



City of Rio Communities Council Special Workshop with Planning and Zoning Commission

City Council Chambers - 360 Rio Communities Blvd

Rio Communities, NM 87002

Thursday, May 12, 2022 4:00 PM

Minutes

Please silence all electronic devices.

Call to Order

- Mayor Joshua Ramsell called to order the special workshop with Planning and Zoning at 4:05 pm.

Attendees

- PRESENT: Mayor Joshua Ramsell, Mayor Pro-tem Margaret R. Gutjahr, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Jimmie Winters.
Planning and Zoning: Chairman Thomas Scroggins, Secretary Scott Adair and Member Melodie Good.
 - Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair.

Animal Welfare

(Please see agenda packet)

- Mayor Ramsell started by stating the planning and zoning committee has brought the survey they sent out to council and their findings.
- Secretary Adair said the whole point in this survey was so council can make an informed decision on how to approach the problem at hand, this started a discussion.
- Councilor Gutjahr said stated 2,200 surveys went out and only 200 responded, 103 no comments, and 97 commented.
- Secretary Adair suggested going to page 6 and read the key take-aways: First, the vast majority of respondents live in single-family dwellings upon lots of one-quarter acre or less, with about half owning a dog and a quarter owning; Of possible significance, 39% of respondents live on lots larger than one-quarter acre; Dog ownership is the most prevalent at 46%; A vast majority of respondents do not own "other" pets; Overwhelmingly (93.5%) of people are concerned that all pets/animals are treated "very" humanely; A significant majority (63.5%) think lot size is the primary determinant in owning other pets or animals; Three-quarters (75%) of respondents think other pets should be restricted based on their size and weight; Opinions are split at (48%/47%) for and against grandfathering in existing other pets/animals; (64%) think a fee should be charged, though none is specified; A little over one-third (35.5%) think no other than dogs and cats should be allowed, regardless of lot size. This infers a sizable population of respondents support other pets or animals; Finally, (60.5%) of respondents are collectively concerned with humane treatment, smell, noise, and damage to their property.
- Chairman Scroggins said that what was talked about at length was concerns of smell and flies and things like that, with discussing we think it should be the responsibility of the person who has the animals. He continued by saying they did a survey to get an idea of what the community wanted and if this turns into an ordinance then we must add, if they have larger animals they need to be attended to, meaning they need to pick up their feces.
- Councilor Apodaca had sent an ordinance from T or C and asked if there was a chance Planning and Zoning were able to look at it. He continued by stating their ordinance is pretty intensive

and they spent a lot of time on it and he only brought it in so Planning and Zoning can see what they can choose out of it.

- Manager Dr. Moore stated he will make sure everyone has a copy of the document.
- Councilor Gutjahr started a discussion by asking if it is helpful/not helpful to see examples of other cities ordinances.
- Councilor Apodaca said the reason he picked it up is to see other samples of how cities are managing ordinances.
- Mayor Ramsell agreed that we need to put it together and then Dr. Moore and Council can go to the attorney and say, “these are the things Planning and Zoning would like to see on our ordinances is there a template that we can edit”, and then once its done bring it back to Planning and Zoning and have you guys make sure everything you guys asked for is in the draft.
- Secretary Adair said there is two questions that need to be answered immediately, one is how do we view this unit, residential, suburban, or combination of large lots. Second, do we want to allow pets.
- Councilor Apodaca asked if there were ordinances in place before the city was incorporated, this continued the discussion.
- Councilor Gutjahr said the concern she has is labeling us as rural, suburban or metro and the USDA looks at us as part of the metro when applying for grants and labeling might cut us out of things, since we are more of a blend.
- Councilor Gordon said one of the big things is if we go by zones, it might have solved somethings due to the lot sizes as well as the future growth, we need to give an answer and continued the discussion.
- Member Good said looking at the zoning map it looks like it is already zoned to where we can say ‘if you live in this zone, you can do this.’
- Chairman Scroggins said doing the survey we then are looking for direction since we cannot decide and before we can move beyond the survey, we need to have the council say this is what we approve.
- Mayor Ramsell agreed with Councilor Apodaca, you will still have smells and flies, but that has been the biggest complaint. He then said are we going to allow them to still have the animals and if so, they need to come get a license and with farm animals we can demand an annual inspection, where code enforcement and the livestock board come in and make sure everything is checked off. He continued by saying they can always say no to livestock and have a grace period to remove the animals, this continued the discussion.
- Councilor Gutjahr said coming down to the decision of large animals, we can say you cannot have then but the ones that do at this point we’d have to have restrictions on smells and such ands phase them out and people would have to pay attention on what is going on. It is really a hard decision on some of these places and lot sizes are an issue.
- Councilor Gordon asked if we could give a time frame to find places for their large animals since they are already on their property and continued the discussion.
- Councilor Gutjahr said it would be hard due to people love their animals but would need more discussion on the matter.
- Member Mrs. Good said she has all the exceptions to this and wonders how this might affect her.

- Councilor Gutjahr said it would be interesting to see what happens in Bosque Farms, they have a lot of horses, and they have residential, so it would be interesting to see what their ordinance is.
- Mayor Ramsell said there are 43 sets of covenants and they have written about large farm animals, but the issue is if a resident wants to take another resident to court and continued the discussion.
- Secretary Adair suggested to rezone residential properties over 1 acre if they want livestock, and anything less keep it residential without livestock.
- Councilor Gordon ask Secretary Adair where he has looked at for zoning reference.
- Secretary Adair said he's looked in towns from New Mexico, Colorado, West Texas, and Oregon.
- Member Mrs. Good said when she purchased her property, she considered her property to have farm animals, but she said she doesn't see any property in the community that is right for horses, this is a residential community and order to have those animals they need to be somewhere else.
- Secretary Adair agreed and then said when Horizon first built this area in the 70s the lots were only half acre to one acre lots and people were not worried about certain things as they do now, but the main intent was suburban life and support the golf course.
- Councilor Gutjahr said the main issue would be is to have enforcement regarding the care of large animals, this continued the discussion.
- Chairman Scroggins said in our area there is no irrigation ditches and if there would be it would be more farm life, and even if you drive towards Los Lunas there is a little irrigation but not here.
- Councilor Winters said Horizon did not plan this to be an agricultural area, they did not allow large animals in the city. He continued by stating he sees this problem going into to two parts in which taking action on are large animals and fowl and sees that's where Council needs to get involved and continued the discussion on lot sizes.
- Member of the Audience said they live next-door to a lady who has a business breeding goats, and the lady now has bees, when she breeds the goats she ends up with 26 at a time not only does this lady have all these but she breeds dogs also and no matter where the wind blows the smell is horrible and the member of the audience can not go outside.
- Member of the Audience said they have a neighbor who has goats and they tried to do everything in their power to get it taken care of but now the neighbor has a bunch of ferial cats running around doing their business in people's yards.
- Member of the Audience said their backyard is next to the goat lady and they cannot enjoy their backyard and only having her door open for a small period of time, she had to get mass amounts of fly strips to get them out of her house. They continued by saying they are worried about property value and if she wanted to sell her house she couldn't do to the horrible smell and flies.
- Member of the Audience said due to her medication sometimes the crying of the goats puts her into shock, and she has really bad anxiety from not only her health but also the dog and goat's noises.
- Chairman Scroggins said they are describing public nuisances and this ought to be rectified with our existing ordinances.
- Manager Dr. Moore said he and the fire chief has been overseeing code enforcement for the city, and he is going to go and check on these places mentioned.

- Mrs. Good asked if they have an idea of how many properties have goats.
- Member of the Audience said on Horner about 10, this continued the discussion.
- Member of the Audience asked if the dogs have to be licensed if you have 5.
- Mayor Ramsell said yes and thanked the audience for bringing their concerns up.

Comprehensive Plan

- Chairman Scroggins said early in the year they were going to work on a comprehensive plan and fix the odds and ends, but we got hit by a whirlwind called cannabis. He continued by saying due to this we have been distracted on finishing the plan and get direction for Council.
- Manager Dr. Moore said last fall we had a State of the City plan which addressed some issues and then said his recommendation would be to get the business of the public safety task force and the economic development task force taking care of and then go through our current comprehensive plan and either get rid of what we already had or keep it and add to it.
- Councilor Gordon said that's a really good start and base to work from, but the comprehensive plan is supposed to tell future plans like 5 to 10 years after.
- Councilor Gutjahr said in the comprehensive plan there is a grid, it would be helpful to us to see where we were back then due to some were at the beginning stages, middle and finished, this led into a discussion.
- Councilor Winters said one of the ideas on the grid is where the money will be spent, and the public safety and economic development committees seem to be a pretty effective way to gain some sort of input for the citizens.
- Councilor Gutjahr said in the beginning when we went through and rate them then we put them on our capital outlay so they would be linked together.

Fees relating to Planning and Zoning

- Council started a discussion on structured fees and getting everything up to date.
- Municipal Clerk Adair suggested making a resolution and putting fees in our new ordinances and giving a fee schedule instead of just saying 'see clerk'.
- Manager Dr. Moore suggested in this initial year to look at the conglomeration of areas that need to have fees and out them together.
- Council continued with the discussion on fees.
- Councilor Apodoca asked if the fees are just for covering costs or designed to make a profit off from.
- Manager Dr. Moore stated neither one of those, this started a discussion.
- Councilor Gutjahr asked Councilor Winters if he did the research back in 2014.
- Councilor Winters said yes, and then asked about the notifications and said what if we charge a certain amount and then if anything goes above it is then added an additional amount.
- Municipal Clerk Adair suggested possibly setting up in July a fees committee, this continued the discussion.

Adjourn

- The City Council Special Workshop was adjourned at 5:28 pm.

Respectfully submitted,

Elizabeth (Lisa) Adair, Municipal Clerk
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

Date: _____

Approved:

Joshua Ramsell,
Mayor

Margaret R. Gutjahr,
Mayor Pro-tem/Councilor

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Jimmie Winters,
Councilor