

CITY OF HOBBS

RESOLUTION NO. 5833

A RESOLUTION ESTABLISHING DESIGN STANDARDS, LOCATIONS AND PERMITTING PROCEDURES FOR INDUSTRIAL WORKER HOUSING FACILITIES.

WHEREAS, pursuant to New Mexico Statutes, a municipality may, for the purpose of promoting health, safety, morals or the general welfare, regulate and restrict within its jurisdiction the location of residential structures including housing facilities and other related structures for temporary industrial workers needed for the local energy industry, and also for other similar projects such as major construction projects; and

WHEREAS, the City of Hobbs has received significant proposals recently regarding new industry supported worker housing facilities to be located in conjunction with existing industrial complexes for housing temporary industrial workers needed by that particular local energy company; and

WHEREAS, the City is very supportive of local industries and desires to assist with their efforts to alleviate the extreme shortage of rental housing for industrial workers; and

WHEREAS, the City wants to assist the local industry by approving locations and expediting the review and permitting process for temporary industrial worker housing facilities, while at the same time insuring that all necessary utilities and public safety needs are met by the new facilities, and to lessen the impact on residential areas of Hobbs; and

WHEREAS, new regulations are therefore needed in order to promote health and the general welfare; prevent the overcrowding of land; and facilitate adequate provision for worker housing and industrial operations including transportation, water, sewerage, parks and other public requirements; and

WHEREAS, these proposed policies have been reviewed and approved by the Hobbs Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, as follows:

SECTION 1 DEFINITIONS.

For the purposes of this title the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Industrial Worker Housing Facility" means any housing facility or camp type facility or building(s) designed to provide rental housing, food and other living services for energy sector workers, regardless if the worker's duration is temporary or permanent, or if the facility is temporary or permanent in nature.

"Temporary Industrial Worker Housing Facility" means any housing facility or camp type facility or building(s) designed to be located at the site for a period less than 12 months.

"Permanent Industrial Worker Housing Facility" means any housing facility or camp type facility or building(s) designed to be located at the site for a period for more than one year.

"Small Worker Housing Facility" means any housing facility or camp type facility or building(s) designed to house less than 48 workers at a single site.

"Large Worker Housing Facility" means any housing facility or camp type facility or building(s) designed to house more than 48 workers at a single site.

"Minor Temporary Worker Housing Facility" means any temporary on-site facility directly at the work site, such as actively drilling or re-working a well, not to exceed ninety (90) days in operation.

SECTION 2 GENERAL PROVISIONS.

A. The purpose of this Policy is to guide the orderly growth and development of Hobbs in accordance with the City of Hobbs Comprehensive Plan in order to protect health, safety and general welfare and economic development of current and future inhabitants of the City of Hobbs, New Mexico, and, in particular, to protect their interests from adverse impacts of land use including to protect the City's residential areas from haphazard and disorganized locations throughout the City of temporary industrial worker housing facilities as defined herein.

B. This Policy shall become effective from and after the date of its approval and adoption as provided by law.

C. Relationship To Comprehensive Plan. It is the intention of the City that these regulations are adopted in conformance with and to implement the Hobbs Comprehensive Plan. Consistent with Section 3-21-5, NMSA 1978, these regulations are designed to: lessen congestion; secure safety from fire, flood waters, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and control and abate the unsightly use of buildings or land. Also, it is the intention of the City in adopting these regulations, to give reasonable consideration, among other things, to conserving the value of buildings and land throughout its jurisdiction.

D. Relationship to Other City Regulations and Private Covenants.

1. If any provision of these regulations imposes a higher standard than that required by any other City regulation not contained in these planning regulations, the provisions of this Policy control. If any provision of any City regulation not contained in these planning regulations imposes a higher standard that regulation controls.

2. Relationship to Private Restrictions. The provisions of this Policy are not intended to abrogate any deed restriction, covenant, easement or any other private

agreement or restriction on the use of land; provided however that where the provisions of this Policy are more restrictive or impose higher standards than a private restriction, the requirements of this Policy shall control. Private restrictions shall not be enforced by the City.

E. Effect on Existing Permits. This Policy is not intended to abrogate or annul any permits issued before the effective date of the provisions of this Policy.

F General rules and regulations.

1. The issuance of an Industrial Worker Housing Facility Permit does not release the applicant from conditions of any applicable subdivision restrictive covenants or deed restrictions or other federal or state regulations.

2. Permitted facilities for Industrial Worker Housing are required to be closely associated to a single industry or group of related companies with an active management style and a zero tolerance policy for drugs and alcohol abuse. These facilities are prohibited for normal residential use such as an apartment building.

3. A building permit is required before final approval and a certificate of occupancy is granted.

4. No Industrial Worker Housing Facility shall be a nuisance to public safety by creating fire hazards or any hazard to life. If found to be hazardous to life as stated, the City may take action to remove, relocate, clean or clear the property.

5. Permitted uses in an Industrial Worker Housing Facility include a residential housing facility for industrial workers with associated dining, recreation and service activities and accessory buildings. Accessory buildings including swimming pools, and recreation areas and buildings and service buildings are permitted. Convenience establishments of a commercial nature, including laundries, stores, beauty shops and barbershops, may be permitted, and shall be located, designed and intended to serve only the needs of workers who are residents in the facility, with no visible evidence present of their commercial character outside the housing facility.

SECTION 3 PERMITTED LOCATIONS FOR INDUSTRIAL WORKER HOUSING FACILITIES WITHIN THE CITY OF HOBBS.

A. Permitted Locations.

1. Minor Temporary Worker Housing Facilities are permitted to be located at any temporary on-site facility directly at the work site, such as actively drilling or re-working a well, not to exceed ninety (90) days in operation.

2. Permitted Locations For Industrial Worker Housing Facility Districts.

Planning District Map. The locations and boundaries of the various planning districts are shown on the Planning District Map which accompanies this Policy, and is attached to

this Resolution as Exhibit 1. This Map and all notations, references and other information on it, and all amendments to it, shall be as much a part of this Policy as if fully set forth and described herein. Only the Hobbs Planning Board and/or the City Commission may amend the Hobbs Planning District Map according to the procedures herein this Policy.

a. Review Criteria and Interpretation of District Boundaries. The Planning Department is responsible for custody of the official Hobbs Planning District Map and will promptly make any changes approved by the Planning Board. Boundaries shall follow platted lot lines, street and alley right-of-way boundaries, etc. The same shall apply for section lines, survey or other property lines, and municipal boundaries. Actions of the Planning Board establishing or amending a planning district boundary will take precedence over any conflicting information shown on the Map. The Planning Department shall interpret the planning district boundaries if there is any uncertainty regarding official planning district boundaries.

b. Planning Districts. Planning Districts included on the Planning District Map include the following:

Mobile Home Park Planning District (MHP);
Mobile Home Residential Subdivision Planning District (MHS).
Recreational Vehicle Park Planning District (RVP).
Industrial Worker Housing Facility Planning District (IWHF).

D. Special Use Permit Approval Procedures For Planning District Map Amendment.

1. Special Use Permit Approval Process For Approval of Map Amendment of the Official Planning District Map (New Planning Districts) For Industrial Worker Housing Facility - Application Procedure.

a. An application for an amendment to the official Planning District map may be initiated by a property owner filing a complete application with the Planning Department in a form established by the City. The application shall include the following information:

Name, address and telephone number of applicant and owner;
Legal description of the property that is the subject of the proposed amendment;
A statement of the reasons why the amendment is being requested; and
Other information or documentation necessary to process the application, as required by the Planning Department.

b. The property owner must sign the application for the planning district boundary change.

c. Compliance with such information is necessary to place the application on the Planning Board agenda. The City Planning Department or Planning Board may require an applicant for map amendments to submit such technical studies as may be necessary to enable the proper evaluation of the application. Required studies may

include, but are not limited to, traffic studies, engineering studies, noise studies or neighborhood and/or economic impact reports.

2. Planning Board Review, Public Hearing and Decision Making Process.

The Planning Board shall, after due notice herein, conduct a public hearing on the proposed map amendment. At the public hearing the Planning Board shall consider the application, the relevant supporting materials, and all comments and written materials submitted by the public at the public hearing.

The Planning Board may give consideration to the following criteria, to the extent pertinent to the application. In addition, other factors may be considered which may be relevant to the application, such as;

Conformance of the proposed map amendment with the City's land use policies contained in the adopted Comprehensive Plan.

The character of the neighborhood.

The adjacent residential areas, if any, nearby industrial properties, and the extent to which the proposed new residential development of an Industrial Worker Housing Facility would be compatible.

The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or existing parking problems in the vicinity of the property.

The extent to which approval of the application would diminish the character of the neighborhood.

The possibility that an error was made when the existing planning district map was created.

3. If approved, the Planning Board must find that the map amendment must foster implementation of the City's adopted Comprehensive Plan; or the area of the proposed change is different from surrounding land because it could function as a transition between adjacent neighborhood areas.

4. After the public hearing, the Planning Board shall adopt and transmit a final decision report to the applicant. The concurring vote of a simple majority of all current members of the Planning Board (four of seven members) is necessary to approve any map amendment. The decision report for applications denied by the Planning Board shall state the reasons why the Planning Board denied the application. The decision of the Planning Board is final unless the applicant files an official written appeal to the City Commission.

5. Conditional Stipulations Permitted. In the exercise of its powers to review and approve map amendments, variance and other provisions of this Policy, the Planning Board is authorized to make a conditional approval of a map amendment or a

variance, and to place any reasonable conditions on an application in the standard course of approving the map amendment or variance.

6. Public Notice of Proposed Actions. Public notice of hearings held before the Planning Board, unless otherwise required by law, shall be given as provided in this section.

a. Published General Notice. On or before the fifteenth (15th) day before the date of any public hearing involving the establishment or amendment of any district boundary, consideration of a special use permit, or a proposed variance from any planning regulation, the Planning Department shall publish in the local newspaper of general circulation in the City of Hobbs a public notice stating the date, time and place of the public hearing at which all parties in interest and citizens shall have an opportunity to be heard. The notice shall include a short description of the proposed action, the subject property and how additional information can be obtained.

b. Mailed Notices. Whenever a planning district map amendment special use permit is proposed for an area, the Planning Department shall mail notice of the public hearing by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a map amendment special use permit and to all other owners within the greater of two hundred (200) feet of the subject area, or one hundred (100) feet, excluding public right-of-way, of the subject area. The mailing shall be posted on or before the fifteenth (15th) day before the date of the public hearing.

c. Notice of Proposed Variances. Whenever a variance from the regulations herein are proposed on a property, the Planning Department shall follow the same legal notice and mail notice procedures as noted above for a map amendment public hearing.

d. Posting of Notice Signs. Public notice of required public hearings on property owner applications for a planning district map amendment special use permit application shall also be provided by way of a sign posted at least ten (10) days before the date of the public hearing on the property that is the subject of the application. One (1) sign shall be posted by the Planning Department for each street frontage along a public street. Signs shall be located so that each sign is clearly visible from the street, or visible from the nearest public street.

SECTION 4 PERMITTING REQUIREMENTS.

A. Prior to filing an application for a City Building Permit, an application for an Industrial Worker Housing Facility Permit shall be submitted to the Planning Department and reviewed and considered for approval in accordance with the provisions of this article prior to the construction, placement or alteration of any Industrial Worker Housing Facility or housing structure, as defined in this article and not specifically excluded herein, that is located within the boundaries of the municipality.

B. No permit is required for a Minor Temporary Worker Housing Facilities on-site facility directly at the work site, such as actively drilling or re-working a well, not to exceed ninety (90) days in operation.

C. Notwithstanding any other provision of this Policy, an Industrial Worker Housing Facility permit shall be issued by the City Engineer and City Planner if it complies with this Policy.

D. Valid Permits, Term of Permit and Permit Renewal.

1. The initial period for all Industrial Worker Housing Facility shall be as follows:

a. For all Temporary Industrial Worker Housing Facility, as defined herein, the Permit shall be issued for the exact time period for the duration of the facility, not to exceed 12 months.

b. For all Permanent Industrial Worker Housing Facilities, as defined herein, the initial permit shall be issued for the two (2) years or the exact time period for the duration of the facility, if less than 2 years.

2. Permit Renewal.

a. The City will not re-issue a Temporary Permit. However, a Permanent Permit can be requested by the operator of a Temporary Permit needing to be extended in the same location.

b. A Permanent Permit will be re-issued for succeeding periods of up to a ten (10) year permit term, based on request by the owner, as long as the facility is in compliance with all sections of this Policy.

E. Permit Approval Authority.

Following due diligence by the City and after full compliance with these regulations has been determined by the City, Industrial Worker Housing Facility Permits, including Site Plans, shall be approved by the following authorities:

1. The City Planner and City Engineer shall approve all permits for Temporary and Permanent Small Industrial Worker Housing Facilities.

2. Following a Public Hearing, the Planning Board shall approve all permits for Temporary and Permanent Large Industrial Worker Housing Facilities, including expansion of such facilities.

SECTION 6 PERMIT SUBMITTAL REQUIREMENTS AND REVIEW PROCEDURE.

A. Permit Review and Location of Proposed Site.

Permit applications for all Industrial Worker Housing Facilities shall be submitted to the Planning Department. The Planning Department will determine if all of the real property within the proposed Site Plan is contained in an existing Industrial Worker Housing Facility (IWHF) Planning District. If the site plan is contained in the appropriate planning district, then the review of the Permit Plan will begin. If the property within the site plan is not in the appropriate planning district, an application must first be made to the Planning Board to change the Planning District Map to include the appropriate property, pursuant to the provisions of this Policy. The Planning Department will also determine if the Site Plan submittal is complete with all required submittal documents.

B. Description of Proposed Facility.

1. Total number of projected workforce on site at any one time.
2. Estimated Duration – Length of time expected to operate at this location.
3. Estimated Life Expectancy of Building Units.
4. Total number and type of housing to be used and total number of beds.
5. Age of Units/Buildings to be installed or constructed on the site.
6. Other Facilities to be located on Site.
7. Type of Foundations Proposed.
7. Parking and Loading requirements, with an estimate of the number of vehicles to be located at the facility; and a description of the type of vehicles to be used and expected traffic flows
8. Site Operator name with company information, management structure, and location of other facilities.
9. Security and Safety Plan (Include Fire Protection and Emergency Response Plan).
10. Industrial Client(s), with letter of concurrence.
11. Details of Land Ownership or Site Control, deeded to site operator or leased from participating industry (please provide details).

B. Site Plan Submittal Requirements

1. Drawings and Information Required. Required site plans shall be prepared on a standard sheet size not to exceed 24" x 36" at a scale of 1"=100' with a minimum font size of 10 point. Site plans shall also be submitted in electronic format. Required site plans shall be prepared by a registered engineer, in accordance with City regulations and policies.

2. General Information Required. North arrow; site acreage; scale (written and graphic); names of engineer, developer, property owner and operator; legal survey of the site and lot boundary; adjacent property lines, residential areas and structures; names of adjacent property owners; and existing easements on and adjacent to the site.

3. Other data and information, as follows:

Property Boundary for housing facility property.

Location and description of existing structures, roads, fences, public utilities, etc.

Geo-technical and Grading Report on soils, subsurface and drainage that demonstrates conformity with the City's drainage goals, objectives and standards, including direction of water flow, Quantity of on and off-site water generation; Topographic contours sufficient to evaluate drainage on and off site;

Proposed spot elevations; Existing and proposed flow lines; and points of concentrated water discharge.

Preliminary Drainage Plan of the area showing the size and location of each existing and proposed drainage way and/or retention or detention area.

Location of all proposed structures and buildings.

Setback and separation distances between buildings and property setbacks.

Location all streets and sidewalks serving the Site Plan area including right-of-ways, easements, intersections within 200 feet of the property boundary. Dimension of aisles, driveways, maneuvering areas and curb return radii;

Location of all Parking and Loading Areas, including Number and dimension of spaces; Refuse and service areas, loading facilities and docks for food service, pick-up & drop-off points for workers, etc.

On-site water and sewer utility facilities.

On-site utility facilities for electric power, telecommunications, natural gas and cable TV.

Proposed utility connection locations.

Location of all existing and proposed fire lanes and hydrants.

Location of all landscaping, buffering and screening as required by Municipal Code and this Policy including Landscaping Plan and Outdoor Lighting Plan.

Location of any other improvements, such as signs, fences, recreation or exercise facilities, and other on-site structures.

C. Site Plan Review.

1. Site plan review will be coordinated by the Planning Department with input from Planning, Engineering, Inspections, Utilities, Public Safety and other departments concerned with the development process.

2. Based upon its review, the staff may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to criteria in this subsection.

3. Staff will complete a preliminary review of the site plan and issue written preliminary review comments within ten (10) calendar days following filing of a site plan

which meets all submission requirements in this Policy. Following the preliminary review, the staff will review revised submittals and will issue a final review decision in writing within ten (10) days following filing of the revised site plan. The staff decision on a site plan is final unless appealed to the Planning Board as provided by this section.

4. Site Plan Approval Criteria. In approving or denying a site plan under this article, the following criteria shall be considered:

The extent to which the site plan fulfills the goals, objectives and standards in the City's Comprehensive Plan, Major Thoroughfare Plan, and other City policies and Policies.

Appropriate size of sites and spaces, required setbacks, distance limitations, and other density and dimensional requirements.

Safety from fire hazards and measures of fire control; Protection from flooding and water damage; and Noise and lighting glare effects on adjacent neighbors.

Adequacy of streets to accommodate the traffic generation of the proposed development; and adequacy of off-street parking and loading facilities for the uses specified.

Landscape Plan and landscaping and screening provisions which meet requirements of the Municipal Code and this Policy.

Impact of the proposed development on the site and surrounding properties and neighborhoods.

Safety of the motoring and pedestrian public using the facility and areas surrounding the site.

Such other measures as might secure and protect the public health, safety, morals and general welfare.

5. Effect of Site Plan Approval.

a) If development of a property with an approved site plan has not commenced within one (1) year from the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and re-approval of the approved site plan by the staff shall be required before a building permit may be issued.

b) Extensions of the approval of the site plan may be granted for a six (6) month period, if there has been no related change in the City's development requirements since the last approval; there has been no significant change in the area surrounding the site since the last approval; and there is no change in the site plan as originally approved. There is no limit to the number of extensions a property owner may request.

c) Amendments. All amendments to all applications and approvals shall be processed in the same manner as the original application. However, the applicant shall submit a summary of all elements that are proposed to be changed along with the revised plans and application.

6. Expansion or alteration. All requests to expand an existing permitted Industrial Worker Housing Facility to expand its area or alter its approved site plan shall do so in accordance with the provisions of this Policy.

SECTION 7 INDUSTRIAL WORKER HOUSING FACILITY DESIGN STANDARDS.

A. Real Property – Minimum Area: Square footage: 0.50 acres (21,780 square feet).

B. Property Setback Requirements.

1. Setbacks and spacing (minimum including awnings, canopies, decks and any other structures attached to, adjacent to or connected to a building):

- a. Housing Unit/Building front setback: twenty-one feet
- b. Housing Unit/Building side setback: twenty-five (25) feet
- c. Housing Unit/Building rear setback: twenty-five (25) feet

d. Industrial Worker Housing Facility Housing Unit/Building to any existing, occupied residential dwelling unit: 200 feet. The Planning Board may reduce this setback distance to 75 feet if a solid, masonry buffering wall is constructed to a height of 6 feet between the facility and the residence.

e. Building setbacks on site between buildings are regulated by the Building Code.

B. Utility placement shall be according to the Utility Services Policy. All Industrial Worker Housing Facilities except for Minor Temporary Worker Facility shall be connected to the City Water System and the City Wastewater System.

C. Streets and access standards.

1. All Industrial Worker Housing Facilities shall have direct motor vehicle access from a public street, preferably a collector or higher designated street.

2. All streets, excluding sidewalks, within an Industrial Worker Housing Facility shall meet standards of the City Engineer and be surfaced with 2" HMA over an acceptable base course for private and public streets pursuant to the Major Thoroughfare Plan with the following minimum widths required as shown on the following table:

<u>Industrial Worker Housing Facility Streets</u>	<u>Parallel Parking</u>	<u>Paving Width</u>
Internal Street, one way	No	21 feet
Internal Street, one way	One side	27 feet
Internal Street, one way	Both sides	35 feet
Internal Street, two way	No	27 feet
Internal Street, two way	One side	30 feet
Internal Street, two way	Both sides	35 feet
Main Entrance Access	No	30 feet (No center sign)

3. No street within an Industrial Worker Housing Facility shall have a dead end, except for cul-de-sac streets, which shall have a minimum turning radius of 48 feet, or an alternate turn-around area as approved by the City Engineer.

4. There shall be a network of sidewalks connecting common and/or public areas and on-site Industrial Worker Housing Facility service facilities with internal streets. Walkways (concrete, asphalt or unpaved surface) are encouraged where pedestrian traffic may be significant.

5. All internal streets shall have a clear-sight triangle of at least 25 feet at all entrances and exits.

D. Drainage. The Industrial Worker Housing Facility, including building sites and streets shall be designed to insure proper drainage. A Drainage Plan including elevations and drainage calculations shall be approved by the City Engineer. Curbing and gutters are required unless waived by the City Engineer as deemed unnecessary for drainage.

E. Street lighting shall be provided to illuminate all private and public access ways and walkways for the safe movement of vehicles and pedestrians at night. All outdoor lighting shall comply with the Municipal Code and the New Mexico Night Sky Statute and City of Hobbs Screening, Buffering and Lighting Policy.

F. Minimum Parking Requirements: One parking space shall be provided per each employee on the shift with the maximum number of employees, plus adequate spaces for visitor parking, bus or van parking at each Industrial Worker Housing Facility site plan. The City will consider alternative proposals for vehicle storage on gravel surface lots, if workers are allowed to store vehicles at the Industrial Worker Housing Facility during the assigned work period.

G. Refuse. Each Industrial Worker Housing Facility shall provide adequate refuse collection facilities, constructed and maintained in accordance with all health regulations, to be properly screened, and designed to bar animals from access to refuse. Refuse shall be removed from collection sites with frequent service to minimize odors and insects.

H. Storage. The site plan may include the design for storage units and/or an area for vehicle parking/storage, or RV storage, as provided by the Industrial Worker Housing

Facility owner or tenant. Each storage unit shall be anchored permanently to the ground or grouped into a mini-storage building arrangement.

I. Other Structures.

1. All Signs shall conform to the city's sign code. A separate permit is required for signs from the City Building Official, as part of the Building Permit for the facility.

2. All Fences shall be located on or inside the property line or property boundary. All walls or fences shall be constructed on all boundaries per plan requirements, except for street frontages. On street frontages, the fence shall be setback a minimum of ten (10') feet. Wood fences shall require regular maintenance and a wood fence shall be replaced as necessary to maintain the buffer.

J. Lot of Record for Industrial Worker Housing Facility. The Planning Department will determine if the property contained within the Site Plan is an appropriate Lot of Record. If necessary, a Summary Subdivision or Lot Replat may be required to create the appropriate Lot of Record to correspond to the same area of the Site Plan.

K. Residential Housing Standards.

1. All Industrial Worker Housing Facilities shall meet minimum standards for Residential Housing as established by the City of Hobbs pursuant to Ordinance 980. These policies are intended to protect the health, safety, morals, and the general welfare of the city. These regulations therefore are intended 1) to improve the overall image and visual quality of the city in order to promote better neighborhoods and economic development; 2) to improve the quality of development, increasing its value and promoting its marketability; and 3) to improve the curb appeal of private residential development through the use of higher quality exterior materials and building design features.

2. All structures at an Industrial Worker Housing Facility shall be Modular Structures or site built structures meeting minimum standards of the International Building Code or the International Residential Code Standards, as enforced by the City Building Official.

3. No manufactured home or mobile home meeting HUD and State of New Mexico standards shall be approved as part of an Industrial Worker Housing Facility. No structure of a temporary character, trailer, mobile home, camper, recreational vehicle, tent, or other temporary structure shall be used as a part of the Industrial Worker Housing Facility, except that the City Planner may approve temporary use of an RV or construction trailer during construction of the facility.

4. No structure unfinished as to exterior shall be permitted to remain on any site for a period exceeding three (3) months from the date of commencement of its construction.

5. The exterior surface of the facility shall be prefinished steel, stucco, stone, masonry, masonry-veneer, brick, stone-veneer, brick-veneer, hardboard or wood siding construction or a combination thereof. Exterior appearance shall be attractive and compatible with industrial structures and buildings in the same neighborhood. Alternative exterior materials will be reviewed and considered by the City through the variance process.

L. All Industrial Worker Housing Facility site plans shall have a landscape plan section meeting City Landscaping Standards.

M. Hobbs Fire Code. All structures and facilities shall meet minimum standards of the International Fire Code, as enforced by the City Fire Marshall.

N. Building Foundations. The Hobbs Building Code requires that all foundations for structures to be in place for at least 12 months shall be constructed of concrete materials. Permanent foundation sites shall be prepared in such a manner that positive drainage of surface water is maintained and directed away from the manufactured home and adjacent improvements.

O. All federal, state and local accessibility requirements shall be met.

SECTION 8 ADMINISTRATIVE PROCEDURES.

A. Variances.

1. Variances are authorized deviations from the property development standards in this Policy. A variance may be appropriate when strict enforcement would represent a unique, undue and unnecessary hardship on a particular property.

2. An application for a variance shall be submitted by a property owner, or an agent acting on behalf of the property owner, to the Planning Department, on a form prescribed by the City. Under no circumstances shall a variance be proposed or considered that would authorize a use of property for a Industrial Worker Housing Facility that is not otherwise permitted in the applicable planning district.

3. Planning Department Action on Minor Variations. The Planning Department shall have the authority to find that a variance application involves a minor variation, which shall include any proposed variation from a property development standard in this Policy that would be a deviation of a minor nature from such adopted standard. In any such case, the Planning Department may grant an administrative approval that does not require any further review or action by the Planning Board. Any such approval must meet the conditions for considering variances herein. If the Planning Department determines that an application does not meet these conditions and does not merit approval, then the matter may be referred to the Planning Board for review and action if requested by the applicant. The record of Planning Department review and approval of minor variations shall be available for public inspection, upon reasonable request, during normal business hours.

4. Planning Board Public Hearings on Variances. For all variance applications not deemed minor by the Planning Department, the Planning Board, after due notice, shall hold a public hearing on an application for a variance. At the public

hearing, the Planning Board shall consider the application, the report of the Planning Department, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Board shall vote to approve, approve with conditions, or disapprove the application for a variance.

5. Conditions for Considering Variances. To approve an application for a variance, the Planning Board shall make an affirmative finding that each of the following criteria, without exception, is met:

Special circumstances must exist that are peculiar to the land and the special circumstances are not self-imposed or the result of the actions of the applicant. Therefore, literal interpretation and strict enforcement of the terms and provisions of this Policy would cause an unnecessary and undue hardship. The Planning Board must approve that granting the variance is the minimum action that will make possible reasonable use of the land or structure and which would carry out the spirit of this Policy and would result in substantial justice. Such variance will not alter the essential character of the district in which the property or structure is located or the property for which the variance is sought. Granting the variance will not adversely affect the health, safety or welfare of the public.

6. Conditional Variances. The Planning Board and/or the Planning Department may impose such conditions on a variance as are necessary to accomplish the purposes of this Policy, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. All conditions imposed upon any variance shall be expressly set forth in writing with the granting of such variance.

2. Minor Deviations During Actual Development. The City Planner or the City Engineer may authorize minor deviations from the property development standards of this Policy that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the spirit and intent of this Policy. Minor deviations shall not include increases in the intensity of use or the introduction of uses not previously approved.

SECTION 9 APPEALS.

A. Appeal of Staff Decision. An appeal of a staff decision may be made to the Planning Board regarding a staff decision of the Planning Department or City Engineer if filed by the applicant in writing with the Planning Department not more than fifteen (15) days after the date the applicant is officially notified of the staff decision. The applicant's appeal shall state all reasons for dissatisfaction with the action of the staff. The Planning Board may, by majority vote, approve, conditionally approve, or deny the site plan approval. The recommendation of the Planning Board is final unless the applicant requests in writing, within fifteen (15) days of the Planning Board action, a final review by the City Commission.

B. Appeal of Planning Board Actions. If an application to change the planning district classification of property is recommended for denial by the Planning Board, the applicant may appeal this decision to the City Commission. Such appeals must be filed

within fifteen (15) days following the date of the Planning Board action. Any other Planning Board decision may be appealed to the City Commission by the same process.

C. City Commission Review. The staff will schedule a hearing on the appeal before the City Commission, forward the staff recommendation and the action of the Planning Board to the Commission, and notify the applicant of the hearing date. The City Commission may, by majority vote, approve, conditionally approve, or deny the site plan. The action of the City Commission is final.

SECTION 10 ENFORCEMENT AND IMPLEMENTATION.

The City of Hobbs shall have the authority to enforce the requirements and standards of this Policy pursuant to Section 3-21-10, NMSA 1978.

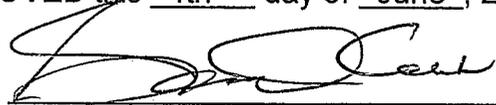
A. The City of Hobbs intends to vigorously enforce this Policy. If any Industrial Worker Housing Facility is placed, located, or maintained, or is used any way in violation of this Policy, the City shall forthwith disconnect City utilities and other utilities from the offending dwelling unit and also disconnect utilities to any structure providing utilities to the offending unit. A minimum fine of \$250 per day shall be levied for each violation of the sections of this Policy. The City of Hobbs may institute any appropriate action or proceedings deemed necessary to carry out this policy.

B. Public Hearing by Planning Board. In the event that the City has verified a significant lack of compliance issues regarding a permitted Industrial Worker Housing Facility, the Planning Board may call a public hearing to discuss such issues. The Planning Board may recommend amendments to the approved permit, qualify the uses or size of the facility, or to recommend suspension or termination of the permit if corrective action is taken by the owner.

C. Revocation of Permit if Violations Occur – The City Manager is empowered to temporarily suspend, terminate and/or revoke any Industrial Worker Housing Facility Permit, based on recommendations by the Planning Board, if repeated violations of this Policy occur.

D. Any person who violates any provision of this chapter shall be found guilty of a misdemeanor, and upon conviction in the Municipal Court of the City of Hobbs shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00) for a first or subsequent offense and by imprisonment for not more than ninety (90) days, or both, for a second or subsequent offense.

PASSED, ADOPTED AND APPROVED this 4th day of June, 2012.



Sam D. Cobb, Mayor

ATTEST:


JAN FLETCHER, City Clerk
