



AGENDA
PLANNING COMMISSION MEETING
THURSDAY, JUNE 23, 2022 AT 6:00 PM
PLANNING CHAMBERS, CITY HALL
405 N. PASEO DE OÑATE ESPAÑOLA, N.M.

I. CALL TO ORDER

Time: 6:07pm

II. ROLL CALL/ DETERMINATION OF QUORUM

Adrianna Ortiz - *absent*

Ross Chavez

J.D. Martinez

J.R. Trujillo

Joe Salazar

Charlene Guinn

Roland Borrego

III. PLEDGE OF ALLEGIANCE

Commissioner Ross Chavez led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion: Commissioner Joe Salazar

Second: Commissioner Ross Chavez

Passed: 6-0

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

Roland Borrego - *in favor*

V. PUBLIC COMMENTS/BUSINESS FROM VISITORS

There were no Public Comments/Business from Visitors.

VI. ITEMS TABLED FROM PRIOR MEETING

There were no Items Tabled from Prior Meetings.

VII. ITEMS FOR CONSIDERATION/NEW BUSINESS

PUBLIC HEARINGS

Chair Trujillo stated that the following cases were quasi-judicial in nature and that the hearing would be conducted under provisions required by the New Mexico Court of Appeals. He stated that this included the identification of parties and the swearing-in of all those who wished to provide testimony. He stated that the opportunity to cross-examine and to ask questions would be provided to all parties.

1. **2022-9 Summary Plat Approval Request:** Sonya Del Ossantos, Applicant is requesting restatement of Marty's Meadows Subdivision Plat.

[(03:38 - 0:25)]

Chair Trujillo asked if any of the Commissioners had a conflict of interest or that had ex parte communication related to that case. Seeing none, he wore in the parties that would be speaking.

Open:

Director Hussain before beginning his Staff Report of the Case, explained the scheduling and agenda were following the same notice requirement that had been sent according to their Planning Commission requirements. He stated that the Planning Commission had approved the Marty's Meadows in May of 1998. He stated that the owner at that time, Mr. Martinez, had recorded the delegation and survey plat with Rio Arriba County on May 21, 1992, page 892-568. He stated that it had come to the attention that some residents could not find their subdivision plat, but that they rather had an easement dedication survey. He explained that they were there on one of the residents' requests that they would restate the survey, the dedication that was submitted. He stated that they were not changing any lot size or any legal description, just renaming the survey plat so it would reflect the correct legal description. He stated, for the record, that they had also referred to the Legal and that he had invited one of their Land Use Attorneys who had worked on it, to answer any questions.

Chair Trujillo asked for confirmation because when Lydia had brought her paperwork in, it was a big help. He stated that they were to understand that the deed identified the space number, in her case the space number on the deed, and referred to the document that said dedication easement as the survey that they had been using at the time to sell the lots. He clarified that there was never an actual survey done, signed, or approved by anybody. He stated that the process was very important for them to move forward to get a survey signed to be able to actually record.

Director Hussain stated that the original survey was done by an engineer rather than by a licensed surveyor. He stated that it would help the community so that they would have the legal description.

Chair Trujillo and Director Hussain discussed the survey and that the applicant had paid for it. Director Hussain confirmed that once it was recorded, the other residents would be able to get a copy of it.

One of the neighboring property owners (Kathryn Berg) was sworn in and asked about the survey.

There was further discussion on the survey and its use for development.

Chair Trujillo restated that nothing they were doing that evening would damage or alter or change anything.

Attorney Cori Strife explained that when Mr. Martinez had gone to create the subdivision, there had been a survey done by a surveyor, but that unfortunately, it only referenced the plats that he owned so they were missing detail. She stated that it only referenced Tracts A and B, of which Tract B was relevant for them. She explained that he had brought that survey before the City and told them what he wanted to do, and had presented a sketched out map. She stated that it had turned into that dedicated easement subdivision. She explained that up until then, they had all been replying on that dedicated easement. She stated that the purpose of the resurvey was that it would be approved by a licensed surveyor which was what was required by the New Mexico Subdivision Act, so this was a restatement of that engineer's survey with the appropriate certification to verify that it was authentic and true to what those properties really looked like. She confirmed that the only change would be that it would ratify or validate their right to be able to – it would help, it would not harm.

There was some question as to who had done the survey.

Ms. DeloSantos replied that it had been Gerald Sandoval who was the surveyor they had hired.

There was further discussion on the date and signing of the survey as well as the preliminary and approval of the final survey.

Ms. Rita Ortiz asked about why it had taken so long.

Director Hussain explained the situation and transition of the Planning Department and Commission.

With no further questions for Staff, Ms. Sonya DeloSantos presented her request. She reiterated what Attorney Strife had explained and stated that after her father's passing and in the inheriting of the property, Marty's Meadows, that it had been brought to their attention. She explained that since then,

they had been trying to finalize the survey, legalize it, and ultimately record it. She hoped that the City would approve it so she and her family could move on.

Attorney Strife made it clear to the applicant that they did require that the survey would be completed (signed, dated, and stamped) when it did go before the City Council.

Ms. DeLoSantos replied that they would do that.

Commissioner _____ motioned to approve.

Commissioner Ross Chavez seconded.

Director Hussain took a Roll Call vote.

Closed: 6:30pm

Motion to approve 2022-9 Summary Plat Approval Request

Motion: Commissioner _____ Second: Commissioner Ross Chavez Passed: 6-0

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

Roland Borrego - *in favor*

- 2. 2022-10 Variance Request:** Rozellynn Sereda requests a variance to build an accessory dwelling unit at 703 Mountain View Street, UPC 1-074-122-356-120. THE property is currently zoned as Urban Residential R-6.

(10:25 - 0:36)

Chair Trujillo stated that they had heard this Request before but that it had not been recorded. He stated that they would go through the process again.

Open: 6:34pm

Chair Trujillo explained that variance request.

Director Hussain stated that the variance request was to build an accessory dwelling unit. He stated that the notice for this case had been published in the RIO Grande Sun, and that the neighboring property owners had also been informed as well as putting out a sign. He explained the sizes of the property. He stated that according to their Code, accessory units were only allowed in R-1 and R-2 because they were an acre and a half acre lots. He stated that because this was R-6 and its minimum lot size was 7,500 square feet which was why they did not allow the excessive run over, but that this particular lot was a bigger size as it surpassed that half-acre size. He stated that was why the Planning Commission would allow the second unit as it could not be over 50% of the main development, and he explained the minimum sizes allowed. He stated that it should meet all the setback requirements according to the plan that was submitted. He mentioned that according to the DRT Review, it should be connected to the City's Water.

Commissioner Joe Salazar asked about the property being 0.69 acres or 0.62 acres, and that Director Hussain had said that it was 0.65. He asked for it to be made clear which it was.

Director Hussain replied that the website said 0.62, but that the County said 0.69.

Commissioner Salazar stated that he just wanted to make clear for the record what the actual size was. He also mentioned the conditions that had been noted on the second page the previous time of four items that needed to be addressed. He asked if those were items that would be required to be done

other than hooking up to City Sewer lines.

Director Hussain replied yes. By request of Chair Trujillo, he read those conditions.

Chair Trujillo swore in Ms. Rozellynn Sereda. She presented her request.

Commissioner _____ stated for the record, that the previous time, there had been some neighbors there in favor of the request.

Ms. _____ stated that she had looked into the 0.69 and 0.62 question, and that under the legal description it stated it was 0.69. She stated that she had called the County and that they were going to correct it when the website would be updated in October.

Closed: 6:45pm

Chair Trujillo stated that they needed to be clear on which conditions they would be including so they could make a motion.

Commissioner _____ motioned to approve based on the recommendations that had been set. He stated that the last time he had made the motion, they said it would be fine for her to be able to hook up to the existing utilities she had, and that he did not see any reason for them to belabor that.

Commissioner _____ seconded

Motion to approve 2022-10 Variance Request with conditions

Motion: Commissioner _____ Second: Commissioner _____

Passed 6-0

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

Roland Borrego - *in favor*

- 3. 2022-11 Variance Request:** Kathryn Bennett requests a variance of height for gate on property located in Santa Cruz Historic UPC 1-048-120-211-141.

([0:36 - 1:04])

Chair Trujillo confirmed that there were no conflicts of interest or ex parte communication regarding this case. He swore in the parties wishing to speak.

Open:

Director Hussain presented the Staff Report. He explained that Ms. Bennett owned about 4.11 acres and that she wanted to put up a fence and install a gate. He stated that it could maybe be a site for those who came for marriage ceremonies or events. He stated that according to their Code, they had specific heights for the gates and fences. He cited that Code and stated that the Historic District varied from case to case and that it should reflect the history, culture, and traditions of the community. He explained the questions of the DRT and spoke about the gate being as high as 16-feet. He spoke about the recommendations from the various Departments.

Chair Trujillo asked him to review some of the recommendations which the current plan, as presented, did not meet.

Director Hussain explained that they all needed to be met in order for it to be approved.

Commissioner Chavez asked about the property line where she wanted to put the gate and clarified that now, she would have to put the gate 15-feet from her property line.

Commissioner J.D. Martinez asked if they knew where the utility lines were.

Director Hussain replied that he could not pull it up right then, but that they were proposing 15-feet from the road so if there were any gas lines running they would not be on those lines.

There was further discussion on the distances near the potential gate area.

Ms. Kathryn Bennett explained her plans for the property including putting in a park, if necessary. She stated that it would be a walk-through gate not a drive-through gate.

Commissioner Martinez asked about the plans for the staircase.

Ms. Bennett stated that she really believed in the Santa Cruz Historic District and stated that she really wanted to do everything she could to augment that and to bring it to life.

Commissioner _____ asked if she had other property in the area.

Ms. Bennett replied that she did and pointed it out on the screen.

There was further discussion on where her properties were and about the gate she planned to install.

Commissioner _____ asked why she was going to put such a beautiful gate on a property that had nothing on it.

Ms. Bennett replied that she was planning to have garden areas, a fountain, and benches because the real Plaza there had no hope.

There was further discussion about the work she was doing and was planning for that area. Several Commissioners thanked her for what she was doing there.

Ms. Marlene Valencia asked about the location of the venue and what possibilities would be available.

Chair Trujillo closed the hearing for Public comments and entertained a motion. He asked that before they motioned, if Director Hussain could state any recommendations.

Director Hussain stated that the recommendation would be at least 15-feet of setbacks from the front.

Commissioner Charlene Guinn motioned to approve.

Commissioner Joe Salazar seconded.

Director Hussain called a Roll Call vote.

Motion to approve

Motion: Commissioner Charlene Guinn Second: Commissioner Joe Salazar Passed: 6-0

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

Closed: 7:11pm

~~4. 2022-12 Special Use Permit: Marcie Davis of Creative Kids Childcare, Applicant, requests renewal of special use permit to operate an existing Child Care Center currently located at 241 N. Paseo de Onate to property currently addressed as 1318 S. Riverside Dr., (UPC 1-048-119-190-305). The subject property is located in the B-2 General Commercial District.~~

5. **2022-13 Variance Request:** Arturo Caro, property owner is requesting variance to place a manufactured house on West Sanchez Street. The property is zoned Local Commercial District B-1 UPC 1-046-120-237-043.

((1:04 - 1:27))

Chair Trujillo asked if there were any conflicts of interest or ex parte communication from the Commissioners. He swore in the parties that would be speaking.

Open:

Director Hussain presented the Staff Report. He explained the situation of the property and stated that the property owner had requested to place a mobile home on the property for residential purposes. He explained the Code that did not allow this, and stated that the best option would be a rezone.

Chair Trujillo clarified that they currently had City utilities including sewer and water, which the City planned to reroute. He asked if there was a project plan for that.

Director Hussain replied that there was a project plan, but that he did not have a timeline.

Chair Trujillo stated that it was surrounded by everything but B-1, and asked if it had been spot zoned.

Director Hussain replied that when the City had done a rezone in the '70s or '80s, they decided that 200' - 300' from the roadway would be Commercial, even though some of the properties had houses there. He confirmed that he had informed the property owner of potential zoning and utility issues.

Commissioner Guinn asked why the utilities ran through the property, and if the property owner had given permission for that.

Director Hussain replied that he was not sure as the property owner had recently purchased the property.

Mr. Arturo Caro explained that they had bought the property to put a mobile home for his family, but that when they bought it, they had said it was Residential so they bought it as well as a mobile home, and wanted to move there and improve the property. He stated that when they went to Director Hussain to get a permit, they found out it was Commercial and that was when everything changed.

Commissioner Chavez asked if he knew exactly where those utilities ran.

Mr. Caro replied that he knew about the sewer, but not the rest.

Commissioner ____ asked if they had told him about the utilities easements being there when he bought the property.

Mr. Caro replied that they had told him everything was there, but not that. He stated that he had asked both realtor people to make sure, because they had been trying to find a property like that.

Chair Trujillo stated that Mr. Caro was in a tough predicament. He advised him to seek some legal advice on how to address the issue as he had worked with a real estate professional. He stated that it sounded like he had purchased a piece of property that he would not be able to do what he had envisioned. He asked who had made him believe that he could put a piece of property on that property.

Mr. Caro replied that it was the ABC Realtors as well as Coldwell Banker.

Commissioner ____ asked how long before had he purchased it.

Mr. Caro replied about a year before.

Mr. ____ stated that Rio Arriba County had it listed as Residential, and the City had it listed as Commercial. He thought that was probably where some of the confusion came from.

Chair Trujillo replied that the City had jurisdiction over the zone so if it was misreported from the County, that would be something they would have to untangle. He stated that he could still apply for a rezone to get it to Residential, and there was a process for that. He stated that Mr. Caro still had the

issue of utilities running right through it which would prevent him from putting a home on top of it.

Ms. Marlene Valencia, resident at 6702 West Central Street, stated that her family had been there for over 60 years. She stated that the said utility line that ran straight through the property was an illegal line, which she had seen being put in and chopped into the City line. She pointed out her concern on the screen. She asked how she could approach the City about acquiring the property to put in a community park there.

Chair Trujillo replied that he was not an attorney, but that Mr. Caro owned the property so he would have a big say in it. He stated that she had Councilors that represented her area, and she could talk to them about any types of partnerships like that.

There was further discussion about the property and the community there.

Chair Trujillo closed the session for Public comments.

Commissioner _____ asked Director Hussain if there was also a waterline that ran through there.

Director Hussain stated that there was a waterline that ran through the side of the property.

There was more discussion on the location of the utilities.

Commissioner Roland Borrego motioned to deny the request based on the fact that there were utilities and that it would need to be rezoned.

Commissioner Martinez seconded.

For discussion, Chair Trujillo stated that they had a piece of property that had been zoned B-1 Commercial. He explained that the first step would be to get that property rezoned, and that it did not seem that there would be anything in the near future for the redirection of the utilities so it would be hard to get a variance to put a mobile home there or any structure.

Director Hussain conducted a Roll Call vote.

Closed:

Motion to deny 2022-13 Variance Request

Motion: Commissioner Roland Borrego Second: Commissioner J.D. Martinez

Passed: 5-0-1(*abstain*)

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *abstain*

Roland Borrego - *in favor*

Chair Trujillo apologized to Mr. Caro, and stated that if he wished to appeal, he must submit a written notice to appeal within 15 calendar days, and that Staff could provide him with assistance with that if he so chose.

They took a recess until 7:40pm.

- 6. 2022-14 Variance Request:** Santiago Armijo, Applicant is requesting a variance of setback for the accessory structures (Sheds). The property is currently addressed at 487 A and 487 B Calle Del Alamo zoned as Urban Residential R-6.

[(1:32 - 1:55)]

Chair Trujillo opened the hearing for case 2022-14.

Open:

Mr. Santiago Armijo stated that he actually owned B and C, and that A belonged to Antonio Valerio.

Chair Trujillo asked if there had been any conflicts of interest or ex parte communication. He swore in the parties wishing to speak.

Director Hussain began his presentation of the Staff Report. He stated that the subdivision had a certain lot size, but that this particular lot was smaller. He stated that it was only 0.05 acres or 42,178-square feet. He stated that it was a non-conforming lot because it did not meet the minimum required criteria of 750 feet for Residential R-6. He cited the Code which led to this Variance Request. He stated that it was too close to the roadway, obstructed the view, and took away the parking for that lot, which would require street parking. He stated that the street would not be wide enough for a Fire truck if a car was parked there.

Chair Trujillo asked how big the street was.

Director Hussain replied that it was about 15 - 20-feet.

There was discussion about the lot and the shed, and they looked over the photos of the shed and property.

Mr. Santiago Armijo stated that he knew he had made a mistake in not getting a permit, but that as it was a non-permanent structure, he did not think it would be an issue. He stated that his neighbor liked the shed being there as it gave shade and privacy. He stated that his other neighbors were okay with him having it there, and that they understood he needed it since he was a woodworker. He talked about his property and the shed, and asked that they would consider passing it.

Commissioner Guinn asked if, since it was not permanent, if he could move it to a different spot on the property.

Mr. Armijo replied that there was no other place on the property he could move it.

Commissioner Chavez asked if he had a letter from the neighbors.

Mr. Armijo replied that they had not written a letter as they were going to show up to the first hearing, but that after the change in the hearing, he was not sure if they got the second letter in time.

There was further discussion about moving the structure and his vehicles.

Mr. Armijo talked about having to create space as well as his neighbor's son taking up more room than anyone else on that street.

Chair Trujillo closed the section for Public comments and entertained a motion from the Commission. He first asked Staff about Mr. Armijo's understanding that he would have to get a permit to place a shed. He stated that he was not familiar with any permits that the City required for temporary sheds.

Director Hussain replied that it was required.

Chair Trujillo clarified that it would be enforced then, because he saw people bringing in shipping containers and sheds very frequently. He asked what the permit fee would be for that.

Director Hussain replied that it was \$75. He stated that in March, they had sent a letter stating that any shed or accessory structure would need a permit.

There was discussion about the shed and permits.

Commissioner Charlene Guinn motioned to approve.

Chair J.R. Trujillo seconded.

For discussion, Chair Trujillo stated that they had areas of the City that were challenging and that this was one of those challenging areas. He admitted that he did not know about the shed permit, but that he saw them going up all over town. He asked Director Hussain to write that issue down to be

revisited during their workshops.

Commissioner Chavez asked who would be responsible if a Fire truck could not get through there for the neighboring homes because of the congested area.

Chair Trujillo stated that they allowed that area to exist even though they wanted a 25-foot road, and it was 20'. He stated that his congestion was off the road. He stated that he guessed that Public Safety would have to crack down on that.

There was further discussion on the congestion of the area.

There was a call to question.

Closed:

Motion to approve 2022-14 Variance Request

Motion: Commissioner Charlene Guinn Second: Chair J.R. Trujillo
Passed: 5-0-1 (*abstain*)

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *abstain*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

VIII. APPROVAL OF MINUTES

([1:56 - 1:57])

1. May 14, 2022

Chair Trujillo asked Staff if the necessary corrections had been made on the Minutes, and if the corrected version had been sent out to the Commissioners.

Commissioner Guinn motioned to approve.

Commissioner Chavez seconded.

Director Hussain conducted a Roll Call vote.

Motion to approve May 14, 2022

Motion: Commissioner Charlene Guinn Second: Commissioner Ross Chavez
Passed: 6-0

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

IX. OLD BUSINESS

1. May 14, 2022 Meeting Approval of Final Decisions

([1:57 - 2:08])

i. Case 2022-4

Chair Trujillo stated that there were also corrections that needed to be made on the Final Decisions. He asked him to address those amendments.

Director Hussain replied that they had been corrected.

Commissioner Guinn motioned to approve.

Commissioner _____ seconded.

Director Hussain conducted a Roll Call vote.

Motion to approve Case 2022-4 Final Decision

Motion: Commissioner Charlene Guinn Second: Commissioner ____ Passed: 6-0

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

Roland Borrego - *in favor*

ii. Case 2022-5

Commissioner _____ motioned to approve.

Commissioner _____ seconded.

Director Hussain conducted a Roll Call vote.

Before voting, Commissioner Guinn stated that she had a question because it stated that it was recommended for City Council, but that they had not approved it.

Chair Trujillo asked Director Hussain if he had corrected that.

Director Hussain replied that it was that they had denied sending it to the City Council.

Commissioner Guinn stated that they had denied the rezoning.

Director Hussain stated that she could make a motion to amend.

Commissioner Guinn motioned to amend 2022-5 Final Decisions to show denied.

Commissioner _____ asked if the language would be amended from, "Hereby approve," to "Hereby deny".

Director Hussain replied yes.

Commissioner _____ seconded.

Motion to amend Case 2022-5 Final Decision

Motion: Commissioner Charlene Guinn Second: Commissioner _____ Passed: 6-0

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

Roland Borrego - *in favor*

iii. Case 2022-6

Commissioner _____ had some comments. He stated that where it said the Commissioner called for a point of order. He stated that he had a concern on the language stating that it was based on a personal view. He stated that he did not make his decision based on a personal view.

Commissioner Charlene Guinn motioned to approve.

Commissioner Ross Chavez seconded.

Director Hussain conducted a Roll Call vote.

Motion to approve Case 2022-6 Final Decision

Motion: Commissioner Charlene Guinn Second: Commissioner Ross Chavez Passed: 6-0

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

iv. Case 2022-7

Commissioner Charlene Guinn motioned to approve.

Commissioner _____ seconded.

Director Hussain conducted a Roll Call vote.

Motion to approve Case 2022-7

Motion: Commissioner Charlene Guinn Second: Commissioner _____ Passed: 6-0

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

v. Case 2022-8

There was some discussion on the final conditions.

Commissioner Joe Salazar motioned to approve.

Commissioner Roland Borrego seconded.

Director Hussain conducted a Roll Call vote.

Motion to approve Case 2022-8 Final Decision

Motion: Commissioner Joe Salazar Second: Commissioner Roland Borrego
Passed: 6-0

Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*
Roland Borrego - *in favor*

X. MATTERS FROM STAFF

([2:08 - 2:09])

Director Hussain mentioned a subdivision Ordinance as well as if there was anything that came across that they wanted to discuss, he would be happy to meet with them. He stated that if there was anything they wanted addressed, they could email him.

Commissioner _____ asked that if they did send an email, if they would send it to the whole Commission or just to him.

Director Hussain replied it would be to him.

Commissioner Guinn replied that it would be to him or else it would be ex parte communication.

XI. MATTERS FROM THE COMMISSION

([2:09 - 2:41])

Commissioner Guinn expressed her thanks for getting the packet to her that morning, however, she had requested it three times to be emailed and she had never received it. She stated that Mr. Trujillo had also requested that she receive it and that she had not. She stated that she had looked through her junk and waited and waited for it the day they were going to send it and she had never gotten it. She stated that she got all the Zoom notices, but that she never – but she received it that morning. She asked for a little more communication on how and when they would get the packets.

Mr. _____ stated that typically it would be the Friday before, but that since they were using the old packet –

Commissioner Guinn clarified that the following Friday they would get a big packet.

Mr. _____ stated that he would print it and put it in the mailbox, and that it was posted on the City website under Agenda and Minutes.

There was further discussion on the location of the Agenda posting.

Commissioner _____ stated that there had been a comment earlier about putting the applicant's name by the number of the Case. He also asked for page numbers to be added.

Commissioner Chavez asked if they could get a wood pointer for individuals who stood and wanted to point to the property. He also asked if they had followed up on Peter Valdez's neighborhood, and asked what he had found.

Director Hussain replied yes, he stated that he had been there twice and had a conversation with Mr. Valdez's twice. He stated that they wanted to talk to individuals from both perspectives, but that they could not get a hold of them though they had sent them letters.

The Commission discussed what the following steps would be for that situation.

Chair Trujillo added that they had been working, under the direction of the Mayor, on creating some subdivision regulations that would make the community friendlier to building homes and bringing in homes. He explained that they were in the process of identifying two types of subdivisions. He stated that one would be a smaller subdivision for an R-6 zone so one acre tract of land could do up to five

homes with City utilities and some conditions. He stated that they were hoping to create a process where there would be less regulations like no curb and gutter or sidewalks, and that the road would have to be passable with packed gravel or something. He stated that this would allow them to bring in more housing to Española. He explained that the second would be that they were entertaining some larger developers such as Cadillac Homes, who were seeking projects in that area. He stated that they would be reviewing that subdivision Ordinance to see how they could make it more user-friendly to a developer to entice those home builders to their area. He stated that anything they came up with would be addressed at their workshop meetings where they would listen to discussion and make changes because eventually they would present that to the Council for adoption and approval.

Commissioner Chavez asked if it would be wise to have them pave and have sidewalks to keep beautifying the neighborhoods that they would be developing

Chair Trujillo replied that dirt roads were not a hindrance when they looked at how things were done as there were a lot of dirt and gravel roads that were nice. He stated that what they were trying to do was make it affordable for people to develop their land. He pointed out the cost to pave.

Commissioner Chavez replied that it would do so much for the Valley because there were some commercial buildings on Riverside that were not paved and should have been.

Chair Trujillo stated that those were commercial, but these would be home sites. He encouraged them to drive around some areas in Albuquerque which had some very presentable places. He reiterated their plans.

Commissioner _____ asked where they were planning these to be.

Chair Trujillo replied that it would be wherever R-6 was, which was all over the City. He stated that they would have to be a parcel of one-acre or more. He offered examples.

There was some discussion which could not be discerned due to audio. Housing and development were discussed at this time.

Chair Trujillo stated to Director Hussain that in regards to the Minutes and documentation, they needed to get it right. He stated that he found himself very frustrated when he saw erroneous information which was not stating the proper zoning or proper decision. He stated that they were not getting it in a timely fashion though he knew the packets would be in at noon, but then the Final Decisions would trickle in later, and they would not see the Staff Reports until even later. He stated that he would like to see it come together in a precise, complete package.

Director Hussain explained what had happened as a DRT Review meeting schedule conflict with his having only one day for all those things. He stated that they would have to push all the way through one week prior so they would take care of that.

Chair Trujillo stated that he could sense the frustration from all the Commission trying to get the information so they could review it. He stated that he did not like to not have the time to review it correctly.

Director Hussain stated that he apologized for that and would make sure that it would be on time.

Chair Trujillo stated that another thing was that the technology that they were using was part of his job to have it set up and ready to go so they would not be trying to connect everything at 6:00. He stated that it put a strain on everyone and made them look foolish in front of the Public. He wished for a process that would be ironed out and they would know how it works and it would be ready to go.

Mr. _____ replied that it had been out of his control because the YouTube video had dropped off after he started recording so he was unable to host it live. He stated that he had everything ready before the meeting and then YouTube crashed and would not allow him to continue to stream the video. He stated that he sent it a second time, but that it had been very stressful with the pressure. He explained that he would have to grab the Zoom meeting and upload it onto YouTube's site. He stated

that he did not know what was happening because it usually ran okay.

Chair Trujillo recommended meeting with the City Manager to discuss that the situation had happened two meetings in a row. He explained that all they needed to worry about was that it was recorded and that it was being put on some platform. He reiterated that it would be beneficial to have everything ready to go.

There was discussion on an IT person being able to help as well as how Zoom and YouTube operated, and alternate platforms they might use. They also discussed talking to the City Manager about how they could remedy the situation.

Commissioner Salazar stated that one of the things about the recommendations given by different Departments was that they would mimic that. He stated that his concern with Public Safety was from visiting the locations, and that maybe they needed to make some recommendation changes. He stated that they needed more information (for example with the cannabis business) from the people that were saying just what they needed, and that they had all written the same thing. He stated that they had not addressed the things that could possibly be an issue, and that the person that had given the presentation had not provided them with the safety in the City. He stated that it would put them in a precarious situation, though it had been called a personal issue and that it was not a personal issue.

Director Hussain replied that when it came to business and residential districts, where they were going to operate a business, if there was no church, they would be open for business. He stated that it had only needed to be addressed because of the close proximity. He stated that what was next door was not the problem, but that if they came back with a Safety plan and Fire Prevention plan for their license, that would be when they would analyze it for anything that would need to be tweaked. He explained that if they were not allowed, there would be no point in bringing a Safety plan and Fire plan.

Commissioner Salazar interjected that he had mentioned that they should not have put their thoughts into what had happened, but that it was not until afterwards that they were given training about the issue. He stated that it had not happened before the issue came up. He stated that in ignorance on his part, because it had not been presented by either Director Hussain or whoever the power may have been or the Chair, but that it was after that meeting that they had a presentation done by the Attorney which was when they found out what they could and could not do. He emphasized that they had not been aware of what they were supposed to be addressing or not addressing. He stated that he hoped they would educate any new Commission of what they were supposed to be addressing and would be provided training prior to it becoming a problem.

Chair Trujillo discussed that they had needed to meet before the meeting and that their first meeting they had several cases due to the backlog of no meetings for two months which was a strike against them. He stated that everyone there had gone out to do their best effort with what their best idea was, and though some of it was a little off, they still did it. He stated that they had spoken with Director Hussain to ask for training with Legal to talk with everyone about ex parte cases and discuss those things.

Commissioner Salazar stated that his issue was that not only did that happen, but that it had gone out to the media. He stated that Chair Trujillo had made statements that he had made a personal decision which was not true. He stated that it bothered him and that he felt personally insulted that he had said he had based it off a personal decision.

Chair Trujillo stated that it was recorded as whatever they said.

Commissioner Salazar stated that it was in the Minutes as well.

Chair Trujillo replied that it was in the Minutes because everything that was stated – which he had stated because he was trying to convey to them that they needed training – was so they would be cautious on what they were voting on. He stated that he was accused of trying to get them to change their vote, but that was not the intention. He stated that his intention was to tell them that they were supposed to be looking at the issue at hand and what was governing that issue. He stated that the only

thing governing that issue was the distance from the church, and that they had a letter from the church saying they had no problem. He stated that they needed to think about it because they would appeal and probably be overturned because they made a bad decision.

Commissioner Chavez stated that they also did not want their reputation to be tarnished in the media or anything else like that because they had not been trained. He stated that they had to be really careful and stick together as a group.

They continued to discuss the decision and circumstances of that particular case. They also discussed future training.

Chair Trujillo apologized to Commissioner Joe Salazar as it had not been his intention to harm him personally or to insult him or Commissioner Ross Chavez personally. He stated that he knew and respected both gentlemen, but that the media would be out there asking questions and would point out what they said during the meetings. He stated that if he said it, he said it and whether it was the right thing for him to say or not, he would stand by what he said. He told them to be prepared because when they would have to make tough decisions, they were guaranteed that the media would exploit that all they could. He offered examples from that day's paper. He stated that he was sorry that happened, and that he did not want to fuel anything they did not have to address, but that it would happen.

Commissioner Guinn stated that she did not care if she was accused of providing false information because that was her knowledge so that was what she provided.

Chair Trujillo stated that they could always speak to the issue at hand and focus on the item that they were dealing with.

XII. ADJOURNMENT

Time: 8:56pm

The Meeting will be livestreamed via the City of Española's YouTube page:

<https://>

In order to participate in the meeting, offer comments, or ask questions, we are also hosting the meeting online through Zoom. For more information or to speak, please contact the Planning & Land Use Office at (505)747-6103.

Zoom link: <https://>