



CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC
Tuesday, July 6, 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 for more information.

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Clerk-Treasurer Rani Bush conducted roll call:

Chair Nathan LaFont - Present
Vice-Chair Tami Smith – Present via WebEx
Commissioner Sheridan Fuss – Present
Commissioner Cathy Harmon - Present
Commissioner Cathy Vickers – Present (Arrived late)

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.*

Vice-Chair Smith and Commissioner Fuss noted they might have a conflict of interest during the discussion of short-term rentals.

4. APPROVAL OF AGENDA

Commissioner Fuss motioned to approve the agenda with the amendment of correcting the date of the Approval of Minutes to June 15. Commissioner Harmon seconded. 4-0. Motion Carried.

5. APPROVAL OF MINUTES

Commissioner Harmon motioned to approve the June 15, 2021 minutes. Commissioner Fuss seconded. 4-0. Motion Carried.

6. PUBLIC INPUT

Fire Chief Toby Boone requested that Chapter 92 of the City's Code be reviewed and amended to implement the 2015 International Fire Code for the City. He also requested that fireworks code be reviewed and updated to be more versatile.

7. COMMISSIONERS' COMMENTS

Commissioners Harmon saw many fireworks within the City and out on the beach on the Fourth, commenting that it was scary, but she knows there is not much enforcement capability. Commissioner Fuss suggested that revisions to Chapter 92 might be a topic brought up during the November election so the new council can address it before the next Fourth of July.

Chair LaFont asked about how the City is handling code enforcement in light of the resignation of the last officer. City Manager Vicki Ballinger replied that currently, no one is doing it. However, the City is taking complaints and following up on them as best as possible. The position is funded in the current budget.

Commission Vickers arrived.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger reviewed her report with the Commission.

Commissioner Fuss asked about the washout on Sunset Ridge Road that occurred during the last downpour. It's an issue that has been going on for the past 12 years. City Manager Ballinger is aware of the issue and is looking into what can be done. Chair LaFont suggested that the newly installed gate remain open with the road being blocked, so there is at least one point of ingress and egress.

9. ZONING/LAND USE REPORT

Land Use Admin Lindsey Moore reported that in June, thirteen permits were issued, four of which were new builds. This brings the total to sixty open permits for the year, seventy in all.

10. REGULAR ITEMS

a. Discussion: Recreational & Medical Marijuana Zoning Requirements

Chair LaFont informed the Commission that as of June 28, recreational marijuana became legal in New Mexico, both owning it and growing it. The State will now start writing the laws to regulate it, which must be in place by July of next year. It cannot be banned from the City; however, municipalities will have some leeway in writing ordinances to control it within city limits. It makes sense to consider it similar to liquor ordinances.

A discussion followed about what regulations would make sense for Elephant Butte. Commission Harmon presented Chapter 4, Section 12 of State Local Control regulations for consideration. City Attorney Alan Dahl recommended that the City approve an ordinance about cannabis no later than November of this year. The NM Municipal League has not made any recommendations as of yet. He also suggested following the City's liquor ordinances as a guideline. There are currently no dispensaries in the City.

Chair LaFont defined five components of possible commercial use: consumption, retail, medical, packaging and growing. The Commission agreed that all of these components should be conditional use. Chair LaFont pointed out that Chapter 133 - General Offenses will need to be revised to strike out references to it being illegal within city limits. Commissioner Fuss also pointed out that the special events section of Code will have to be revised. City Attorney Dahl will work on a draft to bring back to the Commission.

b. Discussion: Conditional Requirements for Storage Businesses

City Attorney Dahl is working on a draft of this ordinance. He will focus on entrances, fencing, signages, etc.

c. Discussion: Short-Term Rentals

City Attorney Dahl will begin working on an ordinance for short-term rentals. The Commission gave the following input: requiring business registrations/licenses, occupancy loads, guest quarters, number of properties one owner can operate, smoke alarms, inspections, visible permits, distances between units, and the renting of recreational vehicles and boats. Commissioner Fuss pointed out that the Commission needs to be very liberal with this ordinance as a recreational community wanting to attract visitors. Co-Chair Smith agreed.

d. Discussion/Possible Action: Sierra Linda Subdivision

City Manager Ballinger and Land Use Administrator Moore wanted input from the Commission about lots in Elephant Butte that are being tax-assessed together but are not one lot. They can range from two to seven lots being combined; also, partials are sometimes involved. The owners want these lots to be a single lot without having to do a vacation-of-lot lines that require a costly survey. Also, as one lot, the owners would not have to pay stand-by utility fees on some of the lots in addition to regular utility fees for the main lot. The Commission suggested that these owners request a variance if they do not want to do a vacation-of-lot lines.

11. ADJOURNMENT

Commissioner Vickers motioned to adjourn. Commissioner Fuss seconded. 5-0. Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on August 3, 2021.



Nathan LaFont
Planning & Zoning Chair

ATTEST:



Rani Bush
Clerk-Treasurer

