

# MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY WORK SESSION

Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
June 30, 2010 – 9:00 AM - 11:00 AM

**Present:** James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Jamie K. Thomson, District 2  
Simon Wheaton-Smith, District 3  
Michael S. Morones, District 4

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney

**1. Call to Order, Pledge of Allegiance, and Reading of Mission Statement.** Mayor Marshall called the meeting to order at 9:00 AM. Councilor Morones read the Mission Statement.

**2. Report from Peter Russell, Community Development Director, on the process used and the principal issues addressed in the development of the proposed amendments to the Land Use Code.** Mayor Marshall stated it was important that the Council understand what the process had been for the revision of the Land Use Code, and to understand any different theories and concepts that were included in the document or those that were different from the last one. He said there had been over 2 years of opportunity for the community to be involved, but it was important during the process with the Council, that the Council would have an opportunity to hear citizens' concerns. He said the Council would probably have multiple work sessions to ensure that it was a good document that met the needs of the community. He asked Peter Russell, Community Development Director, to begin his report.

Mr. Russell commented that he would go over the general ideas, the definitions, the process, and would highlight some of the changes. He said that what they had before them was a set of recommendations, and his task was to take their guidance and follow through with implementing their recommendations. He said the Land Use Code was to protect and promote the public health, safety, and welfare by causing orderly, beneficial, and efficient land development processes. He described the differences between a Land Use Code, a Comprehensive Plan, and a Master Plan. He stated the process used for revising the Land Use Code was that the Council appointed a Task Force with different disciplines represented, i.e. a landscape architect, a contractor, a community activist, a civil engineer, a realtor, a businessman and former Mayor, and the Chairman of the Planning and Zoning Commission. He said a consultant was hired to help the Task Force. He said the Task Force held over 30 meetings from 2007-2009, and that all of the meetings were noticed to the public and were televised. He said the process used for developing amendments was by consensus and with no opposition; if there was no consensus then the 1999 text remained the same. He said the values sought to use to improve the Land Use Code were to improve clarity, improve consistency, and to address fairness. He stated the priorities were: to look at the recommendations in the Town's Comprehensive Plan; to base it on the type of applications submitted to the Planning and Zoning Commission; and to hold a public meeting to solicit public comment. He stated they received public comments and forwarded those comments, and the recommended changes, to the Planning and Zoning Commission. He said the changes were reviewed by Attorney Scavron and the consultant's attorney, and the draft Land Use Code was posted on the Town's website. He said the Planning and Zoning Commission held 10 work sessions on it, and commented on issues that were addressed. He said the Planning and Zoning Commission held a public hearing in February 2010 and that they voted to pass it and to forward the recommendations to Council. Mr. Russell went over some of the highlights with visual aid posters and discussed the following: zoning issues; flexibility in the housing types; street and parking minimum standards; how sidewalks were to be done by the Town in an organized manner; bike lane and path standards; accessory dwelling units; RV parking and rules to occupy; sandwich sign boards on city property; administrative procedures; dimensional adjustments for variance requests; non-conforming buildings; how definitions were added and a better index; historic district; child care facility; the Use Table; and the use of a matrix of intensity. Mr. Russell concluded his report.

**3. Discussion to include, but not limited to the following: the draft of the revised Land Use Code.** Mayor Marshall stated that he wanted to go over the "Definition" issues to make sure there was consistency. Councilor Bettison stated the definition of "child care center" on page 15 stated that it was in a non-residential setting, but it

should also state that there was conditional use approval available. Mr. Russell agreed and said the phrase "non-residential" should be deleted, but he would work with her on the exact phrasing. Councilor Bettison expressed her concerns on the definition of "family" on page 19 and said it should include the term "adopted" and be made to 2010 standards as per the definition used by the Census. There was further discussion and Attorney Scavron said to change "family" to "household". Councilor Bettison had further comments on the following: how there was no longer a definition of "guest house" because the new term was "accessory dwelling"; how the definition of "RV" on page 28 may need to be re-checked regarding the size; how the definition of "street, secondary arterial" on page 31 should state "Pope Street between U.S. Highway 180 and College; and how the terminology used in district regulations did not appear in the "Definitions". There was further discussion between the Council, Attorney Scavron, and Mr. Russell about how "family" would be changed to "household" throughout the document; the different types of households and the number and types of buildings for households; the number of people in a residence; the definition of room and boarding houses, etc. Councilor Wheaton-Smith suggested that "Family" should not be eliminated, but to say "Family, see Household for guidance", that "Guest House" should say "Guest House obsolete, see Accessory Dwelling", and "Grandfathering obsolete, see Non-Conforming Use" so it would still have terms that the public used. He also suggested including intent statements where needed.

Councilor Wheaton-Smith made a motion to recess at 10:10 AM. Councilor Bettison seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 10:20 AM. Discussions resumed on the following definitions and inconsistencies: 3.1.3 Residential B Restricted Single Family and Attached Housing on page 35; multiple households; how conditional uses should refer to 3.2 Use Table; grandfathering in Residential A; how the Use Table could be moved ahead of District Regulations; the addition of language under 3.1 Intent and Purpose of Zoning Districts on page 35 to state, "The following are the general definitions. Conditional uses exist for most of these definitions and are covered in 3.2 Use Table"; how the term "mixed-use building" should say "mixed occupancy" in the Use Table under Residential "Household Living" on page 44; how a definition of "mixed occupancy" should be added; the definition of mean sea level on page 96; the use of the words "should", "shall", and "may" and how 2.1 Word Construction on page 11 should include, "the word 'should' is aspirational or to the greatest extent feasible"; and how a Rules of Constructions section could be added after Definitions.

Mayor Marshall commented that the main concern regarding accessory buildings was the actual absorbable surface and run-off issues off of a property rather than how big the mother-in-law permit was. There was further discussion about drainage management; grandfathering issues; how accessory buildings could be built for rental purposes; and how there was a fair amount of issues in the Code that were responsive enforcement to either direct or indirect complaints. Attorney Scavron said it would be beneficial to the Council to look at the codes that would be included in the Land Use Code, i.e. the International Energy Code, so they would be familiar with the various codes before adopting them into the Town's Land Use Code. Mayor Marshall stated the next work session would begin with public comments and then they would look at the reference codes.

**4. Adjournment.** Councilor Wheaton-Smith made a motion to adjourn at 10:55 AM. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk