that stated that his father's house burned down. He raised the issue of the fire response.

Maria Perea stated that it was her understanding that the primary responder will be the Gallinas Fire Department which is located on Hot Springs Boulevard.

Mr. Crow stated that was a hell of a drive to get there, unless they take some back roads.

Mr. Lopez continued; in that jurisdiction we have no control over that. At one time, there was discussion on having a substation on this property. At one time, the previous owners had talked about it and Mr. Lopez showed the Commissioners where it would have been. Mr. Lopez stated he was open to having that discussion also.

Mr. Crow stated that this would help the whole program all the way.

Mr. Lopez that there are fire hydrants throughout the area. That is the beauty of the MDF line and the water extension line that goes to the south side of the mobile home park. They ran a brand-new line with a bunch of fire hydrants.

Mr. Crow asked if the City water will serve the entire Subdivision"

Mr. Lopez responded yes.

Mr. Crow asked if they had bought where the mobile home park sits.

Mr. Lopez stated that they purchased the whole property, which includes the mobile home park.

Mr. Crow asked if right now they are on individual wells.

Mr. Lopez said they were all on City water.

Maria Perea asked if they all had individual water meters.

Mr. Lopez stated yes, they are all on individual meters. The way the water taps breakout is that the original 91-lot subdivision memorialized the 91 water taps. Then Mr. Romero gave an easement to the City for the MDF line and the City granted Mr. Romero with an additional 20 water taps for the south side of the mobile home park. The 91 taps and the additional 20 taps is 111 water taps total. We are preserving this within the Subdivision, the mobile home park and throwing a couple over to the farm/irrigation land.

Mr. Crow stated that he believed the subdivision is needed, and he does not have any problems with that, but he does have a concern with Exhibit # 9, the variances that were requested. Mr. Crow read what was on Variance #1. Variance #1 is a variance to the City street standard requirements and to allow the omission of asphalt pavement, curb and gutter and concrete sidewalks. Mr. Crow stated that in the subdivision just south of there, right behind the drive-in, Glenwood Estates, there are holes so big around that would swallow a whole car. I am being facetious, but there are huge holes, they are hardly maintained. His thinking is that it needs to be resolved as to who would take care of the roadways and streets.

Mr. Lopez stated that they are going to be adopting C.C.R's for the whole subdivision. The fees would be paid by the landowners which will go into a fund that would go to maintain the roads. That should have been done at Glenwood Estates and in a roundabout way they were, but there was no follow through. It is the developer's that need to follow through and adopt them.

Mr. Crow stated that he was glad to hear that.

Mr. Lopez continued that he worked closely with Jeff Salzman on the Oxido Subdivision. If you go by the Oxido Subdivision and drive that road, it is a very well-maintained road. Those are the variances we are going to adopt. The variances we are proposing are similar to what Oxido did. We want this to be a quality subdivision.

Mr. Crow stated that he did not think that they should have concrete sidewalks, because it is country living, but he does believe that the issue needs to be settled.

Mr. Lopez agreed.

Mr. Crow continued and read Variance #2. Variance #2 is a variance to the City requirements for alleyways at the rear of the lots and to allow the omission of the alleyways. He asked if this was in the County, not the City.

Mr. Lopez stated that it is within the ETZ Zone.

Mr. Crow continued and stated that the only thing is that he has mixed feelings about alleys because I live in the City and we have alleys. Some people get their trash picked up through the alley, but then you have the bad side, which is the teenagers and others with less than honorable intentions. They use the alleys to break into houses, sell drugs and even murder. He stated he had mixed emotions about the alleyways. I can see the plus in them, and I can see the negative.

Mr. Crow continued with his issue on the roadway, which is a serious concern for him. Personally, I do not care about sidewalks. The ones the City have the elm trees which have raised them about 8 inches. If I were the City, I would tell the property owner to fix them and put a lien on the property. That is what I would do but I would like to see curbs, not a sidewalk, but a curb. I think that helps aesthetically and it will look more professional. I don't know for a fact, but it is my supposition that you are going to be selling the lots for higher than the average lots, because it is out by Storrie Lake, it is on 518 and it has pretty views, particularly over Tract A where the agricultural land is. I would think they would be priced higher than the average City lot in town,

but curbs would be nice. That is just my opinion, and it is up to the Commissioners to decide and stated that was all he had to say.

Mr. Sweeney stated he had a question regarding the water taps. He stated that on those 32 single family lots, it seems like you are going to be short about 11-12 taps if you are going to throw 2 over to the agricultural area. He also asked how large the 32 lots were.

Mr. Lopez stated that the lots were $\frac{3}{4}$ of acre in size or larger. He believes that the largest one is 1.7 acres.

Maria Perea stated that the largest lot was about 4.2 acres.

Mr. Lopez stated yes, that is right, it is the one for the big house where the Romero's lived. He continued explaining the breakout of the water taps and pointed them out on the plat. He again stated that they had a total of 111 taps which were memorialized. He stated that 77 are for the mobile home park, 32 are for the single-family lots and 2 are for the farmland. That is where we get the 111 taps. He explained that the bottom area is the original subdivision with 91 lots and taps and the additional 20 taps were granted for the MDF line easement. We did show that we are not increasing the water taps. We are keeping what was there and just configuring the area for the taps. What he calls a lot line adjustment because we are adjusting the lines on what was a 91-lot subdivision.

Maria Perea asked how many taps were remaining with the mobile home park.

Mr. Lopez stated 77.

Mr. Sweeney then asked if it was being reduced from 91 lots to 77 lots.

Mr. Lopez stated no, it is 111 water taps and stated again that there are 32 taps for the single-family home subdivision, there are 77 water taps for the mobile home park and 2 water taps for the farmland.

Maria Perea asked if the existing lots already have their own water taps.

Mr. Lopez stated that the existing lots, what we have are 91 City lots that were approved.

Maria Perea stated no, the ones that have homes on them. That is what I am asking about.

Mr. Lopez stated that they do have their own water taps.

Mr. Sweeney asked if there were 77 lots that have water taps, is that what you are saying?

Mr. Lopez stated that the existing water taps right now at the mobile home park are 55 which are being utilized right now.

Mr. Sweeney asked, that are in existence right now?

Mr. Lopez stated that are hooked up right now and the mobile home park and there are a couple of residences that have water taps. These residences fall within the future 32-lot subdivision.

Mr. Crow asked since they own the mobile home park, are they planning in gradually phasing this out and putting in large tracts and homes.

Mr. Lopez said no, they are not and stated that the mobile home park is essential. What we have done is really cleaned it up and created a nice community there. We are starting on the landscaping phase now. There is money involved in all of these. A lot of it was infrastructure and expenses on the front end.

Mr. Crow stated that he was curious and continued that one of his workers lived there for a long time.

Mr. Lopez stated that Elmer Martinez, when he was with Community Development, said that he had lived there during his college years. So, this mobile home park has been there for a long time.

Mr. Crow stated that he knew it has been there for a long time, about as long as I have lived here.

Mr. Lopez stated that Mr. & Mrs. Romero were elderly, and it was in disrepair as they could no longer take care of it. We purchased the property from the estate.

Mr. Crow stated that was what he was hoping for, that you update it and it seems that is what you are doing.

Maria Perea stated that she drove by the mobile home park when she was posting and the roads are really nice, everything is looking nice at the mobile home park. You can tell that people are taking pride and taking care of it, because it was looking bad.

Ms. Lindsay said that she had some questions. She believes that Maria has the list of things that were required. Ms. Lindsay asked about several items.

- Fire Hydrants - - Mr. Lopez stated that all the water lines were noted on the plat and all the fire hydrants were noted on the plat also. Mr. Lopez showed the Commissioners where they were located.
- Addresses - - Maria Perea stated that those could not be added until the subdivision was approved, and the lots are being developed. There is a letter to that effect in the packets.
- Storm Water Flow (Drainage) - - Mr. Lopez stated that in lieu of that, they made sure that the subdivision was not within a flood plain. Usually, a drainage plan is developed when you start putting in impermeable surfaces. If we were doing asphalt roadways, then we would have to have a drainage plan. We are not doing that, so we are essentially not disturbing the existing property. We can identify the natural flow of the water. We do have a topographic survey completed showing this and we can provide it. I wish I had it with me to show you the natural flow. The natural flow is consistent. Ms. Lindsay asked Mr. Lopez to point out how the natural flows are, and he showed them on the plat.

Ms. Lindsay continued, so those houses down there, are they in any danger or have problems or anything to worry about. I do not know if they get a lot of water.

Mr. Sweeney stated that not really, because the water goes into the Pecos Arroyo.

Mr. Lopez stated the way they anticipate that is that the bottom ones are flat. The ones at the top would be terraced. We would find a location to build the house and terrace around. We are looking at constructing 1,500 square foot homes with two car garages. We are trying to hit the \$150-\$160 thousand price range.

Mr. Crow asked about the larger properties.

Mr. Lopez stated that the larger properties were on the south side of the property at the bottom right where Mr. & Mrs. Romero lived.

Ms. Lindsay stated that with no asphalt and no alleys, it sounded a little like El Dorado.

Mr. Lopez stated that this is a country subdivision.

Ms. Lindsay stated that at El Dorado there are paved streets, but the off streets are not paved. I really like that. She spoke to Mr. Crow and stated that she was sorry to disagree with him, but she said that pavement creates more water problems. I am glad they are not doing pavement.

Mr. Crow stated that he had no problem with the dirt streets. I understand what both of you are saying. What I have a problem with is that there must be an ironclad agreement with the property owner's association with fees for maintenance of the roadways. I do not want it to turn out like Glenwood Estates, where the roads are a disgrace.

Ms. Lindsay stated that we do have his (Carlos) track record. We know what he has done in the past, which helps a little.

Mr. Lopez stated that he hoped that meant something.

Mr. Crow stated that he does not trust anybody.

Maria Perea asked if they were doing that requirement.

Mr. Lopez stated that they are doing a CC & R.

Maria Perea asked what a CC & R was.

Mr. Lopez stated that this was a covenants and restrictions agreement.

Maria Perea asked if he would have this agreement by the City Council meeting, at least a draft.

Mr. Lopez stated that he would have a draft by City Council. A lot of this stuff is chicken and egg stuff. You want to get the approvals before you start spending money for attorneys to draft these documents. We did it for Oxido subdivision, we are doing it for this subdivision.

Maria Perea asked if the covenants and agreements were going to be like Oxido's.

Mr. Lopez advised that they were going to be somewhat different because the market is different. The big issue is the ongoing road maintenance of the roads.

Ms. Lindsay stated that it was also how the road was constructed the first time, that is important. She then asked Maria if there was anything else on the list.

Mr. Lopez stated that the information on the $\frac{3}{4}$ acre size requirement by Environment Department was one of the requirements and the information is in the packet.

Maria Perea stated that she believed that all the questions were answered, and she listed all that was provided.

- Flood Plain - - information was provided in your packets
- The Land Development Application was completed and submitted and is included in your packets
- Variances were requested for the subdivision and are included in your packets
- Addressing - - information was provided in your packets
- Stormwater/Drainage - - question was answered and Mr. Lopez will provide the topographic survey prior to City Council meeting

Mr. Crow asked if with the $\frac{3}{4}$ acre lots, you can put a septic, no matter what.

Mr. Lopez answered yes. We must meet the minimum $\frac{3}{4}$ of an acre to meet the Environment Department size requirement and be allowed to put the septic tank system in.

Mr. Crow asked if there were any other questions, comments, or observations by the Commissioners. None of the Commissioners said anything.

Maria Perea stated that she had a letter she received regarding the project. I guess the persons at the other meetings had their concerns answered as they did not come into the meeting or write a letter on the project. Maria proceeded to read the letter which will be entered into the record proper. After reading the letter she asked Mr. Lopez about the scrap board with the formaldehyde. Maria continued that she feels that most of the questions/concerns in the letter were answered regarding the water taps and the septic systems for each lot in the subdivision.

Mr. Lopez responded, to answer the question by the Mallette's. They have stated that they think we are discharging. We do have a sewer lagoon that services the mobile home park and we have a permit to blend the sewer water with irrigation water and discharge it to the farmland for irrigation. Since we have been there and previous to that, we have never emptied that pond. It just evaporates naturally. Again, we do have a permit from the Environment Department for this, but we have not done it. We also have several testing wells that are tested quarterly. The tests have always come back negative. The testing wells were put in there because of the Mallette's. Again, there is nothing being discharged although we have a permit that says we can, we can use the water if we want to because the Environment Department has allowed us to.

Mr. Sweeney asked about mixing sewer water with irrigation water?

Mr. Lopez explained where the waters would be blended and pointed to the plat where a 4" line is located. The theory is that we can blend sewer water with irrigation water to irrigate the farmland.

Mr. Sweeney asked, sewer water from where?

Mr. Lopez answered from the sewer lagoon that services the mobile home park.

Mr. Sweeney asked, from the septic tanks?

Mr. Lopez said no, it is not septic tanks. It is just the overflow, the fluids. He explained that it was like the effluent water that is used now.

Mr. Sweeney asked if it was treated water or direct sewer water?

Mr. Lopez stated that it was direct sewer water that you blend with the irrigation water.

Mr. Sweeney stated that then it was not effluent water, as it was not treated and then blended with the irrigation water. He asked where the irrigation water was coming from.

Mr. Lopez responded that it came from Storrie Lake.

Mr. Sweeney stated that was what he was asking. He asked Mr. Lopez if he was in the Storrie Water Users Association and was he able to use that water?

Mr. Lopez responded yes.

Mr. Sweeney asked what his tempo was? What are you allowed, what are you entitled to at Storrie Project?

Mr. Lopez stated it was 42-acre feet and then corrected it to 42 acres at whatever allotment they allow. First watering is 3 inches, second watering is 2 inches and so on.

Mr. Sweeney made a comment that I could not understand.

Mr. Lopez stated again that they do not discharge, but we can discharge because we have a permit from the Environment to do so, but we do not.

Mr. Crow asked if anyone else from the Storrie Lake had written any letters of disapproval or approval of the project or any concerns.

Maria Perea stated that the one she read was the only letter she received. There were others at the previous meetings, Mr. Chavez, and other people, but they are not here today, and they did not write in. Their concerns were on the fire response and with the flood plain and those questions were answered.

Ms. Lindsay asked Mr. Lopez with his response to that, if they could have seen the sewer lagoon overflow?

Mr. Lopez stated that it was not overflowing.

Mr. Sweeney asked if it was the blended water pond, right? It just sits there and evaporates.

Mr. Lopez stated again that it is not blended, it is the sewer lagoon which is completely lined. It meets all the Environment Department requirements and standards, and nothing is permeating into the soil.

Mr. Sweeney asked if he has mixed sewer water with irrigation water and irrigated.

Mr. Lopez stated no, I have never done that. The only water I use is the allotted water from the Storrie Water Users Association.

Ms. Lindsay asked if the lagoon is big enough for the future.

Mr. Lopez stated that it was full. We are not using the sewer lagoon for the new subdivision. He believes that there are 4 or 5 lots lacking at any given time. The lagoon naturally evaporates, and it has never reached the top.

Ms. Lindsay about the other concern they had about the fiberboards with formaldehyde. What are they talking about?

Mr. Lopez stated that for some reason the Mallette's were saying that Mr. Romero, the previous owner, had allowed Medite to store boards there. I have never seen anything that indicates that. There are some boards piled up by the barn, but those were left over from when Mr. Romero built the barn. It is left over construction material.

Ms. Lindsay continued with questions on the sewer lagoon and asked if they were using the sewer lagoon water blended with irrigation water and watering the farmland and if there was a chance it is contaminating their fields.

Mr. Lopez stated that there is no chance of that because the line goes to a pond (pointed to pond) and gets blended and then it gets discharged to the farmland. The land is pretty flat right here. He showed the Commissioners where the Mallette property is located. He also showed them the catchment pond and where everything that flows south gets caught in the pond. Mr. Lopez stated that there might be some crossing the fence into their property and showed the Commissioners the testing wells in the area, which were an expense by Mr. Romero in order to meet the Environment Department requirements and those are tested quarterly.

Ms. Lindsay asked, how about the septic systems. Will they be seeping into the land?

Mr. Lopez stated that the septic systems are going to be up here and showed the commission the lots.

Mr. Crow stated that the septic systems would have to be approved through the State Engineers Office.

Mr. Sweeney asked what was growing in the field.

Mr. Lopez stated that he planted some grass varieties and there is some native grass already there that is very hardy.

Mr. Coca asked if the water were discharged on the surface, would that be considered a leach field?

Mr. Lopez stated that nothing is discharged on the surface.

Mr. Coca repeated, nothing is discharged on the surface?

Mr. Lopez repeated no again. The sewer lagoon that serves the mobile home park, we never discharge from that as it naturally evaporates.

Mr. Coca asked if the increase would have them discharge?

Mr. Lopez stated again that we are not increasing anything in the lagoon. The new lots will have their septic tank and leach fields. So, the lagoon will not increase. Even in the event we had to discharge from the lagoon, we have every right to do it, and we have a permit from the Environment Department that allows us to do it. Whether the Mallette's like it or not, we will meet the Environment Department requirements for that and then we will continue testing. I have never had to discharge; I do not anticipate having to discharge because I do not want to discharge. I could use that water, but I do not want to use that water.

Mr. Coca asked if they just depended on the evaporation?

Mr. Lopez stated that they do not have to discharge as long as it is evaporating. We just have to make sure that the liner is in good repair. The Environment Department comes in every five (5) years and does an inspection on the lagoon. They signed off on the last inspection and everything was fine.

Mr. Coca asked if once all the lots they are proposing to sell, once homes are built, additional water is going to be used, will the lagoon be sufficient?

Mr. Lopez stated again that nothing goes to the lagoon from the new lots. Each lot will have its own individual septic tank and leach field in the ground. Nothing is going to go to the lagoon, nor can it, because the lagoon is elevated higher than the subdivision.

Mr. Crow stated that is the purpose of the leach field, to soak up all the liquids and evaporate them through the ground.

Mr. Coca stated that was what was happening on Los Alamosgordos Road. Mr. Avila ran into some trouble when he had 12 mobile homes there. When he sold the property, the new owner had to cut down from 12 units to 6 units. But he played it smart, instead of having 12 single units, he rented out 6 double units. He broke even, but nevertheless, he had to do something with his leach field.

Mr. Crow stated that he agreed with him but asked for clarification. On these individual lots that are along the road, along the south side of the mobile home park and over by where the red line is on the map, all this lots are of legal size to have their own septic tank system. That septic water with the leach field cannot run uphill. When anyone of this septic companies around town do that, they have to get approval from the state, and it is for each unit, tract, or lot. I am just trying to clarify that. There is no way that water from there will go uphill to the lagoon.

Mr. Lopez stated that all they can go by is the regulations and the regulations allow for $\frac{3}{4}$ of an acre lots or above. The majority of these lots are over the $\frac{3}{4}$ acre requirement. Once we sell a lot and the home is being built, we still have to do a test for the Environment Department. We dig a hole, put some water in it, it permeates, and the Environment Department tells you what kind of leach field you have to put in. The Environment Department is involved through the whole process. The leach field put in depends on the soils in the area, but the minimum threshold for developers like us, that we can meet the $\frac{3}{4}$ acre requirement.

Mr. Crow asked if anyone had any other questions or observations. No one responded. Mr. Crow continued and asked for a motion to accept or reject this application as presented or with requirements. He stated that he wanted to emphasize to the Board Members that there needs to be some sort of written agreement with regard to the road maintenance. I do not expect it to be paved, but we want it to be constructed in such a way where it is crowned a little, but it has to be nice. Also, that you are going to have a fee assessment on each property owner and from that fee will come the maintenance if it needs to be graded/fixed. I would like to see curbs put in, as it would make it look better. In the end that is your decision as I do not vote unless there is a tie. This are just my observations as a realtor.

Mr. Coca stated that he believed there was a question on whether the City sewer plant would be able to handle the additional water discharge.

Mr. Crow stated that the discharge does not go to the City sewer plant. Mr. Lopez stated the same thing.

Mr. Coca stated that these septic tanks when they are cleaned, the water gets sucked into these huge tanks and then the tanks are emptied into the sewer plant. I know when I was in the Utilities Committee, we were forever catching these guys dumping the sewage from the trucks into manholes, even when they did not have a permit to do so.

Mr. Lopez asked Mr. Coca, what is your question, sir?

Mr. Coca asked, is the City sewer plant going to be able to handle all this sewage once the subdivision is fully developed?

Mr. Lopez asked, handle what? A septic tank with a proper leach field can sit there for 10-15 years or more. I have seen some sewer systems that have been around longer than that.

Mr. Crow stated that they should not have to be pumped very often. One person owns it, sells it to someone else, the inspectors come out and inspect it. If it is a failed septic system, where it

collapses on itself or something like that, then it is different. They then have to pump it and fix it. That is my understanding, but I may be wrong.

Mr. Lopez stated, I do not know if anyone is familiar with septic systems, but you do not pump it out every year, you pump it out every 5-7 years or longer.

Mr. Crow stated they were not even pumped when the property is sold, unless it is overflowing, or the leach field is compromised.

Mr. Lopez stated that if you put the proper bacteria in the septic tank, it just decomposes, and the fluid go through the leach field and they permeate in the ground and they filter out. That is why Environment Department requires lots to be $\frac{3}{4}$ of an acre or larger. In the event that a septic tank needed to be pumped, they would call a licensed pump company that would discharge the solids in a way that their license requires and also their insurances. Mr. Lopez stated that if he had to pump his septic tank, he would call the Roybal's or another licensed company to discharge the solids properly. But septic tanks, if they work well, last a long time. I know that, because my dad did not know where his was and he lived there for 35 years. It finally backed up and we had to go and find it. Mr. Lopez stated that he hoped that answered all their questions.

Ms. Lindsay made a motion to approve the application with the requirement that they have a written road maintenance plan for the subdivision. Mr. Sweeney seconded the motion as stated by Ms. Lindsay.

Mr. Lopez asked if the motion had to be specific to the variances requested.

Ms. Lindsay amended her motion to include the approval of the variances requested on the asphalt roads, streetlights, and alleyways. Mr. Sweeney seconded the amended motion.

Mr. Crow asked Maria is she had gotten that. Maria stated that the motion was "A motion to approve the final subdivision plat with the stipulation that they have a written road maintenance plan and to approve the variances requested on Exhibit #9". Mr. Crow asked Ms. Lindsay and Mr. Sweeney if that was right. Both of them said it was correct. Mr. Crow stated that a motion has been made, it has been seconded and asked Maria to take a roll call vote. Requested that he not be called to vote unless there was a tie.

ROLL CALL: Manny Barela – Yes
 Joe Coca – Yes
 Dianne Lindsay – Yes
 Mike Sweeney – Yes

NEW AND OTHER BUSINESS:

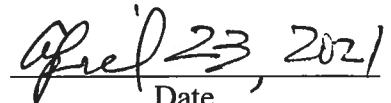
Mr. Crow asked Maria if there was anything else. Maria stated there was nothing else, this was it. Mr. Crow asked for a motion to adjourn, since there was nothing else to discuss.

ADJOURMENT:

Mr. Barela made a motion to adjourn the meeting, Mr. Sweeney seconded the motion. Mr. Crow asked all those in favor say "Aye". All Commissioners said "Aye". Meeting adjourned at 5:01pm.



Mack Crow, Chairperson



Date

Approved
7-27-20