



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION  
REGULAR MEETING - OPEN TO THE PUBLIC  
**Tuesday, June 15, 2021 - 9:00 am**  
103 Water Street, Elephant Butte, NM 87935

The City will also make the meeting open to the public through WebEx number: (415) 655-0001, Access Code: 126 791 3791, Password: 87935, or see [www.cityofelephantbutte.com](http://www.cityofelephantbutte.com) for more information.

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## Minutes

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

Chair Nathan LaFont called the meeting to order and Commissioner Harmon led the Pledge of Allegiance.

### 2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call:

Chair Nathan LaFont - Present  
Vice-Chair Tami Smith - Present  
Commissioner Sheridan Fuss – Present  
Commissioner Cathy Harmon - Present  
Commissioner Cathy Vickers – Present

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 Vickers motioned to approve the agenda. Commissioner Fuss seconded. 5-0. Motion Carried.**

### 5. APPROVAL OF MINUTES

**Commissioner Fuss motioned to approve the May 4, 2021 minutes. Vice-Chair Smith seconded. 5-0. Motion Carried.**

### 6. PUBLIC INPUT

Clerk-Treasurer Bush read an anonymous letter received May 17, 2021, complaining about the high-intensity lights at 609 Skyline Drive.

## 7. COMMISSIONERS' COMMENTS

Commissioners Vickers and Fuss thanked the Maintenance Crew for their efforts in keeping the City and streets clean.

## 8. CITY MANAGER REPORT

**City Manager Vicki Ballinger** updated the Commission about not getting funding for the wastewater project on Skyline and Springland, the NM Environmental Department's wastewater treatment plant's site survey, and Elephant Days planning. Chair LaFont suggested contacting the Church of the Butte's Youth Department (Pastor Joe Byers) about the use of their activity trailer for children during Elephant Days. She also went over some of the results of the Comprehensive Plan survey.

## 9. ZONING/LAND USE REPORT

**Land Use Admin Lindsey Moore** reported that sixty-five permits have been issued in 2021 so far. She is working with City Manager Ballinger on updated the business registration and license forms. There was also a discussion about identifying short-term rental owners in Elephant Butte.

## 10. PUBLIC HEARING

### a. Approve/Disapprove: Conditional Use Application - Eric Rhee Design

Land Use Admin Moore and Eric Rhee (applicant) were sworn in.

Roll call was taken about any ex parte communication with the applicant.

Vice-Chair Smith - No  
Commissioner Harmon - No  
Commissioner Vickers – No  
Commissioner Fuss – No  
Chair LaFont – No

Roll call was taken for any conflicts of interest.

Vice-Chair Smith - No  
Commissioner Harmon - No  
Commissioner Vickers – No  
Commissioner Fuss – No  
Chair LaFont – No

Dale Stoner (property owner) was sworn in.

Land Use Admin Moore presented the case to the Commission. Then Mr. Rhee explained his home-based business and answered questions.

**Commissioner Vickers motioned to approve the Eric Rhee Design Conditional Use Application (Case #21-0066).** Commissioner Harmon seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion Carried.**

**b. Approve/Disapprove: Comprehensive Sign Permit - Bud's Small Engine Repair**

Land Use Admin Moore and Nancy Evans (applicant) were sworn in.

Roll call was taken about any ex parte communication with the applicant.

Vice-Chair Smith - No  
Commissioner Harmon - No  
Commissioner Vickers – No  
Commissioner Fuss – No  
Chair LaFont – No

Roll call was taken for any conflicts of interest.

Vice-Chair Smith - No  
Commissioner Harmon - No  
Commissioner Vickers – No  
Commissioner Fuss – No  
Chair LaFont – No

Land Use Admin Moore presented the case to the Commission and answered questions. Then Ms. Evans explained the sign and rationale.

**Commissioner Fuss motioned to approve Bud's Small Engine Repair Comprehensive Sign Permit (Case #21-0067).** Commissioner Vickers seconded. Clerk-Treasurer Bush conducted a roll call vote.

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

**Motion Carried.**

**11. REGULAR ITEMS**

**a. Discussion/Possible Action: Ordinance 173 – Nuisance**

Chair LaFont provided an overview of this version of the ordinance. Then, City Attorney Alan Dahl explained some of the revisions, including sightlines, the definition of "property," removing the section containing abandoned vehicles and changing the time restrictions on noise. Next, the Commission discussed the definition of recreation vehicles.

Commissioner Vickers motioned to approve Ordinance 173 pending adding the definition of trailers/towable recreational vehicles to the ordinance. Vice-Chair Smith seconded. 5-0. Motion passed.

**b. Discussion/Possible Action: Ordinance 183 – Manufactured Homes**

City Attorney Dahl explained his revisions to the ordinance. He found out from the State's Manufactured Housing Division that it is acceptable for the City to have a narrower set of materials used for skirting. Therefore he left in Code that only masonry and concrete are acceptable skirting materials in Elephant Butte.

Commissioner Vickers motioned to approve Ordinance 183 pending the amendment of changing the "Manufactured Home" definition in Chapter 155, Sections 005 & 077 by adding "Multi sectional" to the term and revising the definition to say "24 feet by 36 feet." Vice-Chair Smith seconded. 5-0. Motion passed.

**c. Discussion: Prohibited Signs**

City Attorney Dahl recommended changes with City Code, including clarifying in the ordinance that it applies to flags as well as signs and limiting Code with residential signs to be as broad as possible with free speech. He also felt the need to revise commercial vs. residential speech in the Code to better delineated what is allowed for each. He will work on an ordinance and present it to the Commission once completed.

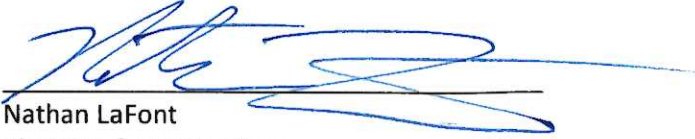
**d. Discussion: Commercial Zoning District - Storage Lots Permitted vs. Conditional**

The Commission decided to move forward with making storage lots conditional use. City Attorney Dahl and City Manager Ballinger will work on a draft ordinance. Concerns include access, screening, trash, weeds and "For Sale" signs. Chair LaFont asked the Commission to email City Manager Ballinger any issues that need to be addressed under conditional use before the next meeting.


**12. ADJOURNMENT**

Commissioner Vickers motioned to adjourn. Vice-Chair Smith seconded. 5-0. Motion Carried.

*Minutes approved and adopted at the Planning and Zoning meeting on July 6, 2021.*

  
Nathan LaFont  
Planning & Zoning Chair

ATTEST:

  
Rani Bush  
Clerk-Treasurer

