MEETING MINUTES

This will be a Teleconference Planning and Zoning Commission meeting. The public is allowed to join. You are encouraged to join the meeting before 6:35pm. The meeting link is https://zoom.us/j/96609340303. Those without internet access or a computer microphone may phone in to the meeting at 1-669-900-6833. The meeting ID is 966 0934 0303#. Please email Laurie Stout at LStout@corrales-nm.org if you wish to speak during the meeting, so we can acknowledge you and have you sworn in when that agenda item is heard.

I. CALL TO ORDER

II. ROLL CALL

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

III. APPROVAL OF AGENDA


IV. APPROVAL OF MINUTES

February 19, 2020 Regular Meeting


April 28, 2020 Work Study

P&Z Commission Minutes for May 20, 2020 meeting

V. OTHER BUSINESS

Approval of changes to Resolution 20-01, establishing regular meetings of the Planning and Zoning Commission and determining reasonable notice.

Motion, Approve: Sam Thompson; Second: Jerry Stermer. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerome Stermer, Ken Killebrew. (unanimous)

Approval of changes to Rules of Transaction of Business (now Resolution 20-03)

Motion, Approve: Sam Thompson; Second: Melissa Morris. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerome Stermer, Ken Killebrew. (unanimous)

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

(None)

VII. PUBLIC HEARING ITEMS

STR 20-05. Owners and operators Jamie and Melanie Chadwick of 149 Arabian Lane request short-term rental application approval for a 4-bedroom house located at 149 Arabian Lane in Corrales.

(Applicants Jamie and Melanie Chadwick, sworn)

Melanie Chadwick: we are applying for a short term rental permit. We’d like to rent out our primary residence from time to time. It is on one acre, 4-bedroom, 3 bath.

Commissioner Anderson: You have a four bedroom for 16 plus guests?

Melanie: we have extra beds.

Commissioner Anderson: I was looking through our ordinance, do we have a regulation on occupancy per bedroom?

PZA Stout: The ordinance does not have an occupancy limit, but a maximum of six bedrooms are allowed.

Commissioner Anderson: Based on environmental, and building code—it’s based on two occupants per room. Unless it’s family, then you can have one more. What are we going to go by? Are we just filling up a house?

Melanie: We just filled out the application.

Commissioner Sawina: I had a question for Commissioner Anderson. You read a cite for a maximum occupancy of two people per bedroom, where is that cite? Legally, who’s covered by that?

Commissioner Anderson: There are federal regulations under HUD, New Mexico environmental is based on an occupancy of two per bedroom, and International Residential Building Code. (IRBC) is based on seventy square feet for the first occupant, and fifty for each additional. My biggest question was do we have anything in our ordinances (regarding occupancy limit)?

Commissioner Anderson: That’s the basic question, are we going to allow as many people as possible to fill a bedroom?

Commissioner Sawina: I think we’re bound by what’s in our ordinances.

Melanie: The house is 4400 square feet, each bedroom is large.

Jamie Chadwick: Also, this is our residence.
Melanie: We actually have six children, the pull out beds are when we have friends over.
Commissioner Morris: If the septic approval for the state is based on two people per bedroom, it seems like we need to clear it up.
Chair McCandless: I looked at NMED regulations. You are approved for a 4-bedroom home, which is 440 gallons of liquid waste per day. I looked at commercial establishments, under hotels/motels; they assume 60 gallons per day per person. If you had 16 people that's getting up to about 1000 gallons per day. You could potentially swamp the septic system. We do have to take into account the impact on your septic.
Ken Killebrew: You don’t expect to have 16 people 365 nights a year?
Melanie: No.
Ken Killebrew: We may have interpreted it as you want 16 people all the time. I know for short-term rentals that’s probably not going to happen. My concern is with parking and neighbor concerns. It’s not going to be an event center, correct?
Melanie: Right.
Ken Killebrew: That’s not allowed, no events, no parties, no weddings, stuff like that. There are very few families that have 16 people. I just don’t want to overreact.
Commissioner Thompson: Looking through some of the neighbor concerns, I’m wondering what your plan is to help maintain the private road given that there will be more people and wear and tear on it.
Melanie: We don’t think there will be additional traffic. Whoever is renting the home will be driving instead of us. We are the second property on our road, and our portion of road is well-maintained.
Commissioner Thompson: You’re talking about renting it out to many more people than just you two. So there will be more traffic. How many drivers and vehicles in your family?
Melanie: Four vehicles, five drivers.
Commissioner Thompson: To get back to the requirement it not be an event center--one of the comments is saying that you will be in Las Cruces when you’re renting out the house?
Melanie: That is not true. Some of the things in those comments--
Commissioner Thompson: Ok, what I’m wondering is, are you going to be available within one hour if people who have rented it out decide to have a large party?
Melanie: Absolutely. This being our primary residence, we are very concerned about what might take place. We’ve made that very clear in our rules. We’ve read through everything that the Village has provided for us, as well, and we plan to adhere to all of that.
Commissioner Thompson: Have you advertised on any sites yet?
Melanie: No.
Commissioner Sterner: Two questions. You’ve read through the statements that Commissioners received from various neighbors?
Melanie: Yes.
Commissioner Sterner: What is the confusion about Las Cruces? We read that you would be there while the house is being rented.
Melanie: We spoke with the wife of the neighbor who wrote that. We have relatives in Los Lunas, I think it was a misunderstanding. We know somebody has to be close enough to address issues that might arise.
Chair McCandless: The application and summary from Ms. Stout did indicate you said Los Lunas.
Commissioner Morris: The part of the application that shows the parking just shows a black spot. Are six parking spaces marked and available?
Melanie: About a third of an acre is available for parking.
Jamie: they’re not marked as parking spaces
PZA Stout: I did visit the property and saw a large area where six vehicles can realistically park. Probably no more than that, though.
Chair McCandless: I would like to see a more detailed plan clearly showing the six parking spaces required. A parking space does have a minimum dimension.
PZA Stout: It’s 9’ X 20’, I believe.
Melanie: On the google map view of the property, that shows it a little better. You can see one car there and that gives you an idea of the scale.
Jamie: All the clear area is parking area.
Commissioner Morris: In your ads that you put out, what does the “plus” mean?
Melanie: I believe the plus was supposed to be the cribs. That’s the portable cribs for the babies.
Commissioner Morris: It seems that saying 16 “plus” (implies more than 16 people)
Melanie: When I went to list, that seemed to be the closest option that we had.
Commissioner Morris: I understand that having people parking on the road could be a concern. Can you make your ads clear that they cannot park on (Arabian Lane)?
Jamie: When we first moved in, we had a Matanza, the police came and explained it to us; we learned our lesson about no on-street parking.
Commissioner Morris: I want to make sure your potential clients are also aware.
Jamie: We know certain people will be up in arms if that happens, so we will be very clear that that can’t happen.
Commissioner Thompson: Sixteen+ guests sounds like 16 adults plus. You don’t really mean 16 adults, do you?
Melanie: I wouldn’t expect that.
Commissioner Thompson: It’s not what you expect, it’s what you allow, and what you’re going to advertise. I don’t think your septic system will accommodate that, even if it’s just for a few days.
Melanie: When we have guests over, say for a birthday party, it’s never been a problem in the past. Renting is something we would like to do occasionally, it’s still our primary residence.
Commissioner Thompson: I can’t tell you how to resolve it, but I’m concerned with that open ended description of who can rent it out.
Chair McCandless: Please understand our concern is for you as well. We don’t want your septic system to fail. It’s not good for you or the neighbors. That accumulated load over time, if you’ve got a thousand gallons a day going into a (1500 gallon tank), I have a concern that the bio-digestion that has to take place may not have a chance to happen. It’s these kinds of things we are concerned about. Another concern; the governor has put a limit on occupancy of 25% right now, want to make sure you honor that restriction until it is lifted.
Jamie: We put in our application before all this. Right now we don’t want anyone else, this is just a step we’re taking for the future.
Michelle Worm, 17 Arabian Lane, (public commenter, sworn): I have general concerns with the neighbor. I didn’t know they were applying for a permit. Last year when we had a problem with an Airbnb, there should have been a general neighborhood notice. If you’ll remember, there was a big neighbor turnout. I would like to know how many nights per year? I live on the road in front of them. In the wintertime the road gets bad. I have concerns about the width of our road. Now we’re going to be having new people on the road. Who are they going to be renting out to?
Jamie: We were told to put the sign out by the road in front of our property. I apologize, I should have had a conversation with you. We haven’t done anything yet. We were thinking a couple of nights every couple of months, and Balloon Fiesta.
Worm: Nights per year?
Jamie: We really don’t know yet. We live here, we don’t want to be gone that much. Just visit grandma in Los Lunas. We know the 5220 Corrales Road issue put a bad taste in everyone’s mouth. We just want to have some families stay over. No parties, no events, no weddings. In our rules, there is a curfew for noise. They will get kicked out if they break those rules.
Worm: Perhaps you could share your rules with the neighborhood.
Jamie: We can definitely do that for you.
Worm: The road use is important to me.
Chair McCandless: We need to recognize there was an issue in the past. What I hear from the Chadwick’s is they are willing to work with the neighborhood to make sure you don’t have the same situations. In the ordinance, the fail-safes for people who abuse the rules, seem to be stronger. These are valid concerns, certainly.
Commissioner Stermer: There was a concern that some people didn’t see the posting. We heard from other people who wrote in comments. The Chadwick’s have indicated that they would be interested in further communication with the neighbors. Would you ask the Commission to hold on this approval until you had that communication?
Melanie: We had the sign out as instructed by the Village. I guess I don’t know what exactly we have to have approved. We really are trying to work with the Village and follow the policies that you have. I don’t know that we can please every neighbor.

Chair McCandless: Typically at this point we would have a discussion amongst the Commissioners, and if there are any conditions we feel we should add, you have the choice to approve with conditions.

Commissioner Killebrew: As septic systems go, the people in Corrales have a lot of community events, where there are hundreds of people who come by over a weekend. In my view, they’re not saying that they are going to have 16 people there every day of the year. To me, it’s not a big concern. The concern is that it not become an event center. In our ordinance their permit can be revoked if they (have events). We have to follow our ordinances. If they have checked off all the marks in the application, it looks ok to me.

Commissioner Sawina: I do appreciate the concerns of this Commission. But at the end of the day, our job is not to write the ordinance but to interpret and apply it. Our ordinance requirements are clearly spelled out, and the applicants have met them. It’s not our place, in my view, to re-interpret that.

Commissioner Anderson: I concur. The way that we wrote the ordinance, they are in full compliance. We need to go back and look at the ordinance. The septic system is not based on 200 people going through an art gallery, but toilet, showers, kitchen use, laundry, things like that. If you had a large group there for three full nights, you’d have a problem.

Commissioner Morris: These might be issues that should be brought to the council.

Chair McCandless: I agree that as the ordinance is written, you can have as many people as you want as long as no more than six bedrooms.

Commissioner Sawina: I thought Ms. Stout’s response to one of the neighbors was very good. I know the neighbors are gun-shy given what’s happened in the past year. I’m pleased to see that under her and the new Code Enforcement, and the rules being clearly laid out, that there is a real mechanism for compliance. I would say to the neighbors, you do have recourse, if needed. Hopefully it won’t be needed.


SUM 20-03. Agent Community Sciences Corporation is representing Beta Investments, LLC. They are requesting Summary Plat approval to vacate a lot line between existing one-acre Tract B-1, La Tierra and existing 6.8-acre Tract A-1, Lands of Beta Investments, LLC, thereby creating proposed 7.9-acre Tract A-1-A, Lands of Beta Investments, LLC. This property contains the solar farm and is located directly east of the Rio Rancho Industrial Park and west of Don Julio Road in Corrales.

Tom Patrick, surveyor with Community Sciences: (sworn): We are proposing to take existing Tract B-I of La Tierra subdivision, and combine that with existing Tract A-I, Lands of Beta Investments into one new Tract A-1-A. We’re also proposing to vacate the private access easement that runs from Don Julio Road along the north side of Tract B-2 to the cul-de-sac portion at Tract B-1.

Chair McCandless: There are two Tract B-1’s on the plat I’m looking at. Were they contiguous or are they currently contiguous?

Patrick: No, they’re not. The Tract B-1 that says “not a part” is the B-1 of Lands of Beta Investments. And the B-I that we are eliminating was Tract B-I of La Tierra subdivision. Same name, but different subdivisions.

Motion, Approve SUM 20-03: Sam Thompson. Second: Michele Anderson. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerome Stermer, Ken Killebrew. (unanimous)

VIII. PZA REPORT
PZA Stout: Most of this report was to have been heard in March. We had three home occupations that were administratively approved. The Village of Corrales website now has Planning and Zoning agendas, packets, and minutes going back to January of 2018.

Commissioner Killebrew: How are home occupations being applied for? Do people come in?
PZA Stout: People contact me via email or phone. They can email everything to me. We also have a little drop-off place between the PD and the Village office. The process is slower; sometimes when you don’t have the face-to-face, it slows things down. All applications are online.

Commissioner Morris: We had talked before about getting to hear from the new Code Enforcement Officer, and the process for complaints. It would be nice if the police were tied together with code enforcement.

PZA Stout: On the website, there is now a section on the code enforcement page describing the steps, from first notice of violation to possible Court citation. And when a short-term rental is approved, both the police department and code enforcement will have the address and 24-hour contact number.

Chair McCandless: Tightening up the procedures over the past few months, with the new code enforcement officer, and my interactions with the building official as well, it has been a pretty significant change.

IX. COMMISSIONERS FORUM

Discuss additional Planning and Zoning Commission meeting(s) to address backlog

Chair McCandless: Commissioner Thompson suggested an extra meeting July 1st.

Motion: schedule additional Planning & Zoning Commission meeting July 1st at 6:30 pm: Sam Thompson. Second: Michele Anderson. Vote, Yes: John McCandless, Sam Thompson, Michele Anderson, Tim Sawina, Melissa Morris, Jerome Stermer, Ken Killebrew. (unanimous)

X. NEXT HEARING: June 17, 2020

XI. ADJOURNMENT

Motion to adjourn: Ken Killebrew: Second: Sam Thompson.