



**CITY OF ELEPHANT BUTTE ZONING COMMISSION
NOTICE OF REGULAR MEETING
Tuesday, February 6, 2024 - 10:00 am
103 Water Street, Elephant Butte, NM 87935**

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Commissioner Lee Morris called the meeting to order and led the pledge of allegiance.

2. ROLL CALL/IDENTIFICATION OF VOTING MEMBERS

Commissioner Lee Morris – Present
Commissioner Christine Logan – Present
Commissioner John Masce – Present

City Clerk Cobleigh conducted a roll call and declared a quorum.

3. APPROVAL OF AGENDA - Declaration of conflict of interest

Commissioner Logan made a motion to approve the agenda as submitted. Commissioner Morris seconded the motion.

3-0. Motion Carried.

4. PUBLIC COMMENT

*The Open Meetings Act is in effect and there is a 3-minute limit per speaker on all non-agenda items.

None Submitted.

5. REGULAR ITEMS

- a. Discussion Possible Action: Appointment of Chair

Commissioner Logan made a motion for Commissioner Morris to serve as Chairman of the board as he has the most experience. Commissioner Masce seconded the motion.

3-0. Motion Carried.

- b. Discussion Possible Action: Appointment of Vice Chair

Chairman Morris made a motion for Commissioner Logan to serve as the Vice Chair. Commissioner Masce seconded the motion.

3-0. Motion Carried.

6. PUBLIC HEARING

- a. Variance/Encroachment Request – 306 Michigan Drive

Chairman Morris requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Vice Chair Christine Logan – Present
Commissioner John Masce – Present

Chairman Morris introduced the hearing for 306 Michigan Drive as case number 24-004. James and Patricia Wright are requesting a variance on their property. Chairman Morris stated that City Staff will present the matter and then the Wrights would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 24-004.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner John Masce – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 24-004.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner John Masce – No

Chairman Morris asked all parties who intended on presenting testimony to please rise to be sworn in. The City Clerk asked the commission's approval to have all parties of all three hearings sworn in as an initial group to make their meeting run smoother. Chairman agreed.

Utility Clerk, Jane Tinon swore in the group of all three public hearings, a total of 4 applicants and 1 city staff. James and Patricia Wright, Raymond Macy, Roger Pattison, and Lindsey Cobleigh.

Lindsey Cobleigh, Land Use Administrator presented this case to the commission as case number 24-004 306 Michigan Drive. Cobleigh stated that this is a variance request to place an accessory structure 5' from the main use dwelling on the property rather than the code required 10'. Code Reference for this case is 155.026 E 2 b which states accessory buildings shall be no less than 10' from the main use structure. Cobleigh detailed all documents that were submitted to the commission. The Land Use Administrator denied the application for permitting as this is standard practice when it does not meet code and must go before the commission for a public hearing. Applicants wish to maintain as much of the natural vegetation as possible on the property to help mitigate the natural water flow on the property. Due to the request and the layout of the property it is the recommendation of the Land Use Department to approve this variance as it will not change the dynamics of the neighborhood.

No questions from the commissions.

James and Patricia Wright, applicants of case numbers 24-004, started their testimony with

thanking Lindsey Cobleigh for all of her help through this process. Patricia Wright mentioned that 5' may not seem like a large amount but in this case, it will mean a huge difference in the placement of the building. Patricia also mentioned that if they were to abide by the 10' setback they would have to remove two large trees on their property, whereas if they have a 5' setback they only have to remove one tree. By maintaining the garage closer to the home at 5' they will prevent placing it in the natural water flow further down on their property.

Vice Chairman Logan questioned what an enclosed carport truly is. If it is going to be fully enclosed like a building. Patricia Wright stated yes it will be fully enclosed and have the appearance of a garage. LUA Cobleigh also stated that unless a building has a full concrete slab inside it is typically referred to as an enclosed carport.

Chairman Morris closed the public hearing and requested a motion on this hearing. Chairman Morris stated that any motion made shall include that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case.

Vice Chair Logan made a motion to approve case number 24-004 James & Patricia Wright 306 Michigan Drive and that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes
Vice Chair Christine Logan – Yes
Commissioner John Masce – Yes

Motion Carried.

b. Variance/Encroachment Request – 302 Calle del Prado

Chairman Morris requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Vice Chair Christine Logan – Present
Commissioner John Masce – Present

Chairman Morris introduced the hearing for 302 Calle del Prado as case number 24-012. Ray Macy is requesting a variance on their property. Chairman Morris stated that City Staff will present the matter and then Ray Macy would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 24-012.

Chairman Lee Morris – No
Vice Chair Christine Logan – No
Commissioner John Masce – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 24-012.

Chairman Lee Morris – No

Vice Chair Christine Logan – No

Commissioner John Masce – No

Lindsey Cobleigh, Land Use Administrator presented this case to the commission as case number 24-012 302 Calle del Prado, Ray Macy. Cobleigh stated that this is a variance request to place a mobile home on this property that is less than what the minimum code requirement is; 640sf. Code Reference for this case is 155.027 C 3 which states dwelling shall have a minimum of 800sf of heated area. Cobleigh stated she had been working off and on with Mr. Macy over the past year trying to find a lot suitable for his tiny home to be placed on permanently to make Elephant Butte his home. Time and time again Cobleigh and Macy could run into zoning issues that would hinder the placement of the home. Cobleigh detailed all documents that were submitted to the commission. The Land Use Administrator denied the application for permitting as this is standard practice when it does not meet code and must go before the commission for a public hearing. The applicant is applying for this variance prior to finalizing the purchase of the land with the Land Use Department's advice. The placement of this home would only increase the neighborhood in value and aesthetics. Due to the request and the time that Mr. Macy has placed into finding a lot suitable, the square footage only 160sf less than the minimum and the home being brand new it is the recommendation of the Land Use Department to approve this variance as it will not change the dynamics of the neighborhood, only improve them.

Vice Chair Logan asked approximately what percentage the home is under the minimum square footage requirement. Cobleigh stated it is right at 20% under the minimum.

Ray Macy, applicant of case number 24-012 302 Calle del Prado. Mr. Macy began his research on relocating to Elephant Butte as a single person. Macy purchased the above-described home without thinking there would be restrictions on bringing in a brand-new home as a single person not needing 800sf of living space. Macy stated that he would maintain all setbacks and hopes to also add a single car garage down the road to only improve the property.

No questions from the commission.

Chairman Morris closed the public hearing and requested a motion on this hearing. Chairman Morris stated that any motion made shall include that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case.

Vice Chair Logan made a motion to approve case number 24-012 Ray Macy 302 Calle del Prado and that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Vice Chair Christine Logan – Yes

Commissioner John Masce – Yes

Motion Carried.

c. Conditional Use Business Registration – 400 Warm Springs Blvd

Chairman Morris requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present

Vice Chair Christine Logan – Present

Commissioner John Masce – Present

Chairman Morris introduced the hearing for 400 Warm Springs Blvd as case number 24-013. Roger Pattison for Aardvark on Onate Premium RV Storage is requesting a conditional use business registration. Chairman Morris stated that City Staff will present the matter and then the applicant would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 24-013.

Chairman Lee Morris – No

Vice Chair Christine Logan – No

Commissioner John Masce – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 24-013.

Chairman Lee Morris – No

Vice Chair Christine Logan – No

Commissioner John Masce – No

Lindsey Cobleigh, Land Use Administrator presented this case to the commission as case number 24-013 400 Warm Springs Blvd. Roger Pattison for Aardvark on Onate Premium RV Storage. Cobleigh stated that this is a conditional use business registration request. Code Reference for this case is 155.033 G 28 Boat and RV Storage Facilities also referencing Ordinance 205. The applicant is applying for a conditional use business registration for an RV storage facility within the city limits. The applicant is applying for the approval of this conditional use registration prior to finalizing the sale of the property. Cobleigh stated that all code requirements had been addressed by Pattison in the provided packet. Within ordinance 205 it notates that a storage facility must have a solid fence, the applicant is planning on retaining the pre-existing chain-link fencing and adding the slats to make it more solid and shielded from view if the commission sees this to be code compliant. Cobleigh stated the historical use of the property to the commission. Cobleigh also requested that as it has been previously approved for recent RV Storage Facilities to allow a waiver of the apron and driveway due to the Warm Springs Phase 2 project. Cobleigh stated that it is the staff recommendation of the Land Use Department to approve the conditional use business registration for Aardvark on Onate Premium RV Storage.

Vice Chair Logan asked if the narrative states they will be using the vertical slats if the applicant is held to that or if they can make changes as needed. Cobleigh stated that with this being the proposal

at the public hearing it is then up to the commission to either approve what is presented or make recommendations to further fit the code requirements.

Roger Pattison for Aardvark on Onate, 400 Warm Springs Blvd. began by thanking Lindsey Cobleigh for assisting him in preparing for this public hearing. Pattison stated he did not have much to add to the information already provided by Cobleigh. He requested that he be able to continue the use as an RV Storage Facility.

Chairman Morris asked Pattison if he had a proposed timeline on how quickly all of the improvements and requirements would be taking place. Pattison stated that the arrangements with the seller are contingent on the approval of this hearing today, but if it is approved, they will close within thirty days. All improvements will be made prior to opening for business.

Chairman Morris closed the public hearing and requested a motion on this hearing. Chairman Morris stated that any motion made shall include that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case.

Vice Chair Logan made a motion to approve case number 24-013 Roger Pattison for Aardvark on Onate Premium RV Storage and that staff prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Vice Chair Christine Logan – Yes

Commissioner John Masce – Yes

Motion Carried.

7. COMMISSIONER COMMENTS & REPORTS

Commissioner Masce made no comments, other than thanking Lindsey Cobleigh for helping prepare the board for their meeting.

Vice Chair Logan also thanked Lindsey Cobleigh, and requested in the future public hearings and aerial photo would be quite helpful in the determination of the property.

Chairman Morris thanked Lindsey Cobleigh on preparing the meeting. Chairman Morris suggested we look at potentially changing the number of members on the board from 3 to 5 full-time members. Chairman stated the board is still looking for an alternate member.

8. STAFF REPORTS

*****For the record Clerk Cobleigh stated that items 7 & 8 were combined as an open discussion rather than comments and reports. *****

The Commission had inquired about the new Dollar General going in right next to the Family Dollar. Cobleigh stated that originally this store was set to be across from the carwash, but the sewer line extension was too much for the developer and it was cheaper to develop on Warm Springs.

Chairman Morris stated that there had been an interested party in the old Elks Lodge building that

wanted to put in a touchless carwash, but Sierra Electric was not in support as they would need three phase power. Cobleigh stated that most typically the largest setback for growth and development is infrastructure such as wastewater and water.

LUA Cobleigh stated that there are currently several infrastructure projects starting within Elephant Butte. Cobleigh stated that she will provide the commission with a list of the effected areas. Cobleigh informed the commission that the city was awarded funding to redo Butte Blvd and will also be applying for funding to upgrade and maintain the trail as it is part of the Rio Grande Trail project. Warm Springs Phase 2 will be starting soon. It was originally designed as a three-phase project, but they were able to design it into a two phase and this will be completed late summer early fall. Cobleigh also stated there will be a water project starting soon. Cobleigh stated that with this project there will be additions of new hydrants to the City of Elephant Butte Water System. Cobleigh stated that currently on the CEB Water System there are 47 hydrants with some districts only having one hydrant.

Commissioner Masce asked if it is more difficult for the installation of water and wastewater due to the uneven ground. Cobleigh stated that not so much with the water lines but for wastewater, yes, that is one of the biggest setbacks is elevation changes.

LUA Cobleigh stated that after the wastewater extension on Ocotillo Drive it will also be repaved as it was a part of the San Andres project for paving. Cobleigh stated there had been several smaller paving projects throughout the city as well, Roadrunner, Beach Blvd, Dove, and Hawthorne. Cobleigh stated that within the last 18 months there have been 55 new home builds. For 2023 there was a total of 139 permits issued and so far for 2024 there have been 20 permits issued.

LUA Cobleigh stated that Roger Long is currently the Land Use Assistant and currently helping with all field and code work as well as serving the community as the Deputy Fire Chief. Cobleigh stated that he is also working on the animal control calls for Elephant Butte. Mayor Mortensen is in contact with the city of TorC about a new contract for them to serve the city for animal control.

Commissioner Masce asked what the current population of Elephant Butte is. Cobleigh stated it is 1,763 as of 2022. Commissioner Masce asked if there was a threshold that the city was looking at to reach for additional funding on grants. Cobleigh stated she thought it was 2,500 but was not sure. Cobleigh stated that one of her goals would be annexing Hot Springs Landing into the City of Elephant Butte to raise the full-time residents and gaining additional taxes from those properties. The pros and cons of the annexation were discussed. Cobleigh stated that most likely there would need to be a whole new zoning district created to accommodate the landing, potentially an overlay.

~~a. Clerk~~

~~b. Land Use~~

9. **ADJOURNMENT**

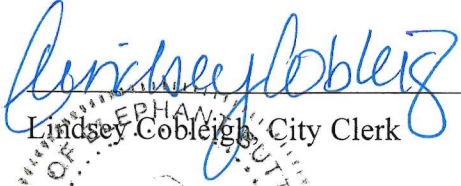
Chairman Morris adjourned the meeting.

Minutes approved and adopted at the Zoning meeting on April 10, 2024.



Lee Morris, Chairman

ATTEST:



Lindsey Cobleigh, City Clerk

