

**MINUTES OF THE DOÑA ANA COUNTY
PLANNING AND ZONING COMMISSION
REGULAR MEETING OF
January 10, 2019**

CALL TO ORDER

09:05:16

Chair Acosta Phillips called the Regular Meeting of the Planning and Zoning Commission to order at 9:05 a.m., Thursday, January 10, 2019 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

1. ROLL CALL

Time: 09:05:34

Mel Acosta –Chair – Present
Robert Czerniak-Vice Chair - Present
Tom Phillips – Secretary - Present
Ken Thurston – Commissioner - Present
Bruce Jackson – Commissioner - Present
Bill Shattuck – Commissioner - Present
John Townsend –Commissioner – Absent

2. APPROVAL OR CHANGES TO THE AGENDA

Time: 09:06:04

Time: 09:06:10

Bill Shattuck: I make a motion to approve the agenda as presented.

Motion: Bill Shattuck
Second: Robert Czerniak

The motion passed by a vote of “ayes” from all Commissioners present.

3. APPROVAL OF MINUTES:

09:06:27

Time: 09:03:52

Robert Czerniak: I move that we approve the minutes of December 13th as written.

Motion: Robert Czerniak
Second: Tom Phillips

The motion passed by a vote of “ayes” from all Commissioners present.

4. New Business:

09:06:52

a. Election of Officers: Chairperson, Vice-chairperson and Secretary

09:07:06

Robert Czerniak: I nominate Mel Acosta as Chair.

Motion: Robert Czerniak
Second: Bill Shattuck

09:07:37

Bill Shattuck: I make a motion that we also appoint Robert Czerniak as Vice Chair and Tom Phillips as Secretary, by acclamation.

The motion passed by a vote of “ayes” from all Commissioners present.

- b. Approval of 2019 Annual Notice Requirements for Regular, Special and Emergency Meetings and the 2019 Schedule of Meetings

09:09:53

Bill Shattuck: I make a motion that we approve the 2019 Annual Notice Requirements for Regular, Special and Emergency Meetings and the 2019 Schedule of Meetings

Motion: Bill Shattuck
Second: Robert Czerniak

The motion passed by a vote of “ayes” from all Commissioners present.

- c. Review and Approval of the By-Laws

09:10:32

Bill Shattuck: I make a motion to approve the By-Laws as presented.

Motion: Bill Shattuck
Second: Robert Czerniak

Tom Phillips: Regarding the By-Laws under Article III A1 Annual Meeting: Unless otherwise posted the Commission shall hold an annual business meeting on the second Thursday of January of each calendar year. At that meeting, the Commission shall elect within it’s membership a Chair Person, Vice Chair Person, Secretary, and that’s what we’re doing today. What has seem to be the case is come spring when the BOCC fills vacant positions and if any of those vacancies were not refilled by the current officers, we have to hold another election. I do not know how to fix that but if there is a way to time either the selection of new members filling vacancies or the timing of the election to where we do not have to hold one election a year. It’s not a big thing if come June or whenever the BOCC appoints, I think myself and Vice Chair are need to be renewed come spring, so potentially if we were reappointed then there might not need to be a new election, but there should be every time there’s a new makeup. I just bring that up and I do not know where to go but maybe that is something to think about for future. We could consider an amendment to the By-Laws in time of the election to be immediately after the appointments. Have our annual meeting that sets the dates but also have the election only be once a year after the vacancies are filled by the BOCC.

Robert Czerniak: I do not know if the BOCC agrees to that, I do not know why we do it the way we do it but it would be more efficient to do it the way Tom is talking about, to do it after the appointment after the New Commissioners.

Mel Acosta: In the past, we have had lost the secretary, the Vice Chair, and the Chair.

Bill Shattuck: Would this be something that should be brought up with the BOCC as them making the amendment and change?

Janine Divyak: I think in the past, Mr. Chair and Commissioner Shattuck, the Board of County Commissioners have given their blessings on your By-Laws.

Mel Acosta: It is up to us. It does make sense the way you proposed it, you know the last term we lost everybody. We really do not know when the new Commissioner is coming in. I do not know who is going to apply, and all of a sudden, we could lose everybody.

Tom Phillips: I think almost any Board that I sit on, that is kind of the way we do things. Is after elections of Board Members, then immediately after there is an election of officers on the Board. Just like the BOCC on Tuesday elected their Chairman, Vice Chairman and following the slate of New Commissioners. It seems possible.

Bill Shattuck: I think whatever we decide today would have to go into effect for say next year and I am thinking that just making an assumption here; we would need to put out a notice to give people the opportunity to apply and to submit their request to maybe serve on this Board. Maybe one reason why it was set for the time that it currently is, I am assuming, is at least for a thirty-day notice and it is the holiday period. Maybe we want to make it more available to the public and not during a holiday period. Can we change out the annual meeting to maybe June 1st verses January 1st. That may be the way to solve the problem. I do not know, just a suggestion.

Janine Divyak: In terms of amending the By-Laws, that would be the easiest because it is listed under annual meeting, we can change the date to the annual meeting to the second Thursday in May; the New Commission takes their seats May 1st. The Board appoints them by April 30th and they assume the position on May 1st.

Bill Shattuck: It is not during the holiday period in which to advertise for because maybe there are people who may be interested in and do not realize because of all the activities all families seem to have during that time period.

Tom Phillips: The meeting where we held elections was like a June meeting but I think we didn't have several meetings after we had the new slate, they were cancelled for lack of business. If the case were different and our By-Laws say we would hold our annual meeting on the second Thursday of June then we would have a meeting following that appointment, whether we have cases or not, we would be doing what we are doing today. I guess the only other question would be is there a problem with setting our meeting dates at that meeting as well. Could we do that? We are looking a year ahead anyway.

Janine Divyak: The way we have done it is on an annual basis, at the beginning of a calendar year.

Mel Acosta: I have another suggestion what if we leave it alone until mid-May? Whose term is coming up?

Tom Phillips: Mine, in April

Janine Divyak: Terms expire April 30th and we do have Vice Chair and Secretary up for reappointment as well as Commissioner Jackson.

Mel Acosta: What about we revisit this after April. Would that be okay with you? Actually, put it on the agenda for April.

Tom Phillips: To amend the By-laws and I would be glad to offer up a set of wording to reword that section or talking with staff and we can have that as an announcement.

Mel Acosta: On the schedule for the year, it would be done in January and it makes sense to get your program for a year, twelve months for a schedule of meetings.

Tom Phillips: I mean, we know what days will be Thursdays in twenty twenty.

Robert Czerniak: When are the flood commissioners appointed? Do we know?

Janine Divyak: I am not sure.

Robert Czerniak: Are we an odd ball that we have commissioners appointed in April?

Janine Divyak: I don't think we are an odd ball, I think they vary throughout the year depending on the various boards. I know the Housing Authority comes up at the end of the year, but when you have a vacancy it throws everything off anyways.

Tom Phillips: I'd be glad to work with staff to come up with possible wording.

Mel Acosta: For Right Now, we are going to leave this alone. Is everyone in the same page?

Robert Czerniak: Yeah, we actually may not be here in May.

Tom Phillips: I will work with staff while I am on the Board.

Mel Acosta: All in favor?

The motion passed by a vote of "ayes" from all Commissioners present.

d. Discussion on Potential Amendments to the UDC and Plan 2040

Janine Divyak: Discussed Potential Amendments to the Unified Development Code and presented a powerpoint presentaiton and is summarized as the following items:

- Height of walls and fences
- Lack of short-term rental regulations for Air BnBs and VRBOs
- Regulations for shipping containers in residential zones
- Review of lot sizes for zoning classifications such as D1&D1L, 6,000 sf lots on sewer and specify NMED standards for septic
- Need for Institutional Use description in Article 5 and on Zoning Map
- Setback policy related to recorded plats that are graphically or numerically defined
- Keeping of large animals in D2&D2L zones, if have sufficient lot size animals permitted based on existing density?
- Review uses within each zoning category on Land Use Matrix, single family in T5, SUP for food trucks in residential zones, add to "A" Permitted if assessed as agriculture for on-farm operations only, if not Assessed then a SUP will be required?
- Review landscaping and buffering requirements
- Regional ponding per the Office of the Flood Commission

- Decisional Criteria for Variances
- Accessory Size Limitations

5. Presentations:

11:09:55

None.

6. Committee Reports

11:10:09

None.

7. Administrative Approvals

11:10:14

Albert Casillas: Presented the Administrative Approvals for December 2018

8. Staff Input

10:09:55

9. Commission Input

11:16:03

Discussed that the website needs to be up dated. Janine will follow through on that.

10. ADJOURNMENT

11:16:46

Officer: Planning and Zoning Commission

The minutes contained herein are not verbatim. They summarize the actions and decisions of the Planning and Zoning Commission. For full verbatim minutes, please reference the recording on the County website located at: <https://donaanacounty.org/pz/video>.