

VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING - 7:00 P.M.
April 23, 2003

Present:

John Hooker, Mayor
Penny Rembe, Trustee/Mayor Pro Tem
David Siegel, Trustee
Don Lopez, Trustee
Pablo Rael, Trustee

Hank Rosoff, Administrator
Allen Leatherwood, Treasurer
Annabelle Silvas, Clerk
Cyndie Tidwell, Planner
David Mathews, Attorney

1. CALL TO ORDER

The Village of Los Ranchos Governing Body held a Regular Meeting on Wednesday, April 23, 2003 in the Warren J. Gray Hall. The meeting was called to order at 7:05 p.m.

A. Approval of the Agenda.

MOTION: Trustee Lopez moved approval of the agenda. Trustee Rael seconded the motion.

Trustee Lopez asked about the financial documentation missing from the packet, and asked if the software had come in.

Administrator Rosoff said the software has arrived and has been loaded. A financial report should be ready this week, but nothing to report tonight.

Trustee Siegel said that Item 5B wording, should be "discussion and approval of an ordinance", because were not going to approve considering.

VOTE: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

There was no public comment period.

3. CONSENT AGENDA

A: Approval of the Minutes - Regular Meeting April 9, 2003.

Trustee Siegel stated that on Page 3, B, a motion of his was not included.

Trustee Rembe stated that on Page 3, Line 15, it should state "the motion carried unanimously with Trustee Siegel voting no." **Trustee Siegel** accepted the changes.

MOTION: **Trustee Siegel** moved approval with the above changes to the minutes. **Trustee Rembe** seconded the motion.

VOTE: The motion carried unanimously.

4. PUBLIC HEARINGS AND APPLICATIONS

None.

5. OLD BUSINESS

A. Discussion and approval to advertise in Summary and publish Chapter 31 of the Codified Zoning Ordinance.

Trustee Lopez asked about examples of the NC Zone and the N Zone, in section 13 and 14.

Trustee Siegel stated that there were a couple other changes in the table of contents. The Design Regulation, Off-street Parking Regulation, Landscaping Regulation and the Dark Sky Regulations, those are their own sections and are not under the Special Use Permit.

MOTION: **Trustee Siegel** moved approval to advertise. **Trustee Rembe** seconded.

Trustee Rael stated that on page 41, Line 48, the multiple zone lot, says the depth should be to 300 feet. The two zones that are reserved, that's one of the reasons that we reserved it and the Village Center Zone is deeper than 300 feet as far as parking. He thinks this should be corrected.

Trustee Lopez stated that after the words 300 feet, you could add the words "*unless otherwise specified.*"

Trustee Rael stated that on Page 6-2, Line 17, he thought this had been eliminated.

Administrator Rosoff said that had been specifically added at the Saturday session that was held in September.

Trustee Lopez said he agrees with Trustee Rael, we don't need to say that.

Trustee Siegel stated that he doesn't mind if they charge rent for guest houses, but it needs to be an above board process. This does increase the density on the property. He is not opposed to the concept, but he thinks it should be a Conditional Use, and have some kind of regulatory approval. The rent should be a separate conditional use.

Mayor Hooker stated that would mean allowing guesthouses and changing the numbering, adding Item 7, Rental of guesthouse as a conditional use and keeping that under Item 6, but allowing it as a possible

additional Conditional Use. So add Item 7 after 6, Rental of guesthouse or additional dwelling. Staff will review how to apply the area regulations to that.

Trustee Siegel asked why it couldn't just be put under guesthouse or additional dwellings, and said that they can not charge rent unless a separate or conditional approval is obtained. That way it's all in one spot and just leave B there.

Mayor Hooker said he'd direct staff to make that work and leave the paragraph numbered as needed.

Trustee Rael stated that on page 10-8, line 10, where it states "*not included on automobile repair services*", but then under special use permits it is allowed, is that the way it should be? On page 11-3, line 30, it says access to drive-thru facilities shall not cross a sidewalk, he does not see how you can avoid that. One way or another, you are going to have to cross it to get to the drive-thru. On line 45, the word *nor* should be *no*. On page 11-5, line 33, it says *on lots abutting 4th St*, should that also include Osuna?

Mayor Hooker stated that made sense.

Trustee Rael stated that on page 12-5, line 23 states "*no solid wall or fence shall be allowed which faces the street or alley and exceeds 4 feet in height as measured from the center-line of such street, road or alley unless specifically approved by...*

On page 17-1, line 6 and 7, he wanted to bring up a point about the off-street parking. This is one reason that in the Master Plan we considered the additional parking beyond the 300 feet. On page 9-9, where it promotes shared parking. If this is the case, why is it no one allowed to park next to the Tortilla Factory?

Administrator Rosoff stated that it has to be zoned for parking to be used as a parking lot.

Trustee Rael stated that on line 34 it says "*one parking space for each bedroom or fraction thereof provided in the dwelling but not less than two spaces per dwelling unit*". This shouldn't be referring to non-residential, because if you don't have a residence then you can't have one parking space per bedroom.

Trustee Siegel asked if apartment houses have to provide one parking space per bedroom.

Administrator Rosoff stated that the new units that are being built at El Pueblo and 4th in the County had to get a waiver to go down as low as one parking space per unit, and those are all one-bedroom units.

Trustee Rael said he didn't think it was right to require a resident to provide one space per bedroom. He can see it at apartments and hotels.

Mayor Hooker said we could have two categories of dwellings, one in a residential zone and one in a commercial zone.

Trustee Siegel asked what the standard on this was in other Municipalities.

Mayor Hooker said it could be as low as one space per apartment with one guest space for every five apartments, and typically, it's one per bedroom. This only applies to new construction, existing uses are grand fathered in.

Planner Tidwell said that we'd make sure that we had the specific definition of a parking space, dimensions, etc.

Attorney Mathews said what we have in the definitions is parking space for handicapped means a space not less than 13 feet in width and 20 feet in length, We don't have a definition in here for a parking space except for handicapped. What I gather by space is square footage or dimensions.

Planner Tidwell said on page 17-3 under location and improvement of Parking areas, E-3, line 17 it gives the dimensions of the parking spaces.

Trustee Rael said that on page 17-2, line 18, it says that "*rooming or boarding houses one parking space for each two sleeping quarters.*"

Trustee Siegel said he thinks it should be one for each bedroom. Why should a hotel, motel, guest ranch or bed and breakfast be different from a boarding house?

Mayor Hooker asked if to switch line 18 to "*for each sleeping room.*"

Trustee Rael said on page 17-3, line 23 it says, "*parking spaces shall be accessed by a 24-foot wide aisle.*"

There was a discussion on the parking spaces and how wide the aisle would be.

The consensus was to just leave as is.

Trustee Siegel stated that on Section 18-1 landscaping, on B-1, Line 11, it should be "*after adoption of the ordinance*" and not "*October 1, 2002.*" and wherever else this date appears, and under General Regulations in Section 20.

Administrator Rosoff stated that on Section 21, signs, and we've said in this draft "*as enacted in the Sign Ordinance.*" He asked if the Board would rather have the Zoning Ordinance repeal the Sign Ordinance, and just include the text in here so there's only the one ordinance or would you like to continue it as a stand-alone ordinance? That would be the case on signs and home occupations.

Attorney Mathews said he thought it made sense to meld the home occupations into the Zoning Ordinance. He does not think there is any reason that signs can't stand alone, but thinks the home occupations should be in the Zoning Ordinance.

Administrator Rosoff said a paragraph would be added making sure that we cancel any ordinances that will be replaced by this one. The existing Chapter 31 will be repealed as we enact this, and we will be repealing the home occupation ordinance.

Planner Tidwell said it would be her preference to put Signs into the Zoning Code so that her department has one document to use for all the different zoning actions.

Mayor Hooker said he didn't see any objection to doing it that way.

Trustee Siegel said that he wanted to point out that under General Regulation, Section P, under welfare of animals, it does tie a violation of the animal welfare ordinance, and is a violation of the Zoning Ordinance.

Mayor Hooker asked if the zoning map (4-1, paragraph C) is adopted at the same time or is that going to be a separate action by the Board.

Administrator Rosoff said in the past it's been adopted at the same time.

Dennis McCary said his concern is that in the zoning code section 12, beginning on page 12-1, under the new agricultural commercial zone it says that one of the permitted activities is keeping livestock in numbers exceeded by the Village ordinance, but then if you look in sections 6,7, 8 and 9 what used to be the limit of one horse per ten thousand square feet it is no longer there. While, regardless of zoning, people that had more than one horse per ten thousand square feet are going to be subject to the animal control ordinance and are going to have to come forward with the dust and pest control and manure and drainage plans. Only those existing and new horse farms who apply for the AC Zone will be subject to it. The AC Zone, especially on Page 12-4, has some very important regulation in it, which includes a 25-foot setback from arenas, buffering with a six-foot wall or landscaping and some of these other things.

Unless you kept the four horse limit in the other zones, or four horses per acre or one per ten thousand foot, new and existing commercial horse farms are really not going to have an incentive to apply for this new zone and I can't see why they would subject themselves to that part of the regulation, and he would ask that the Board reconsider dropping that. He does not understand the logic of doing that.

He said under the existing ordinance you limit non-conforming uses to buildings and structures. The original ordinance passed in 1959, it says "buildings that didn't conform could continue for twenty-five years. The structure justifies more consideration to that as a non-conforming use." The purpose of that, is to eliminate non-conforming uses over time, and to expand non-conforming categories beyond buildings and make it applicable to any use, he does not see how that's in the interest of the zoning authority. His major concern is we need the horse limitation to be retained in the A1, A3, R2 and R3 zones, so that people who have those larger numbers of horse concentrations will feel compelled to apply for the AC Zone, and therefore become subject to all this regulation.

Trustee Siegel said it was his understanding that a new horse facility would have to get this zoning because a commercial horse facility is not permitted in residential zones. They would have to get AC Zoning for the new ones. Commercial horse facilities that exist today would become non-conforming under this.

Dennis McCary said he didn't understand where it said that. Section 6, Page 6-1, "A permissive use in the A1 Zone is agricultural activities including the raising and harvesting and storage of fruits etc. and livestock keeping and raising for commercial or non-commercial purposes." That would imply to him that keeping livestock for commercial purposes is permitted without any limitation. That would make formally existing horse farms convert them from non-conforming to conforming, and it would not prevent someone who had land in that zone from starting a commercial horse farm with any number of horses, and he would think that they would be inclined to do that. If they wanted to have a riding academy or an arena then they would have to apply for the AC Zone.

Trustee Siegel said what if we just removed commercial from that portion that would encourage people wanting to pursue commercial activities to get the AC Zone.

MOTION: Trustee Siegel moved to remove references to commercial agricultural activities. (Page 6-1, line 22)

Attorney Mathews stated that another way to handle this is for him to do a definition of commercial for agriculture, and he could define commercial agriculture to the raising of crops. Under the right to farm act, it states that you can not prohibit the right to sell in roadside stands on their own property.

Trustees Rael & Lopez said they both prefer the definition.

Trustee Siegel's motion died for lack of a second.

VOTE: The motion carried unanimously to amend as stated and advertise in summary.

B. Discussion and Approval of an Ordinance Amending Chapter 3 of the Codified Ordinance - Animal Welfare Ordinance.

MOTION: Trustee Siegel moved to approve the ordinance. **Trustee Rembe** seconded the motion.

Administrator Rosoff stated that at the last meeting when this was discussed, there was some comment about whether to add a leash law. That has not yet been added, and has not been published with a leash law in it.

There was a discussion on where this language was included in the ordinance.

MOTION: Trustee Rembe moved approval to include a leash law. **Trustee Rael** seconded the motion.

There was a discussion among the Board members about fines, minimum, maximum, who collects, who enforces.

Attorney Mathews said that having the statement about the fines would be a good idea to include in the Ordinance. He would also like to sit down with Judge Marble and talk about this problem.

MOTION: Trustee Siegel moved approval to re-advertise the draft ordinance as amended. **Trustee Rembe** seconded the motion.

VOTE: The motion carried unanimously.

6. NEW BUSINESS

A. Discussion and Approval to Advertise Amendment to Business Registration Ordinance.

MOTION: Trustee Lopez moved to advertise the ordinance. **Trustee Siegel** seconded the motion.

VOTE: The motion carried unanimously.

B. Discussion and Approval to Advertise an Ordinance of Vehicles Abandoned or Displayed Illegally.

Administrator Rosoff said a section was added on abandonment, and is virtually identical to the Bernalillo County Ordinance.

Mayor Hooker asked if the fine amount should be separate from the ordinance into a separate resolution.

The consensus of the Board was to leave as is.

Trustee Rael said that on lines 44 & 45 the words "*motor vehicle*" was repeated.

MOTION: Trustee Rael moved to approve to advertise the Vehicle Abandonment Ordinance. **Trustee Rembe** seconded the motion.

VOTE: The motion carried unanimously.

C. Discussion of the 2003 Board Meeting Schedule.

Mayor Hooker asked that the Board drop to one meeting during the summer months of June, July and August.

The Board agreed to this schedule.

D. Discussion and Approval of Extending Legal Services Contract with Attorney David Mathews.

Administrator Rosoff stated that the contract currently expires on April 30th, and this would extend it to the full legal limit of four years.

MOTION: Trustee Siegel moved approval. **Trustee Rembe** seconded the motion.

VOTE: The motion carried unanimously.

7. FINANCIAL BUSINESS

There was no financial report.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that they had a terrific meeting with Charles Bohl and are proceeding with the arrangement for Bob Gibbs to come May 5th & 6th. He said he is meeting monthly now with the Mayors and Pueblo Governors of the region. He also said he is excited about the new tax commission the governor has appointed. He said there are concerns about Senate Bill 241 and 687, and will be watching this carefully.

B. Administrator's Report

Administrator Rosoff reported that data is being inputted into our alarm software, and expect to generate billings next week, and expects that we'll have somewhere in the order of \$1500.00 in billings going out next week. The Spring Fest is coming up and has been coordinating the use of the park with them. The Unification Charter Commission is holding a community meeting at Alameda Elementary School this Saturday from 1:30 to 5:0 p.m. He said the Fire Department is holding a Health and Safety Fair this weekend and are expecting it to be very well attended. George Dahl has been selected to fill the vacancy as Fire Marshall. The engineers have designed a resealing and re-stripping of the parking lot at Hartnett Park. He has received three comments on the traffic calming that was published in the Newsletter.

C. Legal Report

Attorney Mathews reported that he will be on vacation the first week in May, and will have a back-up attorney on hand. He said the answer and interrogatories, the record proper; all of those things are due in the case against the Aragon radio Station May 7th. Hank has given him a copy of the personnel ordinance, and will be presenting a revised personnel ordinance to the Board soon. The fire alarm at Gemini is going to be inspected by the Fire Marshall on Monday. The case that has been filed against Mr. Daniel Brummel on Ortega, and there is an inspection scheduled for the second week in May.

D. Planner's Report

Planner Tidwell reported that the Village has been awarded a \$25,000 grant to draft a Resource Protection Master Plan, that's historic, archeological, cultural, scenic, anything that one might consider an asset or a resource of the Village. It will now be documented with an implementation plan similar to one that you see in the 2010 Master Plan. The New Mexico League of Zoning Officials conference is coming up, four of the commissioners will be attending at least one full day. The first application for a zone map amendment to Village Center has been received from Mike Contreras, representing partnership Retail One, LLC. She and Jessica attended a Flood Plain Managers Conference last week. She said she reviewed the Village's Flood Plain maps with the FEMA officials and has gotten an agreement that our maps need to be put at the top of the list for remapping. She said she is going to give a presentation this Saturday to the New Mexico Heritage Preservation Alliance conference.

E. Fire Department Report

None

F. Engineer's Report

None

9. TRUSTEES INFORMAL DISCUSSION

Trustee Lopez stated that the NMML reporter had a new book out called *Construction Law in New Mexico*, and suggests that the Village consider buying that book.

Trustee Siegel stated that the old Village Hall was discussed a while back on what was going to happen to it. He asked if there was any thought of doing something with that lot? Perhaps developing it or selling it, doing something with it for the Village?

Trustee Rembe said she thought that the building should be appraised and sold.

Administrator Rosoff said the appraisal is an expensive appraisal to meet the State requirements. He thought that we might be able to find someone that would give us a market analysis, but have to solicit appraisals. This has to be sold by auction; and can't sell it through a realtor.

10. ADJOURNMENT

MOTION: **Trustee Rembe** moved to adjourn the meeting at 9:15 p.m. **Trustee Siegel** seconded the motion.

VOTE: The motioned carried unanimously.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this

_____ day of _____ 2003.

ATTEST:

Annabelle Silvas, CMC
Village Clerk

