



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

Agenda

Please silence all electronic devices.

ATTENTION: We encourage you to participate in the Special Workshop from the comfort and safety of your own home by entering the following link: @ <https://www.facebook.com/riocommunities>

Call to Order

Attendees

Agenda Items

- [1. Animal Welfare](#)
- [2. Comprehensive Plan](#)
- [3. Fees relating to Planning and Zoning](#)

Adjourn

Thank you - Joshua Ramsell - Mayor of Rio Communities

We will be streaming live on Facebook Live @ <https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

11/22/2021

City of Rio Communities Pet Survey:

Should the City Regulate Pets Other
than Dogs and Cats?

Prepared by:
PLANNING AND ZONING COMMISSION

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Executive Summary

Rio Communities, a predominately suburban residential community, has seen an influx of non-traditional pet ownership that includes chickens, goats, sheep and horses— animals not typically seen as “pets,” but more suited to rural or farming communities. However, the city’s current animal control and welfare ordinance provides guidance largely on the ownership of dogs and does not reflect this growing trend.

To address this omission, the city’s Planning and Zoning Commission was tasked with developing a survey designed to illicit constructive feedback from city residents. To this end, a 16 question survey was mailed to 2,200 homeowner, of which the city received 200 responses, a 9% response rate.

Of the respondents, more than 80% live in single family homes with more than half (54%) living on lots that are less than or equal to one-quarter acre, while 39% have larger lots, ranging in size from one-half acre to over one acre. Just less than half own at least one dog, and a quarter own a cat. Interestingly, more than 85% of respondents do not own “other” pets, though most respondents (93.5%) think that the humane treatment of animals is “very important.”

Over 63% of respondents disapprove of their neighbors’ owning animals other than dogs and cats, while an equal number think that lot size is the determining factor to owning other presumed larger animals. Consistent with this attitude toward larger lot sizes, 75% think other pets should be restricted to neighborhoods with large lots, and 62% think the size and weight of the animal should be a controlling factor as well. Almost 10% think there should be no restrictions to owning *any* pet or animal.

As far as grandfathering-in existing “other” pets (exempt from future ordinance if such pets are prohibited), the respondents were equally split with 48% saying they should, and 47% saying they should not be grandfathered. As to charging an additional fee for owning other pets, 64% think a fee should be the charged.

Given the availability of larger lots (half acre or more), the range of acceptable “other” pets is quite varied. Number one on the list of acceptable pets is chickens (hens) at 26%. Rabbits, goats, various bird species and sheep are a collective second at 15%, 12%, 12% and 10% respectively. Remarkably, much smaller pets such as fish, turtles and assorted rodents (e.g., hamsters, ferrets, and guinea pigs)—pets one would think are less offensive and therefore more acceptable— less than 3% of respondents think such pets are acceptable, regardless of lot size. Additionally, 60% of respondents are equally concerned with smell, noise and potential property damage.

Finally, for a more comprehensive assessment of respondent’s individual concerns, see *Summary of Resident’s Comments* and *Discussion* section of this report.

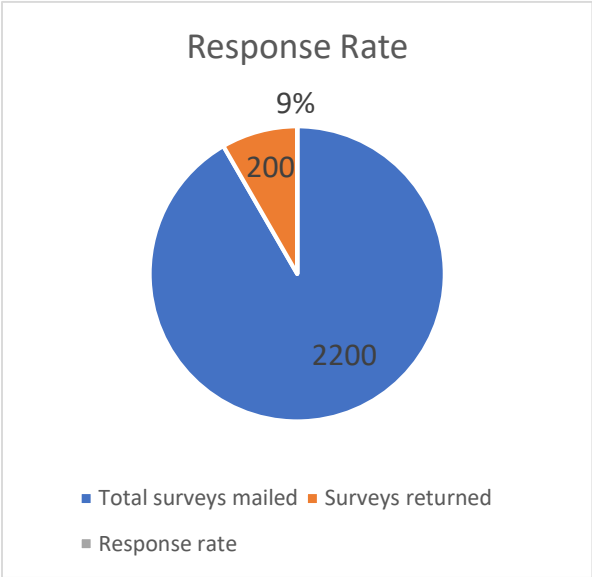
Introduction

In recent years, the city of Rio Communities has grappled with the question of whether to regulate—or how to regulate— animals and pets other than dogs and cats within in a suburban residential setting. This growing trend away from traditional household pets such as dogs and cats, to more unconventional animals such as chickens, goats, sheep, and horses has become a vexing concern to both residents and city officials that is not easily resolved. As anecdotal information suggests, the city has regularly received approximately 150-175 calls over the past couple of years from residents voicing their complaints and displeasure with foul odors, excessive noise, property damage, and the proliferation of flies from their neighbors who own “other” animals.

The Issue: *Are these uncommon yard pets seen mostly as farm animals or livestock, and more appropriately relegated to larger rural settings and not within the confines of a suburban environment?*

Survey Method and Response

Accordingly, the City Council tasked the Planning and Zoning Commission with developing recommendations that could reasonably and equitably address this issue. To this end, the Commission developed a simple 16 question survey designed to “test the waters” of public reaction allowing “other” animals/pets within the city. 2,200 surveys were mailed to residents and 200 were returned—a mere 9% response rate.



With such a low response rate— 200 households among a sample size of 2,200,— any conclusions drawn are immediately suspect, statistically.

However, this is not to say that general trends and reactions cannot be collected as significant indicators or representations of the public’s attitudes on the subject of allowing other animals and pets. Certainly, given the unmediated personalized comments, valuable information is available upon which the city can make informed and equitable policy.

Population and Sample Size

<http://www.city-data.com/city/Rio-Communities-New-Mexico.html#b>

Occupied Housing Units	1,904
Owner Occupied	1,447
Renter Occupied	457

-
- 2,200— surveys mailed (sample size)
 - 200— surveys returned
 - 103— no comments
 - 97— with comments
 - 9.09%— response rate

Questions/Responses & Raw Data

1. Homeowner Status

190- own (95%)
5- rent (2.5%)

2. Home type

165- single-family (82.5%)
21- townhome (10.5%)
7- patio (3.5%)
0- apartment
7- other (3.5%)

3. Lot size

109 $\leq 1/4$ acre (54.5%)
39 $\leq 1/2$ acre (19.5%)
10 $\leq 3/4$ acre (5%)
29 ≥ 1 acre (14.5%)

4. Own dogs

92- yes (46%)
98- no (49%)
More than one
46- yes (23%)
44- no (22%)

5. Own cats

51- yes (25.5%)
149- no (74.5%)
More than one
22- yes (11%)
25- no (12.5%)

6. Own other pets

24- yes (12%)
171- no (85.5%)

7. Treatment of animals

187- important (very) (93.5%)
4- not important (2%)
4- don't care (2%)

8. OK if neighbor owns other pets

63- yes (31.5%)
127- no (63.5%)

9. Lot size determines owning other pets

127- yes (63.5)
66- no (33%)

10. Other pets restricted by neighborhood

150- yes (75%)
37- no (18.5%)

11. Other pets restricted by:

21- size (10.5%)
3- weight (1.5%)
124- both size and weight (62%)
1- smell (.5%)
19- prohibition off all other pets (9.5%)
10- no restrictions (5%)
1- restricted by number (.5%)

12. Existing other pets be grandfathered

96- yes (48%)
94- no (47%)

13. Charge a fee

128- yes (64%)
53- no (26.5%)

14. Allowable other pets based on *your* neighborhood's lot sizes:

71- none (35.5%)
53- hens (26.5)
31- rabbits (15.5%)
24- goats (12%)
24- birds (12%)
21- hamsters, gerbils, guinea pigs, and ferrets (10.5%)
19- sheep (9.5%)
12- ducks (6%)
7- turtles (3.5%)
6- horses (3%)
6- fish (3%)
4- pigs (2%)
3- reptiles (1.5%)
2- peacocks (1%)
1- rooster (.5%)
1- pony (.5%)
1- emu (.5%)
1- turkey (.5%)
1- lama (.5%)

- 4- any animal, no restrictions (2%)
- 1- any animal to supplement food (.5%)

15. Biggest concern with allowing other animals

- 28- humane treatment (14%)
- 28- smell (14%)
- 19- noise (9.5%)
- 121- all of the above (60.5%)
- 7- flies (3.5%)
- 5- public health (2.5%)
- 3- impact property values (1.5%)
- 1- free run (.5%)
- 1- proper shelter (.5%)
- 1- cleanliness (.5%)

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 a cat.
- 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 by neighborhood (presumably areas with larger lots)
- A clear majority (62%) think other animals 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%)¹ think no other pets 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.

¹ This figure does not include 41 respondents who stated in the comments section their disapproval of all farm animals, and the 17 respondents who did not want any farms, ranches or rural zoning.

Summary of Resident's Comments

Of the 200 surveys returned, 97 of the respondents included their personal responses in the comment section (question 16). In many instances, the responses were detailed and extensive. And, while a majority of the respondents offered clearly valuable comments, suggestions, and insights, a small number used this forum to address other concerns that were immediately and personally pressing to them. For council's consideration, these concerns are noted in this report as well.

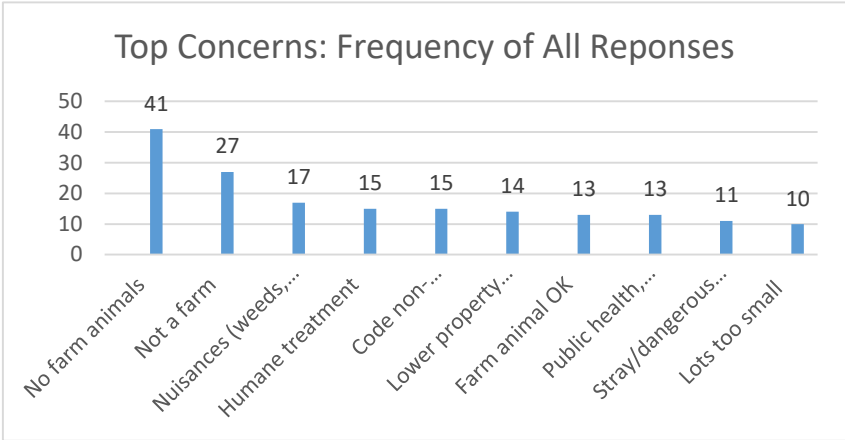
As many of the comments were each a full handwritten page, with a few even longer, to make the myriad comments more digestible, we identified major repetitive key points and gave numerical values to each instant the phrase or word(s) or their similarities were referenced (their frequency of use).

In descending sequence are the more common. At the bottom of this list, some plainly one-of-kind, memorable comments.

- No farm animals- smell, noise, dirty, unkempt, lack of shelter, inhumane treatment (chickens are many times number 1 nuisance)- 41
- No farm, rural, ranch, farm animals- 17
- Nuisance: trash, junk (and **junk cars!**), and weeds (burning too)- 17
- Inhumane/humane treatment of animals- 15
- Dog nuisance (poop, barking)- 15
- Non-enforcement (animal control and general codes)- 15
- Lower property values due to non-traditional animals- 14
- Live and let live, but be responsible, ensure humane treatment, shelter, use common sense, have large enough land (east side)- 13
- Public health, disease, safety, flies, contamination- 13
- Stray, free running dogs (dangerous)- 11
- This is residential- not farm- 10
- Lot sizes too small- 10
- Two pet limit (or reasonable limit)- 7
- Pet owner responsibilities- 6
- Hens OK, but keep them clean, healthy, well housed- 4
- Fix roads- 4
- Animals (generally) destroying property- 4
- Stray cats, nuisance defecating in neighbors' yards- 4
- Livestock used- 4
- RC is an embarrassment (run-down properties, abandoned homes, RVs)- 3
- Hens and goats OK for self-sufficiency- 3
- Poor support and response from animal control- 3
- Fireworks ban- 3
- Spay, neuter and vaccinate pets- 3

- Allow horses, goats and sheep on land large enough to support (1-acre minimum) with strict guide lines- 3
 - This is a suburb or a city- 3
 - Neighbors-inhumane treatment of dogs and cats-enforcement- 2
 - Theft and crime and speeding cars- 2
 - Monthly check health welfare of larger animals- 2
 - Public parks- 2
 - Small in-door other pets (rabbits, guinea pigs etc. OK)- 2
 - We pay plenty of taxes, don't need to be in our business- 2
 - Support having animals of any size, as long as they are well provided and clean, best thing about moving to this areas and for our children- 2
 - Dog Park- 2
 - NO Roosters-2
 - ATVs-2
 - Can't enforce junk cars, trash, and weeds- how can you enforce farm animals, and poor roads- 2
 - Allow livestock in commercial zone
 - Copy Belen's Animal Control Ordinance
 - Equestrian Park
 - Exception- live on mesa, room enough for other animals (pay taxes, no fee)
 - New business (grocery store) as promised
 - Tierra Grande instead (allow)
 - Yardwork program to help seniors
 - Return to AC Disposal
 - Neighbor's pet cruelty to natural wildlife (frogs, birds)
 - Neighbor's yard smells like a dairy farm
 - What's next...Over-reach is about power
 - Room to roam
 - No deadly animals
 - This is the county, not the suburbs, county rules.
-

All top concerns referenced in the comments section ten times or more



Clearly, a majority of respondents are concerned over the question of whether to allow, as they say, “farm animals” at all; and a significant number are concerned with creating a farming/rural community as a subsection within the city. Consistently, respondents gave near equal weight to a long spectrum of concerns: humane treatment, consistent code enforcement, impact on property values, public health, stray and dangerous dogs, and the lack of properly sized lots. However, it should be noted that 13 respondents (3 times less than those who disfavor farm animals) were in favor of allowing “farm animals,” with restrictions.

Discussion

This whole endeavor of a survey was started and developed arguably around this question: *Should, what are essentially farm animals be allowed, and can they be fairly regulated within a suburban environment?*

A cursory review of the survey data might first suggest that a majority of respondents support a restriction on non-traditional/other animals. However, only 35.5% of respondents think no other pets should be allowed. But, from the comments section, 68 out of 97 respondents (70%) adamantly oppose allowing any “farm animals.” Conversely, a deeper dive into the data might well suggest otherwise.

Though supported by only 13 respondents from the comments section, the idea of restricting, what are essentially farm animals, to much larger east-side lots (≥ 1 acre), provided the animal is properly sheltered and cared for, the lot fully maintained, and does not create a nuisance to surrounding property owners, is significantly supported by the collective raw data.

If we accept the proposal for allowing farm animal as stated above, one of the qualifiers is ensuring their humane treatment. Overwhelmingly 93.5% of respondents think the humane treatment of all animals is “very important.”

Another qualifier is large lots (≥ 1 acre) as exclusively found on the east side of Highway 47. A significant majority (63.5%) think lot size is the primary determinant in owning other pets or animals. Additionally, 75% think other pets should be restricted by neighborhood presumedly areas with larger lots, and 62% think other animals should be restricted based on their size and weight. Taken as a whole, there is almost a grudging acceptance that if other animals are allowed, residents think we should do so objectively and responsibly that satisfies the animal owner and their neighbors.

Legal Considerations: What is a pet?

Throughout this report the word pet is used but is never clearly defined. Understandably, most of us have a similar understanding of what a pet is and is not. But what does New Mexico law say about pets? New Mexico statues offer little on this subject other than to declare that dogs are personal property. NMSA, 1978 77-1-1 However, the N.M. Supreme Court defined pet, in part, quoting from the Oxford English Dictionary, "... as a domestic or tamed animal kept for companionship or pleasure." Adding, "[t]he definitions do not state that pets cannot also have utility... [and] also kept as a source of companionship or pleasure can be a pet." *Eldorado Cmty. Improvement Ass'n, Inc. v. Billings*, 374 P.3d 737 (N.M. App., 2016). Or more simply: a pet can not only offer companionship or pleasure, they can also be kept to provide useful services (utility) that benefit the owner. This opens up a can of worms (pun intended).

This two-fold definition of a pet is sweeping if you define the following terms: "domestic or tamed animal" and "utility."

- A domestic animal is any animal that has undergone a change at the genetic level due to selective breeding to better suit a human interest. <https://pethelpful.com/exotic-pets/wild-domesticated-animals>
- Whereas, a tame animal has been behaviorally modified to interact with humans and still be controlled by humans. But these animals are still wild. <https://virily.com/animals/the-difference-between-domesticated-tamed-and-wild-animals/>
- Lastly, a pet can have "utility" in that it can be "useful, profitable, or beneficial... especially through being able to perform several functions... functional." <https://www.google.com/search?q=unity+definition>

Taken as a whole, the combined definition of a pet could easily be:

Any domesticated (the list is long) or tame animal that provides comfort or pleasure or helps its owner. It's noteworthy that most of the animals listed in question 14 are domesticated.

Considerations

- Whatever the Council's decision on this issue, it will no doubt be contentious. At the very least, a decision must be:
Fully supported in law;
Beneficial to the most while burdening the least; and
Enforceable.

- Concerning smaller animals such as rabbits, ferrets and the like, possibly even small “harmless” reptiles... reasonably, the type of pet or animal a homeowner chooses to own within the privacy and confines of their physical abode or dwelling is beyond the legal authority of a municipality so long as such ownership does not infringe upon the right of others.
- A cursory review of the legal literature suggests that livestock are not pets (you don’t eat your pets), and in most municipalities, ownership of livestock is well regulated. In Rio Rancho “[y]ou cannot own domestic livestock, unless your property is zoned for it. This includes farm animals (horses, pigs, goats, sheep, cows), fowl (ducks, chickens, geese, peacocks).”
- If you consider lot size as a qualifier in owning farm animals, the measurable qualifying “lot size” should be the actual enclosure or corral for the animal(s) and not the legal property description/size.
- So much of this issue centers on whether Rio Communities should be considered a rural or suburban residential community, and lot size is integral to this discussion.
- Each of us should have free and unfettered enjoyment of our property, so long as our actions do not infringe upon others, and the rights we expect from others we should likewise return to them.
- According to a 2015 Gallup poll, 80% of Americans believe the welfare of farm animals is important, and 50% believe that farm animals deserve the same considerations as pets.
<https://www.faunalytics.org>

Finally, one comment to a letter we received attached to a survey. It is particular and remarkable in its scope and detail. Hopefully, without offending the author, his main point is:

All reasonable “common sense” animals are allowed so long as they are treated humanely (100%), and strict sanitary conditions are maintained (100%). Here the term humanely is meant to encompass a range of objectifiers: adequate and proper room (lot size), exercise, shelter, protection, and the animal’s health and wellbeing. This is a high bar, and enforcement is an unknown variable in whatever direction the council takes. As another resident remarked... “all animals should be allowed until they become a nuisance.”



City of Rio Communities
Planning and Zoning Commission

360 Rio Communities Blvd. Rio Communities, NM 87002
P: (505) 861-6803 F: (505) 861-6804

November 4, 2021

Mayor Pro Tempore and City Council:

It is our request that the City Council provide to the Planning and Zoning Commission an outline of the city’s overall strategic direction and community development priorities. These are needed to guide the Commission’s work to revise the comprehensive plan.

As a suggested first step, we request that this topic be the primary focus of discussion at the December 9, 2021 joint workshop of the city council and the planning and zoning commission.

As a suggested second step, we request the establishment of a five (5) person working team consisting of two (2) city council members, two (2) members of the planning and zoning commission, and the City Manager. The purpose of the working team is to develop a draft strategic direction document to be reviewed by the planning and zoning commission and passed to the city council for consideration and adoption.

Finally, we recommend a goal of March 4, 2022 to finalize and present the strategic direction document to the City Council for consideration and adoption.

Thank you for your consideration of our request.

Respectfully submitted,

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

Scott Adair, Secretary

L.E. Rubin

Lawrence Gordon

APPENDIX B:

Draft: May 1, 2014

Fees for Applications and Permits		Bosque		Mount-		Suggested
Item	Los Lunas	Farms	Roswell	ainar	VC	RC
Amendment (Special Use Zone)		\$300.00				\$300.00
Amendment (Text change)		\$300.00		\$100.00		\$200.00
Amendment (Zone boundary change)	\$125.00	\$300.00	\$200-\$400		\$250.00	\$250.00
Annexation by Petition			\$300-\$600			\$400.00
Appeal to City Council			\$100.00			\$100.00
Appeal to Commission		75% of original fee	\$50.00	\$50.00		\$50.00
Building (Zoning) Permit					\$25.00	\$50.00
Business Registration Annually	\$25.00	\$35.00			\$25.00	\$35.00
Business Registration Annually (late fee)		\$10.00			\$10.00	\$10.00
Business License (Regulated Business Permit (Class I)		\$1,000.00				\$1,100.00
Conditional Use Permit (Commercial)	\$125.00	\$150.00		\$25.00	\$100.00	\$125.00
Conditional Use Permit (Home Occupation)		\$50.00				\$75.00
Conditional Use Permit (Commercial) - renewal		\$75.00	\$200.00			\$100.00
Designated Use Permit	\$75.00					NA
Development/Flood Hazard Prevention Review		\$35.00		\$10.00	\$50.00	
Plat - Final	1.5% of Infrastructure					1.5% of Infrastructure
Plat - Preliminary	1.5% of infrastructure + \$250 + \$10/lot					1.5% of infrastructure + \$250 + \$10/lot
Plat - Re-plat	\$25.00				\$200/lot	\$200/lot
Mobile Home Permit (Development/Flood Hazard Reviews)		\$75.00			\$75.00	\$75.00
Planned Unit Developments (Review)			\$600.00			NA
Signs	\$25.00 + \$.10 per sq ft over 32 sq ft	\$25.00 + \$1.00/sq ft			\$25.00 + \$1.00/sq ft	No charge
Signs -Billboards (above 128 sq ft)		\$500.00				\$500.00
Special Use Permit	\$125.00		\$400.00			\$250.00
Temporary Use Permit					\$100.00	\$100.00
Variance	\$75.00	\$100.00		\$25.00		\$75.00

APPENDIX B:

Apr-21

Fees for Applications, Permits and other misc items	Suggested
Item	
Administrative Fees for animal shelter pickups	\$100.00
Amendment (Special Use Zone)	\$300.00
Amendment (Text change)	\$200.00
Amendment (Zone boundary change)	\$250.00
Annexation by Petition application fee	\$400.00
Annexation administration fees (reimbursement costs)	
Appeal to City Council	\$100.00
Appeal to Commission	\$50.00
Building (Zoning) Permit	\$75.00
Business Registration Annually	\$35.00
Business Registration Annually (late fee)	\$10.00
Business License (Regulated Business Permit (Class I))	\$1,100.00
Conditional Use Permit (Commercial)	\$125.00
Conditional Use Permit (Home Occupation)	\$75.00
Conditional Use Permit (Commercial) - renewal	\$100.00
Conditional Use Permit (Home Occupation) - renewal	\$50.00
Designated Use Permit	NA
Development/Flood Hazard Prevention Review	
Dog Tags	
spayed or neutered	\$5.00
all others	\$25.00
Inspection of public records:	
Copy per page	\$0.50
flash drive (yours in a sealed package)	\$1.00
flash drive (our sealed package)	\$5.00
Plat - Final	NA
Plat - Preliminary	NA
Plat - Re-plat	NA
Mobile Home Permit (Development/Flood Hazard Reviews)	\$75.00
Planned Unit Developments (Review)	NA
Signs	No charge

Signs -Billboards (above 128 sq ft)	\$500.00
Special Use Permit	\$250.00
Temporary Use Permit	\$100.00
Variance	\$75.00
Zoning Certification	?
Code enforcement inspection fee	
Storage units above 120 SQ ft requires a permit from CID	
All Storage Unit sizes move in inspection and fee	\$75.00
liquor license	