MEETING MINUTES

I. CALL TO ORDER

II. ROLL CALL

Present: Michele Anderson, Sam Thompson, John McCandless, Tim Sawina, Melissa Morris, Ken Killebrew, and Jerry Stermer. A quorum was present.

III. APPROVAL OF AGENDA


IV. APPROVAL OF MINUTES

January 15, 2020 Regular Meeting


V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit)

Curt Flora: 560 Andrews Lane, I've been asking that minutes be put on the website. We want the minutes from (our applications) to be up on the website. We will publish an article to the public to join us in our fight.

Commissioner Sawina: I totally agree. Is there a reason why our minutes wouldn't be on the website?

Laurie Stout, PZA: They are on the website, but don’t go back (to all previous years).

Flora: We want from July of 2018.

Stout: They go back to a point in 2019. In the meantime, they are available for public viewing at any time.

Chair McCandless: Have you had access to the minutes when you requested them?
Flora: When we requested them, we did have access. We want the public to have access to our minutes.

VI. PUBLIC HEARING ITEMS

ZOC 20-04. Applicant Zachary Furlow of 61 Tamarisk Trail in Corrales requests home occupation permit approval for “The Shapen Oar, LLC”, which will use 200 square feet (in an attached garage) for a woodworking/ carpentry workshop.

Applicant Zach Furlow, 61 Tamarisk Trail (sworn): I’d like to run a small carpentry business out of my garage workshop. Just small hand tools, nothing of an industrial scale. Would like to make small wooden goods; sell at the Maker’s market.

Commissioner Morris: So you are operating drills and things of that sort?

Furlow: Drill, table saw—about the loudest thing I have is a shop vacuum.

Commissioner Morris: I want to feel assured it won’t create a lot of noise for the neighbors.

Furlow: No. I’ve been doing this for months as a hobby. All I’m doing now is putting a few items for sale at the makers market. I have a regular 9-5 job. This is only part-time.

Commissioner Sawina: I had some questions for Ms. Stout. I’m concerned about, (not this particular applicant), but the noise. Nothing has been more contentious than someone having a home occupation, and not necessarily following the rules. Once we approve something, what recourse does the public have if this applicant or any applicant doesn’t follow through?

Stout: The home occupation application asks applicants to make certain statements and sign and attest that (their home business) will be subordinate and incidental to the use of the home as a dwelling—and that they won’t create noise, etc. that is discernible from neighboring properties. If that ends up not being the case—and I will say—the vast majority of home occupations are in conformance. The ones that aren’t are the ones we hear about, and because they came before the Commission and testified, and because we have a signed application, we can now use that in a court setting if it comes to that. (Discussion of the process used to take a complaint from the beginning, through code enforcement, and ultimately to Municipal Court if compliance is not obtained by Planning and Zoning.)

Commissioner Morris: Can the court impose a fine if they refuse to comply, or jail time?

Stout: Yes. And the Village does not renew the business license.

Commissioner Morris: And then if they still fail to comply?

Stout: The court is the last resort. The Village can always referee charges.

Commissioner Sawina: If there is a violation of a home occupation, that would go to your office, as the Planning and Zoning Administrator, and not to Code Enforcement?

Stout: Code Enforcement is part of Planning and Zoning. Now that we have a Code Enforcement Officer, they will be the “prosecutor” (taking it to court).

Chair McCandless: The P & Z administrator supervises the Code Enforcement Officer.

Stout: Sometimes other village employees get involved—Building Official if there is also a building violation, for instance.

Move to approve ZOC 20-04: Sam Thompson. Second: Jerry Stermer. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. (Unanimous.)

STR 20-03. Owner Karen McVey of Oakland, CA and operators Chip and Linda Babb of 3128 Renaissance Loop SE in Rio Rancho request short-term rental permit approval for a 3-bedroom house located at 140 Wagner Lane in Corrales. This property is zoned A-1 Agricultural and Rural Residential.

Chip Babb, applicant, operator (sworn): We lived in this house since 1991, and for the last four years it’s actually been a short-term rental. We’ve had six people stay at our house, including Karen, who have subsequently bought a house in Corrales. We’ve had from 2 to 8 people staying in the house from time to time.

Chair McCandless: And you are transferring the property to Ms. McVey?
Babb: Yes, we closed in December. Karen wants to continue it as a short-term rental and will be moving into the house in August.

Chair McCandless: I have a couple of procedural questions, and part of this is for the record. I know with bed and breakfasts, we have to have someone in the house, residing there. Is that the case for other short-term rentals that are not bed and breakfasts?

Stout: No, it’s not. The short-term rental ordinance was designed for any type of rental—whether it be someone renting just one bedroom in their house, or the whole house. A bed and breakfast is a type of short-term rental. They have their own professional organization, and they happen to serve breakfast to guests. The ordinance was designed to be the catch-all.

Chair McCandless: So, there is no residency requirement for the owner of the short-term rental?

Stout: No, there’s not.

Chair McCandless: Mr. and Mrs. Babb have made this application on behalf of Ms. McVey. I didn’t see in the application any formal acknowledgement of that management relationship.

Stout: On the application itself, you can see (we asked for) the property owner, and the operator. Ms. McVey has bought the house, but until she moves into it, the Babb’s will operate the short-term rental.

Chair McCandless: Is it appropriate for the operator and not the owner to be filing the application?

Stout: It is. Both must give us their 24-hour contact numbers, addresses and emails in case of emergency.

Chair McCandless: We don’t request any type of legal acknowledgement that the property manager has any kind of legal authority?

Stout: I do ask for that. It’s not in your packets, but ownership is confirmed.

Karen McVey, applicant, owner (sworn): So far, what I’ve seen, is we tend to rent to smaller groups of people. In keeping with the neighborhood, six to eight people is the max. Right now, we have two people (staying there). We have parking for at least ten vehicles. It’s all off-property parking.

Babb: With both Airbnb and VRBO, people who request to rent your property have to be vetted. You can look at reviews of anyone who requests to book, to see how they did with other people they’ve rented from.

McVey: We’ve rejected some people who want to have a huge group.

Babb: We have people who want to have weddings and things, and we refer them to Casa Vieja, etc.

McVey: I’ve worked so hard to get here; I don’t want to make (neighbors) angry!

Motion: Approve STR 20-03, Melissa Morris. Second: Ken Killebrew. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. (Unanimous.)

STR 20-04. Owner and operator Gary Johns of 6461 Coventry Hills Dr. in Rio Rancho requests short-term rental application approval for a 2-bedroom house located at 637 Dixon Road in Corrales.

Applicant, Gary Johns, (sworn): I have a 2-bedroom house at 637 Dixon Road that I have on VRBO. I’ve got plenty of off-street parking. I have a grounds crew and housekeeping. I use the house frequently myself. I’m here to request a permit.

Commissioner Stermer: How about the crossed off six occupants? Now it’s four?

Johns: The house has two bedrooms, with a king and a queen. Officially, the occupancy will be 4.

Stermer: Has it been six?

Johns: I’ve never had six there, unless I was there with my family. I might have had a kid sleeping on a couch. I make it perfectly clear on the website it’s for four people. Most of the time it’s only two.

Chair McCandless: I noticed that the septic permit for this was issued in 2012. Has the Council as part of this ordinance, taken a look at the timeline for septic inspections, ensuring that the septic system is currently functioning well?

Stout: Any time a property changes hands, that will prompt a septic inspection or re-inspection requirement. Otherwise, we have to go with what the state has approved. For the purpose of the short-term rental permit, the reason we ask for the septic permit is so that if there are three bedrooms on the property, the septic permit is for three bedrooms as well.

Commissioner Thompson: Are we requiring fire inspections?

Chair McCandless: Yes. This property has already gotten one. It’s a requirement in all the applications.
Motion to approve STR 20-04: Tim Sawina. Second: Melissa Morris. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. (Unanimous.)

SUM 20-01. Agent Community Sciences Corporation is representing property owner Phillip Cordova of 482 W. Meadowlark Lane, Corrales and Shawn and Caryl Stuart of 648 W. Meadowlark Lane, Corrales. They are requesting Summary Plat approval to adjust a lot line between existing 2.43-acre Lot 2, Lands of Stuart and existing 1-acre Lot 5, Arbole Grande, thereby creating 1.8-acre Lot 2-A, Lands of Stuart and 1.7-acre Lot 5-A, Arbole Grande. These properties are zoned A-1 Agricultural and Rural Residential.

(Tom Patrick, Phillip Cordova, Caryl Stewart and Shawn Stewart were all sworn in)

Chair McCandless: This application is a little complicated, but basically we want to move a property line between two properties, is that correct?

Tom Patrick, Community Sciences Corporation: Yes. We are here to ask that a portion of Lot 2, the most easterly portion, be combined with a lot that's currently described as the east 177' portion of Lot 5, Arbole Grande. This will increase the acreage of the new Lot 5-A, and will make that area more usable for the owner, Mr. Cordova. (Existing) Lot 2, which will now become Lot 2-A; it will reduce the amount of non-buildable area on that, while maintaining the same amount of buildable area on new 2-A. We think this will also be an improvement for Mr. Stewart. And Mr. Cordova intends to use this extra land in an agricultural sense, to have horses.

Commissioner Sawina: Adjacent property owners, were they notified?

Stout: Yes, certified letters were sent.

Motion: Approve SUM 20-01, Sam Thompson. Second: Michele Anderson. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. (Unanimous.)

VII. OTHER BUSINESS

VIII. PZA REPORT

Commissioner Killebrew: Home Occupation permits, they are a year permit?

Stout: The home occupation permit is good unless the business changes. It's the business license that is renewed yearly.

Commissioner Killebrew: Do they get letters sent out, saying your fee is due? They used to.

Stout: I believe the Clerk's office has had postcard reminders, and may again. My understanding is that they are working on it.

Commissioner Sawina: I am delighted the Village has a new code enforcement officer, and that you will be supervising them. But I would like to repeat the request that I made a year ago to your predecessor. I feel very strongly that there needs to be a process in writing, so people know exactly who is responsible if they are not getting satisfaction from the code enforcement officer—that you're their supervisor—however you do it. It's not for me to say how it's done. But it's been so difficult, and people don't know who to talk to, who's responsible, where the buck stops. I think it needs to be in writing, I think a brochure would be handy. It certainly should be on the website. To be really specific and clear about the whole process.

Stout: Point taken, there can be some language as to (the process).

Commissioner Morris: If someone files a complaint and it gets to you, is there any procedure for following up with them? Do they expect to be told what happens, or do they need to call? I think people get frustrated when nothing happens.
Stout: On the form itself, it asks whether the complainant wants to be contacted. Some people want to remain anonymous and say no. I hate to see that because we may need them later as a witness—but that is their right. I will discuss with the new code enforcement officer their plan for periodic follow-up. Violators are given time to comply, and that time frame varies. The goal is always compliance. If they choose not to comply, then we have the process of filing with the court, and then the various court settings, which can take some time. 

Chair McCandless: I can see the challenges of just working through the process. I know the Planning and Zoning administration does try to get voluntary compliance, and that process can move fast or slow. 

Commissioner Morris: I’m not saying it has to be fast, but a way to let (complainants) know it is moving through the process. People don’t always understand. 

Chair McCandless: And that’s where having the process documentation laid out would help. 

Stout: And once a complaint ends up in court, it is under the court’s purview. They will set the hearings, and make the ruling. If something continues to happen, or happens again, the Village can refile charges. 

Commissioner Killebrew: A concrete example is an owner who lets their dogs run loose. They are notified, comply for a little bit, but then start letting them run out again. 

Chair McCandless: It might be interesting down the line to hear from the new code enforcement officer, what her procedures might be. 

Stout: She’s experienced, and will be able to take care of business, I think. 

Commissioner Stermer: When we had the process about the slopes, one thing that we recommended was that the Village engage in a public awareness effort. 

Stout: That is on my plate. It is also relevant to floodplain (issues). I do have plans to put something on our website about retention ponds, which are the Village method to help control stormwater. Uncontained stormwater floods properties. Right now, about every spring, before monsoon season, a selected neighborhood will get letters talking about the ponds, the responsibility of the property owner to keep them functional, here’s what Village Code says, and why it is important. 

Commissioner Stermer: There may be, in your professional circles, other Villages that have come up with public education materials. Beyond your letters, I kind of envision a conversation with the whole community. All of these various organizations that are the heartbeat of Corrales, maybe they could join together in supporting the public awareness campaign. I think the action of the Council that the public heard about was “we’re not changing the slope”. But what about the other part. 

Stout: I’m glad you brought that up, Commissioner, because an important part of the Chapter 18 reworking is that entire section about grading and drainage. It’s hard for me to navigate, seeing it and working with it every day, let alone explain what it means in terms of what a property owner needs to know and do. It can be made to be more user-friendly. 

Commissioner Thompson: The Sandoval County master gardeners are going to put together, a list of erosion control plants by season, so that can be available. And they will be specific for our soil.

IX. COMMISSIONERS FORUM

Work Study discussion

Chair McCandless: This was brought up in our last meeting by Commissioner Morris. Given that we have this short-term rental ordinance, there are a lot of nuances there. The question was whether we would want to take some time to see if we can work through, or at least identify some of these nuances. To make sure we’re not overlooking something in these applications. 

Commissioner Morris: I can’t decide if we should do it before a bunch of these come up. Seems we won’t know what the problems are until we start seeing them. I think the one that motivated me was the one with the “one and a half” parking spots.
(Discussion of short-term rental parking requirements, and of the Commission’s authority to impose conditions on an applicant. Request by the Commission that Sandy Geiser from MRCOG provide a Commissioner training workshop on site.)

Chair McCandless: In terms of the short-term rental ordinance, we’re comfortable looking at some more and learn as we go?

X. NEXT HEARING: March 18, 2020

XI. ADJOURNMENT

Motion to Adjourn: Ken Killebrew. Second: Sam Thompson. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerry Stermer and Ken Killebrew. (Unanimous.)

Laurie Stout, Planning and Zoning Administrator

Date

John McCandless, Chair, Planning and Zoning Commission

Date