

## § 9.2.2 PLANNING AND ZONING COMMISSION

There is hereby created the Village of Los Ranchos Planning and Zoning Commission (hereinafter referred to as the Commission), which will carry out the requirements of Chapter 9 as specified therein and related provisions of the Code and Articles 19, 20 and 21 of Chapter 3 of NMSA 1978.

**(A) MEMBERSHIP.** The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the advice and consent of the members of the Governing Body. To the extent practicable, the Commission should reflect and support the diversity of the Village and the unique land uses within the Village. The members shall serve a term of one year and be reappointed for more years by the Mayor with approval of the Board of Trustees. Members shall reside within the Village limits. No member shall be appointed to a term that will extend their tenure beyond five (5) full years. A member who is absent from two consecutive regularly scheduled Commission meetings without being excused in advance by the Chair, or for any conduct unbecoming of a Commissioner is subject to removal from the Commission by the Mayor.

**(B) VACANCY.** A vacancy in the membership of this Commission shall be filled by appointment by the Mayor with the advice and consent of the Governing Body. The appointed members shall serve out the unexpired term of the persons replaced.

**(C) CHAIRMAN, REGULAR MEETINGS, RECORDS.** The Commission shall:

- (1) elect one (1) of its members to be chair for a one-year term;
- (2) create and fill other offices, to include a vice-chair and a secretary;
- (3) hold at least one (1) regular meeting each month unless there are no pending applications or business to be heard;
- (4) adopt rules for the transaction of business, which will include, as a minimum, those rules established below; and
- (5) keep a public record of its transactions, findings, resolutions, and determinations.

**(D) AUTHORITY DELEGATED.** The Commission shall have the authority to:

- (1) Oversee the periodic review and updating of the Master Plan.
- (2) Conduct hearings and make decisions on all permit applications provided for under the Zoning Code with the exception of those matters reserved by the code for decision by the Board of Trustees or to the Director of Planning and Zoning; and
- (3) On matters reserved for the Board of Trustees, the Commission shall hold hearings and make recommendations to the Board of Trustees. The Board specifically reserves final action on applications for major subdivision approval, zoning map and code changes and site development plans.

**(E) RULES AND PROCEDURES.** The Commission shall adopt the rules below and whatever other rules are necessary to govern the Commission process.

- (1) Duties of the Chair include presiding at all meetings of the Commission; calling special meetings as necessary; in coordination with the Planning Director, reviewing agenda for all meetings; assuring that all applications are acted upon by the Commission in accordance with the Village Code, and other relevant laws



and regulations, signing official documents; and all other duties as may be established by law.

**(2)** Duties of the Vice-Chair include all the duties of the Chair, in the absence of the Chair.

**(3)** Duties of the Secretary shall include: presiding or performing all the duties of the Chair during the absence, disability or disqualification of the Chair and Vice-Chair; keeping copies of and signing official documents and the minutes of all meetings, and preparing or informing the Commission of all correspondence relating to the business of the Commission.

**(4)** Regular meetings shall be held monthly unless there are no applications to be heard or other business to conduct. Special meetings may be called by the Chair or by a majority of Commissioners for a time and date certain at a location fully accessible to the public in the Village of Los Ranchos. Public notices of regular and special meetings shall specify the date, time, location and subject matter of the meeting. Notice shall be in accordance with the Open Meetings Act of the New Mexico Statutes and such Open Meetings Resolutions adopted by the Village of Los Ranchos Governing Body and the Commission.

**(5)** A majority of the members of the Commission shall constitute a quorum for transaction of business.

**(6)** All persons (other than NM –licensed attorneys appearing on behalf of a client) giving testimony before the Commission shall be sworn in under oath before proceeding and shall be obligated thereby to testify in a truthful manner.

**(7)** Roberts Rules of Order will be used for meetings procedure of the Commission.

**(8)** Decisions by the Commission shall be made on motion by a Commissioner, duly seconded. Approval of a motion shall occur on the affirmative verbal vote of a majority of Commissioners present. If the decision is unanimous, the Chair shall state so for the record. In event of a divided vote, the Chair will announce, and the minutes shall reflect, those Commissioners voting for, voting against and those abstaining. Commissioner shall abstain from voting only when the commissioner has a conflict of interest, as set forth in §§ 3-10-4, 3-10-5 and 3-10-7 NMSA 1978.

**(9)** It will be the responsibility of the applicants to present all relevant written information in accordance with ordinances and present all relevant testimony prior to decisions by the Commission. Applicants must make timely presentation of written materials to the planning and zoning staff. Applicants will not be allowed to provide materials directly to Commissioners, nor to supplement or add new documents after the Commission's action. All testimony, information and documents submitted to the Commission prior to its decision, and the minutes of the meeting and the transcript of the meeting will constitute the record in the event of an appeal.

**(10)** Following receipt of testimony, the Commission has the right to keep the record open for a period not to exceed the time until the next scheduled meeting, and reserves the right to postpone vote and decision making to a subsequent meeting, providing the Village Code or laws do not require that a decision be made within a specified shorter time.



**(11)** It will be the responsibility of Village Staff to distribute, in a designated place at the Village Hall, all written material needed for preparation for decision making by the Commission at least ten calendar days prior to regular or special meetings.

**(12)** When an item has been placed on the agenda, it becomes a matter under jurisdiction of the Commission, and subject to legal restraints on ex parte communications. If a Commissioner believes they have been contacted ex parte on a pending matter, it is their obligation to inform the other members of the Commission prior to the matter's consideration. If the contact was made in writing, the Commissioner shall submit it and it will become part of the record.

**(13)** Applications presented to the Commission for decision may present the potential for conflicts of interest for individual Commissioners. A conflict could exist if a decision conferred a financial or personal benefit to a member of the Commission or benefit to someone with whom the Commissioner has a business or kinship relationship. It is the obligation of each Commissioner to declare for the record any instance where a conflict of interest or the appearance of a conflict of interest might exist with regard to matters pending before the Commission. Such Commissioner must then withdraw from further deliberations, including participation in discussion, and any decision making.

**(E) INTERPRETATION.** The Planning Director or designee is hereby given the authority to interpret and implement the Zoning Code for the Village.

**(G) ACTION MATRIX.**



<b>ACTION MATRIX</b>	<b>STAFF</b>	<b>COMMISSION</b>	<b>BOARD</b>
<b>(Code citation)</b>			
R= Recommendation F= Final			
Amendment to Conditions of Approval <b>Sec. 9-2-25(D)(1)</b>	Director		
Conditional Use <b>Sec. 9-2-25(D)(2)</b>	Director		
Conditional Use – adverse comments <b>Sec. 9-2-25(E)(2)</b>		F	
Sign Permit <b>Sec. 9.2.22(D)</b>	Director		
Site Development Plans – Sketch Plat <b>Sec. 9-2-25(E)(4)(c)(1)</b>		No action	
Site Development Plans – Preliminary <b>Sec. 9-2-25(E)(4)(c)(2)</b>		R	
Site Development Plans – Final <b>Sec. 9-2-25(E)(4)(c)(6)</b>			F
Special Use Permit <b>Sec.9.2.17 and Sec. 9-2-25(E)(5)</b>		R	F
Subdivision – Minor <b>Sec. 9.1.7(B)</b>	Director		
Subdivision - Major Sketch Plat <b>Sec. 9.1.7(C)(2)</b>		No action	
Subdivision - Major Preliminary Plat <b>Sec. 9.1.7(C)(3)</b>		R	
Subdivision – Major Final Plat <b>Sec. 9.1.8.(A)(4)</b>		F	F**
**Final approval may come back to BOT if requested			
Variance <b>Sec.9.2.15(E)(7)</b>		F	
Village Center Project Area Economic Plan/Site Development Plan <b>Sec. 9.2.14(C)</b>		R	F
VC Final Development Plan <b>Sec. 9.2.14(C)(1)(b)(3)</b>			F
VC Economic/Site Development Plan Amendment <b>Sec. 9.2.14(C)(1)(b)(4)</b>		R	F
Zone Changes and Zone Map Amendment <b>Sec. 9-2-25(E)(8)</b>		R	F
Bed and Breakfast Permits <b>Sec. 9.2.25(E)(1)</b>		F	
Business Registrations – new <b>Sec 3.1.2.</b>	Director		
Business Registrations – renewal <b>Sec.3.1.3</b>	Staff		
Home Occupation – License <b>Sec. 9.2.25(D)(4)(a)</b>	Director		
Home Occupation – Renewal <b>Sec. 9.2.25(D)(4)(d)</b>	Director		
Home Occupation Adverse Comment/Revocation <b>Sec. 9.2.25(E)(3)</b>		F	
Zone Review for Building Permits <b>Sec. 9.5.1**</b>	Staff		
Reconstruction/Temporary Permits <b>Sec. 9.2.25(D)(7)&amp;(10)</b>	Director		
Sidewalk Café <b>Sec. 9.2.25(D)(9)</b>	Director		
Tract Real Estate Office Permits <b>Sec. 9.2.25(D)(11)</b>	Director		

\*\* The Uniform Building Code establishes a building department for the Village. Because the Village has a joint powers agreement with Bernalillo County for building permits and inspections, the Village only does a Zone Review for building permits.

**All Ordinances may be viewed at Village Hall, Planning and Zoning, or [www.losranchosnm.gov](http://www.losranchosnm.gov).**