PLANNING COMMISSION
REGULAR MEETING AGENDA

Village Hall, 313 Cree Meadows Drive, Ruidoso, NM 88345

Tuesday, March 1, 2022 – 2:00 pm

Attendance: In response to the Governor’s declaration of a Public Health Emergency and ban on large public gatherings, the Planning Commission meeting will be held via Zoom video conference and in person.

Viewing: Members of the public that do not wish to attend in person will have the ability to view the meeting through Zoom and/or YouTube.

Zoom meeting website: Zoom:
https://zoom.us/j/92959910806?pwd=RE4vNDZodFVFT0tGS2RWbk5ONULUT09

Meeting ID: 929 5991 0806
Passcode: 2584343
Telephone:+1 669 900 9128 US

YouTube at https://www.youtube.com/channel/UCi01gVEgmVcl-vZLOxTN0w/featured. The YouTube channel can be streamed using this address from most smartphones, tablets, or computers.

Public Comment: The Commission will take general public comments and comments on the meeting’s specific agenda items in written form via email at: stephaniewarren@ruidoso-nm.gov or by mail: 313 Cree Meadows Drive, Ruidoso, NM 88345 before March 1st at 10:00 am. These comments will be distributed to all Commissioners for review.

1. CALL TO ORDER, ROLL CALL, AND DECLARATIONS OF CONFLICT OF INTEREST

2. CERTIFICATION OF COMPLIANCE WITH RESOLUTION #2022-01

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES
   a) Regular Meeting February 1, 2022

I certify that notice of the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2022-01. Agendas are available at Village of Ruidoso City Hall, 313 Cree Meadows Drive, Ruidoso, NM 88345. If you are an individual who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at Village of Ruidoso City Hall at least one week prior to the meeting or as soon as possible.
5. **PUBLIC INPUT** *(Limited to items not on Public Hearing Agenda and up to 3 minutes per speaker.)* Written public input must be submitted by email to [StephanieWarren@Ruidoso-NM.gov](mailto:StephanieWarren@Ruidoso-NM.gov) by mail to 313 Cree Meadows Drive, Ruidoso, NM 88345 before March 1st at 10:00 AM. *In addition, anyone wishing to speak during the meeting can do so by joining the meeting via Zoom or in Person.*

6. **QUASI-JUDICIAL PUBLIC HEARING** *(all parties with standing shall have an opportunity for cross-examination.)*

   A) Variance Approval Request Case #PV 2022-7-Robert Salais is requesting a Variance Approval to encroach 7 feet into the required 20-foot front-yard setback as designated by the M-1 Low-Density Mobile Home District construct a 22’x20’ carport located at 210 Guajolote; Lot 5, Block 8, of the Del Norte Addition, Ruidoso, New Mexico 88345.

7. **COMMUNITY DEVELOPMENT REPORT**

8. **COMMISSIONERS COMMENTS**

9. **ADJOURNMENT**

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I certify that notice of the Public Meeting has been given in compliance with Section 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2022-01. Agendas are available at Village of Ruidoso City Hall, 313 Cree Meadows Drive, Ruidoso, NM 88345. If you are an individual who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at Village of Ruidoso City Hall at least one week prior to the meeting or as soon as possible.
CALL TO ORDER AND ROLL CALL:

The regular meeting was called to order by Chairman Alan Briley at 2:00 PM. Chairman Briley, Commissioners Byars, Tondino, and Hooker recorded present at Village Hall; Commissioners Michelena was recorded present on Zoom; Village staff present were Samantha J. Mendez, Community Development Director, and Stephanie Warren GIS Coordinator/Planner. Commissioners Baugh and Williams were recorded as absent. There were 8 visitors present.

CERTIFICATION OF COMPLIANCE WITH RESOLUTION 202-01:

Stephanie Warren certified the notice of the meeting was properly posted in accordance with Resolution 2022-01 and section 54-40 of the Village Municipal Code.

APPROVAL OF AGENDA:

Commissioner Hooker moved to approve the agenda. Commissioner Byars seconded, and the motion carried with all ayes.

APPROVAL OF MINUTES:

Commissioner Hooker moved to approve the minutes. Commissioner Michelena seconded. Mrs. Warren called roll to record votes:

Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Tondino: Aye
Commissioner Hooker: Aye

Motion carried with all ayes.

PUBLIC INPUT: (Limited to items not on Public Hearing Agenda and up to 3 minutes per speaker). None
Quasi-Judicial Public Hearings:

A) **Conditional Use Case #P2022-1-Efrain Serna is requesting a Conditional Use Approval to construct a two-family dwelling within R-1 Single-Family Residential District located at 139 Reese; Lot 75A, Block 1A, of the Palmer Gateway Subdivision, Ruidoso, New Mexico 88345.**

Director Mendez stated that the applicant is requesting approval to develop a two-family structure unit. The applicant Efrain Serna is present for questions.

Chairman Briley swore in Mr. Serna. Mr. Serna stated he would like to add a second living quarters to his home.

Commissioner Tondino asked if this would be a new building. Mr. Serna stated it was the existing structure. Director Mendez stated that this is a conversion of the existing structure to be made into a two-family dwelling as the changes to the R-1 code were previously adopted to allow for the conversion of the existing structure.

The Public Hearing opened at 2:05 PM. No letters or emails were added to the record.

None provided

Chairman Briley closed the public hearing at 2:06 PM.

Chairman Briley asked if this met the goals of the comprehensive plan, Director Mendez stated it did.

Commissioner Hooker asked if there were notifications sent out. Director Mendez replied there were notifications to a 200’ radius of the property. If the request is approved, no further notifications would be sent.

Chairman Briley asked if there were any further questions of the Commission. There were no further questions.

Commissioner Tondino stated based upon the foregoing findings of fact per §54-65, and § 54-92 of the Village Code, I move to grant the requested conditional use approval for Case #CU-2022-1 with the conditions stated in the case report.”

Commissioner Hooker seconded the motion. Mrs. Warren called roll to record votes:

Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michelea: Aye
Commissioner Tondino: Aye
Commissioner Hooker: Aye

Motion carried with all ayes.
B) Conditional Use Case #P2022-5: Village of Ruidoso is requesting Conditional Use Approval to construct a Wireless Telecommunications Facility within the M-PUD Mixed Planned Use Development District located at 237 Service Rd.; Tract 2 of the School Tract known as the Horton Complex, of the Palmer Gateway Subdivision, Ruidoso, New Mexico 88345.

Director Mendez stated that the Village of Ruidoso is requesting approval to construct a wireless telecommunication facility. Chief Chavez, Project Manager Zeke Greer, and Code Enforcement/Animal Control Officer Bobby Simpson are here to answer any questions.

Chief Chavez stated they are presenting their request to construct a 189’foot tower at the Horton Complex. The reason for the tower is to be used for emergency services communication. It will provide adequate ability to conduct emergency service operations within the Village of Ruidoso and the County.

Chairman Briley asked to clarify the exact location on the site plan. Mr. Greer stated it was at the location where the red dot is on the site plan. It will be behind the Horton next to the gym.

Chairman Briley asked if there will be any camouflage to make the tower aesthetically pleasing as it has been a requirement to others in the past. Chief Chavez stated the materials were bought without a camouflage package. It would be something addressed after completion, but it is not allocated at this time. There will be a fence and will contain a generator. It will be tucked back.

Commissioner Byars asked if this is only for village use. Chief Chavez stated it will be. There have been questions about other providers using the tower, but we must ensure that the tower is up to the requirements of the Department of Public Safety. We may investigate co-locations later.

The Public Hearing opened at 2:11 PM. No letters or emails were added to the record.

Joseph Vincent asked why the village could not use another location like the tower at the “Y” as it is already established. Chief Chavez stated the requirements of the tower must be a secure location and onsite. The tower at the “Y” is owned independently by Verizon and we cannot ensure adequate security on the tower. We must own the tower and the tools to ensure it will not be compromised at any time.

Chairman Briley closed the public hearing at 2:13 PM

Director Mendez stated we received some calls, but our response must have provided the required assistance as there have been no further letters or people in person here to talk about the case.

Commissioner Tondino asked when the construction timeframe is set. Chief Chavez stated that that will be determined once the tower has been received. It has been ordered and there will be a 10-week lag time. We do not know the exact timeframe.

Commissioner Hooker stated based upon the foregoing findings of fact per §54-68and § 54-150 of the Village Code, I move to Grant the requested continuation conditional use approval for Case #CU-2021-33 without further requirements of periodic review. Seconded by Commissioner Tondino. Mrs. Warren called roll to record votes:

Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michlena: Aye
Commissioner Tondino: Aye
Commissioner Hooker: Aye
Commissioner Baugh: Aye
Motion carried with all ayes.

COMMUNITY DEVELOPMENT REPORT:

Director Mendez stated that the strategic planning and the State of the Village have been completed. The Community Development Department’s goals are to complete the readdressing of the Village, be able to accept online payments for applications processed by the department and have the Chapter 54 re-write completed.

Director Mendez stated we will be more aggressive on vacant and blighted buildings including residential structures. We will be looking for funding for our Metropolitan Redevelopment Area from the legislative session to be used for improvements on Sudderth Drive.

Director Mendez and Chairman Briley asked Mrs. Warren presented to the Commission regarding the state of the re-addressing project for the Village of Ruidoso. Currently, there is current efforts to locate the materials needed for the address placards. A review of the address points on Highway 70 has been completed, further review with dispatch will take place. Currently, we are at the beginning of the midtown district on addressing Sudderth Drive. Mrs. Warren anticipates 30 to 45 days to be conducting public outreaches for all affected during the Sudderth and Highway 70 address changes. Director Mendez stated there will be mailings to each property owner as well. We anticipate residential address numbers rolling out by summer.

COMMISSIONER’S COMMENTS:

Commissioner Tondino asked to receive permit reports monthly.

ADJOURNMENT:

Commissioner Briley adjourned the meeting at 2:26 PM.

MINUTES ARE DRAFT UNTIL APPROVED AT THE NEXT REGULAR MEETING

Passed and approved this _____ day of ________________, 2022.

APPROVED: ________________________________

Alan Briley, Chairman

ATTEST: ________________________________

Samantha J. Mendez, Community Development Director
Planning Commission  
Village Hall – 313 Cree Meadows Drive, Ruidoso, New Mexico 88345

Case Report – Variance Request #PV-2022-7

Subject Property: 210 Guajolote  
Zoning: M-1 Low-Density Mobile Home District  
Subdivision: Del Norte Addition

Legal Description: Lot 5 Block 8  
Applicant: Robert Salais  
Hearing Date: March 1, 2022

Applicable Sections of Village Code:
- Sec. 54-97. – M-1 Low-Density Mobile Home District
- Sec. 54-140. – Setback and height encroachments, limitation, and exceptions.
- Sec. 54-66. – Variances.

I. REQUEST: The applicant is requesting approval of a variance to encroach 7 feet into the required 20-foot front-yard setback as designated by the M-1 Low-Density Mobile Home District to construct a 22’x20’ carport located at 210 Guajolote; Lot 5, Block 8, of the Del Norte Addition, Ruidoso, New Mexico 88345.

II. NOTIFICATION AREA MAP
### III. SITE DATA

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>M-1</td>
<td>Low-Density Mobile Home District</td>
</tr>
<tr>
<td>East</td>
<td>M-1</td>
<td>Low-Density Mobile Home District</td>
</tr>
<tr>
<td>South</td>
<td>M-1</td>
<td>Low-Density Mobile Home District</td>
</tr>
<tr>
<td>West</td>
<td>M-1</td>
<td>Low-Density Mobile Home District</td>
</tr>
</tbody>
</table>
IV. AREA ZONING MAP

Zoning Districts
- AR-1 Agricultural Residential
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Midtown Commercial District
- C-4 Heavy Commercial District
- I-1 Industrial District
- M-1 Low-Density Mobile Home District
- M-2 Medium-Density Mobile Home District
- PUD Planned Unit Development District
- M-PUD Mixed Use Planned Unit Development District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 High-Density Residential District
V.  Current Structure Street View

Street View

Case Report – #PV-2022-7
VI. ANALYSIS
Sec. 54-97. – M-1 Low-Density Mobile Home District.

(a) Purpose; maximum density. The purpose of the M-1 low-density mobile home district is to promote affordable housing and to make economical use of the land by allowing the development of mobile home subdivisions at gross residential densities of not more than five units per acre.

(b) Principal permitted uses. Principal permitted uses in the M-1 district are:
   (1) Mobile homes.
   (2) Single-family dwellings.
(g) Setbacks, yards and heights. Setback, yard and height requirements for the M-1 district are as follows:

(1) Minimum setbacks from property lines. Minimum setbacks from property lines are as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Front (feet)</th>
<th>Interior Side (feet)</th>
<th>Corner Side (feet)</th>
<th>Rear (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile home</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Schools and civic, cultural and religious institutions</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Structures accessory to mobile homes and single-family dwellings</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Structures for all other principal, conditional or other uses</td>
<td>20</td>
<td>10</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

(h) Encroachments into yards.

(1) Open steps and decks. Open steps and decks shall be permitted to extend into the front, rear and side yard setback a distance of not more than ten feet in the case of front yards and not closer than ten feet to the property line in the case of side yards.

(2) Covered patios, decks, porches or carports. Covered patios, decks, porches or carports shall not be permitted encroachments in any setbacks, except as provided under section 54-140.

(3) Roof projections into required side yards. A house or garage roof may not be constructed closer than two feet to a side property line.

Sec. 54-140. Setback and height encroachments, limitations and exceptions.

(1) Permitted encroachments in any yards. The following are permitted in any yards: posts, off street open parking spaces, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, flagpoles, ornamental features, open fire escapes, sidewalks and fences, except as otherwise provided in this article; also, yard lights and nameplate signs in residential districts, trees, shrubs, plants, floodlights or other sources of light illumination, and authorized lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

(2) Permitted encroachments in side and rear yards. Balconies eight feet above grade may extend into the yards to within five feet of a lot line, provided the balconies do not extend over nonresidential driveways. Detached outdoor picnic shelters, open arbors and trellises may extend to within five feet of a side or rear lot line, except that no such structures shall exceed 500 square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive solar energy systems are permitted encroachments.

(3) Permitted encroachments in rear yards. The following are permitted in rear yards: laundry drying equipment; patios; covered porches; breezeways and detached outdoor living rooms may extend 20 feet into the rear yard but not closer than ten feet to the rear lot line.
(4) Exemptions from height limitations. Height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys and smokestacks, flagpoles, public and private utility facilities, transmission towers of commercial and private radio broadcasting stations, television antennas, parapet walls extending no more than four feet above the limiting height of the building (except as otherwise provided in this article), and solar energy collectors and equipment used for the mounting or operation of such collectors.

(5) Exemption from building setback requirements for buildings with party walls. Subject to regulations in section 22-31 and as required by other applicable sections of this article or this Code, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit.

(6) Covered decks, porches and breezeways in front yards. Covered decks, porches and breezeways in R-1, R-2, M-1 and M-2 districts may extend into the front yard, but not closer than 15 feet to the front property line, provided that they are not enclosed

Sec. 54-66. Variances

(a) Generally. The planning commission may vary or adjust the strict application of the requirements of this article in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building where strict application of this article would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the property involved.

Granting of variances shall be done in accord with the requirements and procedures established in this article. Variances may only be granted for hardships related to the physical characteristics of land and should normally be limited to regulations pertaining to height or width of structures or the size of yard and open spaces where a departure from the literal interpretation of this article will not be contrary to the public interest or establish a precedent that would undermine the purpose and intent of this article as described in. Use variances shall not be permitted. No variance or adjustment in the strict application of any provisions of an ordinance may be granted unless:

(1) Special circumstances or conditions, fully described in the planning commission's findings, are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this article. Nonconforming lot size shall be considered a special circumstance in accordance with subsection 54-143(j);

(2) For reasons fully set forth in the planning commission's findings, the circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land or building, the granting of the variance is necessary for the reasonable use thereof and the variance as granted is the minimum adjustment that will accomplish this purpose; and

(3) The granting of the variance is in harmony with the purpose and intent of this article and will not be harmful to the neighborhood or otherwise detrimental to the public welfare.

Sec. 54-66 (d) Review and decision by planning commission.
In considering applications for variance, the planning commission shall consider the effect of the proposed variance upon the health, safety and welfare of the community, traffic conditions, light and air, danger of fire, risk to the public safety, and the safety and the effect on values of property in the surrounding area. The planning commission shall hear oral or written statements from the applicant, the public, village staff or its own members. If the planning commission determines by motion that the special conditions applying to the structure or land in question are peculiar to such property or the immediately surrounding area and do not apply generally to other land or structures in the district in which the land is located, that granting the proposed variance will not in any way impair health, safety or welfare or in any other respect be contrary to the intent of this article and the village comprehensive plan, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the planning commission may grant such variance and impose conditions and safeguards therein.

A variance shall not be approved except upon the affirmative vote of two-thirds of all the members of the planning commission present. The planning commission shall be required to make findings supporting its decision based on subsections (a) through (d) of this section.

The Planning Commission has the following options:

1. **Approval** of the Variances request, with reasons stated in the motion, granting the requested use.

2. **Require modifications** to the Variance request, and have it returned for Planning Commission review at the next meeting.

3. **Deny** the request of Variance Request with reasons and conditions.

Approval of a variance requires a 2/3 majority vote of those members of the Planning Commission present. The reasons for either approval or rejection must be stated in the findings of fact and motion.

V. STAFF RECOMMENDATION

The determination of appropriateness for granting or denying a variance application rests only with the consistency with applicable statutes, codes, and policies and with the Commission’s analysis of the impacts to the surrounding properties and the community at-large.
Upon review of the application and existing conditions, staff finds that the proposed request for condition use appears to be consistent with the Village Code and hereby recommends the following conditions.

1. Applicant must complete and return necessary Variance Agreement prior to any construction including an improvement survey that notates the variance that was approved on the face of the plat. Failure to complete and record variance agreement within six (6) months from approval will void the approval of Case #PV 2022-7. Plat must be recorded in the office of the Lincoln County Clerk.
2. Applicant must obtain necessary permits to begin construction within six (6) months of Planning Commission approval and construction must comply with the Village Code and applicable state standards and be completed within one (1) year of the issuance of the building permit.
3. Granting of the variance relief does not confer any authorization for additional variances nor the improvement upon the portion of the dwelling granted relief to encroach within this application. All additional improvements within encroachments would require future variance relief from the Planning Commission.
4. Applicant shall make no substantial changes in plans without Planning Commission approval.
5. By accepting approval of this Variance Agreement, Applicant agrees to comply in a timely manner with standards and conditions set. Failure to comply may lead to Court enforcement.

Suggested Motion:
"Based upon the foregoing findings of fact per §54-97, §54-66 and § 54-140 of the Village Code, I move to GRANT the requested variance for Case #PV-2022-7 with the conditions stated in the case report."

Prepared & Submitted by:

Samantha J. Mendez
Community Development Director

By signing below, the Owner/Applicant agrees to comply with all the conditions adopted by the Planning and Zoning Commission ("the Commission") at its hearing on this application. The Owner/Applicant further agrees that it will make no changes to the plans as presented to the Commission without prior approval from village staff or the Commission. Failure to comply with the application as approved by the Commission may result in Court action or revocation of approval.

Owner/ Applicant Date