

Planning and Zoning Commission Minutes
City Council Chambers Northside of City Hall
360 Rio Communities Blvd.
August 20, 2020

This meeting was streamed on Facebook Live
<https://www.facebook.com/riocommunities>

Call to Order

- Chairman Thomas Scroggins called to order the Planning and Zoning Commission meeting at 6:32 p.m.

Pledge of Allegiance

- Chairman Thomas Scroggins led the Pledge of Allegiance.

Roll Call

- Present- Chairman Tom Scroggins, Vice-Chairman John Thompson
- Secretary L. E. Rubin, Scott Adair, Lawrence Gordon, and Dennis Kintzler
- Present- Deputy Clerk Amy Lopez

Approval of Agenda

- Secretary Rubin made the motion to approve the agenda for August 20, 2020. The motion was second by Scott Adair. Vote: Chairman Thomas Scroggins - yes; Secretary L. E. Rubin - yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon a - yes. With a -0 vote the agenda for the Planning and Zoning meeting was approved.

Approval of Meeting Minutes from July 9, 2020 and August 6, 2020

- John Thompson made the motion to approve the Meeting Minutes for July 9, 2020 and August 6, 2020. The motion was seconded by L. E. Rubin. Vote: Chairman Thomas Scroggins - yes; Secretary L. E. Rubin - yes; Scott Adair - yes; Dennis Kintzler - yes; Lawrence Gordon a - yes. With a 6-0 vote the agenda for the Planning and Zoning meeting was approved.

General Commission Discussion

- John Thompson said we all received an email from the Mayor Pro Tem Gutjahr with proposed dates for a joint meeting, October 22, 2020 or October 29, 2020 at 6 pm and began a discussion.
- Planning and Zoning Commissioners decided October 22, 2020 at 6 pm would be best.
- To Scroggins said he left the commission with a copy of a nonconformance certificate because we may have a public hearing about this regarding a storage shed not conforming to setbacks and began a discussion.
- Lawrence Gordon asked if the owner sought permission before he built it and began a discussion.
- Scott Adair made a suggestion to add a section on the nonconformance application that references the zoning code and began a discussion.
- Scott Adair said it would be nice to see a drawing.
- John Thompson said that the ordinance said the accessory building cannot be more than 20 percent of the backyard and asked if that was the case.

- Tom Scroggins said that he mentioned it because it might be coming to us and continued to explain that commissioners can talk to the code enforcer, but we can talk to the owner before the hearing and began a discussion.
- Dennis Kintzler said that at this time, without more information we should table the discussion.
- Tom Scroggins said that the issue is mostly because of the offsets and continued to say that he would check in with the code enforcer.

Public Comment

- No public comment.

Animal Control

- Tom Scroggins said he typed up an outline of what he thought should be included in animal control and thinks that non pet animals need to be addressed and began a discussion.
- Tom Scroggins said we have to decide what animals are covered in animal control and in what areas, you have to have size requirement of land based on the size of animal, and we need to think about
- Lawrence Gordon said he tried to get an answer about what kind of space was required for a horse.
- Scott Adair said that he has looked through NM case law and could not find a specific answer and began a discussion.
- Tom Scroggins said they would look at the notes on animal law provided by Scott Adair.
- Scott Adair said he put notes together regarding urban livestock and pets and began a discussion.
- Tom Scroggins said we have to address therapy animals and emotional support animal and began a discussion.
- John Thompson asked if that is a P&Z issue or a livestock board issue.
- Scott Adair said the welfare of the animal is what is most important, so we do need to address this.
- Dennis Kintzler said that would be the livestock board.
- Lawrence Gordon asked about land for goats and rabbits and began a discussion.
- A discussion began on sending live animals though the mail.
- Toms Scroggins said we need to think about if we want input from the community regarding animal control.
- Dennis Kintzler said he thinks we still need to base animal control on lot size and began a discussion.
- John Thompson explained what animals were considered under the City of Rio Communities animal ordinance and began a discussion.
- L. E. Rubin said we don't need a new ordinance, but to amend the old one and began a discussion.
- Dennis Kintzler said all the animals need to be registered with the City and what can we do about these people shooting doves in the city-limits and began a discussion.
- Tom Scroggins said there is a lot of open land in the City and someone might buy 40 acres and do something with animals.
- John Thompson said that we have enough land for a zoo and began a discussion.
- Scott Adair said that we probably have people putting these animals in R-1, do we have to rewrite the zoning code and began a discussion.
- John Thompson asked what the problem is that we need to solve.

- Scott Adair said which animals should be allowed, how many should be allowed and where which animals should be allowed and began a discussion.
- Dennis Kintzler said people with horses bring their horses home after hunting, let them loose in the yard and they went through the neighbor's fence and ate their trees and garden, so the owner without the horses had to replace his fence.
- Deputy Clerk Lopez said she gets calls often about large animals next door to people, for instance, a horse, that have ruined the fence they share and the horse owner will not help replace the fence or keep the horse off of it; we need to include something that protects the neighbors.
- L. E. Rubin said what about the manure and the flies, it is a health issue and began a discussion.
- Scott Adair said that we should have a separate ordinance that deal with the larger animals and the nuisance they cause.
- John Thompson said there is a difference between a donkey and a bull, and there is a another issue that goats really help keep the weeds down, but there needs to be a balance between animal size and weeds and began a discussion.
- Lawrence Gordon said it goes back to how many animals and lot size, we had a person that had a horse in the back yard on the golf course but that was such a small space for the horse.
- Scott Adair asked what kind of animals are in the ordinance.
- John Thompsons said all vertebrae animals except humans, all other sections of the ordinance only deals with cats and dogs.
- Tom Scroggins said he would like a chance to read through what Scott Adair has put together.
- Scott Adair began a discussion about different lot sizes within the City.
- Lawrence Gordon said that one thing Belen has on their ordinance that might help us is allowing a certain amount of space between animal cages and their neighbors.
- John Thompson said we might need to read a planning article he would provide and began a discussion regarding bees and began a discussion.
- Scott Adair said we need to have something that states that there has to be special conditions to bringing animals from out of state and began a discussion.
- John Thompson sent an email he would like everyone to read.
- Dennis Kintzler said that we will never be able to please everyone.
- Scott Adair asked if it could be agreed on whether or not to list something other than cats and dogs and began a discussion.
- John Thompson said we have a lot of pets and most people are not registering their cats and dogs and began a discussion.
- L. E. Rubin asked why they should register their dogs if the penalty for not registering their dog is less that the registration and began a discussion.
- Dennis Kintzler said we need to work with the community and began a discussion.
- John Thompson said we are going to have responsible pet owners and those who done care and we have to know how we are going to deal with the irresponsible pet owners and began a discussion.
- Lawrence Gordon said he like the idea of having someone speak to us about large animals and began a discussion.
- Dennis Kintzler said we don't want to be so strict that people don't want to move here.
- Tom Scroggins said there are people that move here and want to have a horse and it might be a deciding factor to moving here and began a discussion.
- Scott Adair said we are predominantly a suburban community and we need to come to the realization that we are going to have animals other that cats and dogs that is going

to drive how much land it is going to require, we need to be able to say the west side there are not going to be large animals because of the lot sizes.

- John Thompson said we have to consider all the area that had not been developed yet and began a discussion.
- Tom Scroggins asked what would need to be on the agenda next time.
- Lawrence Gordon said we need to figure out what kind of animals are allowed and began.
- It was decided to ask Ron Gentry to do a virtual meeting regarding the animal ordinance and the discussion continued.
- Scott Adair said we also need to decide on animal types allowed.
- Tom Scroggins said his opinion is that we should allow horses but not necessarily cattle, but we will continue with animal control next meeting as well as neighborhoods and the discussion continued.

Vacant Property

- Not discussed at this time.

Zone Grid

- Not discussed at this time.

Adjourn

- John Thompson moved to adjourn and carry the neighborhood plan to the next agenda. L. E. Rubin second the motion and the meeting adjourned at 8:09 p.m. with a 6-0 vote.

Respectfully submitted,

Taken by Amy L. Lopez, Deputy Clerk

Date: _____

Approved:

Thomas Scroggins, Chairman

John Thompson, Vice-Chairman

L. E. Rubin, Secretary

Scott Adair

Lawrence Gordon

Dennis Kintzler