TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, met in Special Session in full conformity with the law and ordinances of said Commission, at the Commission Chambers 405 W. Third, of said City on Thursday, the 8th day of September, A.D., 2005, at 5:30 P. M. to receive input regarding the following:

1. Discussion/Approval – Subdivision within Truth or Consequences

PRESIDING
Kerry Kent, Chairman, called the meeting to order.

OFFICER:

ATTENDANCE:
Upon calling the roll the following members were reported present:

Kerry Kent, Chairman
Roger Smith, Vice Chairman
Viola Bonner, Member

Also Present:

Chris Nobes, Building Inspector
Hazel F. Peterson, Deputy City Clerk

Absent Were:

Bill Howell, Member
Yolanda Sepulveda, Member

QUORUM:
There being a quorum present the Commission proceeded with the business at hand.

SUBDIVISIONS WITHIN TRUTH OR CONSEQUENCES:
Mr. Kent stated the reason he called this meeting is there are a couple of subdivisions, one in particular that this Commission has never seen any plans.

Mr. Kent passed out photos referencing this particular area.

He stated there are four of these lots with roads cut to them, it has gravel for roadways, and according to the Subdivision Code there is to be no grading, paving or surfacing of streets, there are to be no street laid out.

He stated these are a thousand feet long each and one hundred and forty foot. He stated there are four individual pads.

Mr. Kent stated nothing has come before this Commission on any of this.

He stated these are in a T-1 Zoning off of 3rd Street. Mr. Kent asked Mr. Nobes if he would address this.

Mr. Nobes stated that his understanding of what is happening there is that those various parcels were purchased piece by piece and lot by lot by one family. He stated they basically bought parcels, they are still separately assessed and separately taxed, and they have done some grading on it.
He stated they have complied with drainage plans and SWPPP requirement as far as retaining runoff. He stated they haven’t made any application for any kind of subdivision, there has been no sales.

Mr. Kent stated he feels this falls under the subdivision code as far as for grading and combining. He stated this was all one parcel originally, it is now four, and he knows who bought it and who sold it.

Mr. Noble stated using the word “parcel” these are terms, basically again legally they were purchased in lots, blocks, chunks, as you wish. He stated they are owned by a family, and there has been no sales, no division, no subdivision to his knowledge.

Mr. Kent asked if this could go on in this City with out any kind of plan, this kind of major leveling and grading, laying out of roads, they have the gravel there, the reason that haven’t put the road in is because of rain.

Mr. Nobes stated his understanding that the gravel was for stabilizing the banks for erosion control.

Mr. Smith stated he heard on the news that if EPA sees any kind of construction, land movement or whatever, that the EPA can slap a thirty five thousand dollar fine on them for not getting impact studies and all the rest of the permits.

Mr. Nobes stated this is probably preferring to the SWPPP thing, Storm Water Pollution Prevention Program.

Mr. Smith stated they didn’t say what it was they just said if they see it on a satellite, and that’s big enough, the Feds can check if this person has permits and if they don’t the EPA can assess a thirty five thousand dollar fine no matter how big it is.

Mr. Nobes stated they are making their presents more known in the Southern part of New Mexico. He stated that the individual who is doing the work has complied, he’s done an NOI, a Notice Of Intent, and he has registered with the EPA, he has complied with all the SWPPP requirements.

Mr. Kent stated it is the City Subdivision Codes that he is concerned with. He stated he sees this as a flagrant use of grading. He stated they have changed the original contour of the land, major, which our Subdivision Code says is when you start changing land it is supposed to be at least a plat, if nothing else a drainage plan brought before the Planning and Zoning Board.

Mr. Nobes stated he does have a grading permit. He stated basically it is privately owned, it’s owned by one owner, there’s been no sales, and the resources we have, my office, it’s not our role to delve into land sales. Nothing has been recorded, it’s all still in original ownership with this family. He stated he thinks this is an issue you can talk to the City Attorney if you feel a need to, but whether the City would step in now and call it a subdivision he’s not sure that’s a wise move.

Mr. Kent stated one of the reasons he called this meeting was he has had some major concerns with people contacting him about this with no plans. He stated he brought it before the Board to get the Boards approval and Chris’s approval because he would like to take this to the Commissioners and the City Attorney to find out about this.
Mr. Kent stated he feels where he’s made the four actual pads; there are roads to each one of them and a road in between them. He stated that’s a lane of roads as far as he’s concerned. He stated there weren’t roads there to begin with. He stated our Subdivision Code says that before you can even layout a road it has to be brought before this Board. He stated there are roads to them.

He stated he’s just trying to make sure they are covered as the Planning & Zoning Board because otherwise, they might start selling this off or renting it out or whatever and people are going to say where’s the plans for this, and we’re going to say well gee we didn’t have one. He stated that flies in the face of what they are going to make other developers do when they come into town and start developing land.

Mr. Kent stated he would like the Board to make a decision as to whether they want to carry this to the Commissioners and the City Attorney.

Mr. Nobes stated he would recommend getting legal advice based on the definition of the Subdivision Code book.

“Roger Smith moved to have Kerry Kent contact the City Attorney for clarification and legal advice as to how the Planning & Zoning Board might handle this situation.”

Seconded by Viola Bonner
Motion carried unanimously.

Mr. Kent stated this Board gave a Summary Plat to Randy Ashbaugh behind the Chevron Station. He stated he has been watching it and he feels that he has gone well beyond the scope of what was brought to the Board. He stated he spoke to him and he has promised he would get his plans to the Board.

He stated the drainage has been changed, the Engineer was supposed to get plans to the Board and he has seen nothing on it as of yet.

Mr. Kent asked Mr. Nobes if he has heard from Mr. Ashbaugh on this.

Mr. Nobes stated yes he is in contact with him and his Engineers. He state there is currently a Stop Work Order on the property. He stated the Engineer and the owner understand they have gone as far as they can under this Conceptual Plan and they’re doing more engineering on it. He stated that other than remedial erosion control work there’s no more work to be done up there until they submit a permanent plat.

Mr. Kent stated if there is a Stop Order on that then that takes care of this one.

No action taken
ADJOURNMENT: There being no further business to come before the Commission, Kerry Kent, Chairman asked for a motion to adjourn the meeting.

"Roger Smith made a motion to adjourn."

Seconded by Viola Bonner.

Motion carried unanimously.

APPROVAL: PASSED AND APPROVED this _d_ day of _October_ 2005, on motion duly made by _Viola Bonner_, and seconded by _Roger Smith_ and carried.

Kerry Kent, Chairman
Planning & Zoning Board