

Lea County Planning & Zoning Board Regular Meeting

Tuesday, August 12, 2025 10:00A.M.

Lea County Courthouse - First Floor Meeting Chambers - 100 North Main Avenue, Lovington, N.M.

Notice of this Meeting has been given to the Public in Compliance with Section 10-15-1 NMSA 1978

If you are an individual with disability who is in need of a reader, amplifier, qualified sign language interpreter, translator, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Lea County Manager's office located in the Lea County Courthouse in Lovington, New Mexico, at (575) 396-8602, at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Lea County Manager's Office at the Lea County Courthouse if a summary or other type of accessible format is needed.

MINUTES

CALL TO ORDER - ROLL CALL

Chair Ben Donahue called the meeting to order at 10:00A.M. Board members present were Ben Donahue, Michael Arnold, Brad Hawkins, and Daniel Johncox. Member Beth Myers arrived after approval of minutes.

Members Blake Ovard and Dickie Wall were absent.

Assistant County Manager Kelly Livingston, Lea County Planner John Portulano, Lea County Attorney John Caldwell, Environmental Services Director Lorenzo Velasquez, Consultant Chuck McMahon and Lea County PIO/Records Custodian Monica M. Russell were also present.

ITEM 1: BOARD

a. Consideration of Approval of the July 8, 2025, Minutes

Mr. Johncox moved to approve the minutes of the July 8, 2025, meeting. The motion was seconded by Mr. Arnold and a roll call vote was taken: Donahue: yes; Myers: yes; Arnold: yes; Hawkins: yes; Wall: yes; Johncox: yes. The minutes were approved unanimously.

b. Board Member Comments

There were no comments from the Board.

e. Public Comments (Non-agenda Items)

There were no public comments.

ITEM 2: PUBLIC HEARINGS

Mr. Johncox stated a public hearing isn't required for a summary review and asked why it's being used at this time.

Mr. Caldwell stated Mr. Johncox is correct, a public hearing isn't required for a summary review, but the public hearing is employed to allow sworn testimony to be provided.

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Mr. Johncox suggested that public hearings not be used for summary reviews going forward.

Mr. Caldwell advised that the public hearing format continue to be used to allow sworn testimony. Mr. Arnold agreed.

Chair Donahue moved to go into closed session to discuss whether a public hearing or public meeting should be held for the summary review and a roll call vote was taken: Donahue: yes; Arnold: no; Myers: yes; Johncox: yes; Hawkins: yes. The motion carried and the board went into closed session.

After returning from closed session, Chair Donahue swore in Mr. Portulano.

a. Consideration of a Summary Review Application Plat for the Tract 3 Redivision in the Mesquite Grove Subdivision Unit 3, a Type 3A Subdivision Located in the Southeast Quarter (SE/4) of Section 35, Township 15 South, Range 38 East, NMPM, Lea County, New Mexico

Mr. Portulano stated the Tract 3 Redivision was part of Unit 3 in the Type 5 Mesquite Grove Subdivision in Section 35 which consisted of 12 Tracts ranging from 10 acres to 20 acres for a total of 160 acres, or a quarter section.

The Campos Subdivision is inside the Extraterritorial Zone of Lea County and the city of Lovington, located .7 miles northwest of the city's limits.

The applicants, Horatio and Herminia Campos, are requesting a Summary Review Application and Plat approval for the Tract 3 Redivision of Mesquite Grove Subdivision Unit in Section 35, a Type 3 subdivision. The redivision constst of 3 tracts on one parcel totaling 19.562 acres, ranging from 6.520 to 6.521 acres.

Zoning in adjacent areas is as residential, with land use to the north and west being undeveloped.

Notifications were sent to 8 neighboring residents and businesses on y 16, 2025

Five wells were drawn with depths ranging from 140 fett to 160 feet, and distance to water ranging from 59 feet to 78 feet.

Mr. Portulano presented the following findings of fact:

1. Pursuant to SR Article NMSA § 6.1.5, the Planning and Zoning Board is authorized to review and approve or disapprove a Summary Review plat at a public meeting 30 days from the date the summary review plat is deemed complete.
2. The property is not within an incorporated municipal zoning authority but within Lea County.
3. Pursuant to NMSA § 350-407 Subdivision Data Requirement: Approval of a Subdivision ensures the following:
 - a. Water quantity may be sufficient to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. This subdivision consists of four lots that can apply for domestic well to use up to 1 acre-foot of water per year. In the State of New Mexico, the regulation of water

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availability for land divisions, including those with fewer than 10 parcels, is administered by a county board of commissioners. Each county establishes the water supply and conservation requirements within subdivisions to ensure a sufficient water supply for domestic use and to protect water quality and resources.

4. a. The subdivider suggests that the subdivision will use approximately 1 acre-foot per year but fails to specify the depth of water underneath the subdivision. The subdivider states that the red bed (bottom of the aquifer) is 205 ft. Domestic wells in the Tract 3 Redivision of should have a pump output of 50 gallons of water per minute.
- b. Water is of an acceptable quality for human consumption, and measures are taken to protect the water supply from contamination, per New Mexico Environment Department (NMED) requirements. A letter was sent on July 11, 2025, via certified mail.
- c. There is a means of liquid waste disposal for the subdivision, as required by NMED.
- d. There is a means of solid waste disposal for the subdivision, as required by NMED.
- e. There are satisfactory roads to each parcel, including access for emergency vehicles.
- f. Terrain management protects against flooding, inadequate drainage, and erosion. A letter was sent to the Soil & Water Conservation District via certified mail on July 11, 2025.
- g. There are protections in place for cultural properties, archaeological sites, and unmarked burials that are unlikely to be affected by the subdivision, as required by the Cultural Properties Act, as per the New Mexico State Historical Preservation Office (SHPO).
- h. The subdivider can fulfill the proposals contained in the disclosure statement for the subdivision.
- i. The subdivision will conform to the New Mexico Subdivision Act and Lea County Subdivision Regulations, Ordinance #35, May 1997.

Mr. Johncox moved to approved the summary review application plat based on the provided information. The motion was seconded by Mr. Hawkins and a roll call vote was taken: Donahue: yes; Arnold: yes; Myers: yes; Johncox: yes; Hawkins: yes. The motion carried unanimously.

ITEM 3: DISCUSSION ITEMS

- a. **Consideration of Recommendation to Amend the Lea County Subdivision Regulation - May 1997**
 1. **2 Acre Minimum LCSR 16.4.5 Table 7 Liquid Waste Disposal Requirements**
 2. **Filing Plat Specifications LCSR Section 5.3.1. (Mylar/Good quality linen polyester film requirement**
 3. **Mobile Home Placement Regulation Ordinance 2023-101**

Board members asked that Mr. Caldwell take two recommendations to the Lea County Board of County Commissioners (LCBCC):

- a. reduce the two-acre minimum liquid waste disposal requirement to one acre and stress on surveyor and landowner; and
- b. eliminate the requirement for final plats to be submitted on linen or polyester film

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Mr. Portulano also began a discussion regarding mobile home placement. Mr. Caldwell noted that a mobile home ordinance was drafted by the Environmental Services department and approved by the LCBCC.

Mr. Velasquez introduced Environmental Services Supervisor Cassie Corley, who oversees the application processes. Lea County Environmental Services (LCES) coordinates with the State of New Mexico, which requires 3/4 of an acre for a septic tank. The LCES department can issue citations if established requirements are not being met. Mr. Velasquez noted that this ordinance was created to help combat violations that were occurring when mobile homes were being placed too close together and in flood zones by residents with no oversight.

There was no recommendation for the mobile home regulation ordinance.

Mobile homes

b. Set/Confirm Next Meeting(s) - Second Tuesday of Each Month - 10:00A.M.

- September 9, 2025
- October 14, 2025
- November 11, 2025
- December 9, 2025

The next meeting was confirmed for September 9, 2025.

ITEM 04: ADJOURN

Chair Donahue adjourned the meeting at 10:41A.M.

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