

MINUTES
Tuesday October 6, 2009
Planning and Zoning Commission Work Session
Grant County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Ken Foster
Gillian Sherwood
Teri Matelson
Alice Jones
Lori Ann Bonomo
Doug Abbott

Staff Present

Peter Russell
Luan Mitchell
Alexandra Perrault

Commissioners Absent

Members of the Public

Bruce McKinney
Jim Goodkind

Other Town Staff Present

Bud Melaney, Flood Plain Manager

The work session of the Planning and Zoning Commission for the Town of Silver City to discuss the Land Use Code Task Force's recommendations for revisions to the town's land use code was called to order at 6:00 p.m. by Chair David Gershenson. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum present.

Bud Melaney, floodplain manager for the Town, presented his revision suggestions to section 4.1, Floodplain Overlay, particularly new language regarding floodways. Commissioner Jones questioned section 4.1.5 E) 3) which states that a community may allow encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all the provisions required by Section 65.12 of the Code of Federal Regulation. She questioned why anyone would be allowed to encroach in the floodway at all. Mr. Melaney explained that the language was from the boilerplate. Mr. Russell suggested it may be there to deal with "takings" issues, that instead of banning something outright, it allows the property owner to have his situation reviewed individually.

Commissioner Jones then asked about another provision in the code that would possibly allow new development in FIRM zones A1-30 and AE if the development would not increase the water surface elevation of the base flood by more than one foot, again after the community completes all of the provisions required by CFR Section 65.12. Mr. Melaney explained that he thought it would be possible to reduce the stated one foot, but questioned what the amount should be and what the justification for that would be. Ms. Jones said she was against any provisions in the document that would allow an increase in the base flood level at all. There was much discussion and explanation, and maps of the flood zones were shown. Mr. Melaney was asked to consult with FEMA regarding making changes to the code relating to floodplains and floodways and to report back to the commission.

Bruce McKinney presented his recommendations for changes to the section of the LUC regarding Planned Unit Developments. His first suggestion was that instead of requiring two separate steps, one for zoning the area to a PUD district and a concept plan, and a second to approve the final PUD plan, that a

developer would have the option of combining the two steps. Peter Russell commented that both are complicated processes and that Town Attorney Robert Scavron recommended keeping the two steps for that reason. Mr. Russell also suggested, since Mr. McKinney's PUD development is the first to be presented to the Town, that they go through the process as it is now and learn from experience whether the two steps should be required or not, in effect postponing a decision. Mr. McKinney said he would be comfortable with leaving the two-step process intact, but had another suggestion that he felt was more important. He requested that the lapse time for various phases be increased. It was agreed that the commission members would review Mr. McKinney's proposals for discussion at the next meeting.

The next meeting was set for October 20 2009, at 5:15 in the commissioner's meeting room.

Adjournment

The meeting adjourned at 7:12 pm.

Approved:

David Gershenson
Planning & Zoning Commission Chair