PLANNING & ZONING COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

REGULAR MEETING
Tuesday, December 2, 2008

TIME & PLACE: The Planning & Zoning Commission of the City of Truth or Consequences, New Mexico, met in Regular Session in full conformity with the law and ordinances of said Commission, at the Commission Chambers of said City on Tuesday, the 2nd day of December, A.D., 2008.

PRESIDING OFFICER: The meeting was called to order by Bill Howell, Chairman. Hazel F. Peterson acted as Secretary.

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

Bill Howell, Chairman
Lee Foerstner, Member
Joey Perry, Member
Raymond Ruffini, Member

Absent: Viola Bonner, Vice Chairman

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

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

APPROVAL OF AGENDA: Bill Howell, Chairman called for approval of the Agenda.

Joey Perry stated that in Item #4 where it says “Section 15-20 F”, it should be “Section 15-20 K.”

"Joey Perry moved approval of the Agenda as corrected."

Seconded by Raymond Ruffini
Motion carried unanimously.

APPROVAL OF MINUTES: Bill Howell, Chairman called for review and approval of minutes of the Regular meeting held Tuesday, November 4, 2008.

"Joey Perry moved to approve the minutes of the Regular meeting held Tuesday, November 4, 2008 as submitted."

Seconded by Raymond Ruffini
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: None.

EXISTING NON-COMFORMING PLATS, SECTION 15-20 K – CITY OF T OR C: Building Inspector Chris Nobes stated this item is in response to an inquiry during last months meeting as to the status of the various subdivisions of the city. He stated that upon researching each of the subdivisions he determined in fact each of them does have this legal non-conforming status under Section K, which is in the Subdivision Code 15-20 K.
He stated that what it boils down to is when the subdivision code was updated in 2002 there was a sunset clause in case there were subdivisions out there that were lingering and had not been marketed and had not been developed, it was to try to tidy those situations up. He stated that in fact it turns out that each of them has complied with these requirements. In every one of these subdivisions there have been sales, lots have been sold.

Mr. Nobes stated the answer is simply that there is not any approved and filed subdivisions that do not conform to Paragraph K.

Joey Perry asked Mr. Nobes if he was saying that every subdivision in town like the New Hot Springs Retail Center was in existence prior to November 2002.

Mr. Nobes stated no he didn’t mean to confuse the issue, no.

Ms. Perry stated it says “plats that were in existence prior to this date shall not be required to conform to this code, these prior plats shall be known as legal non-conforming plats.”

Mr. Nobes stated some of the plats, the original townsites dates back to the 20’s, there are a number of the early subdivisions that date back well into the 30’s and 40’s.

Further discussion ensued.

Joey Perry asked Mr. Nobes if there were any other items that the city looks at that requires annual reviews and/or annual reports. She stated it seems to her that with things like conditional use permits or maybe home occupation permits, that they be reviewed by staff once a year or something like that.

Mr. Nobes stated there is that provision for the home occupation permits and he has been a little lax about it, typically only if he encounters problems or get complaints, if there’s an issue with a certain address. He stated that if he doesn’t hear those problems then it just rolls over and the city reissues a business license each year. He stated that provision is in the zoning code, for annual review.

Ms. Perry stated she is curious as to how many of the Home Occupation Permits, and how many Level I, Level II, and Level III. She stated she is also curious about how many Conditional Use Permits the city has that she thinks require an annual review or they need to make sure they follow the conditions that the P & Z Commission puts on them to make sure that they’re operating properly.

She stated she would be interested in having a list with the address and what their permit is for so she can be aware of it. She stated she doesn’t really have a sense of do we only have 2% of our properties that have home occupation permits or is it 70%. Do we have only 5% of our properties that have conditional use permits or is it a larger percentage.

Ms. Perry stated she’s particularly interested in this because they’re going to be updating the Comprehensive Plan and if there is a large percentage of either of these things then maybe they need to rethink those rules because there shouldn’t be that many exceptions, they need to come up with rules so they don’t have to have exceptions, so that they make sure they are addressing the issues that need to be addressed.

Mr. Nobes stated that research can be done, he can’t guarantee exactly when it will be completed but he will get going on it. He stated that as
far as the home occupation, there was a time when even a Level I or II required approval by P&Z. He stated they’re all measured in terms of the impact on the neighborhood and Level I would telephone or computer work where you never even know it’s going on. He stated that in 2001 the zoning code was updated, and changed that to an administrative process where Level I and III could be approved in his office and then Level III still comes to the Planning & Zoning Commission because there’s more impact on the neighborhood. He stated he will start that research.

Ms. Perry stated she would appreciate that and in the first quarter of next year would be fine, but she is curious on both of those counts just to make sure that they’re doing what they need to be doing with their oversight of planning issues.

No action was taken.

ADJOURNMENT: There being no further business to come before the Commission, Bill Howell, Chairman called the meeting adjourned.

APPROVAL: PASSED AND APPROVED this ___ day of ___ , 2009, on motion duly made by _____, and seconded by ______, and carried, as amended.

Bill Howell, Chairman