

Village of Jemez Springs Planning and Zoning Commission
Special Meeting Minutes
July 31, 2023 at 6:30 p.m.
Josephine Shephard Memorial Building Conference Room

1. Mike Nealeigh called the meeting to Order at 18:33.
 - a. Members present: Mike Nealeigh (Chair), Talia Michelle (Sec), Susanna Cooper, Betsy Daub, Rose Fenton
 - b. Members absent: None
 - c. Guests: Sarah & Cornelis Swarttouw, Collene Melloy, Jim McCue
2. Introduction of Guests
3. Single Item of Business – Application for the removal of the time limit in Ordinance 199 (which modifies Village Code 130-14) with regards to the particular “Tiny Home” on wheels situated approximately in the center of 15845 Hwy 4, which is in the Rural Development District of the Village of Jemez Springs. The following has been considered in making a determination on this application.
 - a. The P&Z Commission has been notified of a legal Restraining Order being in place with regards to some of the parties relevant to this decision; one is the applicant and the other is the adjoining neighbor. Since both parties have the right to participate in this meeting, arrangements have been made to keep the parties physically separate by having one party attend via phone conference. The option has been offered to allow either party to be muted or leave the room while the other party is speaking. Both parties have been instructed to speak only on the issue before the Commission, and only to the Commissioners.
 - b. This home classifies as a Recreational Vehicle per 2018 State Statute Title 14, Chapter 7, Part 3.28- Appendix Q Tiny Houses, and as such, Ordinance 199 applies with regards to it.
 - c. Per Village Code 130-14 as amended by Village Ordinance 199, “The limit on car campers, camper trailers, tents, buses, motor homes, etcetera occupied as living quarters is 14 days per calendar year for each premises. Reasonable exceptions may be made with an application and permission from the Planning and Zoning Commission”
 - d. As no clear procedure is written for such an “application and permission”, the Planning and Zoning Commission has chosen to utilize the Conditional Use elements of Code 130-32C, 130-32D and 130-32E, and the Variance elements of 130-33G(1), 130-33G(2), and all of 130-33H to ensure a well-considered decision. The Commission requested the petitioner utilize the Variance Application to submit the application for permission.
 - e. The documentation provided with the application shows adequate water, sewer, and electric service, as well as height and setback observances.
 - f. Regarding 130-32C, done. Regarding 130-32D(1), property value improvements were noted. Regarding 130-32D(2), the water, sewer, and electric connections assuages this point. Regarding 130-32D(3), no concerns related to the “Tiny Home” were raised. Regarding 130-32E, this meeting was called and noticed in accordance to the Open Meeting Act. All affected neighbors, Colleen Melloy and Michael Nealeigh, were notified and are in attendance. Regarding 130-33G(1), public interest concerning setting precedence has been addressed. Regarding 130-33G(2), no conflicts noted. Regarding 130-33H(1), no conflicts noted. Regarding 130-33H(2), no conflicts noted. Regarding 130-33H(3), no conflicts noted. Regarding 130-33H(4), no conflicts noted. Regarding 130-33H(5), no conflicts noted. Regarding 130-33H(6), no conflicts noted. Regarding 130-33H(7), no conflicts noted. Regarding 130-33H(8), with regards to affordable housing, this application is in line with the Comprehensive Plan.
 - g. Motion to approve the application for the removal of the time limit on this specific “Tiny Home” on wheels, so long as the unit is not moved or significantly altered, was approved by all voting members excluding Mike Nealeigh who recused himself from voting. The Commission will add notation to the application specifying that this permission is only for this particular “Tiny Home” as it remains materially unaltered and not moved.

4. Meeting adjourned at 19:18

Excerpts of Pertinent Ordinances:

§ 130-14. Recreational vehicles.

The limit on car campers, camper trailers, tents, buses, motor homes, etcetera occupied as living quarters is 14 days per calendar year for each premises. Reasonable exceptions may be made with an application and permission from the Planning and Zoning Commission.

§ 130-32. Conditional use procedures.

- C. Review process for conditional use. The Zoning Administrator shall schedule a hearing on the application before the Planning and Zoning Commission pursuant to the Open Meetings Act, NMSA 1978, §§ 10-15-1 to § 10-15-4.
- D. In considering a request for approval of a conditional use, the Planning and Zoning Commission may impose any condition deemed to be in the best interests of the Village. The Planning and Zoning Commission shall not approve any application for a conditional use permit unless satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (1) The use will not significantly change the character of the neighborhood or reduce the value of nearby property.
 - (2) The use will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property.
 - (3) The use will provide adequate access to traffic and pedestrian circulation; sufficient service areas, including off-street parking; and appropriate consideration of the natural environment.
- E. Public notification. The hearing before the Planning and Zoning Commission at which a request for variance will be heard must receive notice pursuant to the Open Meetings Act, NMSA 1978, §§ 10-15-1 to 10-15-4. All neighboring properties within 100 feet shall be notified by certified mail.

§ 130-33. Amendment procedures.

- G. Conditions for variance. The Planning and Zoning Commission may deny any request for a variance that is based on conditions which are the result of the actions of the applicant. Where the Planning and Zoning Commission finds that the strict application of the requirements of this chapter would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building, a variance may be granted, provided that:
 - (1) The variation of this chapter will not be contrary to the public interest;
 - (2) The variation will not adversely affect adjacent property owners or residents;
- H. In considering a request for approval of a variance, the Planning and Zoning Commission may impose any condition deemed to be in the best interests of the Village. The Commission shall consider the following:
 - (1) Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, all streets/roads, and emergency access in case of fire, flood or catastrophe;
 - (2) Off-street parking and loading areas, where required, with particular attention to refuse and service areas;
 - (3) Show all locations on site for water, septic, sewer, and liquid waste facilities, with reference to soil limitations, locations, and public health;
 - (4) The economic, noise, glare, or odor effects of the proposed use on adjoining properties;
 - (5) On-site drainage and stormwater runoff;
 - (6) General compatibility with adjacent properties and other properties in the vicinity;
 - (7) The overall health and safety of the community; and
 - (8) The goals and objectives of the Comprehensive Plan.