PLANNING COMMISSION
REGULAR MEETING AGENDA

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

Tuesday, July 5, 2022 – 2:00 pm

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: https://us06web.zoom.us/j/92959910806?pwd=RE4vNDZodFVFT0tGS2RWbk5ONUIlUT09
Meeting ID: 929 5991 0806
Passcode: 2584343
Telephone: +13126266799,,92959910806#,,,,*2584343# US

YouTube at https://www.youtube.com/channel/UCiI01gVEgmVcl-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 July 5th 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, June 7, 2022
   b) Special Meeting June 10, 2022

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 by mail to 313 Cree Meadows Drive, Ruidoso, NM 88345 before July 5th 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) Recommendation of Approval for Case# 2022-279- Dana Schenk is requesting the Vacation of a portion of Alamogordo Street & Public Dedication of Roadway, located at 143 Fern Trail, lots 6,7,8 of Block D of the Ruidoso Springs Subdivision

7. OLD BUSINESS
   a) Update on 718 Carrizo Canyon Violations

8. COMMUNITY DEVELOPMENT REPORT

9. COMMISSIONER’S COMMENTS

10. ADJOURNMENT
CALL TO ORDER AND ROLL CALL:

The regular meeting was called to order by Vice-Chairman Ron Michelena at 2:00 PM. Commissioners Byars, Richardson, Rigsby and Williams were recorded present at Village Hall; Commissioners Baugh and Michelena were recorded present on Zoom; Chairman Briley was recorded as absent. Village staff present were Samantha J. Mendez, Community Development Director, Zach Cook, Village Attorney and Stephanie Warren GIS Coordinator/Planner. There were 2 visitors present in person and on zoom.

CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2022-01:

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 Williams moved to approve the agenda. Commissioner Rigsby seconded the motion. Mrs. Warren called roll to record votes:

Commissioner Baugh: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Aye

Motion carried with all ayes.
APPROVAL OF MINUTES:

Vice-Chairman Michelena stated the minutes from April 5th have been corrected, and also there will be a second approval needed for the May 3rd minutes.

Commissioner Byars moved to approve the April 5, 2022, minutes. Commissioner Rigsby seconded the motion. Mrs. Warren called roll to record votes:

Commissioner Baugh: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Abstained, was not present for the meeting.

Motion carried with all ayes.

Commissioner Byars moved to approve the May 3, 2022, minutes. Commissioner Williams seconded the motion. Mrs. Warren called roll to record votes:

Commissioner Baugh: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: 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) Variance Approval Case PV 2022-211-Alejandro Armendariz is requesting to encroach 2.5 feet into the 10-foot side-yard setbacks to the east and west of the lots as designated by the R-1 Single-Family Residential District to construct a single-family dwelling. Located at 224 Second Street, Lot 38 Block B of the Ruidoso Pine Lodge Subdivision.

Director Mendez stated that the applicant is requesting approval to encroach into the setbacks to build a new home, Wyatt Sparks is present to present the request.

Vice-Chairman Michelena swore in all members present and on zoom wishing to speak on behalf of this item.
Mr. Sparks stated that the previous owners of the property presented a request years back and were approved; the previous request was to encroach further than what his client is proposing.

Vice-Chairman Michelena opened the public hearing at 2:08 pm.

Director Mendez stated there has been 1 negative response received.

No further comments were made.

Vice-Chairman Michelena closed the public hearing at 2:09 pm.

Commissioner Williams asked if these lots were only 75x100 and why they were approved if they do not meet our code. Director Mendez stated that’s why the request is being heard; this subdivision has a lot of irregular-sized lots as determined by the village code. Commissioner Williams asked why the applicant would not combine them and build one home. Director Mendez stated that was offered to the applicant, the applicant denied that offer and wanted to pursue the request to build 2 homes and not just 1.

Commissioner Rigsby asked if these are grandfathered. Director Mendez stated we cannot force anyone to replat, but a variance is required in order for the applicant to build as he is requesting.

Vice-Chairman Michelena asked how large the unit was going to be. Mr. Sparks stated 600 square feet. Vice-Chairman asked Director Mendez if there are restrictions on the size of the units within the subdivision. Director Mendez stated the Village does not enforce restrictive covenants; the proposed units are allowed at this size under the municipal code.

Commissioner Byars stated we need housing in the community and small houses meet a trend. As this is an unusual subdivision, he feels we should be in favor of the request to address the housing shortage.

Vice-Chairman asked about drainage, Director Mendez stated that would all be reviewed during the building permit process.

Commissioner Rigsby stated that based upon the foregoing findings of fact per §54-92, 54-66, and § 54-100 of the Village Code, I move to GRANT the requested conditional use approval for Case #PV-2022-211 with the conditions as stated in the case report.

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

Commissioner Baugh: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Aye

Motion carried with all ayes.
B) Variance Approval Case PV 2022-212-Alejandro Armendariz is requesting to encroach 2.5 feet into the 10-foot side-yard setbacks to the east and west of the lots as designated by the R-1 Single-Family Residential District to construct a single-family dwelling. Located at 222 Second Street, Lot 39 Block B of the Ruidoso Pine Lodge Subdivision.

Director Mendez stated that this request is by the same applicant as the first case heard.

Vice-Chairman Michelena opened the public hearing at 2:20 pm.

Edwin Krause stated he owns the property below the proposal on First Street. He would like to voice concerns of the property being used as a short-term rental. He would like this housing to benefit the community. Mr. Sparks stated the property owner has expressed no plans of using this as a short-term rental property, he does plan to build the homes and sell them individually. Mr. Krause stated he also has concerns about drainage and how close the structures would be to his property. Mrs. Warren read the setbacks as depicted on the site plan. Mr. Krause stated he would have liked to see the property built as one home to a larger scale to enhance the neighborhood.

No further comments received.

Vice-Chairman Michelena closed the public hearing at 2:25 pm.

Commissioner Rigsby asked for clarification on the back deck; Mr. Sparks provided clarification of the site plan.

Commissioners Michelena, Richardson and Williams all stated concerns of using property as a short-term rental. Director Mendez stated that those types of conditions could not be placed on the variance, that type of use is allowed within this residential district and such restriction would not be permissible under the municipal code.

Commissioner Rigsby stated that based upon the foregoing findings of fact per §54-92, 54-66, and § 54-100 of the Village Code, I move to GRANT the requested conditional use approval for Case PV-2022-212 with the conditions as stated in the case report.

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

Commissioner Baugh: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Aye
Motion carried with all ayes.
CALL TO ORDER AND ROLL CALL:

The special meeting was called to order by Chairman Alan Briley at 2:00 PM. Chairman Briley, Commissioners Briley, Byars, Richardson, Rigsby, and Williams were recorded present at Village Hall; Commissioners Baugh and Michena were recorded present on Zoom; Village staff present were Samantha J. Mendez, Community Development Director, Zach Cook, Village Attorney, Timothy Dodge, Village Manager, Ronald Sena, Village Clerk/Deputy Manager and Stephanie Warren GIS Coordinator/Planner. There were 14 visitors present in person and on zoom.

CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2022-01:

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 Michena moved to approve the agenda. Commissioner Rigsby seconded the motion. Mrs. Warren called roll to record votes:

Commissioner Baugh: Aye
Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: 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 Request Case # CU 2022-198-Request to develop multi-family housing within a C-2 Community Commercial District located at 1114 Mechem Dr., tracts 6, 7, and 10 of the H.F. Investors Tract, Ruidoso, New Mexico.**

Director Mendez stated that the applicant is requesting approval to develop up to 20 multi-family structures within the C-2 Community Commercial District located at 1114 Mechem, Tracts 6, 7, and 10 of the H.F. Investors Tract. Tract 6 is .5002 acres; Tract 7 is .5278 acres and Tract 10 is 1.24859 acres for a total of 2.2769 acres. A replat will be obtained to combine the 3 tracts into one. The development would connect to all public utilities. The homes would be held in the Village of Ruidoso Housing Trust to be leased to the displaced families of the McBride fire, and long term to be used for Ruidoso’s workforce housing initiative serving households up to 140% LMI in accordance with the Affordable Housing Act. Ron Sena will present the case today.

Mr. Sena stated the development is for long-term rental housing. Anticipating placing 19 manufactured homes on the property. This will be for the displacement of families of the McBride Fire with FEMA funding providing up to 18 months of rental assistance. The homes range from 1 to 3-bedroom units. This will allow us to use homes for workforce housing.

Director Mendez stated on page 3 shows what is in the area and asks that you consider just the use at this time. Site plans will be discussed in the next hearing. On the lots to the north, this same use is existing of the proposed location, the east is vacant, the south contains Dollar General and to the west, there is a mechanic shop with different types of retail products.

Mr. Sena stated the Village of Ruidoso has purchased the property as of June 9, 2022.

Chairman Briley asked if the stack of letters were to be used individually or all together. Mr. Dodge stated that he would like to make known that the majority of the comments were received after the 10:00 cutoff time. He is not opposed to the comments being read into the record to show transparency. Chairman Briley asked if they are to be heard for conditional use or the site plan, Director Mendez stated that the letters do not define which case, to be clear only comment #5 being Scott Burns is the only one that is within the 200’ notification area of the property.

Commissioner Rigsby asked for clarification on the definition of multi-family housing structures. The manufactured homes are not multi-family structures and feel that the request is inaccurate in his opinion. Director Mendez stated our code allows for multi-family structures containing four or more dwellings; this request asks to place more than four dwelling units. Commissioner Rigsby stated he feels the request needs to be changed to show that it is not structures, Director Mendez stated this is a request to develop multi-family in a C-2 district where upon a conditional use approval is allowable, our code does not contain the exact phrasing you are looking for; this is what fits our code. Chairman Briley stated that the multi-family housing will be fit onto the one lot. Commissioner Rigsby asked about it being for structures, it has to be four or more. In the code he reads there is no definition of what a minimum dwelling unit is; wants to know if the request terms need to be updated, not if it’s in adherence to the code. Chairman Briley stated that the application is for a conditional use for a multi-family development. Chairman Briley stated that that doesn’t negate the hearing for conditional use.

Chairman Briley opened the Public Hearing opened at 2:12 PM.
Chief Lawrence Chavez stated he a resident and the Chief of Police. He sees the deed for housing in our community. There have been many applicants that cannot afford housing here and we have lost quality applicants due to that. The Village is using requiting efforts, but without affordable housing available we are losing qualified employees.

Ira Pearson is the County of Lincoln Manager. Housing issues have been present for years, and after the fire, the need is even more. I was hired in 2020, my salary is $80,000 a year, I could not find a house that I could afford. I live 25 miles northeast of Carrizozo. If someone can make $80,000 a year and cannot afford to live here, that’s an issue. Over the past year, the Village and County have been meeting with agencies to fix this issue. We are being told to follow the state program, however, Ruidoso doesn’t fit all of the parameters. All of us have seen that people cannot find housing within the county. This is an innovative way to bring in housing ad begin the process. This is well thought out and will perpetually bring more housing in. I am asking the Commission to allow this and help our community as it is in need of affordable housing.

Cheryl Gerthe, Village of Ruidoso Human Resources Manager states that the shortage of housing makes staffing in general for the Village difficult. Currently, with recruiting for positions, we are struggling to get these key positions filled because of housing.

Samantha Mendez stated she is actively involved with the recovery plan efforts after the McBride fire. While working with a group from the board of realtors we tried to find short-term rentals and vacant homes willing to convert to long-term rentals to help the displaced families. After many hours nothing was provided that was affordable. Using the short-term rentals is not an option, they are not willing to assist with affordable pricing options. They are wanting $2,400 a month for rentals, which is not affordable to our local families. As many members of the community have made the statements to use short-term rentals, that unfortunately is not a feasible option.

Bill Pippin has been here since 1960. He is the owner of the mobile home park next to the proposed development. Has no issue with the use, but has questions about the site plan. Wants to ensure that there will be a fence, but needs setbacks adhered to for the electric company to the transformers. Director Mendez stated setbacks will be met and exceeded; they will be no closer than 15 feet. Director Mendez stated that if the use is approved, those questions will be addressed in the site plan hearing. Mr. Pippin stated he would like to see this property be put to good use, he has put in many calls to the mayor and has not heard back. Director Mendez stated that administrative staff cannot speak on this case. No info was provided to them as this is a quasi-judicial hearing. It may be presented to Council, and they are unable to discuss this case prior to that.

Ron Sena stated there has been a housing shortage for years. 60% of village employees have to commute. With gas prices getting higher, that is prosing further complications. When you live where you work, there is more pride in the community. We are trying to be creative and proactive in planning for housing for our workforce in our community.

Mr. Pippin asked why we haven’t done housing development within Ruidoso Downs. There are many suitable lots, not sure of the price but should be used for housing. Chairman Briley stated the Downs has the same needs. Commissioner Byars stated that has been an issue for our county for years, and the cost of construction now makes affordable housing higher. This is a need we need to fulfill in our town.

Deborah Douds, Chamber of Commerce stated daily there are requests for people needing homes to live here. It is difficult to find; restaurants and businesses are closing. Without housing, we do not have the workforce to
keep these open for our visitors. We need a change, and we need to help our businesses. It is critical and
needed. This is a good solution and provides an immediate response.

Lisa Burns is the owner of Dollar General. She is also a commissioner of county housing. She shows sympathy
and knows the need well. We need more than what is being proposed, as an owner and neighbor, she supports
the use.

Chairman Briley closed the public hearing at 2:36 PM.

Chairman Briley asked if there were any further questions of the Commission.

Director Mendez read in the comments received:

First is Mary Austin, this did come in after the cutoff. Commission Rigsby stated the copy shows 9:46; Director
Mendez stated that the original email was sent then but with the incorrect email address. “I am glad to see the
Village of Ruidoso trying to do something to help with affordable housing; however I have some questions that
I would like to hear answers to in the meeting. It states in the proposal the housing would be for the benefit of
people who lost homes in the McBride fire. If those properties were in the county as many of them were, is the
county helping out financially in this initiative or are the tax payers in Ruidoso carrying 100% of the cost for
purchasing the property and development? The county should be helping out. Where are all the funds going to
come from?” Manager Dodge stated that he would like to answer this. Right now we have money that is a
housing trust fund. We have the direction to use 1 million to purchase and develop the property. In addition, the
Governor’s office raised an additional million dollars, and the mortgage finance authority has come in with
$480,000; money has also come in from legislative appropriations of $980,000. The total development is
looking at 3 million, we have an excess of $400,000.00. The county has partnered with us on all but the 1
million. The county has also taken the lead of debris removal from our recovery plan. We are not looking at
jurisdictions, we are focused on helping people. Director Mendez stated page 36 of the case packet shows the
breakdown of the funds. Manager Dodge stated we have been working closely with the County in many aspects
of this and the McBride Fire recovery plans. Chairman Briley asked if all residents of the Village and County
will be allowed to apply for this. Attorney Cook stated that these questions are irrelevant and would caution the
commission to not take them into consideration when deciding the actual case. You are required to use the
zoning ordinance and the application as in front of you to decide on the proposed request.

Director Mendez continued “We keep hearing “workforce housing”. Is there going to be a stipulation that
people renting the properties will be showing proof they are indeed working here and aren’t moving in from
somewhere else (another town) just because they can qualify to live in the complex and meet the economic
standards. Is there is a work stipulation………otherwise it’s not workforce housing is it.” Manager Dodge stated
the definition of workforce housing is loose with no restriction. There is an affordable housing act, and trust
fund act. There are also discrimination laws; we do not discriminate of where they live. They will need to meet
income guidelines. An example of the LMI, a family of four is about 93,000.00 approximately. It will be first
provided to displaced individuals, there is an application process. After 18 months, the development has been
based on a cost-for-service model within the enterprise fund. All rents will be at cost-of-service rates, not fair
market. We will work with them after the subsidy runs out.

Chairman Briley stated that covers her next question. What about selling these? Will the be individually owned?
Manager Dodge stated they will not be individually owned. We have an RFP that allows individuals displaced
to piggyback off of our purchasing agreement.
Chairman Briley stated he would continue summarizing the questions in Mrs. Austin’s statement, one being of the landscape will be heard during site development; the other 2 are rules and regulations and covenants. Manager Dodge stated there are no restrictive covenants on the property. These homes are being placed within our landbank and only these restrictions of the housing act can and will be applied. By placing them in the housing trust, they will remain only as long-term rentals.

Director Mendez stated the second is from Kelly & Brandon Johnson, “Hello- We were surprised to hear that a conditional use permit was coming before P&Z this afternoon to change the originally well received plan of 55 apartments to 19 manufactured homes. Housing has been an issue in Ruidoso for more than a decade. This problem has been accelerated by the devastating McBride Fire. We understand the need for housing and to get housing quickly but were disappointed to hear that the new solution is a fraction of the originally planned occupancy. With so little buildable land within the Village, is it in our best interest to look at a short term solution for a long term problem? We’d ask the committee to reconsider this request due to the fact that the Workforce Housing Committee hasn’t had a meeting to weigh in on this change in plan. We realize the Village has been working hard to find a solution to the housing issue after the failed Mashburn Property, failed Cree Manor property and failed Elevate Hotel option. But there are 1,500 short term rentals in this community, we’d ask the Village to look at more creative options to find housing for those displaced from the McBride Fire. Thank you for your time. Upon further investigation and review, we realize this is a different property on Mechem than the one originally proposed for the 55 apartments. The confusion within the packet is including the traffic study from the other property. We would still ask the committee to reconsider this conditional use and look into the 1,500 short term rentals that are vacant for part of the year for housing individuals displaced by the McBride Fire and look to use this prime commercial real estate to bring in new industry or one that is needed to get funding for the 55 unit development. We realize this amendment to our original comment comes after the deadline but would ask for it to be included as an updated comment for the meeting.” Chairman Briley asked if her comment of the short-term rentals early was to address this comment, Director Mendez stated it was. Also, that the Village has not presented anything on using the Elevate Hotel, and the Cree Manor did not get approved because of the combining of the lots could not be done.

Chairman Briley stated that he would quickly state the remaining comments were ENMU in favor, the Chamber in favor, Owners of Dollar General in favor, and statement form our Workforce Housing Board being in favor. Director Mendez wanted to clarify for the Commission that the Workforce Housing Board was present at the last special Council meeting where this was discussed, and they are in favor of the project. Manager Dodge would like to make a rebuttal of a comment received. There is a lease agreement in place for the 1102 Mechem property next to PNM. They are going for round 2 and have been working with the state for the approval of the 55 units. The housing study has identified a need of over 300 units for the community. With this proposal and the 55 units, its not a solution for the housing, but it’s a start. Chairman Briley stated that the traffic study provided was from the other property. We do have an access permit at this time and will be obtaining other access. A study will be one at that time. Director Mendez stated the numbers are similar as they have the same cross streets.

Commissioner Rigsby asked if the 3.6 million received are earmarked for this project specifically. Manager Dodge stated yes. Commissioner Rigsby asked if the latest numbers were used to develop the site plan and what was the timeline on this. It seems like it was a quick purchase. Manager Dodge stated the site plan and costs come to about 3 million and we have $500,000 still to work with. There is a lot of speculation in costs. This use is identified in our code, and we have identified this property to be used as best fit for this use of housing. There have been meetings with the Council and Housing Board within the last 40 days. We have been given authority as staff to expedite the process. Commissioner Rigsby stated this is response to the McBride Fire, Manager
Dodge stated this response is in two fold. Response to the McBride fire and also workforce housing. This is an innovative project within New Mexico. This creates long term solutions for the rental problems we face.

Commissioner Rigsby asked if the site plan requirements should be removed from the request as they cannot be discussed until the next hearing. Director Mendez stated its included as required because you need to see density and importance to the proposal. It provides you the details that will be further explained in the next hearing. Commissioner Rigsby states in his opinion you cannot vote on one without the other. Chairman Briley stated as though its referenced, you have to vote on just the use for the use as requested, the next is the site plan showing the questions of development. Director Mendez stated that you cannot approve a site plan without first approving the conditional use.

Commissioner Williams asked if we could remove the specified unit numbers from the request. Manager Dodge stated he does not disagree with that.

Commission Baugh asked if there is a conflict per legal opinion on modular or manufactured homes for the use, Attorney Cook stated there was not.

Commissioner Rigsby stated based upon the foregoing findings of fact per §54-68 and § 54-100 of the Village Code, I move to GRANT the requested conditional use with the removal of specified unit numbers and only adhering to zoning code for development for Case #CU-2022-198 along with the conditions as stated in the case report.

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

Commissioner Baugh: Aye
Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michelena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Aye

Motion carried with all ayes.

Chairman Briley called for a recess at 3:05 returning at 3:13.
B) Site Plan and Concept Approval Case # CU 2022-197-Request to develop multi-family housing within a C-2 Community Commercial District located at 1114 Mechem Dr., tracts 6, 7, and 10 of the H.F. Investors Tract, Ruidoso, New Mexico.

Director Mendez stated this is the site plan hearing for the previous case that was just approved.

Mr. Sena stated there is a revised site plan providing some 4-bedroom units. Currently there are 17 units proposed. The homes have been moved to accommodate the extra setbacks needed by PNM. There will be lighting, dumpsters, and utility services.

Commissioner Williams asked why there is only 1 exit. Manager Dodge replied that the Dollar General driveway is a dual driveway. We do anticipate further development for another exit. This has been designed as required by code and would like to improve exit layouts working with Mr. Pippin in the future.

Chairman Briley opened the public hearing at 3:21 pm.

Lisa Burns stated she was impressed with the comments and flexibility to address concerns. She has concerns of parking and does not want guests of the development to be using the Dollar General parking spots. Would like to see more done to make it aesthetic and look forward to hearing more on security and lighting.

Chairman Briley closed the public hearing at 3:24 pm.

Manager Dodge stated that this is a preliminary site plan, and we are under contract to make a development to be proud of. Commissioner Williams asked if the fire department can still maneuver if there is a cul-de-sac. Manager Dodge stated that the code provides for ending in a “T” or cul-de-sac. Captain Wilson stated he is confident that all access in fire trucks can be met.

Chairman Briley asked how much elevation change is needed to get a fire truck into the development. Captain Wilson stated the engines have high clearance and can confidently state there would be no access issues.

Commissioner Rigsby asked how the site plan was developed. Manager Dodge stated he worked in the Planning Department prior to his current position, so he has used his knowledge to help create this plan and provided to an engineer to get the layout. Commissioner Rigsby asked if this is the only configuration to get this number. Manager Dodge stated that he is using the professional’s proposal to meet all requirements. Commissioner Rigsby asked if it was considered to develop vertical. Manager Dodge stated it was not, the target was to use manufactured homes. We cannot discriminate on manufactured and modular homes; all building codes are being met.

Commissioner Byars asked if they will be staked or set. Manager Dodge stated they will be placed on piers and will be skirted.

Chairman Briley asked if there is a current waiting list and how will people be picked. Manager Dodge stated that displaced families are the priority. Once those have been addressed, the remaining units will open to workforce housing. An RFP is out to manage the property on the Village of Ruidoso’s behalf. They will be following the Affordable Housing Act. Chairman Briley asked about price escalations being of concern and what is the timeframe. Manager Dodge stated that we are anticipating August 1st, bids will be due next Friday. Chairman Briley asked if the roads will be dedicated to the village, Manager Dodge stated no, the roads will be located within the one tract of land. Chairman Briley asked about fencing, Manager Dodge stated that currently there is chain link, fencing materials have not been identified yet. Chairman Briley asked if they could
accommodate extra parking to avoid anyone parking at the Dollar General. Manager Dodge stated they could reconfigure some homes and develop an overflow parking area.

Commissioner Rigsby made a motion based upon the foregoing findings of fact per §54-67 and § 54-100 of the Village Code, I move to GRANT the requested site plan and concept approval for Case #SP-2022-197 with the conditions as stated in the case report including the following additional requirements of homes be placed on foundations, additional guest parking required, provide green space where possible, prioritize 2-bedroom units over units with patios and amend the original plat to prioritize the number of units not to be less than 17.

Seconded by Commissioner Byars. Mrs. Warren called roll to record votes:

Commissioner Baugh: Aye
Commissioner Briley: Aye
Commissioner Byars: Aye
Commissioner Michlena: Aye
Commissioner Richardson: Aye
Commissioner Rigsby: Aye
Commissioner Williams: Aye

Motion carried with all ayes.

ADJOURNMENT:

Commissioner Briley adjourned the meeting at 4:21 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
OLD BUSINESS:
Mrs. Warren stated there she had driven by the property and there are improvements. Director Mendez stated that the next update would be provided in 90 days.

COMMUNITY DEVELOPMENT REPORT:
Director Mendez stated the Chapter 54 rewrite is still actively being reviewed. There were changes to the sign ordinance that will need to be brought back to the commission.

Mrs. Warren stated that there will be a town hall on June 16th to address questions of address changes on Sudderth. Notification letters are set to mail this Friday.

COMMISSIONER’S COMMENTS:
None

ADJOURNMENT:
Vice-Chairman Michelena adjourned the meeting at 2:54 PM.

MINUTES ARE DRAFT UNTIL APPROVED AT THE NEXT REGULAR MEETING
Passed and approved this _____ day of ________________, 2022.

APPROVED: ______________________________
          Ron Michelena, Vice-Chairman

ATTEST: ______________________________
         Samantha J. Mendez, Community Development Director
Subject Property: 143 Fern Trail
Zoning: R-1 Single-Family Residential District
Subdivision: Ruidoso Springs

Legal Description: Lots 6,7,8 Block D
Applicant: Dana Schenk
Hearing Date: July 5, 2022

Applicable Sections of Village Code:

➢ Sec. 54-73. - Vacation and sale of public right-of-way or easement.
➢ Sec. 54-92. - R-1 Single-Family Residential District.
➢ Sec. 54-283. – Subdivisions; Administration and Enforcement
➢ Sec. 54-285. – Subdivisions; Design Standards

I. REQUEST: The applicant is requesting the Vacation of a portion of Alamogordo Street & Public Dedication of Roadway, located at 143 Fern Trail, lots 6,7,8 of Block D of the Ruidoso Springs Subdivision, 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>R-1</td>
<td>Single-Family Residential District</td>
</tr>
<tr>
<td>East</td>
<td>R-1</td>
<td>Single-Family Residential District</td>
</tr>
<tr>
<td>South</td>
<td>R-1</td>
<td>Single-Family Residential District</td>
</tr>
<tr>
<td>West</td>
<td>R-1</td>
<td>Single-Family Residential District</td>
</tr>
</tbody>
</table>
IV. AREA ZONING MAP
Arterial View

Property Pictures
V. ANALYSIS

Sec. 54-73. Vacation and sale of public right-of-way or easement.

(a) Vacation criteria. Vacation (closing) is the method by which land used to provide access for the movement of people, goods, drainage, utilities (surface or subsurface), vehicles and services is closed to those uses. Anyone (including the village) may request a vacation. A vacation may be approved if it is determined that:

(1) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of that right; and

   a. The public welfare is not served by retaining the way or easement; or

   b. The development made possible by the vacation results in a net benefit to the public welfare which is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation.

(b) Partial vacation. Vacation may not result in closure of all uses. For example, public access may be closed while utility access through creation of a defined utility easement is retained.

(c) Preapplication discussion. Applicant shall meet with the planning department prior to submitting a formal application.

(d) Application contents. Applicant shall submit a formal application for vacation of right-of-way or easement to the planning department along with the appropriate application fee as set forth in Appendix A to this Code. Include the following items with the application:

   (1) A right-of-way or easement survey meeting the standards of NMAC 12.8.2.13 (New Mexico Administrative Code) showing the area to be vacated and the surrounding properties.

   (2) Certification that the applicant has notified all property owners within the notification area as set forth in section 54-40. Certification may be documentation provided by the postal service or a notarized statement from the applicant.

   (3) The location, description and ownership of all utilities within the proposed vacation area.

   (4) Statements from all utility companies stating their agreement to the proposed vacation and specifying any conditions of approval. These shall be on company letterhead with the title of the person signing the letter.

   (5) Statements from property owners within the notification area identifying their position on the proposed vacation. These may be in letter form signed by the property owner. It is not necessary to obtain a letter from every property owner within the notification area. The intent of this requirement is to provide an early indication of either support for or objection to the proposed action. It is in the applicant's best interest to have met with or discussed the action with neighboring property owners and obtained their agreement to the proposed action prior to submitting a formal application to the village.

   (6) In the event the parcel vacated exceeds the sum of $2,500.00 in value based on the acquisition fee schedule set forth in Appendix A, the applicant shall also comply with the provisions of NMSA 1978 § 13-6-2 and the applicable regulation(s) of the state board of finance (a copy of the statute and regulations are available in the village planning department).
(e) **Staff review of application and scheduling for review and action by planning commission.** Planning department staff will review the application and advise the applicant when it is complete. The planning staff shall then prepare a staff report and forward a draft copy to the applicant for review. The application will be heard as a regular item at the next planning commission meeting scheduled at least 14 days after completion of the staff report.

(f) **Notification.** The planning department staff shall provide notice of the planning commission meeting at which the application is scheduled to be discussed and voted on as specified in section 54-40.

(g) **Planning commission action.** The planning commission shall hear the case and vote to recommend that the village council authorize the vacation and sale with conditions, vote to recommend that village council reject the vacation application or vote to forward the application to village council with no recommendation.

(h) **Village council action.** The planning department shall forward the recommendation of the planning commission to the village clerk along with a request to schedule the application for review and action by village council. The village clerk, in consultation with the mayor and village manager, shall schedule the application for review and action by the village council. The application shall be heard as a regular item after at least 30 days public notice in newspapers of general circulation in the state. The planning staff shall provide the village clerk with all pertinent information, including minutes of the planning commission meeting at which the item was discussed and voted on, in sufficient time prior to the meeting at which the item will be discussed by village council so that the information may be included in the councilmembers' briefing books.

(i) **Finalization of vacation and sale.** If village council votes to approve the vacation and authorize sale of the land, the planning department staff shall coordinate the preparation, signing and recording of the appropriate documents. The applicant's surveyor or engineer shall provide all required legal descriptions and drawings. For those vacations that will require state board of finance review prior to completing the vacation, the applicant or other eligible adjoining property owner shall obtain an appraisal and pay the appropriate acquisition fee as determined by the appraisal. Should the appraised value of the right-of-way be more than ten percent less than the value set forth in Appendix A, the village may obtain another appraisal and the value of the right-of-way shall be the average of the two appraisals. If the village decides not to seek a second appraisal, the value of the right-of-way shall be the average of the applicant's appraisal and the value set forth in Appendix A.

(Ord. No. 2008-13, 10-28-08)
Sec. 54-92. - R-1 single-family residential district.

(e) Development requirements.

(1) Development requirements for the R-1 district are as follows:

a. Subject to subsection a below, minimum lot area: 10,000 square feet. See section 54-66 for lots less than 10,000 square feet.

1. Resubdivision. Resubdivision of previously subdivided or platted land shall be as provided herein. The provisions of this subsection shall apply to any land, regardless of size, identified as a lot, tract or similar term and described by lot or tract number or letter, block number or letter, street address or similar means.

a. Reserved.

b. The planning commission and village council shall consider the size of adjoining lots, the effects of the resubdivision on those adjoining lots, the availability of village utilities and the capacity to provide utility service to the newly created lots, and other pertinent factors in determining the actual sizes of the lots to be allowed. Adjoining lots shall include those lots separated from the subject lots by a street or alley.

c. The provisions herein shall not apply to:

   d. Tracts of land described only by metes and bounds.
   e. Those cases where all of the land in a previously platted subdivision is owned by a single person and an application for replat of the entire subdivision is submitted pursuant to subsection 54-284(d)(1).
   f. Nothing herein shall be construed to prevent the replating of smaller lots into larger lots or otherwise replating contiguous or adjacent lots where there is no increase in the number of lots after the replat as otherwise provided by this Code.

Sec. 54-283. – [Subdivisions] Administration and enforcement.

(5) Review and decision by planning commission. Minor subdivision under this alternate summary procedure may be approved by the planning administrator and signed by the planning administrator and mayor. Review by the planning commission shall not be required except for those subdivisions which have been recommended for denial by the planning administrator and upon written request by the applicant.
Sec. 54-285. – [Subdivisions] Design standards.

(1)d. Blocks.

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways, parks, or areas that will remain undeveloped such as steep slopes or forested areas.

2. The lengths, width and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 600 feet or 12 times the minimum lot width required in the zoning district.

3. In long blocks the council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, emergency access or pedestrian traffic.

(1)i. Continuation of streets between adjacent properties; dead-end streets.

1. Continuation of streets; temporary dead-end streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection or efficient provision of utilities, and where such continuation is in accordance with the village comprehensive plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The council may limit the length of temporary dead-end streets in accordance with the design standards of this article.

(2) Design standards.

a. Dimensions. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, table 1 sets forth design standards for streets.

Minimum width of right-of-way: Local streets = 50’
The Planning Commission has the following options:

1. **Recommendation of Approval** of the request to vacate a portion of Alamogordo Street & public dedication of roadway, Fern Trail, with reasons stated in the motion, granting the requested use.

2. **Require modifications** of the request to vacate a portion of Alamogordo Street & public dedication of roadway, Fern Trail, and have it returned for Planning Commission review at the next meeting.

3. **Recommendation of Denial** of the request to vacate a portion of Alamogordo Street & public dedication of roadway, Fern Trail, 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 the recommendation of approval or denial of this application rests only with the consistency with applicable statutes, codes, and policies and with the Commission’s analysis of the impacts on the surrounding properties and the community at large. The clarity brought by this re-plat would improve the accessibility to the Village road Fern Trail and clean up the structure that is currently platted on “Alamogordo Street”.

Upon review of the application and existing conditions, staff finds that the proposed request for vacation & public dedication of roadway; Fern Trail, appears to be consistent with the Village Code and hereby recommends the following conditions:

1. Applicant must complete and return necessary re-plat documentation prior to any construction including an improvement survey that notates the vacation of Alamogordo Street, and the Public Dedication of Fern Trail that was approved on the face of the plat. Failure to complete and record the vacation agreements within six (6) months from approval will void the approval of Case #PV 2022-279. Plat must be recorded in the office of the Lincoln County Clerk.

2. Applicant shall make no substantial changes in plans without Planning Commission approval.
Suggested Motion:
“Based upon the foregoing findings of fact per §54-73, §54-92, §54-283, and §54-285 of the Village Code, I move to recommend that the Village Council APPROVE the road vacation and ACCEPT the requested realigned street dedication of Fern Trail in Case #PVC 2022-279 with the conditions stated in the case report.”

Prepared & Submitted by:

[Signature]

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
To whom it may concern,

RE: Lots 6, 7 and 8 Block D Ruidoso Springs Subdivision

In the summer of 2020, we purchased 143 Fern Trail in Ruidoso. At that time, we discovered a boundary issue with the lot (6). The cabin was built in 1924, the same year that the area was subdivided. Multiple surveyors over the years have discovered that the original subdivision was over 40 feet short. After the flood that diverted the river in the 1940's, it confused boundary lines more. I have attached a report from DT Collins explaining his findings regarding this matter.

Modern surveys show that our cabin is encroaching more than 10 feet onto Alamogordo St. Currently, Fern Trail runs through the lower portion of our property (lots 6,7 and 8). Over the years, our neighbors along Fern Trail have encountered similar boundary issues. To resolve this matter, they participated in a land swap with the Village of Ruidoso. In this process, Fern Trail was swapped for Alamogordo St. We are requesting that the area of Fern Trail running through our property be dedicated to the village and that Alamogordo St., behind lots 6,7 and 8, be deeded to us. This will clear up easement issues along Fern Trail as well as our boundary concern.

Ruidoso Land and Survey has shown the area of Alamogordo St. to be 4500 sq ft. The estimated area of Fern Trail is 4100 sq ft. Although the square footage is not equal, there is significantly more value in the flat area of Fern Trail containing utilities than the side of the hill where Alamogordo St. is located.

In closing, we ask that the village acknowledge the errors in platting within the subdivision. Thus, allowing us a re-plat, incorporating Alamogordo St. into our lots, without charging for vacating public land that either has not been constructed or does not exist on the ground.

Thank you for your consideration,

Wes and Dana Schenk
Dear Samantha,

Regarding the replat at or near 141 Fern Trail, the vacation of Alamogordo Street on the Northern side of lots 6-A, 7-A, and 8-A will not affect the ability of Public Service Co. Of Zia Natural Gas Co. to provide services to the above-mentioned plots.

Salvador Cortez
District Manager
Zia Natural Gas Co.
100 Short Dr
Ruidoso Downs, NM 88346
(575)937-0217
PNM
Ruidoso Construction Center
Mall Stop MSRDSC
Ruidoso, NM 88345
575-830-5405
PNM.com

February 22nd, 2022

Samantha J. Mendez
Village of Ruidoso, 313 Cree Meadows Drive
Ruidoso, NM, 88345

Dear Samantha,

Regarding the replat at or near 141 Fern Trail, the vacation of Alamogordo Street on the northern side of lots 6-A, 7-A, and 8-A will not affect the ability of Public Service Co. of New Mexico (PNM) to provide services to the above-mentioned plots.

Sincerely,

[Signature]

Ryan Ebarb
Ryan.Ebarb@pnm.com
Boston Nelson
O.P.T. Engineer
114 Masarela Trail
Ruidoso NM 88345

01/04/2022

Attn: Samantha J. Mendez
313 Cree Meadows Drive
Ruidoso, NM 88345

Dear Ms. Mendez,

This letter is referencing the replat located at 141 Fern Trail in Ruidoso NM. The vacation of Alamogordo St on the Northern side of lots 6-A, 7-A, and 8-A will not affect Windstream’s ability to service new and existing customers. According to Lincoln County records the mentioned lots/ properties are shown to be owned by SCHENK, WESLEY R DANA. Parcel: 4072065018021000000

Please note that regarding Windstream’s facilities along N Grindstone Canyon Rd, Fern Trail, Alamogordo St & Roswell St., Windstream’s primary Fiber transport route runs along North Grindstone, crosses Rio Ruidoso Bridge and then proceeds along Fern Trail. Windstream facilities then proceed uphill and borders Alamogordo St. within the existing utility easement through Parcel: 4071065515012000000 owned by KANEER, KENT G GOMEZ, ALICIA. This Plat falls within the Navajo Subdivision Lot 14A. The Navajo plat shows that a 20’ Utility easement is created by the filling of the plat, which was recorded in 2007.

Ruidoso Springs Subdivision- Boundary to Lot 14A Of Navajo Subdivision.
Lot 10A, 9A, 8A had a Boundary Survey Replat done in 2014. This Plat shows a 20’ wide utility easement running North & South along east side of Lot 14A. (Navajo Subdivision). The Windstream Fiber Path is within the utility easement but does also border a portion of Alamogordo St.

Windstream would object to the closing of any existing easement that would require relocation of Windstream’s existing facilities or prevent future placement. However the vacation of Alamogordo St. located North of lots 6A, 7A , & 8A will not impact our existing facilities.

Yours truly,

Sincerely,
Bo Nelson
O.P.T. Engineer.

P.O. Box 4100, Farview, NM 87533
(505) 747-6230 – Fax (505) 747-1365