



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, July 01, 2021 6:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Thomas Scroggins called the meeting to order at 6:09 p.m.

Pledge of Allegiance

- Chairman Thomas Scroggins led the Pledge of Allegiance.

Roll Call

- Present: Chairman Thomas Scroggins and Secretary Scott Adair
- Absent: Vice-chair John Thompson, Mr. Lawrence Gordon, and Mr. L. E. Rubin
- Present: City Manager Dr. Martin Moore and Deputy Clerk Amy L. Lopez
- No quorum

Approval of Agenda:

- Agenda for July 1, 2021 was not approved due to no quorum.

Approval of Minutes:

- Minutes for June 17, 2021 was not approved due to no quorum.

Public Hearing - For the purpose of a variance for the property located at 304 Brugg Drive, Rio Communities, NM 87002, Legal Description: #1010027303250000000, Subd: Enchanted Mesa Lot: 3 Block: 6 Unit: 5.

*** Motion and roll call vote to recess Planning and Zoning Meeting session to go into Public Hearing**

- No motion was made due to lack of quorum. The discussion for the variance is allowed and no action can be taken.
- Tom Scroggins: This is a public hearing of a variance for the property of 304 Brugg Drive, Rio Communities, NM, Legal Description: #1010027303250000000, Subdivision: Enchanted Mesa Lot: 3 Block: 6 Unit: 5. I have one thing I would like to say about this. This is a public hearing to determine a variance on Brugg Dr. at 304 and the possible outcomes that might result are the ordinance must be adhered to and the clearance to the lot lines have to be maintained and that we may say no, which might include requiring the building to be taken down. This is a quasi-judicial hearing before the Planning and Zoning Commission, who by ordinance is required to provide opinions and evidence to the governing body on this matter. The governing body will make the final municipality decision on this matter. The general rules of fairness are used by the Planning and Zoning commission state no member of this commission can gain or lose financially by any decision of this Commission, no member can have x-party communication

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with either the proponents or opponents of this hearing. There are two lists in the back of the room. One is a list of witnesses if you wish to testify on the issue, and I have got the list. These people are within 100 feet of the property, I assume you all are. If you received a notice, a notification in the mail, you are within 100 feet within the petitioner's property. By signing the list, you are hereby swearing to tell the truth in your testimony. Please direct your presentation and comments to the Planning and Zoning Commission and not Directly into the audience. If there is a microphone, please, speak directly into the microphone as someone in the audience or on the Commission may be hard of hearing. Please limit your comments only to the subject listed and not to previous or future issues. Please, only one conversation at a time as personal discussions in the room can be a distraction to us all. After a vote and a decision, the commission will return to regular session and because we do not have a quorum, we cannot make a decision. Since you are all here, we felt you should be able to make your comments and presentation. So, the applicant, or the owner of 304 Brugg Drive is Joylynn Rael. Is that right? And she wants to talk about horse stalls. And if you like to address us.

- Joylynn Rael: Before I decided to bring my horses, I did do my research, Your guys' City ordinance states that if I am zoned correctly, I can have horses. So, I looked at my zoning and I am R1 and R1 states that I am able to have horses there as long as my property is over 15,000 square feet, which it is. So, when I contacted Gordon, he said yes. However, I misunderstood him when he said, what I understood that it had to be five feet from the line and ten feet from the front. That is what I understood. That is not correct, it is supposed to be 10 feet from the back line and 5 feet from the front. So, I am in a timeline to move my horses out of there. However, I have sold two of my horses and am only moving one horse. So, it is just one horse; it is just basically a shelter, it does not pose any type of fire hazard. It will not have electrical. It is basically just a shelter. That is basically it. So, I will fence off everything in the front with pro-panel so that way no one will interact with the horse, pretty much. If I have to move, I will move it to Planning and Zoning expectations. I am just trying to apply for the variance so that I don't have to. I don't want the horse to get trapped behind, so it doesn't tear down the stall. So, it is easier for me to block it off so that he doesn't go behind there.
- Secretary Adair: I have a question. You said there was an ordinance that said you were allowed to have a horse? Where is that at?
- Joylynn Rael: Yes, I read your ordinance and it said if I was zoned R-1.
- Secretary Adair: Where is that do you know?
- Joylynn Rael: It is in Rio Communities.
- Secretary Adair: Do you happen to have a citation?
- Joylynn Rael: No, I actually went on your website.
- Secretary Adair: I have never seen that.
- Joylynn Rael: I was actually on you guys' website, and it said if I was zoned correctly, so I went and looked up my zone and I am zoned R-1.
Secretary Adair: Okay, I will have to research that.
Joylynn Rael: So, there are horses in my neighborhood, behind me, there are people on the other side that have goats and chickens, and I even saw someone's pig get out the other day, right down the street. So, I am definitely allowed to have.
Secretary Adair: As far I know, we have no ordinance restricting or prohibiting any animal other than dogs and cats.

Joylynn Rael: Yeah, there's horses. It just said as long as I was zoned correctly and I had at least 15,000 square feet, and I have almost a full acre.

- Secretary Adair: You have 17,000.
- Joylynn Rael: Actually, it is 23.
- Secretary Adair: On the plat you have 17,430. I am just saying what the documents says. Have you had horses on this land before?
- Joylynn Rael: No, I actually had them in stalls that I am boarding right now, but I actually have to remove them, which is why I sold two of them and only have one. So.
- Secretary Adair: And what do you have in mind as far as keeping the place clean.
- Joylynn Rael: I clean every day, I feed every day and clean stalls. There is not going to be an issue. I do, I feed and clean every day. That is not a problem.
- Secretary Adair: What is the reason for wanting a small offset between property and the stables?
- Joylynn Rael: Yes, I don't want him back there, I am afraid that he is just going to tear down the structure and to avoid that, it is just easier to make it smaller.
- Secretary Adair: I would suggest maintaining the offsets and put a small chain-link fence between the property.
- Joylynn Rael: I can definitely do that and if you are definitely requiring me to move it, I can move it. It is not an issue. Right now, it is already in the process because I am in a time crunch to move that horse, I have to get it out of there. So, It is pretty much halfway up, but I stopped building it for that reason. Because you guys are requiring a building permit, which fine, but the State Engineering office is wanting a structural engineer's stamp, so I can't see myself paying an engineer to come inspect the stall, stamp it and then I have to pay \$1,000 - \$1,500 and you guys require me to move it and I have to pay them another \$1,500 to come out and pretty much inspect it again. So, I am basically waiting on this, to see if you guys are requiring me to move it in or if I can leave it where it is at.
- Chair Scroggins: Are you going to put pro-panel around three sides of it.
- Joylynn Rael: Yeah, so the stall is going to have pro-panel here, pro-panel there and there and pro-panel on the top. It is basically just pretty much shelter. It is not going to have any electric or anything like that.
- Chair Scroggins: The question I have, if you clean up, what are you going to do with what you clean up?
- Joylynn Rael: So, I actually have somebody that actually takes the waste. They actually use it for, they use it for gardens and pretty much stuff like that. That's what I have doing with it prior, so it is not going to be an issue. It will be cleaned up every day.
- Chair Scroggins: So, the person will come pick it up every day.
- Joylynn Rael: I will take it. I go everyday to clean the stalls. It is not an issue. I have done it everyday for the past two years. It is not an issue.
- Chair Scroggins: Do you have any more questions? Marty, do you have any comments?
- City Manager Dr. Moore: No, just a reminder. I am looking for the comments, we will do some research on that issue of what animals. So far, what I am finding is that we don't have a policy one way or another, but we will continue to do that research.
- Joylynn Rael: Yeah, I know I definitely downloaded some documents so I will forward it, but I can also tell you guys that I did talk to Gordon about it, and he said yeas as long as I am in.

- Secretary Adair: If you have that document, you can probably give us that reference number.
- Joylynn Rael: I can take a look and I also have the calls exchanged between me and Gordon, and all he said is that was fine as long as I am within Planning and Zoning. But I misunderstood the offsets and that was my fault so. And he can definitely verify it.
- Chair Scroggins: Alright. Well, thank you. Now we have Mr. Robert Chavez.
- Robert Chavez: Good afternoon, my name is Robert D. Chavez, and I am glad to hear that you guys clean up after your horse. The only problem I have is attracting flies and having a larger animal like that, will it lower our property value, having such a large animal like that. Having such a large animal is unsuitable for our neighborhood, that is mostly the main complaint that I have, and having our property devalued, you know. That's all I have to say. Thank you.
- Chair Scroggins: Thank you. Paul and Ardith Couzins.
- Ardith Couzins: Couzins.
- Chair Scroggins: I do have a name that gets messed up sometimes too.
- Paul Couzins: We have two specific concerns about having a horse next to our property. The first is the odors that would be eminent from the waste of the horse and the horse itself. The second is it would be a source of propagation of flies and other vermin that would be detrimental to the health of other people in the neighborhood.
- Ardith Couzins: I think he probably covered most of what I would say, but I think it is rather strange that on our block the houses are all a third of an acre, something like that. And to my knowledge, I don't think anyone one has, as long as I have been there, and we have lived there 21 years, and we have never had a horse. Now, you know we have a horse on west of us. I know that there are chickens, but that is a little different than having a horse. So, yes, I am concerned about the manure, I am very concerned about the flies and whether it would change the how much our property is worth. And I think that is a concern that all of us have. And I hope that you will take a good look at it and do what would be best for, because if they put a horse then who is going to come in and want to put a horse down the street and one closer, except we live right next to them, and I know Mr. Chavez does too. And it makes a difference so, I would ask if you would consider what you are really going to do for the good, for the good of the community and the neighborhood.
- Chair Scroggins: Now we have Robert and Irene Reader.
- Irene Reader: Hello, I am Irene, and I can see Robert's issue. I live on Horner, and I have an acre and I have a neighbor with approximately two horses, and this is a problem we have, because I can see where they are complaining on that side. I have reported this several times on my property, I am just being nice, all I expect her to do is clean her horse poop, and number two, it does create a lot of flies. Okay? We have an enclose patio, I can't have a barbeque because the flies are horrendous. I put fly traps all along my fence and they are loaded with flies. And it does smell. Their poop. I am talking about my side. But she says she will clean it. But I have had a lot of trouble with that. She put an electrical fence for the horse, which I thought was not very nice with that electrical wire. My fence has been knocked down from the horses because apparently, they don't have that much area to roam around and I don't know if they are approximately one acre, so I don't know, I just feel sorry for the horses because they don't have enough, they are running around but they do not have enough property to me. I grew up in the country when I was a little girl, we had horses, you know country living. Everyone had horses,

chickens, pigs, you know. So that was kind of shocking to me with my neighbors on Riggs when they got the two horses. And it was kind of frustrating. The lady that owns that house, her son is living there and she gave me a call and was very nice and she said she would make sure that they clean the poop that her son cleans the poop, gets rid of it every day and try to put a protection in her field so that the horses would not know down the fence again because I has to, we had to pay for that fence. They did not offer nothing. And I am not against animals, but I think you need to take care of them, and I can see Robert's point and we are talking about and acre. I couldn't have barbeques; I couldn't enjoy my patio. I couldn't invite my family and friends. It is just kind of frustrating. And it will create flies.

- Chair Scroggins: Are the flies on the poop that hasn't been picked up?
- Irene Reader: Well, they are improving now because the mother, because the son is renting and they weren't doing it, has promised me that he will pick up the poop, but I am already seeing flies and when it is windy, I can smell the poop because my windows are facing the east side when I have them open and it is constant.
- Scott Adair: I wonder if they clean it every day. I wonder if you cleaned it every day if it would dramatically reduce the flies.
- Irene Reader: It does.
- Out of order discussion.
- Irene Reader: They have two. The owner of the house, the mother, she lives in Santa Fe, was very nice and said they will clean the poop, but I guess we will see how it is this summer.
- City Manager Dr. Moore: Mr. Chairman, if you don't mind me asking, what is the address?
- Irene Reader: 317 Horner and that, a police officer, Gordon sent him to talk to them. I just wanted it cleaned. They couldn't afford to fix the fence and it was the horse that tore it down. I just think. And we did have a pot belly pig roaming around and my neighbors had goats and chickens and roosters.
- Out of order discussion.
- Secretary Adair: Can I ask you all if you have received a survey about animals?
- Out of order discussion.
- Irene Reader: You know, I am not against animals, and I was raised with animals, but this is to me, when we moved into Rio Communities, you know what it is no body's fault, but you should have rules.
- Out of order discussion.
- Robert Chavez: Something just came to my mind, no offense to my neighbors. Having a large animal like that, and building a corral, does that, when they build that, are they grandfathered in?
- Chair Scroggins: Well, when one is building an accessory building which is what this in many ways would be, if it is more than 120 square feet, then you need a building permit, and she has found out that she has to have a structural engineer.
- Out of order discussion.
- Robert Chavez: I don't know much about horses, but if I were to get a horse, as an example, and do all the steps she did, would that be alright to do.
- Out of order discussion.
- Secretary Adair: We are working on it.

- Chair Scroggins: One of things I have learned being involved in local stuff is Government takes a long time to do something. Part of the problem is we have to create something we can replicate. If we grant a variance for one person, then we can't very well go and say you can't do it. So, this is things we have to be careful of. I apologize tonight because I thought we would have a quorum, but we have people out through the holidays. But I appreciate hearing from you, and we can take that kind of thing into consideration and since we are trying to work on animal ordinance to define what can and cannot be done. You should be getting an animal survey in the mail that will allow you to respond, and we will use that in a future public hearing to try and organize this.
- Joylynn Rael: So, I have a question, if later on the zoning changed, would I be grandfathered in.
- Secretary Adair: We still have to verify your contention that this is in our zoning, because I wrote the zoning and never wrote any words like that, and I wonder if you got that from the County.
- Joylynn Rael: No, I was looking in Rio Communities.
- Secretary Adair: No, I am not questioning you, I just wonder where you got it.
- Joylynn Rael: I even got with Gordon and unfortunately there was a misunderstanding, but my stall, and he will even tell you that he spoke with me.
- Mr. Chavez: One more question. Will having a large animal like that, will it lower the property value.
- Chair Scroggins: That is something we will have to look in to, I do not know enough about the.
- Out of order discussion.
- Chair Scroggins: I think we have said as much as we are likely to say today. Scott and I cannot make a decision.
- City Manager Dr. Moore: Point of order here. I recommend that it be moved to the next meeting.
- Chair Scroggins: It will be continued on the next meeting on July 15, 2020. I think we will close this hearing and pick it up again on July 15, 2021 and we will, no doubt, have a quorum.

*** Consideration of a variance request involving the distance of the setback of a horse shade and weather structure to the rear fence.**

- Not discussed due to lack of quorum.

*** Motion and roll call vote to go back into Planning and Zoning Meeting session**

- No motion due to lack of quorum.

Commission Discussion and Possible Consideration of Action

Variance request for the property located at 304 Brugg Drive, Rio Communities, NM 87002

- Not discussed due to lack of quorum.

Update from City Manager regarding Cannabis regulations

- Not discussed at this time.

Abatement Ordinance - recommendation to Council

- Not discussed at this time.

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Zoning Ordinance Amendments

- Not discussed at this time.

Comprehensive plan review

- Not discussed at this time.

General Commission Discussion/Future Agenda Items

- Not discussed at this time.

Adjourn

- Chair Scroggins adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Amy L. Lopez, Deputy Clerk
(Taken and transcribed by Lisa Adair Municipal Clerk)

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

Lawrence Gordon

L.E. Rubin

Date: _____

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