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

Tuesday, December 18, 2007

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 of said City on Tuesday, the 18th day of December, A.D., 2007.

PRESIDING OFFICER: The meeting was called to order by Adam Polley, Chairman and Hazel F. Peterson acted as secretary of the meeting.

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

Adam Polley, Chairman
Bill Howell, Vice Chairman
Joey Perry, Member

Also Present:

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

Absent:

Viola Bonner, Member
Roger Smith, Member

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

APPROVAL OF AGENDA: Adam Polley, Chairman called for approval of the Agenda.

"Bill Howell moved approval of the Agenda as submitted."

Seconded by Joey Perry
Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

Mr. Parry Larson, Mr. Bill Buhler, Mr. Jaime Aguilera, City Manager, and Mr. Leroy Henderson approached the podium and expressed their views as to the request for the Special Use Permit and the Master Plan submitted by Ashbaugh Construction, Co., Inc.

"Joey Perry moved denial of the plan in part because she still has a whole bunch of questions and they need to discuss it, so she moves to deny the plan at this time."

The motion dies for the lack of a second.

"Bill Howell moved approval of the Special Use Permit for the 106.402 acres submitted by Ashbaugh Construction Co., Inc. with the attached conditions as well as the condition that the contractor comply with the dust control regulation and submit it to the City Commission for their consideration."

Seconded by Adam Polley.
Steve Salazar approached the podium and gave a presentation to the Commission regarding the request for the Special Use Permit. Discussion ensued.

Motion carried unanimously.

**MASTER PLAN – **
**ASHBAUGH:**
"Bill Howell moved approval of the Master Plan submitted by Ashbaugh Construction Co., Inc., with the attached conditions as well as the condition that the contractor comply with the dust control regulation and submit it to the City Commission for their consideration."

Seconded by Adam Polley.

Discussion ensued.

Motion carried unanimously.

**ADJOURNMENT:** There being no further business to come before the Commission, Adam Polley, Chairman called the meeting adjourned.

**APPROVAL:** PASSED AND APPROVED this 1st day of April, 2008, on motion duly made by [Name], and seconded by [Name] and carried.

Adam Polley, Chairman
Bill Howell, Vice Chairman
Staff Subdivision Review Analysis of the Las Lomas/Ashbaugh Subdivision

RE: Wilson & Company and Applicant Responses.

WHEREAS, a duly noticed Public Meeting has been held to consider the application by Randy Ashbaugh, and;

WHEREAS, the Planning and Zoning Commission did consider the applicable Zone Ordinance and Subdivision statutes in rendering his decision, and;

WHEREAS, the Planning and Zoning Commission does make the following findings:

1. The proposed subdivision meets all requirements of the City Code except for Code Section 15-20A (9) related to maximum street grade;
2. The property is served by water and waste water;
3. The conditions of approval will assure that the property meets or exceeds city code requirements.

NOW THEREFORE, be it known that the Planning and Zoning Commission, in consideration of the aforementioned findings and testimony, does hereby approve a subdivision known as Las Lomas which will subdivide ___ acres into ____ residential lots with the condition numerated herein.

CONDITIONS OF APPROVAL:

1. That grading of the lots shall take place only after approval by the city in order to comply with drainage retention requirements, all plans are to be approved by the City Building Inspector and the Director of the Flood Commission prior to approval of the final plat;

   RE A grading and drainage management plan will be submitted to the City for approval per the Truth or Consequences current Ordinances and Subdivision Codes prior to final plat approval.

2. The easement shown on the property line along the city property shall be shown as being half on the city property and half on the applicant’s property. In exchange for the city easement the applicant has agreed to retain 100% of the historical and newly created flow for the area that drains to the most northerly culvert under the freeway;
RE: The easement is currently under negotiations between the City of Truth or Consequences and Randy Ashbaugh. Drainage management shall be consistent with the City of Truth or Consequences Ordinances and Subdivision Codes.

3. All cul-de-sac radii must be a minimum 35 foot radius.

RE: Cul-de-sac shall be a 35 minimum foot radius per Truth or Consequences Subdivision Codes.

4. The entire site must meet minimum fire hydrant flows established by the Fire Code.

RE: Prior to Final Plat, the Fire Marshall approval shall be acquired.

5. All homes with a potential of exceeding a water pressure established by the Plumbing Code must be fitted with water pressure reducers.

RE: Individual Pressure reducers shall be used if required. This shall be maintained by the individual property owner.

6. The frontage road (Gun Club Rd.) must be designed and fully improved to City Specifications as a major Arterial which must accommodate 5 lanes of traffic, curb, gutter and sidewalk on the side not adjacent to the freeway.

RE: The roadway section shall be done in accordance with the Truth or Consequences Subdivision Codes and current Ordinances. In addition the section shall be designed as warranted by the given development. This section shall be designed to accommodate the vehicular traffic generated by this site and also Phase II. If right turn or left turn deceleration lanes are required, this shall be included in the infrastructure plans prior to final plat approval. A 5 lane section would not be warranted for development at this point and would not be recommended, due to maintenance concerns for the City of Truth or Consequences.

7. All future residential property owners must receive a written notice of the proximity of the shooting range. This document is to be included in the closing documents at the escrow office.

RE: The written notice shall be presented at time of closing.

8. The applicant shall be responsible for the maintenance of all the drainage water carrying and storage facilities. All drainage facilities shall remain in the applicant's name and he shall cause an access easement to be recorded in favor of the City. Said linear easements shall have an additional 10 feet of width in order to allow for access.

RE: A grading and drainage management plan will be submitted to the City for approval per the Truth or Consequences Subdivision Codes and current Ordinances prior to final plat approval. Access to drainage facilities shall be designed to allow for maintenance. Drainage Easements and dedications shall be granted to the City of Truth or Consequences for maintenance purposes.

9. The booster pump shown on the plat shall be renamed and called "permanent" and is subject to meet City specifications.

RE: This shall be done on the Infrastructure plans prior to final plat approval.

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10. Water lines are to be sized to accommodate the required flow for the project and the future phase II and approved by the City.

RE: Coordination and approval for the water system shall be acquired from the City of Truth or Consequences prior to final plat approval.

11. The existing 8" line on gun range road shall be explored as a possible forced main to fill the future tank in phase 2.

RE: Coordination and approval for the water system shall be acquired from the City of Truth or Consequences prior to final plat approval.

12. No water line planned for phase one or 2 shall serve a dual purpose of being used to provide water to home sites and to fill the future tank site.

RE: Coordination and approval for the water system shall be acquired from the City of Truth or Consequences prior to final plat approval.

13. The location of the booster pump is to be established in agreement with the applicant's engineer and the City.

RE: Coordination and approval, from the City of Truth or Consequences, for the water system shall be done prior to final plat approval.

14. The plat shall not show any utilities crossing the City's property.

RE: The Plat shall not show any utilities without proper easements in place. We've revised the SAS concept exhibit and will submit the revised exhibit showing SAS within proposed easements.

15. The use of individual grinder pumps shall be eliminated in preference to a single lift station, said lift station shall be designed to meet city specifications.

RE: A single lift station shall be provided in lieu of onsite grinder pumps to be dedicated and maintained by the City of Truth or Consequences. SAS design shall be approved by the City of Truth or Consequences prior to final plat approval.

16. A set of street cross sections is to be provided before the project is reviewed by the P and Z Commission.

RE: Concept street sections can be supplied. Typical sections shall be approved by the City of Truth or Consequences prior to final plat approval.

17. The applicant shall be responsible for the purchase of 120% of all polycarts needed to serve the sanitation needs of the subdivision. The polycarts shall meet the specifications of the Sanitation Dept.

RE: Polycarts shall be supplied to the residences upon closing. Coordination with the waste management entity shall be done with the applicant.

18. All ponding areas must be fenced and may not have slopes steeper than 3:1. An access road into the ponds must be constructed in order to allow for maintenance vehicles to enter and exit the ponds. A rim road must also be provided along the perimeter of the pond. Trees shall be planted at 10 feet on center along the perimeter and must include the installation of an irrigation system.
RE: Retention areas shall be fenced accordingly per drainage requirements. Any detention areas may be used possible as dual purpose. Access roads for maintenance will be provided. The slopes shall not exceed a 3:1. A landscape plan shall be submitted to the City of Truth or Consequences prior to final plat approval.

19. All drainage created by the subdivision in question is to be retained on-site, except historical runoff. All drainage created by northern drainage part of the proposed subdivision in question is to be retained on-site, including 100% of historical flows and historical runoff;

RE: Drainage management plan shall be submitted to the City of Truth or Consequences prior to Final plat approval. Drainage Mitigation shall follow policies and guidelines as set by state and federal guidelines.

20. The applicant shall submit to the City Building Inspector a Final Plat Map of the property showing a State approved access easement through State property to Gun Club Rd. on the south easterly portion of the property,

RE: An access permit shall be acquired by the State Land Office prior to final plat approval

21. The applicant shall pave Kopra St. from its present paving terminus to Gun Club Rd. Said paving is to comply with City specifications related to base, compaction and asphalt thickness. Said paving does not have to conform to street section requirements related to curb gutter and sidewalks, however the paving shall be at a minimum of 28' wide. Further, the street shall be designed in such a way as to keep local runoff from eroding the paved area and shoulders.

RE: The typical section shall provide a 28' section per Truth or Consequences standards. Drainage mitigation shall be considered in the design. Pavement designs shall be per the Truth or Consequences design standards.

22. This plat approval shall expire in two years. If the plat is recorded prior to the two-year expiration term, the plat shall have no further expiration date. Extensions to the plat approval may be approved/denied/modified by the City Commission upon submittal of an application and fee to the City Building Inspector;

RE: Plat shall be subjected to the above requirement.

23. The applicant must provide a soils report to the City Building Inspector in order to determine the existence of unstable soils and un-compacted fill. Remediation of soil problems must be addressed prior to the issuance of a building permit for any home sites;

RE: A geotechnical report shall be provided

24. A cross section of the pond design as well as the location including but not limited to any fencing, and concrete structures must be approved by the City Building Inspector prior to the final plat being approved.

RE: Drainage intent and design shall be approved by the City of Truth or Consequences prior to final plat approval.
25. The plat must have a statistical summary of the lots, public areas, streets, etc.
   RE: Plat will be prepared and submitted per State and Local codes.

26. The location of all street lighting (to be provided by the applicant) as well as the typical lighting standard must be approved by the City Building Inspector prior to the final plat being approved.
   RE: Street lighting shall be approved per the City of Truth or Consequences Subdivision Codes and ordinances, prior to final plat approval.

27. Street names are to be approved by the City Commission. Proposed street names shall be submitted by the applicant to the City Building Inspector.
   RE: Street names to be coordinated and approved by the City Commission prior to final plat approval.

28. All street signs and mounting poles are to be provided by the applicant.
   RE: Street signs to be designed per the City of Truth or Consequences standards and MUTCD standards.

29. Pursuant to the Municipal Code the developer shall donate water rights (or pay the in-lieu fee) sufficient to meet the needs of this subdivision prior to approval of the final plat.
   RE: Coordination with the City of Truth or Consequences shall be done with the applicant concerning water rights or lieu fee. Applicant is subject to impact fees per the current Subdivision Codes and Ordinances. This shall be done prior to final plat approval.

30. Provide a copy of the CC&R's to be recorded with the final plat,
   RE: CC&R's shall be recorded with the final plat.

31. CC&R's shall not allow the installation of manufactured or mobile homes.
   RE: Single Family Detaching housing is proposed by this application. Mobile homes shall not be permitted. CC&R's shall include said language.

32. Said CC&R's are to allow front yard rock-walls no higher that 2.5 feet, and require that all homes must be site built, that no garage conversions are to be allowed unless the garage is replaced in-kind.
   RE: This shall be included in the CC&R's prior to final plat approval.

33. Lots on Cul-de-sac streets shall have a lot width of a minimum 40 foot frontage; further, the lot shall have a 50 foot depth at the point the lot reaches 60 feet wide.
   RE: This shall be coordinated and approved by the City of Truth or Consequences prior to final plat approval.

34. Gang mail box locations are to be shown on the plat, the Building Inspector shall approve the final location of gang mail boxes which are not to exceed 8 per unit.
   RE: This shall be coordinated and approved by the city and local mail providers prior to final plat approval.
35. Developer design all streets to maintain a minimum of 1½% grade.
   RE: Minimum slope grades shall be achieved in the design per the Truth or Consequences Subdivision Codes.

36. All dead end water lines must have a fire hydrant installed within 50 feet of the end of the line.
   RE: This shall be achieved in the design. Final approval from the Fire Marshall shall be required prior to final plat.

37. The final plat map shall list these conditions of approval.
   RE: Conditions #38, 39, and 40 shall be provided on final plat.

38. All lots larger than ¼ acre shall have residences with a minimum: 1500 sq. ft. in size, shall have a 2 car garage, the unit shall be designed so as to locate the gas meter next to the garage; All lots smaller than ¼ acre shall have residences with a minimum: 1000 sq. ft. in size, shall have a 2 car garage, the unit shall be designed so as to locate the gas meter next to the garage.

39. The Final Plat map shall indicate on the map the P&Z approval date, resolution number, and the conditions of the approving resolution.

40. Tract maintenance. During housing construction, the developer is responsible for assuring that the site is maintained in a neat and orderly manner. This shall include the maintenance of refuse bins or refuse collection areas at every other home site and the daily collection of construction and other debris.

41. Landscaping. The developer shall plant at least two 15 gallon trees per lot. The front yard area of the lots shall be landscaped and an irrigation system installed or it shall be hard-scape. The hard-scape design shall be approved by the Building Inspector.
   RE: A landscaping plan shall be submitted to the City of Truth or Consequences for approval. Applicant prefers xeriscape to comply with surrounding character of the southwestern uplands and Chihuahua desert. In addition this shall promote water conservation.

42. Prior to approval of the final map the applicant must submit an engineer’s estimate of the cost to construct and install all public improvements including but not limited to: streets, curb, gutter, ponding, sewer pumps, sewer lines, water lines, street lights, etc. the applicant shall then pay to the city a fee for inspection and plan check in the amount equal to 7% of the value of the work as estimated by a New Mexico registered engineer.
   RE: An engineer’s opinion of probable cost shall be submitted as part of the infrastructure plans required for final plat approval. All required fee’s will be provided to the City of Truth or Consequences per current city ordinances and Subdivision Codes.

43. All sidewalks are to be placed adjacent to the curb.
   RE: Sidewalks will be installed adjacent to curb and as approved by the City of Truth or Consequences prior to final plat approval.
44. The applicant shall be responsible to submit to the Building Inspector a plan showing the proposed development and to receive approval from them for the purpose of constructing any public improvements within their purview.

RE: Necessary approvals from the City of Truth or Consequences shall be required prior to construction of public improvements.

45. The street sections shown by the applicant shall be redesigned to conform to City Subdivision standards including 100% compaction on the sub-base and 2 inch thick asphalt.

RE: Pavement design shall be consistent with the New Mexico Standards Specifications for Public Works Construction or NMDOT Standards for roadway construction, based on the Geotechnical report.

APPROVED on this _____ day of ___________ 2007.