

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
THURSDAY, FEBRUARY 17, 2022**

**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, February 17, 2022 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:**

Traci Alvarez, Assistant City Manager  
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 January 6, 2022.

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

**3. COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

#### 4. PUBLIC HEARING:

*Special Note: Dawn C. Barclay, Deputy City Clerk swore in all parties including staff who will be speaking during the scheduled hearings in accordance with the "Battershell Procedure". After all parties and staff were sworn in, the hearings commenced.*

- a. **Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 101 Austin, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15-17. Traci Alvarez, Assistant City Manager**

**Traci Alvarez, Assistant City Manager** – Mr. Chairman and Members of the board. This first public hearing is a request for a summary plot amendment and a variance request at 101 Austin Street. In your agenda packet, you will see 101 Austin Street. If you look at the parcel map you can see his lot is split up into many sections. Applicant is requesting to make this parcel into one whole parcel so he can develop properly when he is ready to do so development. The way it is split up, he currently cannot meet our required setbacks. He is not expanding or doing anything, just requesting all the lot lines within the parcels be removed. With that, I will stand for any questions.

**Member Bush** – I don't have any questions. It seems straightforward to me. It seems like all required documents have been submitted.

**Dawn C. Barclay, Deputy City Clerk** – Are there any other questions from the Board?

**Chairman Hogg** – Everything seems to be in order to me. However, the property is not publicly explicitly identified. It is pretty simple, it's at the beginning of the street. I am in support of it.

**Traci Alvarez, Assistant City Manager** – At this time you would open up the public hearing portion for anyone who wants to speak for or against.

**Dawn C. Barclay, Deputy City Clerk** – So the board does not have any more questions for Ms. Alvarez?

**Rebecca Otero, 558 Mims Street** – I looked for an identification factor on the property being discussed, I didn't find anything. I am not very clear which property is 101 Austin Street. Secondly, my property joins Riverbend. When I moved into my property in 2015 or about, I had a private survey done which I paid an essential amount of money, I also had hired an attorney because the property marked "unknown owner" has used it for storage all these years, I have a photograph of what it looks like. When I initiated moving a storage shed they blocked my path and thereafter built a fence to claim adverse possession in the future, I presume. It is filled with an old Airstream, rocks, and other stuff. I am very suspicious, that is all I have to say. I'm very emotional about it, I went through a lot of trouble hiring a lot of attorneys. One attorney said here in town that it was a conflict of interest because they were on the Zoning Board. I have a copy of the survey that proves that there was an unknown owner when I purchased the property and they literally confiscated it. So, I don't have any right to park a car there, or if I have family members

over for a party because it's overcrowded, and they claim it's theirs. (She provided a copy of her survey be made parts of the minutes)

**Vice-Chairman Sisney** – Are you on the other side of the road?

**Rebecca Otero, 558 Mims Street** – That's what I don't know. I don't know where 101 Austin is.

**Vice-Chairman Sisney** – It's Mike Foerstner's property.

**Traci Alvarez, Assistant City Manager** – It's across the street from Riverbend Hot Springs.

**Rebecca Otero, 558 Mims Street** – Well that makes a big difference. I didn't know, that's why I'm here asking. Thank you so much.

*Special Note: Kathe Bachtel & Joan F. Gooding both signed up to speak but had their questions answered when Ms. Otero spoke. Neither Ms. Bachtel nor Ms. Gooding spoke at the podium.*

**Dawn C. Barclay, Deputy City Clerk** – It looks like those two questions have been answered.

**Member Bush** – Because they are not pertinent to what we are discussing.

**Traci Alvarez, Assistant City Manager** – So this time staff would request approval for the Summary Plat Amendment for 101 Austin.

**Member Bush** made a motion to approve the request for a Summary Plat Amendment and Variance request at 101 Austin, Truth or Consequences, NM. **Vice-Chairman Sisney** seconded the motion. Roll call was taken.

**Michael Hogg** – Voted Aye.

**Chris Sisney** – Voted Aye.

**James Bush** – Voted Aye.

Motion passed with a 3 to 0 vote in favor.

- b. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 1616 N Riverside, Truth or Consequences, NM, pursuant to Chapter 15, Sec. 15 17. Traci Alvarez, Assistant City Manager**

**Traci Alvarez, Assistant City Manager** – Mr. Chairman and Members of the board. This is a request at 1616 N Riverside. You will see in your agenda packet the applicant owns two separate parcels. He is in the process of having plans submitted for a site-built house at this location. What he is requesting is to make

two parcels into one parcel so he can continue to build his house and has met all the setback requirements.

He owns both parcels and would like to make it all one. With that, I stand for any questions.

**Member Bush** – I have read what we have here, and I have no questions. Looks like everything is in order.

**Dawn C. Barclay, Deputy City Clerk** – Are there any other questions from the board for Ms. Alvarez?

**Dawn C. Barclay, Deputy City Clerk** - Called Ms. Bachtel to the podium to speak.

**Kathe Bachtel, 1614 N Riverside Drive** – I have two items that I would like an answer for. Number 1; what is this Ordinance No. 726 that was dealing with RVs. The people that own that property have been living in the RV for over a year. I spoke to Ms. Alvarez and apparently, she had several conversations with them because they put up a fence to block me from their RV because I got tired of looking at it, and their dogs were barking.

**Traci Alvarez, Assistant City Manager** – This public hearing is whether or not you oppose or support the lot split. I will answer those questions. Ms. Bachtel is correct, the current owner has been living in their RV. They have been going through some plan changes. The recent change to the Municipal Code does allow RV as a dwelling unit when someone has submitted their plans. He signed off on the development agreement and met all the applicable development fees and our engineer is currently reviewing the development plan. We are on hold with the development plan until we go through this summary plot. If this is not approved at this level or the City Commission level, we will have to start the development plan process over. He had originally submitted some time ago, but as we know the cost of materials went to a horrific height because of Covid, so he requested and it was approved at the P&Z office to wait until some of the cost went down in materials. Costs went down and he submitted his plans and proceeded forward with the development with the site built home. So he is within all allowances of our City code.

**Kathe Bachtel, 1614 N Riverside Drive** - That is as of now, what about the year he was there when he wasn't supposed to be?

**Traci Alvarez, Assistant City Manager** – He was allowed, he has received permission to park there, but that is not what this hearing is about.

**Kathe Bachtel, 1614 N Riverside Drive** - So that new Ordinance gives people permission to live on-site in their RV?

**Traci Alvarez, Assistant City Manager** – The public hearing is not about the Ordinance, I will be happy to have that conversation with you, but yes the new Ordinance does allow somebody to live in their RV on their lot as long as they have submitted all required to develop plans, signed the development agreement, sign the zoning approval application, and proceeding forward with the review of building and development plans. That is what the new Ordinance says.

**Dawn C. Barclay, Deputy City Clerk** - Called Ms. Otero to the podium to speak.

**Rebecca Otero, 558 Mins St** – I think I know what property you're talking about. It really would have been very nice to have some public display so it would be clear. Because not everybody is reading the maps. I think that belongs to Richard, with the Firewater Lodge.

**Traci Alvarez, Assistant City Manager** – Were talking about 1616 N Riverside that is off of Third Street?

**Rebecca Otero, 558 Mins St** – I can't comment on that. I thought I was all for it, but I don't know about it. I do apologize.

**Dawn C. Barclay, Deputy City Clerk** - Called Ms. Gooding to the podium to speak. She declined to speak, she stated she was only there to listen to the public hearing.

**Traci Alvarez, Assistant City Manager** – If you notice in your agenda packet there is an email from a neighboring property in support, they were unable to attend. Staff requests approval of the Summary Plat Amendment for 1616 N Riverside. I stand for any further questions.

**Member Bush** – I have no questions.

**Vice-Chairman Sisney** – I have no questions.

**Chairman Hogg** – I tried to look at this property for this hearing and I could not find it. It's not clearly marked.

**Traci Alvarez, Assistant City Manager** – I didn't have any problems finding it, even though Google Maps. You are more than welcome to call the Planning and Zoning office and to get assistance prior to our meetings. It's very simplified, the gentleman has two parcels side-by-side, and he is building a site-built house and he just wants to vacate the center line and make it one large parcel. It wouldn't be under normal duties for Planning & Zoning members to acutely be driving out to properties that is why I submit the documents in the agenda packet. You are always welcome to come into my office and we can look at it on the map and discuss it.

**Member Bush** – I drove by it and I understand what the property owners are trying to do.

**Traci Alvarez, Assistant City Manager** – It's on the corner of N Riverside and Third. It is a commercial property, but by all rights, you can have a dwelling on a commercial property.

**Member Bush made a motion to approve the request for a Summary Plat Amendment and Variance request at 1616 N Riverside Drive, Truth or Consequences, NM. Vice-Chairman Sisney seconded the motion. Roll call was taken.**

**James Bush – Voted Aye.**  
**Chris Sisney – Voted Aye.**  
**Michael Hogg – Voted Aye.**

**Motion passed with a 3 to 0 vote.**

## **5. NEW BUSINESS:**

### **a. Discussion/Update: Final Adoption of Ordinance No. 725 Amending Chapter 3 Pertaining to Animals.**

Traci Alvarez, Assistant City Manager advised the board that on February 9, 2022, the City Commission approved a revision on the animal ordinance. In the near future, kennel permits will now come before the board for approval. Property owners hosting more than four animals (any combination of dogs or cats) will be required to apply for two types of city permits. One will be a "Kennel Permit" which has been in effect for several years and the owner of the property was required to request a special use permit from the Planning & Zoning Commission for approval. This procedure was never implemented allowing "Kennel Permits" to be issued without approval from the P&Z Commission. The "Kennel Permit" now includes all 501(c)(3) and commercial businesses.

The other permit is a "Multi Animal" permit for a private owner that would like to own more than four animals (any combination of dogs or cats). The procedure for both permits will warrant a public hearing with the Planning & Zoning Commission and the notification of neighboring properties.

Applicants will be going through the Animal Control Office to apply for both types of permits. Once the application is received, the Animal Control Officer will visit the property to insure

Ms. Alvarez asked the board to please become familiar with the attached ordinance and special use guidelines. She did not want the board to be caught off guard when an animal public hearing was scheduled. She also extended an invitation for the board to contact her for any questions or clarifications.

## **6. REPORTS FROM THE BOARD:**

There were no reports from the staff.

## **7. REPORTS FROM STAFF:**

Traci Alvarez, Assistant City Manager reported several requests for quotes have gone out for the Revision to our Municipal Codes to be updated. Due to the prices received back, the City will now be doing the updates in-house. Ms. Alvarez and the Chief of Police, Victor Rodriguez will be working on the updates as most will pertain to Planning and Zoning and Code Enforcement. Once the changes go through the Ordinance approval and adoption, Ms. Alvarez will report back with an update as to what was approved or disapproved.

**8. ADJOURNMENT:**

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

**PASSED AND APPROVED ON THIS 7<sup>th</sup> DAY OF APRIL 2022.**

  
**Michael Hogg, Chairman**  
Planning & Zoning Commission