



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION**  
**REGULAR MEETING - OPEN TO THE PUBLIC**  
**Tuesday, October 6, 2020 - 9:00 am**

Due to the current health risks associated with COVID-19 and orders from the New Mexico Governor's Office and the New Mexico Public Health Department, public attendance at this and future meetings of the Planning & Zoning Commission are temporarily suspended. Until the orders are lifted, and in accordance with the guidance from the New Mexico Attorney General, the City will make its meetings open to the public through dialing into WebEx number: (408) 418-9388, 126 499 2196, Password: 08042020 or going to [www.cityofelephantbutte.com](http://www.cityofelephantbutte.com) for information about accessing the meeting through your computer.

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## **Minutes**

### **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairperson Nathan LaFont called the meeting to order, and Commissioner Charles Looney led the Pledge of Allegiance.

### **2. ROLL CALL**

Clerk-Treasurer Rani Bush conducted roll call:

Chair Nathan LaFont – Present  
Vice-Chair Cathy Vickers – Present  
Commissioner Sheridan Fuss – Present  
Commissioner Charles Looney – Present  
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.*

None

### **4. APPROVAL OF AGENDA**

Commissioner Fuss made a motion to approve the agenda. Vice-Chair Vickers seconded.

Clerk-Treasurer Bush conducted roll call:

Chair LaFont – Yes  
Vice-Chair Vickers – Yes  
Commissioner Fuss – Yes  
Commissioner Looney – Yes  
Commissioner Smith – Yes

Motion Carried.

## 5. APPROVAL OF MINUTES

Vice-Chair Vickers made a motion to approve the August 25, 2020 Workshop Minutes and September 1, 2020, Regular Meeting Minutes. Commissioner Looney seconded.

Clerk-Treasurer Bush conducted roll call:

Chair LaFont – Yes

Vice-Chair Vickers – Yes

Commissioner Fuss – Yes

Commissioner Looney – Yes

Commissioner Smith – Yes

Motion Carried.

## 6. PUBLIC INPUT

None

## 7. COMMISSIONERS' COMMENTS

**Chair LaFont** presented a Commission update at the last City Council meeting on September 23, 2020.

**Commissioner Looney** brought up the metal skirting issue that was in public comment at the last meeting. The two gentlemen were opposed to the way the Code is now. He is definitely in favor of the way it is now, which requires concrete or masonry.

## 8. CITY MANAGER REPORT

**City Manager Vicki Ballinger** reported that she submitted the FY2022-2026 Infrastructure Capital Improvement request to the State Legislature. She is still waiting on an award letter for the \$400,000 for water system improvements. A grant application was submitted to the NM Economic Development Department for outdoor recreation. It's a small amount and would be used to improve the walking path.

The State Supreme Court approved the transfer of the City court to Magistrate Court. She completed reviews of all City Staff. The Camino Cinco Project is about 90% complete. The Council is working on Ordinance 157 concerning red lots. The renewal of a 20-year community center agreement with the Bass Club was completed. The renewal is only for five years. The OHV Committee met last week. The County voted to increase property taxes and staff is keeping the Assessor's Office updated. She met with Truth or Consequences about the City's agreements for animal control and shelter.

The remediation of the Mims Pond fire began this week. Gary Levine is still planning on putting up a gate at Hallmark and Country Club and will discuss it at the annual homeowners meeting in November. She is now working on revising the Comprehensive Plan survey and will provide a draft at the next meeting. After that, she will be working on revising the employee manual.

## **9. CODE ENFORCEMENT REPORT**

**Code Enforcement Officer Devon Jones** reviewed his September report with the commissioners. There were twelve total cases; five are still open.

## **10. ZONING/LAND USE REPORT**

**Land Use Admin Lindsey Moore** reported that September was an extremely busy month with 14 permits and three lot line vacations issued. Two of the permits were commercial, including a new health clinic opening in November with operating hours Tuesdays - Saturdays.

## **11. PUBLIC HEARING ACTION ITEMS**

None

## **12. REGULAR ITEMS**

### **a. Discussion/Possible Action: Lot Line Vacation Application – 215 Hallmark**

Land Use Admin Lindsey Moore presented the application. Owner Roy Park was present. Chair LaFont explained that a lot line vacation that is straightforward usually goes through an administrative process with City staff. Then the City Manager and P&Z Chair sign off on it. This application is before the Commission because it involves three lots abutting two separate streets. Chair LaFont later clarified that the utility easement between Lot 7, 8 and 17 is completely undevelopable. It needs to be maintained by the property owner.

Commissioner Fuss made a motion to approve the 215 Hallmark lot line vacation application. Commissioner Smith seconded.

Clerk-Treasurer Bush conducted roll call:

Chair LaFont – Yes  
Vice-Chair Vickers – Yes  
Commissioner Fuss – Yes  
Commissioner Looney – Yes  
Commissioner Smith – Yes

Motion Carried.

### **b. Discussion/Possible Action: Renewal of Special Use Permit, KAR Trucking/Biolite – Adam Powell**

Chair LaFont explained that a special use permit is a quasi-judicial procedure. The property is in the C-2 Zone. No commissioner had ex-parte communication with the applicant or any direct or indirect financial interest in the company. Deputy/Court Clerk Jessica Newberry swore in Adam Powell, owner of KAR Trucking and Land Use Admin Moore. Land Use Admin Moore introduced the application to the Commission. There are no changes currently, though KAR Trucking is in the process of opening up its scale to the public and is awaiting state approval. She also requested that the renewal be extended beyond one year.

Mr. Powell then presented the application. He is requested to continue doing business as usual. The scale was put in for private use. Since then, he has received numerous requests to open it up to the



public since there are only two other certified scales in the county. State requirements for weight permits are increasing. The company currently employs two Elephant Butte residents and one Truth or Consequences resident with expansion plans to relocate some California employees to Sierra County in the future. He is requesting either to extend the permit's renewal time or classify the company differently, so the permit is not required.

Commissioner Fuss made a motion to approve the renewal of the special use permit for KAR Trucking with the amendment to have a public scale added to his scope of work for two years. Vice-Chair Vickers seconded.

The application is only for KAR Trucking only. Bolite owns the property but not the business requesting renewal. City Attorney Ben Young reviewed the Code about the length of renewal. Although it doesn't specify one year, historically, the City has used one year, so he was hesitant to change it at this meeting. There is also an option to change the company's classification so it could obtain a conditional use permit that doesn't require renewal. This issue will be considered at future meetings. Commissioner Fuss revised his motion to one year. Vice-Chair Vickers seconded the amended motion.

Clerk-Treasurer Bush conducted roll call:

Chair LaFont – Yes  
Vice-Chair Vickers – Yes  
Commissioner Fuss – Yes  
Commissioner Looney – Yes  
Commissioner Smith – Yes

Motion Carried.

**c. Discussion/Possible Action: Rezoning - what neighborhoods / districts need to be rezoned due to size limitations**

Chair LaFont led a discussion about rezoning Elephant Place, Camelback and Carousal from R-1-C to either a more appropriate zone or adding a special rider to these areas in R-1-C because of their small size. These are areas that people see when they first enter Elephant Butte. City staff will further investigate the issues and discuss them with the City attorney before the next regular meeting.

**d. Discussion/Possible Action: Parking Requirements - Residential, Commercial and within the right of way**

Commercial parking requirements were talked about first, especially concerning boat and RV accommodations. The Commission decided to leave the Code as is for now. The discussion then turned to residential parking, especially the extended parking of multiple RVs at a single-family residence, some with utility hook-ups. It is becoming a trend in the City. Some zones require a minimum number of parking spaces, but none have a maximum number of vehicles allowed. A workshop will be set up to discuss the item further.

**e. Discussion/Possible Action - Storage Lots**

The Commission decided to wait until the November meeting to discuss storage lots. Chair LaFont asked Clerk-Treasurer Bush to email everyone a Word version of the Code pertaining to storage lots.

He also encouraged some of the Commissioners to discuss the issue with current storage lot owners.

**f. Discussion/Possible Action: Continuation of Home-Based Businesses & Short Term Rentals**

Chair LaFont set up a workshop at 9:00 am on Tuesday, October 20, 2020, to discuss this item. In the meantime, the Commissioners will review the Truth or Consequences Code on home-based businesses that Chair LaFont began modifying for Elephant Butte.

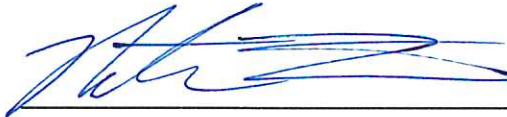
**13. ADJOURNMENT**

Vice-Chair Vickers made a motion to adjourn. Commissioner Looney seconded.

Chair LaFont – Yes  
Vice-Chair Vickers – Yes  
Commissioner Fuss – Yes  
Commissioner Looney – Yes  
Commissioner Smith – Yes

Motion Carried.

***Minutes approved and adopted at the Planning and Zoning meeting on November 10, 2020.***



Nathan LaFont  
Planning & Zoning Chair

ATTEST:



Rani Bush  
Clerk-Treasurer



