

---

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

June 2<sup>nd</sup>, 2016

**MEMBERS PRESENT:** Ms. Pamela Lee, Chairman  
Mr. Andrew "JR" Gomolak, First Vice-Chair  
Mr. Arthur Alterson, Commissioner  
Mr. Darron Williams, Commissioner  
Mr. Eddie Kemp, Commissioner

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Ms. Stella Rael, P&Z Administrator  
Ms. Lauren Truitt, Assistant City Attorney  
Ms. Melissa Walker, Recording Secretary

1. **Call to Order:** Ms. Lee, Chairman called the June 2<sup>nd</sup>, 2016 Planning and Zoning Commission regularly scheduled meeting to order at approximately 6:00p.m. Ms. Lee noted the Planning and Zoning Commission is meeting today for discussion on several assorted items.
2. **Approval of Minutes:** Commissioner Alterson noted a correction on the May 12<sup>th</sup>, 2016 minutes. Mr. Alterson motioned to approve the minutes subject to the noted change. Commissioner Williams seconded. Motion passed 5-0-0
3. **Update on Accessory Dwelling Units (ADU's):** Ms. Truitt, Assistant City Attorney brought before the Planning and Zoning Commission an update from more research as promised from the May 12<sup>th</sup>, 2016 meeting. One of the things that were asked was what the need for this is. Ms. Truitt said she spoke with City Attorney, Mr. Stephen Theis and he said that a City Commissioner for the City of Alamogordo is the one who asked that an ADU Ordinance be drafted and presented before the City Commission. Another thing that was asked was what other cities have adopted an ADU ordinance. Ms. Truitt said she found that Santa Fe has a pretty comprehensive ADU ordinance in place, and Española and Rio Rancho have one in place as well. Ms. Truitt explained that Albuquerque just recently considered ADU's, but ended up declining it. Ms. Truitt also said that she has recently learned that Ruidoso is currently addressing adopting an ADU ordinance and went over the pros and cons of adopting such an ordinance.  
Mr. Alterson asked whether or not in order to mend the zoning regulations of Alamogordo if it is required to have to go before Planning and Zoning Commission for a public hearing. Ms. Truitt said she did not believe so and that it can just be done by ordinance without a hearing. She said that is her understanding from Mr. Thies, but she will get more information on that. Mr. Alterson asked then why is there a Planning and Zoning Commission if changes like this can be made

without a public hearing. Ms. Lee said she does not know but then stated that if this body doesn't have the opportunity to weigh in on something this significant, then this body is not fully functional and not serving the city in the best way possible. So then Ms. Lee said her gut reaction is that if that requirement is not in there, then it should be and it should be changed so that it is worded that way. Ms. Lee then asked again what the need for this is. Ms. Truitt answered stating; that like she said before she feels the need lies with things such as the elderly, preventing them from having to be put in a home, or allowing the young college student to live near his or her parents etc.

Ms. Lee stated that the bottom line is that it is not defined. Ms. Truitt agreed. Ms. Lee reiterated that it is very important for her to understand the need and although she has considered this, her position is that they don't need to waste their time when they have other matters that they themselves have initiated such as the Main Street program, the White Sands Boulevard Program etc. She said her concern is that with adopting an ADU ordinance we'll end up with several small units throughout the city that will eventually deteriorate, when we already have several small units throughout the city that have deteriorated and or are abandoned. Ms. Lee said she does not want to see us contribute to that, and she would rather research this thoroughly and get input from people who have already been involved with this type of activities in other cities before moving forward with it. She added that she does not want to open up our city to creation of more blight. Ms. Lee asked for everybody else's view as well.

Mr. Williams asked if in last months meeting if it was discussed how this affects, complies or separates from state building code on minimum dimensions. Ms. Lee answered that there was no discussion of that at all. Mr. Williams stated that, that would be one of his concerns because whether attached or an entirely separate living space, there are minimum square footage requirements in the state code. Ms. Rael answered that the requirement per current International building code is that it cannot be smaller than 350 square feet to be considered a living dwelling.

Mr. Gomolak added that it also has to meet set back requirements.

Mr. Alterson stated that the City of Alamogordo does not issue building permits. Mr. Williams said he understood that, but that if we are helping to create an Ordinance that allows these, they would be remiss in establishing a code that says you can do this when the state code says you can't. Mr. Alterson said zoning and building codes are two different things and would have to conform with the state building codes because that is what they are under. Mr. Williams agreed. Ms. Lee then asked that the City Commissioner who asked for this ordinance to be drafted come and talk to the Planning and Zoning Commission and tell him what he feels the need is for this ordinance.

Mr. Kemp asked Ms. Truitt which City Commissioner it was. Mr. Truitt said she was not passed that information.

Mr. Alterson agreed that he would also like input from who in the community is doing it because it is very popular, doesn't feel like it would have a blighting influence and isn't sure who would really do it anyway.

Mr. Williams asked if there is currently a city ordinance preventing this from happening that will have to be amended to allow it. Ms. Truitt answered that there is nothing prohibiting it, but at this point we have no regulatory control over it. She said that that is also another push as to why an ordinance would be good one way or the other. Mr. Williams added that in tying this back to what Mr. Alterson stated that even if the city didn't have control over it, if it is a building that is occupied, it has to conform to state codes.

Ms. Lee stated that Ms. Truitt brought up a good point, and indicated to her that there might be a need, and that is the ability to control what happens. But, Ms. Lee said the other thing that she would like to see happen going forward, is that if such an ordinance is adopted, how do we ensure that in the future we do not end up with more of what we already have, and how do we enforce our ordinances. Ms. Truitt said that is why she shared the document from AARP, because it has the different levels of stringencies you would want to put on this type of ordinance.

Mr. Alterson again mentioned that the way the City Ordinance states it right now is that in an R-1 zoning (Single family dwelling) it is strictly prohibited from having TWO separate (2) dwellings on one property. Mr. Gomolak added that like he mentioned before, we currently do have zoning classifications such as R-2, R-3, and R-4 that do allow multiple dwelling units on one property. Mr. Alterson also stated that our zoning ordinance has hardly any definitions at all.

Ms. Lee ended with stating that what they would like to continue discussion on with this is again the need and importance of considering this matter, also if the Commissioner who asked for this consideration to come and share what he feels the need is and possibly studies on other cities in New Mexico that have this ordinance in place. Ms. Truitt said that she would provide that. Ms. Lee asked to see if any other cities have had a problem with blight in regards to having this ordinance and asked for photographs as well. Ms. Lee thanked Ms. Truitt for the information.

**4. Update on White Sands Beautification:** Ms. Lee stated that they have moved forward on this and have made a lot of progress with the City Attorney and Assistant City Managers involvement. They asked how to go forward and were asked to make the presentation with Mr. Williams to present their idea on how the White Sands Initiative will be carried out to City Commission at their next City Commission meeting on Tuesday, June 14<sup>th</sup>, 2016. Ms. Lee said that one of the things they have learned is that with having the City Attorney involved with this is that when city counsel approves it, there appears to be some statutory authority for the commission that will be established of the committee, and it will be called the White Sands Beautification Committee and will act on it's own up to a certain level. She said that also for money to be raised, that is tax deductible; if it contributed to the city in the name of the White Sands Beautification Initiative will help raise money to the continuing effort of White Sands Boulevard.

**5. Update on Main Street USA:** Ms. Lee said that the next meeting for the board of directors for Main Street is on Monday, the 13<sup>th</sup> of June at 5:30 at Washington Federal and invited everyone to come. She said Main Street is moving along very well, projects have been undertaken and there will be a lot more information on Main Street. She said there has been a section added to the flyer that is with the utility bill that goes out from the City that talks about some of the projects that Main Street has been doing such as fundraising etc. and for anybody that would care to contribute, it is tax deductible and of course is a worthy cause.

**6. Otero County Liaison Report:** Mr. Gomolak said there is nothing to report.

**7. Holloman Air Force Base Report:** Mr. Gomolak said there will be \$20 million total in renovations in fiscal year 2016. So there will be work going forward. Mr. Williams asked if Holloman has hired a Community Planner yet. Mr. Gomolak said there is a Palace acquire Intern headed toward that position through the 7-9-11 program. The intern has started and works

directly for Das Cass (the previous P&Z ex-Officio for HAFB); but, officially, no planner yet.

**8. Unscheduled Public Communications:** Mr. Alterson mentioned he may not be at the next Planning and Zoning meeting in July.

Mr. Kemp asked for a schedule of street paving for the next fiscal year. Ms. Rael said that is not our department, it is Brian Cesar's department, but that she could check with him and send him an email.

**9. Adjournment:** Ms. Lee entertained a motion to adjourn. Mr. Gomolak made the motion to adjourn. Mr. Alterson seconded. Meeting adjourned at approximately 6:40 p.m.

APPROVED:

(Date)

July 14, 2016

Patricia R. Lee

Chair

ATTEST:

Melissa Walker  
Melissa Walker, Recording Secretary

Copies of the recorded Planning and Zoning meeting audio may be obtained at no cost to Commissioners. A fee will be charged to the public.