



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC**

Tuesday, November 2, 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 Co-Chair Tami Smith 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 (Arrived Late)
Commissioner Orlando Saavedra - 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.*

Chair LaFont declared a conflict of interest regarding Regular Item 12a. He had direct financial interest in this item so recused himself from it.

Commissioner Cathy Vickers arrived.

4. APPROVAL OF AGENDA

Vice-Chair Smith motioned to approve the agenda. Commissioner Saavedra seconded. 4-0. **Motion Carried.**

5. APPROVAL OF MINUTES

- a. Commissioner Vickers motioned to approve the October 5, 2021, minutes. Commissioner Saavedra seconded. 4-0. **Motion Carried.**

6. PUBLIC INPUT

None

7. COMMISSIONERS' COMMENTS

Commissioner Vickers thanked the Maintenance Crew for keeping the City clean. Chair LaFont thanked the City for all the hard work on Elephant Days.

8. CITY MANAGER REPORT

City Manager Vicki Ballinger updated the Commission on OHV park funding, an OHV event held at the golf course, and the Infrastructure Capital Improvements Plan Legislative meeting.

Commissioner Sheridan Fuss arrived.

9. ZONING/LAND USE REPORT

Land Use Admin Lindsey Moore reported that there are currently 76 open permits and three pending.

10. CODE ENFORCEMENT REPORT

Land Use Admin Lindsey Moore reported that the fall yard clean-up was a great success.

11. PUBLIC HEARING

a. Approve/Disapprove: Warm Spring Storage's Conditional Use Application

Clerk-Treasurer Bush conducted roll call:

Chair LaFont - Present

Vice-Chair Smith – Present

Commissioner Fuss – Present

Commissioner Saavedra - Present

Commissioner Vickers – Present

No commissioner had ex parte communication with the applicant. No commissioner had any conflicts of interest.

Clerk-Treasurer Bush swore in Land Use Admin Moore and Carl McCleskey (applicant).

Land Use Admin Moore presented the case to the Commission and explained that erosion control had been taken care of. There was a name change to the business. It is now IMC Storage. Mr. McCleskey explained that as the business's new owner, he didn't plan to make any changes to it. He then answered questions regarding access and trash control.

Commissioner Fuss motioned to approve IMC Storage's Conditional Use Application (Case #21-0096). Commissioner Vickers seconded. Clerk-Treasurer Bush conducted a roll call vote.

Chair LaFont – Yes

Vice-Chair Smith – Yes

Commissioner Fuss – Yes

Commissioner Saavedra - Yes

Commissioner Vickers - Yes

Motion Carried.

Chair LaFont requested that Land Use Admin Moore make sure that the access control, distance, trash, hours of operation and possible sign change be reflected in his application as terms of approval.

12. REGULAR ITEMS

a. Discussion/Possible Action: Recommendation to City Council to adopt an ordinance vacating Wood Street

Chair LaFont recused himself and turned the meeting over to Vice-Chair Smith. City Manager Vicki Ballinger explained the reasons for vacating the street. Then Chair LaFont explained his family's history with leasing Wood Street from the City and answered questions. A 10-year lease recently expired.

Commissioner Vickers motioned to vacate Wood Street. **Commissioner Fuss seconded.** Clerk-Treasurer Bush conducted roll call:

Vice-Chair Smith – Yes
Commissioner Fuss – Yes
Commissioner Saavedra - Yes
Commissioner Vickers – Yes

Motion passed.

City Attorney Ben Young explained the next steps for vacating Wood Street. He will draft an ordinance to present to Council through a public hearing at their next meeting.

Vice-Chair Smith turned the meeting back to Chair LaFont.

b. Discussion/Possible Action: Draft Ordinance - Short Term Rentals

Chair LaFont passed out some notes he had taken from previous discussions. The Commission discussed a revised draft of the ordinance from City Attorney Alan Dahl, who could not attend the meeting. The following issues were discussed: multiple units on one lot, inspections, and occupancy load.

Commissioner Vickers suggested having a workshop with City Attorney Dahl that focuses on the ordinance before the next regular meeting. Chair LaFont suggested inviting Mayor Edna Trager and Mayor Pro Tem Kim Skinner to the workshop. Chair LaFont will follow up.

Vice-Chair Smith motioned to table Draft Ordinance - Short Term Rentals for a future meeting. Commissioner Saavedra seconded. 5-0. **Motion Carried.**

c. Discussion/Possible Action: Storage Lot Business Registrations: Permitted or Conditional (Chapter 155.033(f)(5) versus 155.033(g)(28))

Chair LaFont explained the issue and suggested that the discrepancy be corrected when they draft a new ordinance redefining conditional components.

d. Discussion: Trucking / Transportation Companies - Zoning Locations, Permitted vs. Conditional vs. Special Use

The Commission discussed the special use zone and the best way to classify trucking/transportation companies. Chair LaFont suggested that City staff and Legal review the special use zone and recommend the Commission about the best way to proceed. The Commission did agree that trucking companies should be conditional use.

13. 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 December 7, 2021.



Nathan LaFont
Chair

ATTEST:



Rani Bush
Clerk-Treasurer

