

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
THURSDAY, JANUARY 6, 2022**

AGENDA

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held on Thursday, January 6, 2022 at 5:30 p.m. in the City Commission Chambers, 405 W. 3rd St, Truth or Consequences, NM 87901.

CALL TO ORDER

ROLL CALL:

Michael Hogg, Chairman
Chris Sisney, Vice-Chairman
James Bush, Member

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES:

- a. Regular Meeting of December 2, 2021.

3. COMMENTS FROM THE PUBLIC (3 minute rule applies)

4. PUBLIC HEARING:

- a. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 212 Silver Street, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17.
Traci Alvarez, Assistant City Manager

5. REPORTS FROM THE BOARD

6. REPORTS FROM STAFF

7. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
THURSDAY, DECEMBER 2, 2021**

MINUTES

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held at the City Commission Chambers at 405 W. Third Street, Truth or Consequences, New Mexico, on Thursday, December 2, 2021 at 5:30pm.

CALL TO ORDER: The meeting was called to order by Chairman Hogg.

ROLL CALL:
Michael Hogg, Chairman
Chris Sisney, Vice-Chairman
James Bush, Member

ALSO PRESENT:
Bruce Swingle, City Manager
Orrin Hechler, Community Service Director
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

Member Bush made a motion to approve the agenda. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

- a. Regular meeting of Thursday, November 4, 2021.

Member Bush made a motion to approve the minutes. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC:

Diana Gunning – Presented her concerns to the board with a handout, which has been made part of these minutes. She is not in favor of the current dirt work that is being done at a neighboring property. She also stated that there are plans for a proposed bridge to be constructed at the end of her dead-end road. Once the bridge is installed, it will create continuous traffic and access to a planned housing subdivision.

George Henderson - Addressed the same issues Ms. Gunning previously presented.

4. NEW BUSINESS:

- a. **Discussion/Action: Recommendation to appoint Steven Zeschke to serve as a member on the board.**

Mr. Zeschke - Spoke to the board describing his background and his interest in returning to serve on the Planning & Zoning Commission.

The board had no questions for Mr. Zeschke.

Dawn C. Barclay, Deputy City Clerk – Explained, if the board approves Mr. Zeschke request, it will be submitted to the City Commission for final approval.

Chairman Hogg made a motion to approve Mr. Zeschke's request to serve on the Planning & Zoning Commission. Member Bush seconded the motion. Motion carried unanimously.

5. REPORTS FROM THE BOARD:

There were no reports from the staff.

6. REPORTS FROM STAFF:

Bruce Swingle, City Manager – Gave an update on last month's agenda item (Request for a Summary Plat Amendment and Variance Request at 128 Broadway) that went on to the City Commission for approval. He reported that the Commission denied the request, but the owners will be working on bringing the property up to code and will be requesting approval at a later date.

7. ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission. Member Bush called to adjourn the meeting. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.

PASSED AND APPROVED ON THIS 6TH DAY OF JANUARY 2022.

Michael Hogg, Chairman
Planning & Zoning Commission

2 December 2021

For the City Planning/Zoning Committee:

Nathanael Stephens says he is building 24 connected small homes on the land he own, Block 30 Lots 1-12 of Palomas Hot Springs Townsite, see map #1. Currently there is no actual road to this location.

Nathanael says he is going to build a bridge over the arroyo from the dead end of Wyona St in order to have access to these homes.

It will be bad enough for all of us all living on the block between Post St and the dead end of Wyona St, when the recently purchased land on the other side of Wyona, now a large vacant field, will be developed. Nathan says that six large homes are to be built by another developer across the street from us between the corner of Post St and the dead end of Wyona. This was to be expected.

If this is allowed to happen, there will be a drastic increase of traffic on this street, turning it from a quiet residential area to a busy thoroughfare! This was NOT to be expected when I bought my home!!

Diane Gunning
709 Wyona St

Truth or Consequences, NM 87901

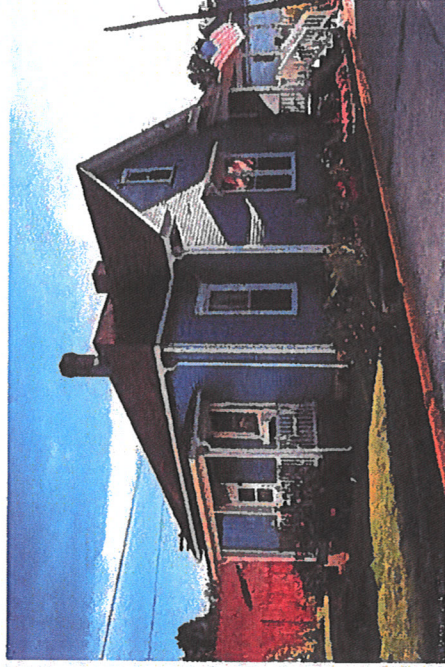
diane.tominaga@gmail.com

(304) 680-2673



I lived in Austin, TX, and worked full time military (AGR) at the Headquarters of the Texas Army National Guard for the last 15 years of my almost 30 years military service. I retired there in 2008.

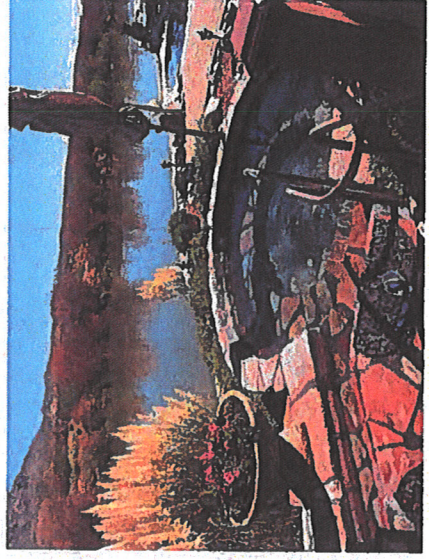
After 20 years in Austin I could not afford a house in town, and rents were going up and up. I was forced to move.



I finished up my bachelor's degree using the VA and the Post 9/11 GI Bill in 2018, and decided to take a four day vacation to Truth or Consequences, NM.

I wanted to see the stars and to use the hot springs, and to figure out what to do next with my life.

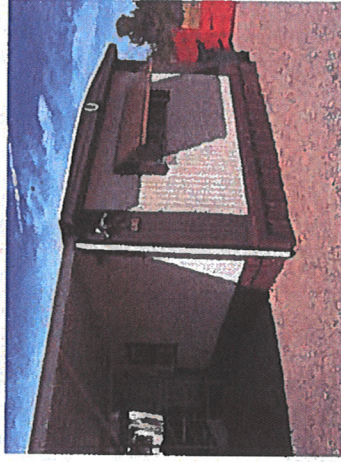
I found an old house in Morgantown, WV that I loved. But I was not so happy with the town after awhile.



The first day, Labor Day, I met Sid Bryan. He offered to show me some houses in T or C. I told him I had no intention to buy anything, but sure!

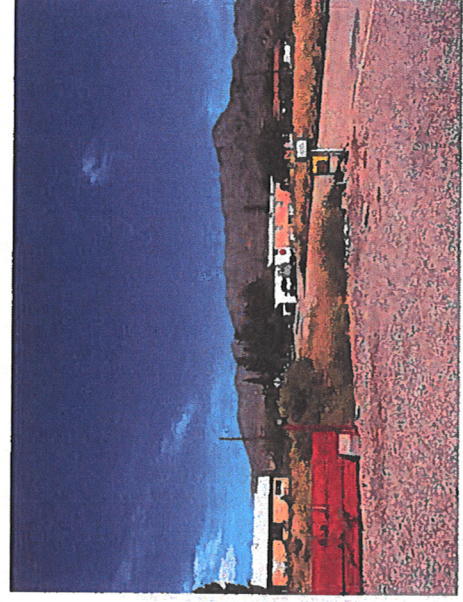


The next day I decided to take a walk and have one more look before I decided.



The third house was a mobile home in the hot springs district with a view of

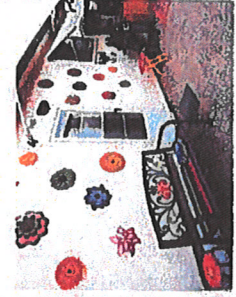
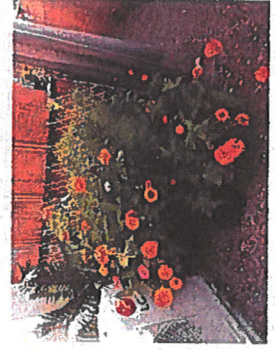
Turtleback Mountain. It needed a lot of work but the price was so good, I decided to think about it over night.



I sold my house in Morgantown, WV and moved here in February, 2019. I lived in the Pelican Annex on Broadway and set to work getting the house renovated.

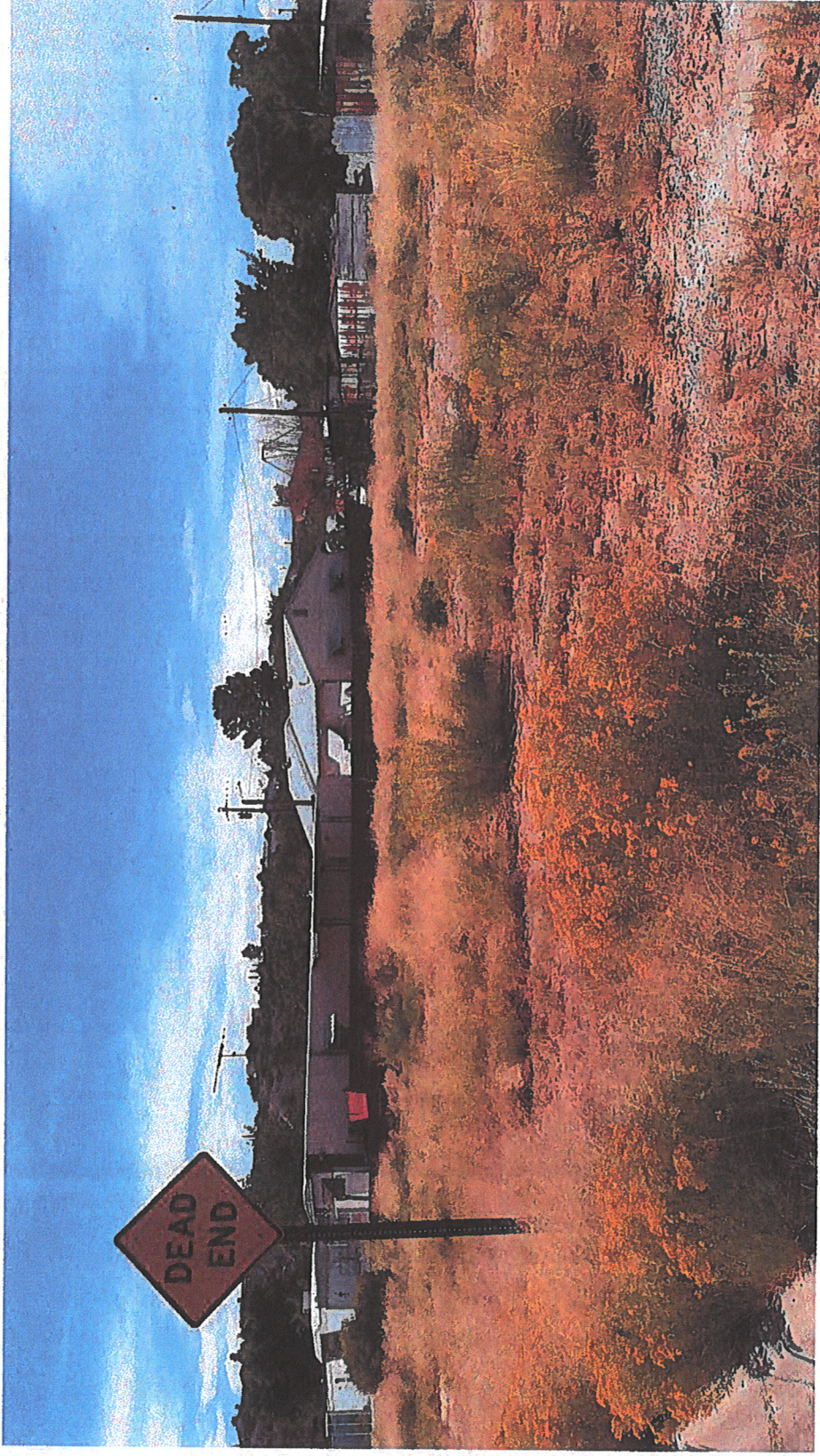


One of the workers stood out from the rest. So much so that we were married March 10, 2020.



Our bedroom with window that opens onto Wyona St

This is what I saw that made me decide to buy the house:



It was on a **dead end street**! It would be quiet with no thru traffic!

The Idea

Nathanael claims that because a map from 1929, see map # 2, that is up on the wall in the County Building opposite the Tax Assessor's Office shows Wyona St going all the way through to Broadway (then called Hobbs Ave), he is helping to fulfill the City's plan for the area.

He claims that he cannot build up the dirt road that goes along the culvert perpendicular to and opening to Van Patten St, because other people own some of the land and because there is a main gas line that runs along there.

However, there is no water diversion *culvert* shown on the 1929 map, nor is there a main gas pipe shown running on that map. See map #3 for a Google Earth view that shows the culvert existing since at least 1996.

Does this mean that the city also plans to extend Wyona St and Charles St out to Broadway? Will they be building Mc Elroy St, that Nathanael could use to access his property easily? Yes there is a gas main there now, could it not be moved?

This indicates that the City had no intention of casting in stone this idealized plan from 1929. It may have been someone's dream then, but things have changed now. Nathanael should change his plans, too! No bridge at the end of Wyona St!

CARS and Traffic

In 1929, how many families had a car? Going by the Census of 2020 there were 329.5 million people in this country and according to Hedges Company there were 286.9 million registered cars on the US. That give the number of **0.871** cars per person.

The Census for 1930 shows 123,202,624 people in the US in 1930, and a government summary at <https://www.fhwa.dot.gov/ohim/summary95/mv200.pdf> shows 22,972,745 cars as well as commercially owned vehicles that year. That gives the number of cars per person at less than **0.186** per person. Even a larger number found that stated there were 26,562,713 registered vehicles in the US in 1930 would be **0.215** cars per person.

It is very likely that each of the six large houses to be built on Wyona St between Post and the current dead end will have two cars per household, if not more. The 24 houses Nathanael plans to build would likely have two people living in at least half of those homes, or 36 people at one car each. This gives a total of at least 48 more vehicles owned on this street in addition to those we the current residents have.

IF each of those vehicles comes and goes just **once** a day, that is **96 times** another vehicle will go up and down the road. And that is just with **ONE** trip a day. How many times a day do you leave and return to your driveway?

And every trip except for those belonging to the two new corner two houses planned across the street from us that are closest to the corner, will go directly past our house! We are at the bottleneck of the traffic in and out.

Furthermore, when it rains, we here call the intersection of Post St and Wyona St "Lake Post" and "Lake Wyona". It is filled with water for some time after the rain. Cars coming and going will be slowed down considerably. Some may even decide to use our driveway to turn around and go back home.

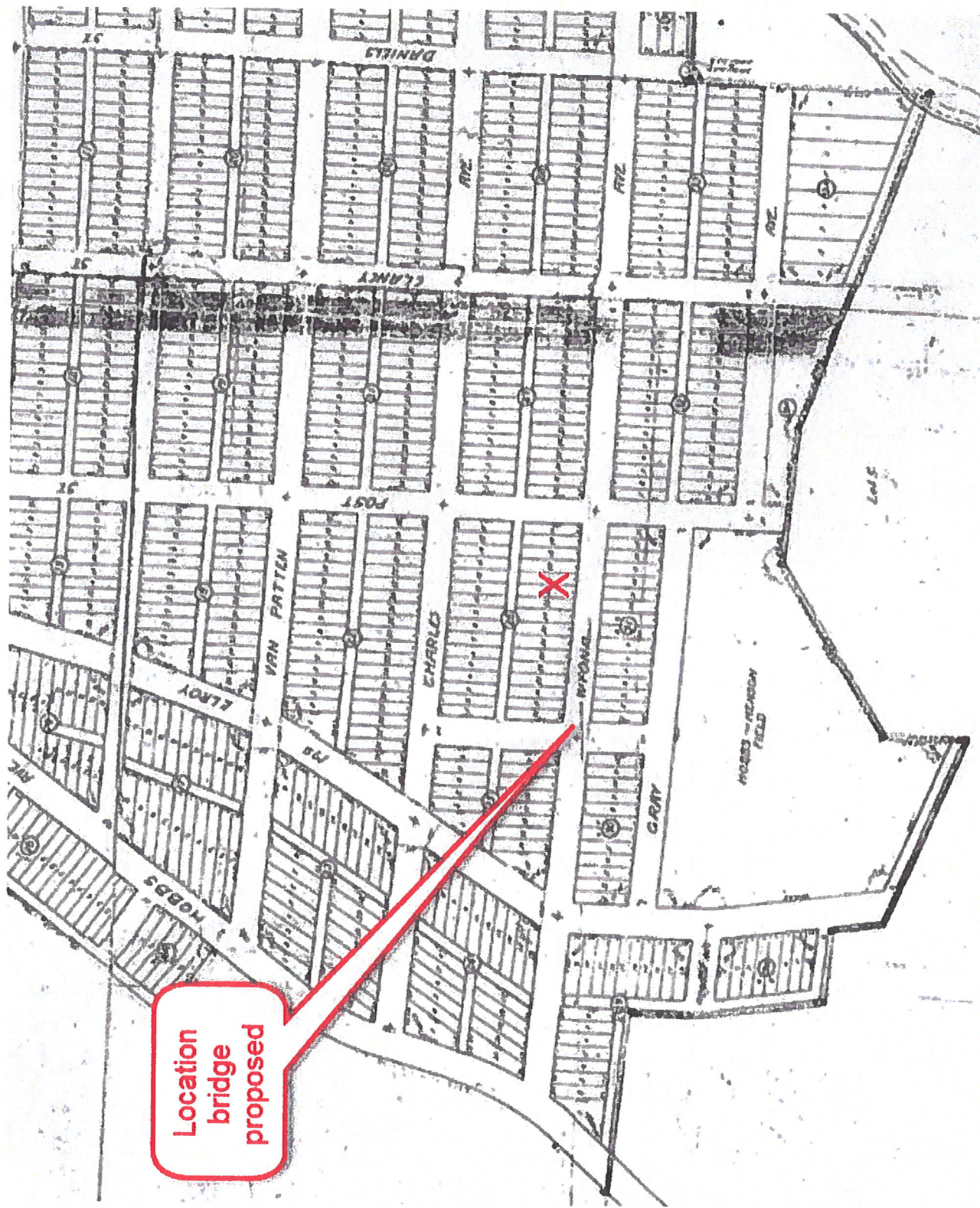
Nathanael has already begun clearing the land. His construction equipment got to his property by using the dirt road by the waste water plant. If he can use that road for his equipment, can he not improve it and use it to access his land? Why should he ruin our street by building a bridge and adding 24 new homes and the additional cars to our street?

If Nathanael Stephen's plan is allowed to materialize, we will still technically be living on a dead end street. However, now our dead end street will have Nathanael's additional 24 homes and occupants and their vehicles to contend with.

How many other dead end streets in Truth or Consequences will have as much traffic as ours?

**Please, City Planning and Zoning
Committee, address this issue and save
our street!**

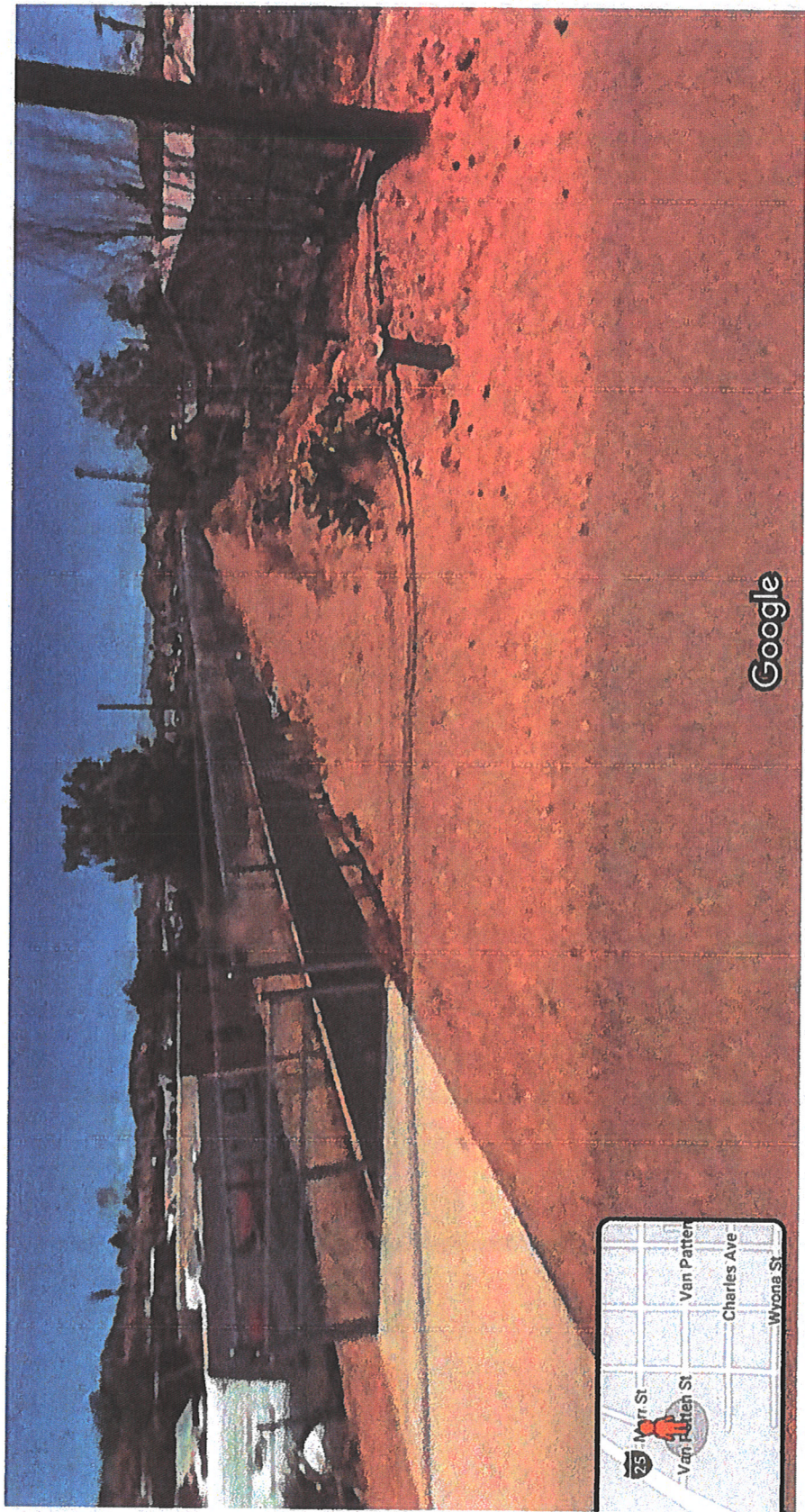




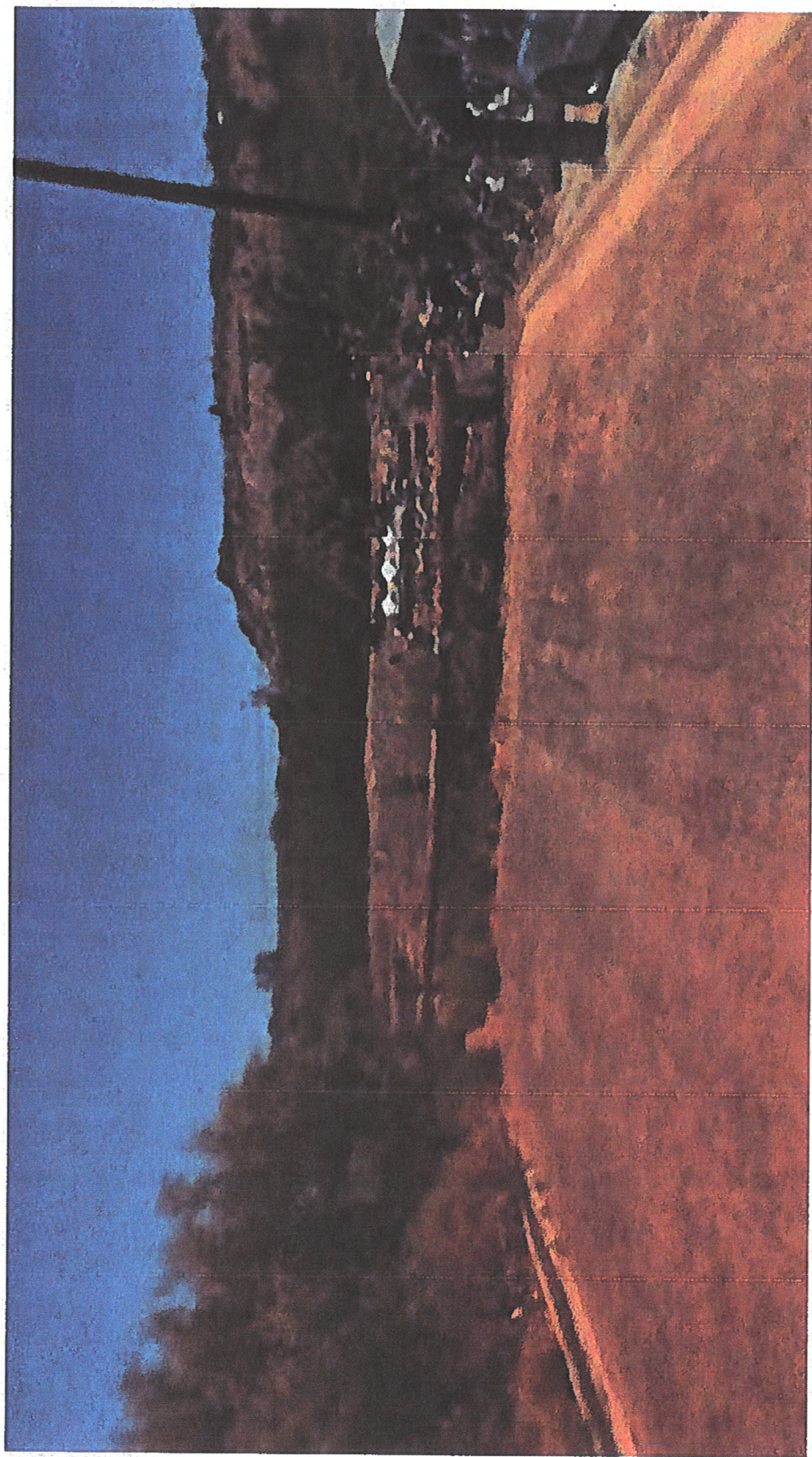
Map #2 circa 1929 "X" = 709 Wyona St



Map #3 Google Earth 1996 showing culvert



Van Patten St looking into opening of dirt road next to arroyo
(Google 2008)



Dead end of Wyona St,
(Google 2008)



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 1-6-2021

ITEM: Discussion/Action – Summary Plat Amendment 212 Silver and Variance request

BACKGROUND:

Applicant has submitted application and all required supporting documents and applicable fees have been paid. Applicant is requesting to split the lot at 212 Silver into 2 separate parcels. Both lots will have unobstructed legal access to existing City water and wastewater lines. Applicant has met with Water/Wastewater to establish water and sewer taps for 2nd parcel. Both lots will have direct, legal, unobstructed access to an existing City maintained and paved street, variance request is for curb gutter and sidewalk. Utility Verification form will be submitted at meeting.

SUPPORT INFORMATION:

**Summary Plat Survey
Assessor Parcel Map
Notice of Public Hearing
Findings of Facts Checklist
Municipal Code References**

Name of Drafter: Traci Alvarez	:	Meeting date: 01-06-2021
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

INDEXING INFORMATION FOR COUNTY CLERK
Michael Gill & Mary P. Hopkins c/o
Lois E. Elling (6423)
Section 34
Township 13 South, Range 4 West, NMPM



TURTLEVIEW AVE

3021078273471

3021078241483

3021078266485

Scale 1: 1,128

50 100ft

sidwellportico | Max

Sandra K. Whitehead
Mayor

Amanda Forrister
Mayor Pro-Tem

Frances Luna
Commissioner



Paul Baca
Commissioner

Vacant
Commissioner

Bruce Swingle
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Thursday, January 6, 2022 to receive input regarding the following:

Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 212 Silver Street, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 5:30 p.m.

Should you have any questions regarding this Public Hearing, please contact our Assistant City Manager Traci Alvarez at (575) 952-0565, or by email to talvarez@torcnm.org.

The agenda may be obtained on Monday, January 3, 2022 on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Friday, December 17, 2021

Sandra K. Whitehead
Mayor

Amanda Forrister
Mayor Pro-Tem

Frances Luna
Commissioner



Paul Baca
Commissioner

Vacant
Commissioner

Bruce Swingle
City Manager

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/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel— Friday, December 17, 2021

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date _____ Address _____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

Sec. 11-2-2. - The Planning and Zoning Commission.

- A. *Purpose.* A Municipal Planning and Zoning Commission is hereby established for the purpose of interpretation of this Code, approving certain actions, receiving requests for modifications to this Code and re-zoning, and making recommendations to the City Commission concerning matters pertaining to zoning within the City.
- B. *Administrative review and interpretations.*
1. The Planning and Zoning Commission shall review an administrative action of the designated Zoning Administrator when it is alleged that there is an error in the order, requirement, determination, or refusal made by the designated Zoning Administrator and reverse, affirm, or modify the administrative action.
 2. The Commission shall interpret this Code when the designated Zoning Administrator is in doubt as to the exact meaning of the text.
 3. The Commission shall interpret the Official Planning and Zoning District Map in accordance with the standards set forth in the Comprehensive Planning and Zoning Code when the designated Zoning Administrator is uncertain as to the exact boundary of a District shown on the Official Planning and Zoning District Map.
- C. *Powers and duties.*
1. Recommend to the City Commission either approval, denial or modification of a request for annexation, special use permit, variance, subdivision, zoning, amendment of this Code, or any other land use consideration within the planning and zoning jurisdiction of the City.
 2. Grant final approval or denial of a home occupation or conditional use permit after public meeting, provided there is not an appeal to the City Commission within fifteen (15) days in accordance with Article 7 of this Code.
- D. *Composition of the Planning and Zoning Commission .* The Planning and Zoning Commission shall consist of five (5) members each to be appointed by a simple majority of the City Commission. Eligibility requirements for membership shall be established by the City Commission. Members shall serve staggered terms of two (2) years each. A recording secretary shall be provided to assist the Planning and Zoning Commission by the City. The recording secretary shall not be a member of the Planning and Zoning Commission and shall be only responsible for those duties requested by the Planning and Zoning Commission and approved by the City Manager.
- E. *Organization of the Planning and Zoning Commission.* The Planning and Zoning Commission shall elect a chairman, vice-chairman, and second vice-chairman in July of each year, or as required due to unforeseen vacancies. They shall serve for one (1) calendar year following their elections.
- F. *Voting.* A simple majority vote of a quorum of the Planning and Zoning Commission is required for approval of all Planning and Zoning Commission actions. A quorum requires at least three members of the Commission present.

In order for a vote to be valid on a particular issue, a quorum must actually vote regarding the measure. A member who abstains from voting on an issue is deemed to have not voted on the issue.

- G. *Findings of facts for recommendations and decisions.* In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;

6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

- H. *Report to the City Commission.* The Planning and Zoning Commission shall provide written minutes, with recommendations as necessary, to the City Commission on all matters that are brought before the Commission. Such minutes shall include a statement of the findings of facts that were the basis of any decision or recommendation made by the Planning and Zoning Commission.

Sec. 15-15. - Alternate summary procedure.

A. *Approvals by Planning and Zoning Commission:* The Planning and Zoning Commission may approve or deny the following types of subdivisions:

1. A re-plat of a previously filed subdivision when:
 - a. No more lots are created than exist in the area at the time of the submittal of the replat application; and,
 - b. All lots to be created have direct, legal, unobstructed access to an existing City maintained street;
 - c. All lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
 - d. The subdivider files with the City a Letter of Credit for funds adequate to pay for connecting the lots to the City's water and wastewater lines, or, pays to the City the City's fees for connecting the lots to the City's water and wastewater lines;
 - e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
 - f. All new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots;
 - g. All lots to be eliminated or created exist within the area of a single block of lots in a previously platted and filed subdivision; and,
 - h. No vacation of street dedications or utility easements is proposed; or,
 - i. Lots are to be eliminated.

2. The subdivision of previously unsubdivided land when:

- a. No more than two lots are created;
- b. Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk;
- c. Both lots to be created have direct, unobstructed legal access to existing City water and wastewater lines;
- d. The subdivider files with the City a Letter of Credit for funds adequate to pay to connect both lots to the City's water and wastewater lines, or, pays to the City funds for connecting both lots to the City's water and wastewater lines;
- e. The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code;
- f. The new lots are laid out in a manner which allows utility service to be provided to the purchasers of said lots; and,
- g. No vacation of street dedications or utility easements is proposed.

B. *Limit on number of summary procedures:* The summary procedure shall be used only once on any one property, or within any group of contiguous or adjacent properties owned by a subdivider, unless the property has been master-planned, legally subdivided, and is zoned for industrial uses, and wherein the streets within those subdivisions have been dedicated to and accepted by the City. No subdivider who has received approval of a subdivision shall utilize the summary procedure to subsequently increase the number of lots within said subdivision.

C. *Elective pre-application procedure:*

1. Prior to filing a summary plat, the subdivider may submit a conceptual plan of the proposed subdivision to the City's Zoning Administrator. The conceptual plan shall provide enough

information for the Zoning Administrator to locate the proposed subdivision and to comprehend its scope and potential impacts. Neither a written application nor an application fee are required for submittal of a conceptual plan.

2. The City's Zoning Administrator shall place the proposed summary subdivision on the next possible agenda of the Planning and Zoning Commission for discussion, when the Planning and Zoning Commission shall consider the proposal with the subdivider or the subdivider's representative and shall indicate changes, if any, that will be required for the submittal process.

D. *Summary plat submittal requirements summary plat submittal requirements are:*

1. Application, signed by all property owners, including all parties having an equitable interest, trustees of an estate and all persons having a specific "power of attorney" in such land;
2. A record of any pending litigation or any final order entered by any court of law regarding the ownership of the subject property;
3. Application fee as established by the City;
4. Documentation from the Sierra County Assessor's Office that the current year's property taxes are paid and that no taxes are owed on the property;
5. A plat conforming to section 15-13.A of this Code; and,
6. Releases by the Public Utilities Advisory Board, and all utility companies which are proposed as providers for the subdivision.

E. *Submittal and review procedures:*

1. Incomplete submittals will not be accepted for review.
2. The subdivider shall submit all required materials to the City's Zoning Administrator.
3. The City's Zoning Administrator shall review all materials, and shall within three working days from the date the application is determined to be complete, request opinions of applicable City departments, other governmental agencies, and utility companies for review, comments and recommendations. City departments shall have ten calendar days in which to review and respond in writing to any such request. Within three working days of receiving any written reports, comments or recommendations from any City department, governmental agency, or utility company, the Zoning Administrator shall make available to the subdivider a copy of such materials.
4. The Zoning Administrator shall have the right to require that the subdivider provide additional information or to make amendments to the plat and supporting information if the Zoning Administrator determines that the information originally submitted by the subdivider was incomplete, incorrect or invalid.
5. The subdivider shall have ten working days in which to make any corrections or additions required by the Zoning Administrator, or to request a postponement of action by the Zoning Administrator for up to 135 days.
6. If a subdivision application does not meet the requirements of this Code within 180 days of its original submittal, the Zoning Administrator shall summarily reject the application and notify the applicant in writing of the reasons for the rejection.
7. At such time as the subdivider meets the requirements of this Code, the subdivider shall provide the Zoning Administrator with a copy of the final plat.
8. At such time as receiving a submittal that meets all requirements of this Code, the Zoning Administrator shall recommend that the Planning and Zoning Commission approve the final plat by consent agenda action during its next regularly scheduled meeting, and the Planning and Zoning Commission shall approve the subdivision by consent agenda action during its next regularly scheduled meeting.

9. The subdivider shall file a signed copy of the final plat in the records of the County Clerk of Sierra County, and shall provide the City with one of the signed copies.
- F. *Divisions for the purpose of mortgage:* Divisions for purposes of mortgage are not allowed. If a property is to be mortgaged it must be done so in its entirety or properly subdivided as required in this chapter.

(Ord. No. 555, 5-23-06)