



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC
Tuesday, December 1, 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 for information about accessing the meeting through your computer.

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call:

Chair Nathan LaFont - Present via WebEx
Commissioner Sheridan Fuss – Present via WebEx
Commissioner Cathy Harmon - Present via WebEx
Commissioner Tami Smith - Present via WebEx
Commissioner Ken Swaim - Absent
Alternate Commissioner Cathy Vickers- Present via WebEx

In the absence of Commissioner Swaim, Alternate Commissioner Vickers served as a voting member at this meeting. Clerk-Treasurer Bush declared a quorum.

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 motioned to approve the agenda. Commissioner Smith seconded.

Clerk-Treasurer Bush conducted a roll call vote:

Chair LaFont – Yes
Commissioner Fuss – Yes
Commissioner Harmon - Yes
Commissioner Smith – Yes

Commissioner Vickers – Yes

Motion Carried.

5. APPROVAL OF MINUTES

Commissioner Smith motioned to approve the minutes. Commissioner Fuss seconded.

Clerk-Treasurer Bush conducted a roll call vote:

Chair LaFont – Yes

Commissioner Fuss – Yes

Commissioner Harmon - Yes

Commissioner Smith – Yes

Commissioner Vickers – Yes

Motion Carried.

6. PUBLIC INPUT

None

7. COMMISSIONERS' COMMENTS

Commissioner Vickers thanked the City staff who keep Elephant Butte clean and tidy.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger is working with the South Central Council of Governments (SCCOG) to implement the Comprehensive Plan survey. She received a mailing list of 3,682 Elephant Butte property owners from the Country. She is receiving assistance from the Department of Finance and Administrative about capital outlay requests. The Floodplain Manager Memorandum of Understanding (MOU) will be discussed at the Sierra County Commission's December meeting. The Sheriff's Office will be stepping up their speeding enforcement in the City. A warning was included on this month's utility bills.

The NM Finance Authority approved the restructuring of the loan to complete the Camino Cinco Improvement Project. The contract for the NM Department of Transportation's Municipal Arterial Program for Warm Springs has been fully executed. Construction should begin in the fall of 2021. Commissioner Fuss reported that the Turtleback Mountain Resort's Homeowners Association will be installing a gate at Country Club and Hallmark. Gary Levine will be following up with the Mayor.

City Attorney Ben Young reported that the City Council workshop on November 18 went well and gave him good input as he works on the rezoning ordinance draft, which will be discussed later in the meeting.

9. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reviewed his November report with the commissioners. There were twenty-nine cases; nineteen are still open.

10. ZONING/LAND USE REPORT

Land Use Admin Lindsey Moore reported there were seven residential permits issued in November. There is a total of ninety-nine permits currently for the year.

11. REGULAR ITEMS

a. Action: Election of Officers

Chair LaFont and Commissioner Vickers were reappointed to the Commission, and Commissioners Harmon and Swaim were added. Mayor Trager clarified that all terms are for two years, except Commissioner Vickers. Her term is one year as an alternative to help stagger the end dates of the different commissioners. There was some confusion about four-year terms.

Commissioner Vickers nominated Chair LaFont as P&Z Chair. Commissioner Fuss seconded.

Chair LaFont – Astained
Commissioner Fuss – Yes
Commissioner Harmon - Yes
Commissioner Smith – Yes
Commissioner Vickers – Yes

Commissioner LaFont was voted in as P&Z Chair.

Commissioner Vickers nominated Commissioner Fuss as Vice-Chair. Commissioner Fuss declined.

Commissioner Vickers nominated Commissioner Smith as Vice-Chair. Commissioner Fuss seconded.

Chair LaFont – Yes
Commissioner Fuss – Yes
Commissioner Harmon - Yes
Commissioner Smith – Astained
Commissioner Vickers – Yes

Commissioner Smith was voted in as Vice-Chair.

b. Discussion/Possible Action: Ordinance 191 - Home Occupation Permits

Chair LaFont updated the Commission on the City Council workshop he led on November 18 about home occupation permits. City Attorney Young recommended that with ordinances as complicated as 191, it is good to hold workshops with Council to ensure everyone is on the same page and get feedback. During the workshop, City Attorney recommended looking at Las Cruces' Code instead of Truth or Consequences' due to its simplicity and applicability to Elephant Butte. He also stressed how important it would be to give proper notice to constituents directly affected.

Council feedback included that they didn't like the tiering structure of 191. It was too complicated. They did want the hours of operation to be uniformed across the City. Commissioner Fuss had concerns about the back-and-forth process with City Council concerning ordinances not being efficient. Commissioner Vickers, Vice-Chair Smith and Commissioner Harmon expressed support for the Las Cruces Code. The Commission agreed that all zones should have the opportunity to have

home-based businesses. City Manager Ballinger volunteered to revise and simplify the draft incorporating the Las Cruces Code into it. Chair LaFont asked the Commission to submit any suggestions to her.

c. Discussion/Possible Action: Ordinance 192 – R-1-C Rezoning

This ordinance is still under legal review.

d. Discussion: Ordinance 195 - Residential Parking

The Commission postponed this discussion until a future meeting. Chair LaFont did get input from City Council that the number of RVs hooked up to utilities simultaneously/permanently needs to be addressed. City Manager Ballinger will be meeting with City staff on December 7 to discuss these issues.

Chair LaFont then changed the conversation to short-term rentals. Councilor Kim Skinner recommended looking at Santa Fe's short-term ordinance included in the meeting packet. He suggested the commissioners review it in conjunction with the Las Cruces' Code since these are home-based businesses. Decisions will have to be made about how many ordinances to cover these related topics. Commissioner Harmon also suggested looking at Ruidoso's ordinances. Chair LaFont added that there needs to be a short-term rental registration in the City at the bare minimum.

12. ADJOURNMENT

Commissioner Fuss reminded the Commission that Elephant Butte is a vacation destination community where people come to rest and have fun. This needs to be taken into consideration with all these issues.

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

Minutes approved and adopted at the Planning and Zoning meeting on January 5, 2021.



Nathan LaFont
Planning & Zoning Chair

ATTEST:



Rani Bush
Clerk-Treasurer

