

Planning and Zoning Commission
Regular Meeting
June 6, 2019 6:30 PM

Call to Order

- ◇ Tom Scroggins called meeting to order at 6:35 p.m.

Roll Call

- Present: Chairman Tom Scroggins, Dennis Kintzler, Jim Winters, Lawrence Gordon and Scott Adair
- Absent: Vice-Chairman John Thompson, Secretary L. E. Rubin (excused)
- Also Present: Duty Clerk Amy Lopez

Approval of Minutes of May 16, 2019 Regular Meeting

- Jim Winters moved to approve the May 16, 2019 Meeting Minutes. Lawrence Gordon second the motion. With a 5-0 vote, the minutes for May 16, 2019 was approved.

General Discussion

- Jim Winters said there is a sheet that the Code Enforcer wanted us to look at to amend our fencing ordinance. The discussion continued.
- Lawrence Gordon said that the Code Enforcer should come and speak to us about it. The discussion continued.
- Tom Scroggins said that it would be homework because it would take some time to look at.
- Jim Winters said he thinks the Code Enforcer wants it to be a uniform city and it may not be what we want. The discussion continued.
- Jim Winters said the existing fencing codes are on page 75 and 76.
- Tom Scroggins asked if there were any further General discussion items.
- Jim Winters mentioned the Oasis Café is open.
- Lawrence Gordon said he saw the trash ordinance was creating a quite a debate. The discussion continued.
- Lawrence Gordon asked when the next vote on the trash ordinance will be.
- Jim Winters mentioned there was something else the Council wanted to change so it will have to go up for review.
 - Deputy Clerk Amy Lopez said there would be a public hearing on it June 25.
- Lawrence Gordon asked about the rip rap for the hole on Charmartin.
- Jim Winters said he was told by Mayor Gwinn an engineer study would be required before anything is done with that, as well as Montano from Hwy 47 to the wall to deal with the culvert. He then said three streets off del Fuego need paved.
- Tom Scroggins said he noticed some potholes with spray paint around them. The discussion about potholes continued.

Zoning Issues/Updates

- Jim Winters said that we will be going through the entire Zoning Code, Draft 8, and it could possibly be voted on tonight. He then said there will still be three or four decisions that will need to be made.
 - Page IV- Nomenclatures were added for hearing and notification.
 - Page 1, Section 4-1-2 - language was added.

- Pages 2 and 3 language was added.
- Page 4, Section 4-2-3 -“Conditional Use” was changed, and 4-7-2 as well as 4-7-4 was referenced in other sections.
- No changes were made to pages 5-7.
- Pages 8 and 9 - reference to instructions on 4-18-9 and 4-18-10 was added.
- No changes were made to pages 10-12.
- Pages 13-17 - posting and notification for “Special Use” was added.
- No changes were made to pages 18- 19.
- Pages 20 and 21 - posting and notification was added.
- Page 23, Section C1 posting and notification for “Special Use” was added.
- Page 33 - added posting and notification for “Special Use”.
- Page 36 - “Conditional Use” and “Special Use” were added.
- Page 37 “Overlay Zones”, “Conditional Use” and “Special Use” were added.
- No changes were made to page 38.
- Page 39 – added and changed language.
- Page 40 - changes were made to “Conditional Use” and “Special Use” for permits
- Page 41 changes were made to accessory building height measurements, distance between structures, and aesthetic appearance of carports.
- Page 47 - the wording for carport walls, height and storage use might still need to be changed.
- Scott Adair asked if “of” should be in there.
- Jim Winters said that “B” will require a permit and will need to be reviewed by the commission.
- Jim Winters said an exclusion was made on page 43 to R-1 and R-2, for infill lots, the setback should be equal to the other homes on the street.
- Tom Scroggins said that lot sizes for high density was 21,500 and now it is 3,500.
- Jim Winters said that it was unrealistic, but it was meant for several units put together, and 21,500 is no longer in there.
- Tom Scroggins said that it was still on another page but was not able find it again. The discussion continued.
- Jim Winters continued going through Zoning Code, Draft 8
 - Page 45, Section 4-6-4-B - had a wording changed.
 - No changes were made to page 46.
- Dennis Kintzler said that there were high density changes on 44.
- The discussion on the Zoning Code continued.
 - Page 49 - Articles 3 and 4, certificate of transfer was discussed.
 - Page 51 - notification of 4-7-4 was added and word changes were made on number 4.
- Lawrence Gordon asked why it would be a special permit.
- Jim Winters said that under some circumstances you would want it to expire after some time. The discussion continued.
- Jim Winters said that he was reluctant to make a variance for use of the land, and time limit set. He further said that Gentry will most likely want a “Special Use” to mine and there will not be enough resources to mine forever. He then said that we need to have some flexibility.
- The discussion of the Zoning Code continued.
 - Page 52- notification was added for “Special Use” Permits

- Page 53 - language changed to say the Mayor or Council can appoint whoever they want and was a grammatical error correction was made.
- Dennis Kintzler said a questionable permit can be referred to the P&Z for resolution.
- Jim Winters said permits should be referred to us if there any questions, and now the wording is stronger to ensure this happens.
- The discussion of the Zoning Code continued.
 - Page 54 - wording changes were made.
 - Page 55 - time limit changed to 30 days and Number 6 was transferal of “Non-conforming Use”.
 - No changes were made to pages 56 - 63.
 - Page 64 - language was added.
 - Page 65 -Clear line of sight was changed for clarity. The discussion on “line of sight” continued.
- The discussion of the Zoning Code continued.
 - Page 68 - posting and notification was added.
 - Page 72 - approval limitation was clarified.
- Scott Adair asked for clarification of the approval limitations.
- Jim Winters said that we can change it to approval with limitations.
- The discussion of the Zoning Code continued.
 - No changes were made to pages 73-74.
 - Page 75 - wording was changed.
 - Table of contents will be fixed.
 - Page 77 - posting and notification was added, and wording was changed.
 - No changes were made to pages 78-84.
 - Page 85 - posting and notifications were added.
- Jim Winters said we need to discuss the small tower issue. He thinks that it should referenced and be a category under “Purpose and Exemption”.
- Scott Adair said they can be put on existing poles.
- Jim Winters said there are not really any power poles in Rio Communities, and they could be put in the ROW. He then said the distance between them is about 500’.
- Dennis Kintzler asked if they put them in the ROW. He then asked they not be put on metal poles.
- Jim Winters said they have their own set of rules.
- Dennis Kintzler was worried the city would be responsible for liability.
- Jim Winters said they would have to assume the liability and there is a whole set of rules they have to follow. He then said we can set rules but must follow federal standards. He further said it should be referenced in the Zoning Code but be its own ordinance.
- Thomas Scroggins said it would prevent us from having to revise the Zoning Ordinance and asked if we would be adding 4-16-12, Small Towers, to page 85.
- Jim Winters said that would work.
- The discussion of the Zoning Code continued.
 - No changes were made to pages to 86-94.
 - Page 95 - posting and notification and language was added.
 - Page 96 - posting and notification was added.
 - No changes were made to page 97.
 - Page 98 - posting and notification is explained.

- No changes were made to page 99.
- Page IV - changes were made to the definitions of “Conditional Use” and “Special Use”.
- Page XIX - wording changes were made.
- Jim Winters said it was up to the group to approve this tonight.
- Thomas Scroggins said we can approve this tonight or wait until we have the fencing changes the Code Enforcer is asking for.
 - ❖ Lawrence Gordon made a motion to accept the Zoning Code with the amendments to made. Scott Adair second the motion, and the Zoning Code was passed with a 5-0 vote.
- Jim Winters said we can review the changes he saw needed to be made about subdivisions. He then said the first changes would be on pages 1 and 2, where we need to add 6-1-7, which is hearing, and 6-1-8, which is notification, as references. The discussion continued.
- Thomas Scroggins said when the NM statute is changed, we will have to make an amendment to ours.
- Jim Winters said yes.
- Thomas Scroggins asked if 6-1-7 and 6-1-8 are the same as what we added to the other ordinance.
- Jim Winters said yes.
- Jim Winters said on page 6, there were wording changes that give us more time to review subdivisions and give the Council 60 days.
- Thomas Scroggins said that we need a little more time, 60 days is better, because of the posting an notification rules. The discussion continued.
- Jim Winters continued with pages 7 and 9, adding posting and notification language. The discussion continued.
- Jim Winters said page 26, all standards must meet the requirements of the Standards for Development, Article 6 of the Zoning Code. He continued with page 30, saying lot size requirement were deleted because they are covered in 6-4-1, page 26.
- Scott Adair said to leave it but clarify by saying “see Zoning Code Section 6-4-1”.
- Jim Winters said we can add voting on subdivisions to the agenda for next meeting. He then said we need to consider how to handle abatement and suggested that members review Section 9, “Vacant or Foreclosed Structure Registration”. He further said a bank owned building can be vacant for up to 4 years, they need to do the upkeep and add the building to a registry, so the Code Enforcer can ensure it is maintained. He explained the Code Enforcer has been asked to get the standards and generate a list of items needing to be maintained. He said the registration allows us to inspect the property and stay current with the Property Maintenance Code. The discussion continued.
- Lawrence Gordon said there are snowbirds whose properties are vacant while they are gone and asked how it would affect them.
- Jim Winters said maybe we can have two systems, where the homes would be registered separately, and the snowbirds wouldn’t pay a fee, but they would still have to maintain their home.
- Dennis Kintzler said there are also litigation issues that would need to be decided upon, a home could be in litigation for years and not know who holds the responsibility to maintain it. The discussion continued.
- Jim Winters said we could still go to the court and allow them to decide. The discussion continued.
- Jim Winters read the definition of Abatement and said we may have our interest in Abatement, and it might co-mingle with other legal interest of that property, and it might become complicated.
- Lawrence Gordon asked if the City has the right to take money from the estate.
- Scott Adair said there has to a way to resolve it before it gets to that point.

- Jim Winters said that we need to be fair and would do what we can before it went to court.
- Jim Winters said we will discuss Section 3, “Demolition and Removal of Dangerous Structures”, and read Section 3. He then handed out the “Uniform Code for the Abatement of Dangerous Buildings” and said every place he has read about Abatement has this document referenced. He then explained Chapter 8 of the “Uniform Code” had been deleted. He asked if the problem of vacant buildings should be solved with Abatement, or do we let the Code Enforcer register the building first and resolve it that way. He continued to say we have already gotten rid of two burned homes on Hermosa, one building is up for sale in July and another building the owner has agreed to tear down. The discussion continued.
- Thomas Scroggins said next time we will go over subdivisions again, fencing, and abatement.
- Jim Winters said we have a variance hearing at that meeting too.
- Thomas Scroggins said that he will add the variance hearing and asked if there was anything else that needed to be covered. The discussion continued.

Adjourn

- Jim Winters moved to adjourn. Dennis Kintzler second the motion and the meeting adjourned at 8:01 p.m. with 5 -0 vote.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

L. E. Rubin, Secretary

John Thompson, Vice-Chairman

Lawrence Gordon

Dennis Kintzler

Jim Winters

Scott Adair