

LINKED MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX BUILDING ON MAY 4, 2026, AT 5:00 P.M.

Present:	Trent Cornum Valerie Branson Linda Wilson Denise Madrid-Boyea	Commissioner Commissioner Commissioner Commissioner
Absent:	James McCormick	Chairperson
Also Present:	Jeff Patterson Trysha Ortiz Ken Ahrens Josh Campbell Jalynn Dominguez Stephan Brown Julie Logsdon Maribel Parra Carolyn Gomez Waylon Barnes Patricia Barnes Betty Shan LaVern Shan Tony Dominguez Maritza Magana Joe Mecham Jake Johnson George Dunagan Amanda Mashaw	Planning Director Deputy Planning Director Deputy City Manager Fire Marshall Open Meetings Act Manager Compliance Clerk 403 E. Blodgett 3311 Sunnyview Citizen 1022 Pate Street 1022 Pate Street Citizen Citizen Citizen 3603 Selman Court 4003 Jesse James Court Project Manager Dunagan Associates Dunagan Associates

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00 **Call Meeting to Order**

0:00:24 **1. ROLL CALL AND DETERMINATION OF QUORUM**
Roll was called determining the presence of a quorum.

0:00:38 **2. APPROVAL OF MEETING MINUTES – APRIL 6, 2026**

0:00:46

MOTION

The motion was made by Commissioner Madrid-Boyea and seconded by Commissioner Wilson to approve the meeting minutes from April 6, 2026

0:00:51

VOTE

The vote was as follows; Yes - Cornum, Branson, Wilson, Madrid-Boyea; No - None; Absent - McCormick

0:01:06

3. CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW CHICKENS AT THE PROPERTY LOCATED AT 403 EAST BLODGETT STREET, ZONED "R-1" RESIDENTIAL 1 DISTRICT

Julie Logsdon stated she was unaware of the current ordinance in place and said she already owns chickens. **Commissioner Madrid-Boyea** asked how many chickens are currently housed at the property. **Ms. Logsdon** responded that there are four chickens. **Commissioner Madrid-Boyea** asked if they are all hens, and **Ms. Logsdon** said yes. **Commissioner Madrid-Boyea** then asked how long the chickens have been on the property. **Ms. Logsdon** stated they have been there for more than five years. **Commissioner Madrid-Boyea** asked whether the chickens have ever left the property. **Ms. Logsdon** said no. **Commissioner Madrid-Boyea** asked what the chickens are housed in. **Ms. Logsdon** stated they are kept in a chicken coop and a larger storage building. **Commissioner Madrid-Boyea** asked how often the coop is cleaned **Ms. Logsdon** said it is cleaned weekly.

0:04:45

Commissioner Cornum asked if anyone would like to speak regarding this item. No one appeared and the Chairman declared the public hearing closed and reconvened the Planning and Zoning Commission into regular session.

0:08:40

MOTION

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a Conditional Use Permit to allow Chickens at the property located at 403 East Blodgett Street, zoned "R-1" Residential 1 District with the requirements that if and when the number of chickens fall to three or below the maximum allowed number of chickens will remain at three per Ordinance 56-42(b).

0:09:03

VOTE

The vote was as follows; Yes - Cornum, Branson, Wilson, Madrid-Boyea; No - None; Absent - McCormick; the motion carried.

0:09:26

4. CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW CHICKENS AT THE PROPERTY LOCATED AT 3311 SUNNYVIEW AVENUE, ZONED "R-1" RESIDENTIAL 1 DISTRICT

Maribel Parra stated that she has three chickens housed in a chicken coop. She explained that fencing was installed to contain the chickens after experiencing problems with them running loose. She stated that the coop is cleaned daily and confirmed that

all three chickens are hens. **Commissioner Madrid-Boyea** asked how long ago the chickens were purchased. **Ms. Parra** stated they were purchased in April 2025. **Commissioner Madrid-Boyea** asked Ms. Parra to describe the structure where the chickens are housed. **Ms. Parra** explained that there is a wire fence surrounding the chickens, including chicken wire fencing on top to prevent them from escaping.

0:13:17 **Commissioner Cornum asked if anyone would like to speak regarding this item.**

Carolyn Gomez stated that she lives behind Sunnyview Avenue on Meadowlark Lane. She said that on one occasion she found a dead chicken in the alley and contacted animal control to have it removed.

Commissioner Madrid-Boyea asked Maribel Parra whether any of her chickens had died. **Ms. Parra** said no. **Commissioner Madrid-Boyea** asked whether any neighbors had complained about the chickens. **Ms. Parra** stated that a neighbor had complained that the chickens were on her property, which led to the installation of chicken wire around the coop. She said that the chickens' feathers had been trimmed so they cannot fly.

0:20:57 **MOTION**

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a Conditional Use Permit to allow chickens at the property located at 3311 Sunnyview Avenue, zoned "R-1" Residential 1 District with the requirements that the chickens remain on the property, the area where they are housed is cleaned properly, and if a chicken passes away it has to be properly disposed of.

0:21:33 **VOTE**

The vote was as follows; Yes - Cornum, Branson, Wilson, Madrid-Boyea; No - None; Absent - McCormick; the motion carried.

0:21:48 **5. CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION (HOME OFFICE FOR RV MOBILE REPAIR) AT THE PROPERTY LOCATED AT 1022 PATE STREET, ZONED "R-1" RESIDENTIAL 1 DISTRICT**

Mr. Patterson stated that the request was for a conditional use permit to allow the operation of a home office for a mobile RV repair service. He explained that the applicant indicated the home office would generate no additional traffic and that no clients would visit the premises, with all work to be performed off site. **Mr. Patterson** stated that the Planning Department was requesting additional information regarding any business-related storage, equipment, or materials that would be kept at the subject property. He stated that the applicant would be required to obtain a city business license upon approval of the request. **Mr. Patterson** said the Planning Department recommended approval of the request.

Commissioner Madrid-Boyea asked about the Planning Department's concerns regarding operation of the business at the subject property. **Mr. Patterson** stated that the applicant had represented that only office work would occur at the property; however, the Planning Department has received an email and a phone call alleging that the applicant receives materials deliveries at the property.

Waylon Barnes stated that once a client contacts him, he orders parts and materials and has them delivered to the subject property. He stated that only smaller materials, if any, are kept at the property. **Commissioner Cornum** asked what types of vehicles are primarily repaired. **Mr. Barnes** responded that the business mainly repairs FedEx trucks.

Commissioner Madrid-Boyea asked whether the applicants own a separate shop or yard outside the subject property. **Mr. Barnes** stated they do not. **Commissioner Madrid-Boyea** also asked how long the business had been in operation. **Mr. Barnes** stated the business has operated since July 2025. **Commissioner Madrid-Boyea** asked whether the applicants had applied for a business license. **Patricia Barnes** stated that she had attempted to renew her business license and was informed by the Planning Department that a conditional use permit was required in order to continue operating the business.

0:30:56 **Commissioner Cornum** asked if anyone would like to speak regarding this item.

Betty Shan introduced LaVern Shan to speak on her behalf. **LaVern Shan** stated that traffic in the neighborhood has increased and that work can sometimes be heard coming from the shop located at the rear of the subject property. She stated that backing out of the driveway can be difficult, particularly because Pate Street is already heavily traveled. **Ms. Shan** also expressed concern that the business could negatively impact surrounding property values.

Commissioner Cornum asked Mr. Patterson to explain the difference between a zone change and a conditional use permit. **Mr. Patterson** stated that the applicant was requesting a conditional use permit, which allows limited modifications for a specific use on the subject property. He explained that the permit applies only to the current property owner and that if the property is sold or the owner relocates, a new owner would need to apply for a separate conditional use permit. **Mr. Patterson** stated that failure to comply with the permit requirements could result in revocation of the permit.

Tony Dominguez stated that he was concerned about traffic in the alley. He explained that he accesses his carport through the alley and that access is occasionally blocked by vehicles parked behind Mr. Barnes residence. **Commissioner Madrid-Boyea** asked Mr. Dominguez whether he had observed any repair work being performed at the subject property. **Mr. Dominguez** stated that he had not. **Commissioner Madrid-Boyea** asked whether he had known the business had been operating since July 2025. **Mr.**

Dominguez responded that he had not. **Commissioner Madrid-Boyea** also asked whether traffic on Pate Street had increased. **Mr. Dominguez** stated that it had not. **Commissioner Madrid-Boyea** asked what type of vehicles were blocking the alley. **Mr. Dominguez** stated that they were pickup trucks. **Commissioner Madrid-Boyea** asked how often the alley had been blocked since the business began operating in July 2025, and **Mr. Dominguez** responded that it had occurred periodically over the last year.

Waylon Barnes stated that family members occasionally come to the property to help remove trash and sometimes park in the alley while doing so. He stated that he has instructed them not to park in the center of the alley and is addressing the issue when it occurs. **Commissioner Wilson** asked whether the alley parking was related to the business. **Mr. Barnes** said it was not. **Commissioner Wilson** asked whether the family members were cleaning the residence or performing cleanup related to the business. **Mr. Barnes** stated that the cleanup pertained only to the residence and had no connection to the business. **Commissioner Wilson** asked whether the family members could park elsewhere. **Mr. Barnes** said yes.

Commissioner Madrid-Boyea asked whether any RV or large truck repairs had been conducted on the property. **Patricia Barnes** stated that no such repairs had been performed at the property. She added that her husband builds items in the shop located at the rear of the property.

0:50:24

MOTION

The motion was made by Commissioner Madrid-Boyea and seconded by Commissioner Wilson to approve a Conditional Use Permit to allow a Home Occupation (Home Office for RV Mobile Repair) at the property located at 1022 Pate Street, zoned "R-1" Residential 1 District with the requirements that no repairs take place at the subject property, that no deliveries from Semi-Trucks made to the subject property, and that the ally will not be blocked by the applicant.

0:50:37

VOTE

The vote was as follows; Yes - Cornum, Branson, Wilson, Madrid-Boyea; No - None; Absent - McCormick; the motion carried.

0:51:11

6. CONSIDER APPROVAL OF A VARIANCE FROM ORD. 56-90(B) TO ALLOW A FIVE-FOOT (5') REAR SETBACK INSTEAD OF THE REQUIRED TEN-FOOT (10') REAR SETBACK FOR THE PROPERTY LOCATED AT 3603 SELMAN COURT, ZONED "R-1" RESIDENTIAL 1 DISTRICT

Mr. Patterson stated that the request was for a porch addition with a five-foot rear setback. He explained that the subject property is zoned "R-1" Residential 1 District. He stated that the proposed addition consists of a 44-foot by 25-foot extension on the existing concrete slab. He said the Planning Department recommended denial of the request.

Maritza Magana stated that she had confirmed with the owner of the residence directly behind the property, who indicated support for the addition. She explained that a wall would be constructed along the rear portion of the porch to provide additional privacy, while the side portions would remain open. **Commissioner Cornum** asked what materials would be used for the addition. **Mrs. Magana** stated that the roof would match the existing house roof and that the remaining structural materials would be wood. She explained that when the contractor poured the concrete slab, she had been informed that the required setback was five feet. She stated that when she later applied for the permit, the Planning Department informed her that the actual required setback was ten feet, at which point the slab had already been poured.

Commissioner Madrid-Boyea asked how far the roof would extend. **Mrs. Magana** stated that the roof would attach directly to the house and extend to the rear of the porch. She explained that the sides would remain open while the rear wall would be enclosed for privacy and finished with stucco matching the house. **Commissioner Madrid-Boyea** asked whether the setback could be revised to comply with the required ten-foot setback. **Mrs. Magana** stated that it would be possible; however, the concrete slab had already been paid for and poured at the five-foot setback.

1:00:16 **Commissioner Cornum** asked if anyone would like to speak regarding this item. No one appeared and the Chairman declared the public hearing closed and reconvened the Planning and Zoning Commission into regular session.

Commissioner Wilson asked whether anything was located in the yard of the neighboring property behind the subject property. **Mrs. Magana** stated that the neighboring property owner has a porch in the backyard that complies with the required ten-foot setback.

Commissioner Madrid-Boyea asked whether a fence already exists on the property. **Mrs. Magana** stated that there is an existing cinderblock fence approximately five feet in height.

Commissioner Madrid-Boyea asked Mr. Patterson why the Planning Department was recommending denial of the request. **Mr. Patterson** stated that, upon review of the application, the proposed addition was determined not to meet the criteria established by the Ordinance. **Commissioner Madrid-Boyea** also asked whether the Planning Department had received any public comments regarding the request. **Mr. Patterson** stated that no comments had been received.

Commissioner Wilson asked why the additional five feet of the concrete slab needed to be covered. **Mrs. Magana** stated that she was seeking approval for the five-foot setback because the concrete slab had already been poured.

Commissioner Cornum noted that if the wall were moved inward by five feet to comply with the ten-foot setback requirement, the structure might not be structurally

sound. He stated that constructing the wall along the outer edge of the slab at the existing five-foot setback would likely be safer.

1:12:07 **MOTION**

The motion was made by commissioner Cornum to approve a Variance from Ord. 56-90(b) to allow a five-foot (5') rear setback instead of the required ten-foot (10') rear setback for the property located at 3603 Selman Court, zoned "R-1" Residential 1 District

Motion dies due to the lack of a second

Commissioner Branson stated that the fence could potentially be constructed at a greater height, which could eliminate the need for the proposed porch wall. **Mr. Patterson** noted that the maximum allowable fence height under the ordinance is seven feet.

1:16:49 **MOTION**

The motion was made by Commissioner Branson and seconded by Wilson to approve a Variance from Ord. 56-90(b) to allow a five-foot (5') rear setback instead of the required ten-foot (10') rear setback for the property located at 3603 Selman Court, zoned "R-1" Residential 1 District with the requirements that the back of the porch remains open and the option to build the fence higher.

1:17:14 **VOTE**

The vote was as follows; Yes - Cornum, Branson, Wilson, Madrid-Boyea; No - None; Absent - McCormick; the motion carried.

1:17:40 **7. CONSIDER APPROVAL OF A VARIANCE FROM ORD. 56-90(B) TO ALLOW A TEN-FOOT (10') REAR SETBACK INSTEAD OF THE REQUIRED TWENTY-FOOT (20') REAR SETBACK FOR THE PROPERTY LOCATED AT 4003 JESSE JAMES COURT, ZONED "R-R" RURAL RESIDENTIAL DISTRICT**

Mr. Patterson stated that the request was for a carport addition with a ten-foot rear setback. He explained that the subject property is zoned "R-R" Rural Residential District. He stated that the proposed carport would be constructed of noncombustible metal materials and would measure 26 feet by 45 feet with a height of 14 feet. He stated that the Planning Department recommended denial of the request. **Commissioner Madrid-Boyea** asked whether any complaints had been received regarding the request. **Mr. Patterson** stated that none had been received.

Joe Mecham stated that the carport would be used to store a 40-foot recreational vehicle. He explained that he currently has a 20-foot setback and that maneuvering the RV into the proposed carport would be difficult due to the presence of a tree on the property, which he does not want to remove. **Commissioner Madrid-Boyea** asked how

access to the carport would be gained. **Mr. Mecham** stated that he has a gate providing access to the backyard. **Commissioner Madrid-Boyea** asked whether Mr. Mecham had obtained a permit for another structure on the property that appeared to be located closer to the wall than the required 20-foot setback. **Mr. Mecham** stated that he had obtained a permit approximately three years earlier for a structure with a ten-foot rear setback. **Commissioner Madrid-Boyea** asked why the tree would need to be removed if the carport were moved back an additional ten feet. **Mr. Mecham** stated that maneuvering the RV around the tree would likely become too difficult, requiring its removal. **Commissioner Madrid-Boyea** also asked whether the carport had already been purchased. **Mr. Mecham** stated that it had been purchased, although construction had not begun because the permit had not yet been approved.

1:25:27 **Commissioner Cornum asked if anyone would like to speak regarding this item. No one appeared and the Chairman declared the public hearing closed and reconvened the Planning and Zoning Commission into regular session.**

1:25:41 **Motion**

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a Variance from Ord. 56-90(b) to allow a ten-foot (10') rear setback instead of the required twenty-foot (20') rear setback for the property located at 4003 Jesse James Court, zoned "R-R" Rural Residential District

1:25:50 **Vote**

The vote was as follows; Yes - Cornum, Branson, Wilson; No - Madrid-Boyea; Absent - McCormick; the motion carried.

1:26:12 **8. CONSIDER APPROVAL OF A VARIANCE FROM ORD. 47-7 TO ALLOW A SEPTIC SYSTEM TO BE INSTALLED AT THE PROPERTY LOCATED AT 785 WEST DERRICK ROAD, ZONED "I" INDUSTRIAL DISTRICT**

Commissioner Branson Recused herself from this agenda item

Mr. Patterson stated that the request was to allow septic service within Lot 1, Phase 1 of the Branson Industrial Subdivision development. He explained that the applicant has a client prepared to occupy the building located on Lot 1. He stated that connecting to the City sewer system along Derrick Road and Production Lane would require installation of a sewer lift station, resulting in significant additional cost. He further stated that a request had been submitted to allow septic systems for the remaining lots within the development. **Mr. Patterson** stated that, under the original plans presented to the Planning and Zoning Commission at the June 2, 2025 meeting, the development proposal included extension and connection to the City sewer system. He explained that the later request to install septic systems for the subdivision was determined to be a significant alteration of the originally approved proposal and therefore required Planning and Zoning Commission approval before proceeding. **Mr. Patterson** stated

that the Planning Department recommended denial of the request. **Commissioner Madrid-Boyea** asked what the process would look like if a temporary septic system were approved. **Mr. Patterson** stated that a temporary septic system could be installed for Lot 1. **Commissioner Madrid-Boyea** asked how long the septic system would remain operational. **Mr. Patterson** stated that it would remain in use until sewer service became available adjacent to the property.

George Dunagan stated that the original plan anticipated that the water line extending from Production Lane would adequately serve Lot 1 and the remaining lots within the subdivision, eliminating the need for a water line extension from National Parks Highway. He explained that the project would also require installation of a pressure reduction valve estimated to cost between \$750,000 and \$1,000,000. **Mr. Dunagan** stated that construction on the building located on Lot 1, Phase 1 has been underway since permits were issued in November 2025. He noted that variances allowing septic systems had previously been granted for developments on Greene Street and Production Lane.

Commissioner Madrid-Boyea asked whether the applicant would support approval of a temporary septic system until connection to the municipal sewer system became possible. **Mr. Dunagan** stated that the applicant was not requesting a temporary system. He explained that the intent was to install a permanent septic system without any future requirement to connect to municipal sewer service if it later became available.

Commissioner Cornum asked whether any timeframe existed for sewer service to become available to the property. **Mr. Patterson** stated that the City currently has no plans to extend sewer service to the subject property. He explained that the original development proposal indicated that the developer, rather than the City, would extend the sewer line. **Commissioner Cornum** asked whether the extension was intended to be funded by the developer. **Mr. Patterson** said yes.

Mr. Dunagan stated that when the sewer plans were originally developed, costs associated with the pressure reduction valve and lift station had been included in the project estimates. He explained that avoiding those installations through use of septic systems would create cost savings that could instead be applied toward water line expenses.

Commissioner Madrid-Boyea asked whether, when the original proposal was approved with the understanding that the developer would fund the sewer extension, any timeline for installation had been identified. **Mr. Patterson** stated that he was unaware of any plans to extend sewer service east along Derrick Road from Production Lane. He stated that the current request did not include a specific timeframe governing installation of a temporary septic system. **Commissioner Madrid-Boyea** also asked whether additional information was known regarding the Production Lane development that had previously received a variance approval. **Mr. Patterson** stated

that the nearest City connection point would be located on Airport Avenue, but he was uncertain whether the existing infrastructure was large enough to support a development of that scale. He stated that similar circumstances applied to the Greene Street development. **Commissioner Madrid-Boyea** asked whether any issues had been reported with the septic systems serving the Greene Street development. **Mr. Patterson** stated that no issues had been reported.

1:47:13 **Commissioner Cornum asked if anyone would like to speak regarding this item.**

Jake Johnson stated that he is the project manager for the development. He explained that extending the sewer line is difficult due to multiple existing gas lines in the area, including a 20-inch, 20,000 PSI high-pressure gas line. He stated that the sewer line could only be extended approximately 50 feet before requiring redirection to a lift station. He explained that the total extension would actually exceed 500 feet because the line would need to continue to the southeast side of the development, where the lift station is planned to be located.

Amanda Mashaw stated that, given the issues identified, the applicant is requesting consideration and approval of the request.

1:54:30 **MOTION**

The motion was made by Commissioner Wilson and seconded by Commissioner Cornum to approve a Variance from Ord. 47-7 to allow a septic system to be installed at the property located at 785 West Derrick Road, zoned "I" Industrial District

1:57:39 **VOTE**

The vote was as follows; Yes - Cornum, Wilson, Madrid-Boyea; No - None; Recused - Branson; Absent - McCormick; the motion carried.

1:57:53 **9. REPORT OF SUMMARY REVIEW SUBDIVISIONS**

None to report.

1:59:09 **ADJOURNED**

With no further business to discuss, Chairman Cornum declared the meeting adjourned at 6:59 PM.

James McCormick, Chairperson

Date