

STATE OF NEW MEXICO)
CITY OF CLOVIS) ss.

The Planning & Zoning Commission met at 3:00 p.m., Wednesday, September 14th, 2022 at the North Annex, Clovis-Carver Library, 701 N. Main in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of said city with the following members present:

Commissioner Juan Garza
Commissioner Thom Moore
Commissioner Marcus Smith
Commissioner Travis Cline
Commissioner Cody Stewart
Vice Chairperson Candace London

ABSENT:

Chairperson Vincent Soule

ALSO PRESENT:

Les Ciancio, Zoning Administrator
Daron Roach, Building Safety Director
Justin Howalt, City Manager
Jared Morris, City Attorney
Vicki Reyes, Assistant City Clerk
Members of the public

Chairperson Soule called the meeting to order at 3:03 p.m. and established the presence of a quorum.

Agenda Item No. 1 – Call to Order

a. Approval of Agenda

Commissioner Garza moved for approval of the agenda; Commissioner Smith seconded the motion, which passed by acclamation.

b. Approval of minutes of August 10, 2022

Commissioner Moore made a motion to approve the minutes of August 10, 2022; Commissioner Cline seconded the motion, which passed by acclamation.

Agenda Item No. II – Old Business

None.

Agenda Item No. III – New Business

A. Discussion and recommendation regarding conditional for a vacant lot to be occupied with BAP Power Corporation, DBA Cenergy Power Johnson Solar Project in the area of 4000 W. 7th

Mr. William Heck, Cenergy Power, advised they have 14 years of commercial and utility solar project experience. They were founded in 2007 and have 400+ projects in 13 states. Their bonding capacity is up to \$150 million. This is on a 40-acre parcel with 30 acres inside the fence. This would be part of the community solar program. It will be remotely monitored once completed and trucks will be dispatched if needed to fix any problems.

Mr. Howalt asked if the state has started their permitting process. Mr. Heck advised the RFP has not yet been published, but they're hoping it will be later this month. One of the requirements of the RFP is to have all permits in place. Mr. Howalt asked if this was in relation to the state community solar project. Mr. Heck advised it was. Mr. Howalt asked if someone would participate for this program through a third party vendor. Mr. Heck advised it would be through them, but they would hire a subcontractor. It would be billed and delivered through Xcel Energy.

Commissioner Moore asked how many jobs it would create. Mr. Heck advised they will use local contractors and will have one person from Cenergy as the Project Manager. In the long term, there isn't a lot of maintenance. They will need at least 3 employees to handle the operations (grass cutting, etc.). Commissioner Smith asked where the truck would come from that is being dispatched. Mr. Heck advised they would contract with a provider that was local to the area.

Mr. Howalt asked if there was a need for a glare study with the proximity to Cannon Air Force Base. Mr. Heck advised they have done these studies all over and it never seems to be a problem. The panels are designed to collect light, rather than reflect it.

Representative Zamora asked if they had to have customers ahead of time or can they recruit after. Mr. Heck advised they have an outreach program underway, but they can recruit after. Representative Zamora asked if they were expecting customers to pay 10% more for it being solar. Mr. Heck advised it would be 10% less and they have to be anywhere within the Xcel territory. Representative Zamora asked why the solar farms aren't in the rural parts of the community. Mr. Heck advised they try to site their projects within 2 miles of a substation. Rural areas tend not to have the electrical infrastructure in place. Commissioner Moore advised Farmers Electric, an electrical coop, has chosen to opt out of the community solar program, but would be able to handle the infrastructure.

Commissioner Moore asked if there was a special rate through Xcel. Mr. Heck advised it wasn't clear because the RFP hasn't been published. He advised Xcel filed suit to stay the RFP. Mr. Howalt advised the state is only going to allow a certain number of community solar projects within the state. Commissioner Smith moved for approval; Commissioner Moore seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

B. Discussion and recommendation regarding notice of hearing for a zone change from an [RS-7] – Residential Single Family District to [RS-7] Residential Single Family Mobile Home Overlay. Address of application is 801-803 Cameo

Mr. Fabian Amaro advised his mother owns these two properties and has a trailer in Hicks Trailer Park. He would like to relocate her trailer to the properties on Cameo. Commissioner Garza asked if the property would be cleaned up before they relocate. Mr. Amaro advised he was currently working on that.

Commissioner Garza asked if this would be the only mobile home in the area. Mr. Ciancio advised three blocks to the west there is a mobile home area and to the south is all commercial. Commissioner Cline moved for approval; Commissioner Moore seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

C. Discussion and recommendation regarding notice of hearing for a zone change from an [RS-7] – Residential Single Family to [RS-7(C1)] Residential Single Family Carport Overlay. Address of application is 2509 Wallace

Mr. Ciancio advised there was zero responding in protest. He advised the properties across the alley are all carport overlay. Commissioner Smith moved for approval; Commissioner Moore seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

D. Discussion and action regarding carports

Attorney Morris advised he put together examples based on the conversation at the last meeting. The first section is exactly how the UDO reads now. Currently the roof must match the principal dwelling unit in terms of color and pitch. The first example does not require the pitch to match and the second example does not require a roof pitch match and has relaxed supporting structures. He looked at several other cities and didn't see anything worth noting.

Commissioner Cline asked for background on this. Mr. Howalt advised when they redeveloped the UDO, the Planning & Zoning Commission was hearing a lot of carport requests and it was very loose as far as what could take place for carports in the community. The commission wanted to scale back on what was allowed and not allowed. The language currently in the UDO was the intent of how those changes came about.

Commissioner Garza advised they looked at the safety issue and consistency of appearance in the neighborhood. He spoke with some contractors that stated that a pitched roof wouldn't cost much more depending on who they work with.

Commissioner Garza asked if there were more complaints about this process. Attorney Morris advised not that he was aware of. Mr. Roach advised there have been questions as to why they have to be pitched, but that was it. Attorney Morris advised most of the communities that he reviewed are getting away from prefab carports.

Representative Zamora, 116 Rosa, advised there are a lot of metal posts and tin flat roof carports in the area that he lives. He didn't see where they would cause any safety problems. He would like to have the opportunity to build like everyone else around them. Commissioner Moore advised those were put in before the new ordinance. Representative Zamora asked if they overshot the ordinance and if more people would build carports if they were allowed to have flat roof carports.

Commissioner Smith advised when they have neighborhoods that look alike, they get into the issue of what one person thinks looks good another might not. He is worried that people will not build their carports as well and not at the level that they can be and then it could change the aesthetic of the neighborhood. He knows Representative Zamora will do it right, but he's worried about the ones that won't do it right. Representative Zamora advised that could be the same as a pitched roof carports as well.

Representative Zamora advised the pitch won't fit in the width of the carport at his house so they aren't allowing two vehicles to fit under the carport because it doesn't have a pitched roof.

Commissioner Garza advised they changed this 10 years ago. He advised Representative Zamora's contractor put the posts in without getting a permit. Representative Zamora advised the carport was supposed to be pitched but then found it couldn't fit. A permit was pulled. Commissioner Garza advised he has seen older homes that have pitched carports. Representative Zamora advised the city isn't allowing people that can't afford a pitched carport to have a carport at all. Commissioner Garza advised they haven't had any complaints until Representative Zamora brought this up. Representative Zamora advised he didn't like being singled out. He is doing this in a way that concerns all of the citizens in the City of Clovis.

Commissioner Smith asked if some of the verbiage Attorney Morris reviewed was in any of the communities' ordinances. Attorney Morris advised there is an accessory use regulation in the UDO. They have the carport overlay section and then that separate accessory section. Mr. Howalt advised this was the zoning part of the house. The construction standards are not listed and handled by Mr. Pete Wilt. They have come across unpermitted construction in the past and they require the citizens to go through the process or remove the item.

Commissioner Smith advised he would like to sit down with Representative Zamora and discuss the UDO.

Vice Chairperson London asked if this could be tabled until they have more information. Attorney Morris advised he would try to get more ordinances from other communities before the next meeting. Commissioner Smith made a motion to table until the next meeting; Commissioner Moore seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

Agenda Item No. IV – Future Agenda Items

Attorney Morris advised George Pistek 1300 Mora, asked for a text amendment to the UDO regarding the livestock overlay district to allow for chickens. He was informed that any text

amendment to the UDO would have to start here. Commissioner Stewart asked if they could look at this ordinance and discuss at the next meeting. Attorney Morris advised an amendment can only be started by the Director of Building Safety, one of the P&Z Commissioners or one of the City Commissioners. Mr. Howalt advised outside of the UDO, in title 6 of the municipal code, it currently allows for poultry. There are separation requirements between the poultry and the residence adjacent, which is 100 feet. If someone can meet those requirements within the city then they are allowed to have chickens.

Agenda Item No. V – For the good the order

None.

Agenda Item No. VI – Adjournment

There being no further business to come before the commission the meeting adjourned at 4:11 p.m.