

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
MONDAY, OCTOBER 4, 2021**

**AGENDA**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held on Monday, October 4, 2021 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 August 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 at 905 Palo Verde Street, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment Of plats. Applicant request to combine lots. Traci Alvarez, Assistant City Manager

**5. NEW BUSINESS:**

- a. Discussion/Action: New Meeting Date and Time.

**6. REPORTS FROM THE BOARD**

**7. REPORTS FROM STAFF**

**8. ADJOURNMENT**

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
MONDAY, AUGUST 2, 2021**

**MINUTES**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, August 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:**

Traci Alvarez, Assistant City Manager  
Angela A. Torres, City Clerk  
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 Monday, July 12, 2021.

Member Bush made a motion to approve 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:**

##### **a. Public Hearing/Discussion/Action: Special Use/Conditional Use permit for Home Occupation Level III. Traci Alvarez, Assistant City Manager.**

**Traci Alvarez, Assistant City Manager** – Presented to the board the request for a Home Occupation Level III request for permit at 1407 Mercury Street from applicant's Alfred Candelaria and Kathy Reid who are in attendance today. They wish to operate a small auto repair shop from their home. In the packet is the public notice that was sent out to all property owners within a 300 ft. radius. No response has been received by mail or email to myself or the City Clerk's office either for or against. The site plan was provided with the packet showing the location of the shop. It has been reviewed, the Finding & Facts, and found no issues. Staff recommends approval of the Level III Home Occupation permit.

**Chairman Hogg:** Asked for clarification if the electric bill would be effected?

**Traci Alvarez, Assistant City Manager** – Ms. Alvarez confirmed, the electric bill will not be effected, it will remain as a residential status because it's considered a Home Occupancy permit.

**Vice-Chairman Sisney** – Asked for clarification why the Level III came before the board. He was wondering if this classification of work was not previously approved for a Level III.

**Traci Alvarez, Assistant City Manager** – Ms. Alvarez stated because our Municipal Code isn't well defined, it does not specifically say auto repair shop. It does allow the Zoning Official to designate which classification level the auto repair shop will fall under. Because some small auto repair shops can be controversial when located in residential areas, Ms. Alvarez felt it was not necessary to treat it as a Level III and to proceed with a public hearing for approval.

**Vice-Chairman Sisney** – Stated "it has not been prohibited, just not listed".

**Traci Alvarez, Assistant City Manager** – Ms. Alvarez confirmed it is not prohibited.

**Member Bush** - Commented by quoting "Sec. 11-5-4, E., 8. h. stating the part "...as interpreted by the designated Zoning Administrator".

**Vice-Chairman Sisney** – Had a question for the business/property owner. Prior to responding, Angela A. Torres, City Clerk swore in Ms. Kathy Reid so she could reply. Vice-Chairman Sisney inquired about the nature of the business. Ms. Reid explained; the "Shop" is on the premises of 1407 Mercury St. No vehicle repair work is conducted in the streets nor are vehicles stored on the streets. The "Shop" building has been in the family for approximately 25 years and was

previously a small appliance repair shop. Currently it is being used as a small vehicle repair shop to a small limited number of customers consisting of family members and friends that come to have repairs done. She was unaware of the requirements for a home business and once she was notified she took the proper steps to become compliant with the City codes and regulations. Chairman Hogg asked if there will be a business sign posted. Ms. Reid replied, no sign will be posted. No other questions were asked.

**Chairman Hogg made a motion to approve the request for Home Occupation Level III. Member Bush seconded the motion. Motion carries unanimously.**

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

There were no reports from the board.

#### **6. REPORTS FROM STAFF:**

**Traci Alvarez, Assistant City Manager** – Ms. Alvarez requested from the board that a discussion for a new meeting time and/or date for the monthly Planning & Zoning Commission be considered. She explained she has a scheduling conflict with other board meeting that she must attend. Ms. Alvarez suggested to the board that the Planning & Zoning Commission might consider moving their meeting time to the second Monday of each month or keeping the current meeting date of the 1<sup>st</sup> Monday of each month but meeting at an earlier time that same day.

#### **7. ADJOURNMENT:**

There being no further business to come before the Planning & Zoning Commission. Chairman Hogg called to adjourn the meeting.

**Member Bush made a motion to adjourn the meeting. Vice-Chairman Sisney seconded the motion. Motion carried unanimously.**

**PASSED AND APPROVED ON THIS 4<sup>TH</sup> DAY OF OCTOBER 2021.**

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



CITY OF TRUTH OR CONSEQUENCES  
PLANNING AND ZONING COMMISSION ACTION FORM  
DATE: 10-04-2021

**ITEM: Discussion/Action – Summary Plat Amendment – 905 Palo Verde**

**BACKGROUND:**

**Request to combine 2 lots. All required documents and fees have been submitted.  
Lot meets minimum standards required for the district. This amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic.**

**SUPPORT INFORMATION:**

**Public Hearing Notice  
Parcel Map  
Plat Survey  
Municipal Code References**

Name of Drafter: Traci Alvarez	:	Meeting date: 07-12-2021
E-mail: <a href="mailto:tburnette@torcnm.org">tburnette@torcnm.org</a>	Phone: 575-894-6673	



3022078520074

911 PALO VERDE DR

3022078520083

909 PALO VERDE DR

3022078520092

3022078520101

3022078520110

3022078520119

901 PALO VERDE DR

3022078520128

3022078507073

910 YUCCA ST

3022078507082

908 YUCCA ST

3022078507091

906 YUCCA ST

3022078507100

904 YUCCA ST

3022078507109

902 YUCCA ST

3022078507118

900 YUCCA ST

3022078507127

3022078491071

915 YUCCA ST

3022078491082

913 YUCCA ST

3022078491091

911 YUCCA ST

3022078491100

907 YUCCA ST

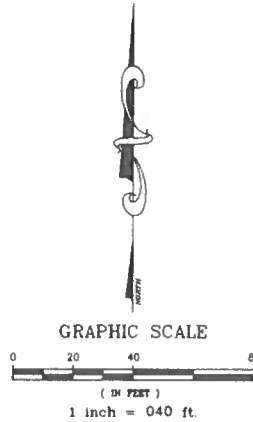
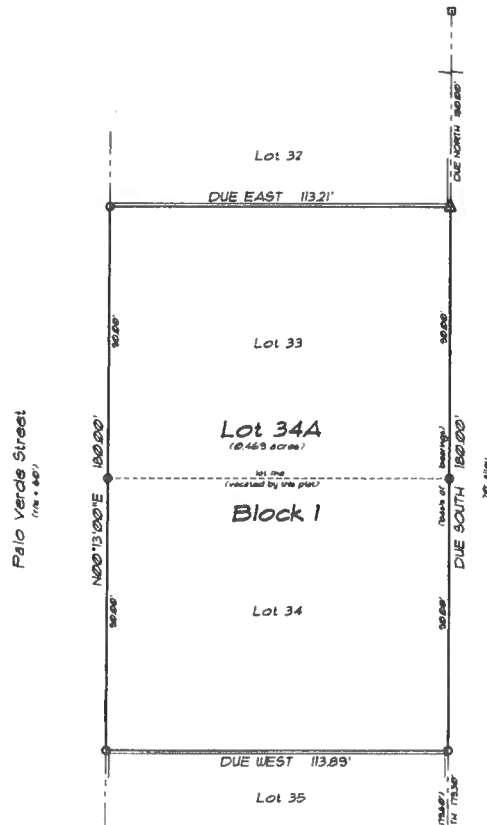
3022078491109

903 YUCCA ST

3022078491123



**ALTERNATE SUMMARY PROCEDURE-SUMMARY REPLAT**  
of Lots 33 and 34, Block 1, (now known as Lot 34A, Block 1), Country Club Heights,  
a subdivision in the City of Truth or Consequences,  
Sierra County, New Mexico



**Notes:**  
This lot is subject to easements, restrictions and reservations of record.  
The lot shown hereon is located within the boundaries of Flood Zone X "area determined to be outside 100-year flood plain".  
On corners found without survey identification, an aluminum tag stamped "NPLS 0123" was applied.  
Use drawing scale to determine measurements when not labeled.  
The hereon described lot was created under the City of Truth or Consequences Subdivision Codes, Ordinance Number 555, (Chapter 15, Section 15, Alternate Summary Procedure).

**Reference:**  
Lot 33, (2017 Palo Verde Street),  
Account No. 9572  
Book 136, Page 3938, (Warranty Deed);  
UPC 307-207-057-010.  
Lot 34, (305 Palo Verde Street),  
Account No. 9573  
Book 136, Page 3938, (Warranty Deed);  
UPC 307-207-057-010.

Country Club Heights Subdivision Plat filed on May 13, 1946, (Plat No. 7, Slide No. 187).

Country Club Heights Block 1 Subdivision Plat filed on January 23, 1978, (Plat No. 15-B, Slide No. 133).

National Flood Insurance Program, Flood Insurance Rate Map Community: Panel No. 390073 @005 C, (Map revised: July 16, 1998).

The City of Truth or Consequences Subdivision Codes, Ordinance No. 555, adopted May 23, 2006.

**Legend:**  
found 1/2" rebar, (no survey identification) ●  
found 3/8" rebar a/survcap stamped "JL RICHTER PLS 13984" ●  
set 1/2" rebar a/survcap stamped "NPLS 0123" ○  
chiseled "X" in block wall ▲  
block wall ———

**ACKNOWLEDGEMENT**

The City of Truth or Consequences does hereby acknowledge the vacation of lot line as shown on this plat.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

**ACKNOWLEDGEMENT**

We, the undersigned owners of the hereon described property do hereby acknowledge, with our free consent and in accordance with our wishes and desires, the vacation of the lot line as shown on this plat.

\_\_\_\_\_  
Drake Wehrs

STATE OF NEW MEXICO )  
COUNTY OF SIERRA )

The foregoing instrument was acknowledged before me this 7th day of September, 2021, by Drake Wehrs.

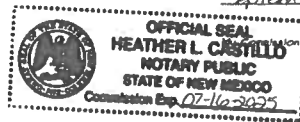
My commission expires 07-16-2025 Heather L. Castillo  
Notary Public

STATE OF NEW MEXICO )  
COUNTY OF SIERRA )

The foregoing instrument was acknowledged before me this 7th day of September, 2021, by Krystal Wehrs.

\_\_\_\_\_  
Krystal Wehrs

My commission expires 07-16-2025 Heather L. Castillo  
Notary Public



September 4, 2021

**Chaparral Surveying, LLC**  
Professional Land Surveying

P.O. Box 625 Elephant Butte, New Mexico 87535

**CERTIFICATE**

This is to certify that I am a registered Professional Land Surveyor, that this plat is prepared from notes of field surveys made by me or under my supervision, that said surveys and this plat are true and correct to the best of my knowledge and belief.  
I further certify that this survey is an Alternate Summary Procedure of an existing tract or tracts.

This plat meets the ethical requirements of the Standards of Land Surveys in New Mexico.

\_\_\_\_\_  
David M. Sam  
New Mexico Professional Surveyor  
License Number 0125

**INDEXING INFORMATION FOR COUNTY CLERK**  
Drake & Krystal Wehrs  
Country Club Heights  
Sec. 33, Tshp. 13 South, Rge. 4 West

***Sandra K. Whitehead  
Mayor***

***Amanda Forrister  
Mayor Pro-Tem***

***Frances Luna  
Commissioner***



***Paul Baca  
Commissioner***

***Randall Aragon  
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](http://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 5:30 p.m. regular scheduled Meeting on Monday, October 4, 2021 in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

Public Hearing/Discussion/Action: Request for a Summary Plat Amendment at 905 Palo Verde Street, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of plats. Applicant requests to combine lots.

All interested persons are welcome to attend.

The agenda for this meeting may be obtained on Friday, October 1, 2021 on the city website at [www.torcnm.org](http://www.torcnm.org); by contacting the City Clerk's Office at 575-894-6673; or by email to: [torcclerk@torcnm.org](mailto:torcclerk@torcnm.org).

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

Publish on the following date:

- Sentinel– Friday, September 17, 2021



# PLANNING AND ZONING COMMISSION

## FINDINGS OF FACTS CHECKLIST

Request Date 10-04-2021 Address 905 Palo Verde

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.***



## CITY OF TRUTH OR CONSEQUENCES

505 Sims Street, Truth or Consequences, New Mexico

Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

### UTILITY VERIFICATION

REASON FOR VERIFICATION: 905 Palo Verde/907 Palo Verde

Property owner wishes to join both lots together as one  
entire lot.

**Reviewed By:**

Electric Department: ☒ Approved

☐ Denied

Date 9-23

Water/Wastewater: ☒ Approved

☐ Denied

Date 9-24

Streets Department: ☒ Approved

☐ Denied

Date 9-23

Planning/Zoning: ☒ Approved

☐ Denied

Date 9-22

Utility Review Comments: \_\_\_\_\_

No issues or concerns

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)

Sec. 15-17. - Amendment of plats.

- A. *Administrative amendment:* Any change that is required to correct an error in lettering, numbering or other minor detail on a filed plat which does not affect any material aspect of the subdivision will be considered a minor amendment. Administrative amendments may be processed and approved by the City's Zoning Administrator, who shall have the right to require review and approval by the Planning and Zoning. The City's Zoning Administrator shall insure that the corrections are noted on the original filed plat. The fee schedule for administrative amendments shall be as approved by the City of Truth or Consequences.
- B. *Minor amendment of plat:* Any proposed amendment that is greater than an administrative amendment which does not have the effect to significantly alter the impacts on utilities, drainage, or traffic, may be approved as an amendment by the Planning and Zoning Commission.
- C. *Major amendment of plat:* Any proposed correction or amendment of a filed plat that affects material aspects of the subdivision shall be considered by the Planning and Zoning Commission, with approval by the City Commission, the Planning and Zoning Commission shall determine if the subdivider may use the alternate summary procedure or if the subdivider shall be required to vacate a portion or all of the filed plat and follow the procedures appropriate for the approval of a new subdivision. The fee schedule for major amendments shall be as approved by the City of Truth or Consequences.

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