



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC
Tuesday, February 4, 2020 - 9:00 am**

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Nathan LaFont called the meeting to order and Fire Chief Toby led the Pledge of Allegiance.

2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call:

Chairman Nathan La Font – Present
Vice Chairperson Cathy Vickers – Present
Commissioner Patsy Barnett – Present
Commissioner Sheridan Fuss - Present
Commissioner Charles Looney – Present
Alternate Commissioner Tami Smith – Present

Clerk-Treasurer Bush declared a quorum was present.

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect and there is a three-minute limit per speaker on all non-agenda items.*

4. APPROVAL OF AGENDA

Commissioner Fuss made a motion to approve the agenda with the amendment of moving Regular Item E to after Regular Item B. Commissioner Barnett seconded. 5-0. Motion Carried.

5. APPROVAL OF MINUTES

Approval of Regular Meeting Minutes January 14, 2020

Commissioner Barnett commented that the draft minutes should be sent to all commissioners within 10 working days of the meeting according to the Open Meetings Act.

Commissioner Fuss made a motion to approve the minutes with the addition of adding that Alternate Commissioner Smith served as a voting member under the Roll Call. Vice Chairperson Vickers seconded. 5-0. Motion Carried.

6. PUBLIC INPUT

None

7. COMMISSIONERS' COMMENTS

Chairman LaFont gave a couple of quick statements about the last City Council meeting. He presented the Home-based Business Moratorium ordinance which City Council denied. They felt it was a potential conflict

for economic growth within our community. They wanted P&Z to work on it simultaneously while the current code was in effect. They want it as a high priority. Mayor Pro Tem Skinner brought in the guidelines from Las Cruces for reference and Councilor Williams drafted a new ordinance to work on during this meeting. Ordinance 174 – Storage Containers passed. They are allowed only in the commercial district.

Chairman LaFont has been working with staff on a potential variance hearing. The applicant has been in a lot of communication, but it is not on the agenda today. He wanted the Commission to be mindful that it is a potential hearing so all communication from this commission to a minimum. He will probably recuse himself since he has had so much contact with the applicant at this point if it comes to a variance hearing.

Chairman LaFont is also working on the 2020 Strategies & Priorities which are on the agenda today. He brought them before Council and will ask for to vote on them to make them clearer.

8. CITY REPORT

City Manager Vicki Ballinger was in Santa Fe last Thursday and Friday to submit the City's Capital Outlay requests to the Legislature. The City is clearing out Balboa Pond/Park to make a detention pond while they have a dozier to save money. It is a priority on the master drainage plan. There were some resident who had an issue with not knowing what was going on so there might be some questions. She met with the City engineer (David Shields from Bohannon Huston) the day before and everything is under control. It's going to collect water in the right way and is seeded with grass since some vegetation was removed.

Commissioner Barnett inquired about following the engineering plan in regards to the Ontario Pond. City Manager Ballinger assured her that the plan was followed. Clerk-Treasure Bush gave an update on ordinance codification. She passed out a spreadsheet listed all city ordinances and showing their status. There are 23 that were sent to American Legal for inclusion in Supplement S-3 which should be published in the next couple of months.

City Manager Ballinger informed the Commission that the Council is having a special meeting to discuss the RFP on the golf course on February 12. They are still in negotiations.

9. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reported that in his January report there are 20 violations, 6 are closed. There have been 5 violations so far in February. If commissioners have concerns, it is best to write up a formal complaint for tracking purposes.

10. ZONING PERMIT UPDATE

Fire Chief Toby Boone passed out the zoning permits for December and January. Commissioner Barnett requested to have the reports in the packet before the meeting for now on. Chairman LaFont asked about totals for 2019 vs. 2018. Chief Boone replied that they are down approximately 30 from 2018 (100 permits) to 2019 (72 permits). Seven or eight new homes were added in 2019 which was a significant difference.

Vice Chairperson Vickers questioned a permit given to a mobile home 18 x 76. A discussion followed because the new Ordinance 180 doesn't allow for this. Since it's not a multisectional unit, it shouldn't have been allowed. Widths still apply to manufactured homes in R-1-A and R-3. Since the permit was already approved, nothing can be done. But now that 180 is clarified, no other permits of this type will be issued.

Chief Boone let the Commission know that Sunset Blvd from 181 up to the OHV Park belongs to the City because of access to the 20 acres Gary Levine gave to the City. He will bring the paperwork showing ownership to the next meeting. Next he let the Commission know the issue with Mr. Bartoo is resolved.

Chief Boone met with Steve Bell the day before to go over Mr. Bell's request to tie in the sewer from his lift station meeting up with the life station on San Andres. They went over the process. He has been working with the BLM realty specialists in Las Cruces. He has submitted a GIS map to them. Mr. Bell is aware that his last permit that was valid expired on March 16, 2019 for his clubhouse, remote bathrooms, 192 x 34 storage building and fences. He has no other permits that are currently open.

11. REGULAR ITEMS

a. Discussion: Strategies & Priorities for 2020

Chairman LaFont will formally present the list to City Council at their next meeting. He went through the list. Council will be dealing with short term rentals because it will mainly be a taxation issue. The only place the Commission would deal with it would be under home-based businesses.

b. Discussion/Possible Action: Rezoning of Espina Park

Chairman LaFont explained that when Ordinance 180 was passed, it dealt with width requirements for the different residential zones. The size of the lots within R-B (where Espina Park is) are currently unbuildable for new construction, so needs to be re-zoned into R-D in order for building to take place as well as use RV's as residences. More research needs to be done about the re-zoning process including how to notify residents, public hearings, applications, etc. Code Enforcement Officer Jones will begin looking into the issue about how the new Code changes building in this area.

e. Discussion/Possible Action: Ordinance 191 - Home-Based Businesses

Chairman LaFont explained that Council requested that this be a high priority for the Commission to be completed as quickly as possible. Councilor Michael Williams drafted Ordinance 191 and Mayor Pro Tem Skinner provided Las Cruces' guidelines on this topic. Discussion commenced about the different issues that come up around home-based businesses. According to Code, home-based businesses fall under conditional/special use, Page 96, (F)(7), therefore applicants would be required public postings, notification of neighbors, etc. This has not been happening. Chief Boone explained the current process and passed out the application for the Commission to review. He further explained that since the application requires the physical address of the business and zoning classification, he can distinguish which businesses are in residential areas.

The conversation continued as they went through various scenarios to determine what should be allowed or not allowed. More definition will need to be added. Councilor Williams was in attendance and contributed to the conversation about the draft he wrote. It was decided to continue the discussion in a workshop to be held on Friday, February 21.

Commissioner Fuss made a motion to postpone Ordinance 191 until the February 21 workshop. Vice Chairperson Vickers seconded. 5-0. Motion Carried.

c. Discussion/Possible Action: Ordinance 173 – Nuisance

This ordinance is about combining two separate codes (90 & 135) into a single ordinance.

Commissioner Barnett made a motion to postpone Ordinance 173 until March. Vice Chairperson Vickers seconded. 5-0. Motion Carried

d. Discussion/Possible Action: Ordinance 183 – Manufactured Home Standards (Age)

This ordinance is still under legal review.

Commissioner Fuss made a motion to postpone Ordinance 183 until March. Commissioner Barnett seconded. 5-0. Motion Carried.

12. ADJOURNMENT

Commissioner Barnett made a motion to adjourn. Commissioner Fuss seconded. 5-0. Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on March 3, 2020.



Nathan LaFont
Planning & Zoning Chairman

ATTEST:



Rani Bush
City Clerk-Treasurer