

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
THURSDAY, APRIL 7, 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, April 7, 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 February 17, 2022.

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

4. PUBLIC HEARING:

- a. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment on Parcel 3022079415169 Palomas Hot Springs Townsite, Block 30, Lots 1 – 12. Traci Alvarez, Assistant City Manager.
- b. Public Hearing/Discussion/Action: Request to Vacate on Hyde Street between South Broadway and Cook Street. Traci Alvarez, Assistant City Manager

5. NEW BUSINESS

- a. Discussion/Action: Recommendation to appoint Rick Dumiak to serve as a member on the Planning & Zoning Commission board.

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**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 7th DAY OF APRIL 2022.

Michael Hogg, Chairman
Planning & Zoning Commission



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-7-2022

ITEM: Discussion/Action – Summary Plat Amendment Property Code 3022079415169

BACKGROUND:

Applicant is requesting to amend parcel 3022079415169 by reducing the number of lots. Currently parcel is divided into 12 lots, applicant would like to widen the individual lot sizes and reduce parcel to 6 lots. This amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic. Utility verification information to be provided at time of meeting.

SUPPORT INFORMATION:

Plat Survey
Area Map
Public Hearing Notice
Municipal Code References
Finding of Facts Checklist

Name of Drafter: Traci Alvarez	:	Meeting date: 10-05-2020
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	

OF LOTS 1A, 2A, 3A, 4A, 5A, 6A, & LOT 12 (formerly Lots 1 thru 12 inclusive), BLOCK 30,
SPRINGS TOWNSITE, TRUTH OR CONSEQUENCES, SIERRA COUNTY, NEW MEXICO

6 Page 3313

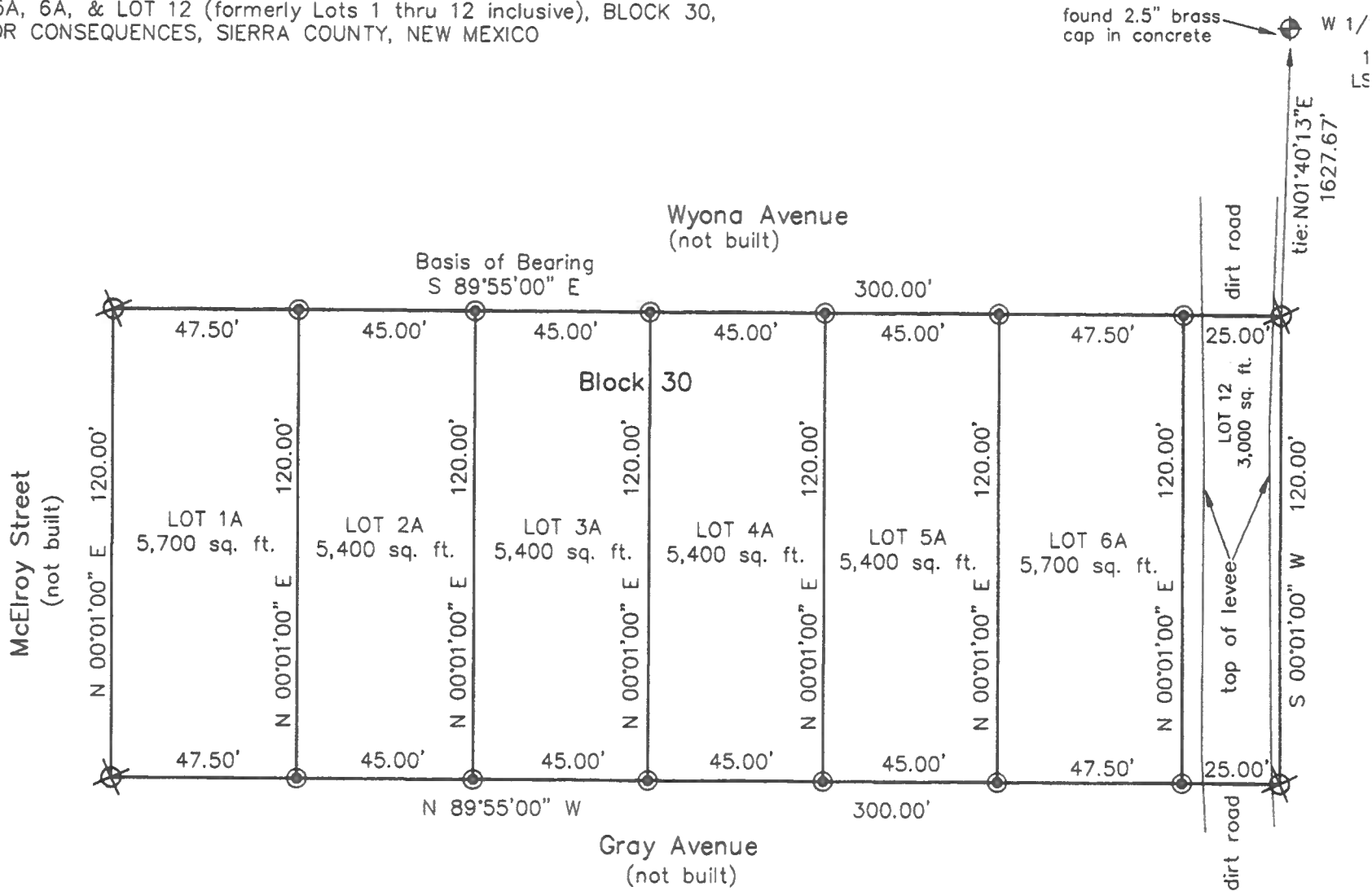
B

ed 1/13/2022

lot of Palomas
ed 5/8/1929 Plot #28, reference
venue, Gray Avenue, unnamed Street,
J.

are contiguous.

ual field measurements.



2.
OF 2 FOR SURVEYOR'S CERTIFICATE,
MENTS, AND APPROVAL BLOCK.

●=set 1/2" rebar & 1" plastic survey
cap stamped 13984

⊗=found 1/2" rebar with 1" plastic survey cap
stamped 13984

found and accepted monuments tagged with
a 0.75" brass disc stamped 13984

all monument dimensions are "outside
diameter"

RICHTER LAND
614 BROADWAY,
TRUTH OR CONSEQUENCES
575 894-

2200:
INDEXING INFORMATION

Nathanas
Sec 4, T
Palomas



DEL CIELO
DEL CIELO
805 CAMINO DE MESA

3022079415169

3022079374169

3022079305341

POST ST

600 VANTAGE AVE
735 CLANCY
735 POST ST
619 CHARLES AVE
765 CLANCY
725 CHARLES AVE
711 CHARLES AVE
629 CHARLES AVE
619 CHARLES AVE

CHARLES AVE
726 CHARLES AVE
716 CHARLES AVE
630 CHARLES AVE
614 CHARLES AVE
741 WYONA AVE
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628 WYONA AVE
614 WYONA AVE
608 WYONA AVE
625 GRAY AVE
619 GRAY AVE
985 CLANCY ST

GRAY AVE
601 GRAY AVE
CLANCY ST

3022079322217

*Amanda Forrister
Mayor*

*Rolf Hechler
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Shelly Harrelson
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, April 7, 2022 to receive input regarding the following:

Public Hearing/Discussion/Action: Request for a Summary Plat Amendment on Parcel 3022079415169 PALOMAS HOT SPRINGS TOWNSITE, BLOCK 30, LOTS 1 – 12.

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, April 4, 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, March 11, 2022

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)

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.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-7-2022

ITEM: Discussion/Action – Request to Vacate Hyde Street between South Broadway and Cook Street.

BACKGROUND:

County is requesting the City vacate the portion of Hyde Street that runs between the Fairbarn and the Albert J. Lyons building between S. Broadway and Cook Street.

SUPPORT INFORMATION:

Vacation Application with Utility Comments

Area Map

Notice of Public Hearing

Municipal Code References

Finding of Facts Checklist

Name of Drafter: Traci Alvarez	:	Meeting date: 10-05-2020
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	



CITY OF TRUTH OR CONSEQUENCES
505 Sims Street, Truth or Consequences, New Mexico
Phone: 575-894-6673 ext. 353 Fax: 575-894-6690

**REQUEST FOR VACATION
APPLICATION**

Date of Application 12/21/21

Comes now the undersigned and hereby requests the City of Truth or Consequences, New Mexico to consider vacation of the following described property:

Hyde Street between South Broadway and Cook Street

REASON FOR VACATION: this portion of Hyde Street runs through the middle of the Fairgrounds and presents a safety hazard; vacation of this portion would eliminate the hazards presented with a street running through the middle of the fairgrounds property.

Applicant Name: County of Sierra Telephone No.: (575) 894-6215

Address: 1712 N. Date, Suite D

City: T or C State: NM Zip Code: 87901

E-mail Address: c.webb@sierraco.org

Applicants Signature: _____

Reviewed By:

Electric Department:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date <u>2/28/2022</u>
Water/Wastewater:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Streets Department:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Planning/Zoning:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____

Utility Review Comments: _____



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Electric Department:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Water/Wastewater:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date <u>3-2-2022</u>
Streets Department:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Planning/Zoning:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____

Utility Review Comments: Water Main and well lines both run through, access must be allowed for potential repairs on 24 hour basis



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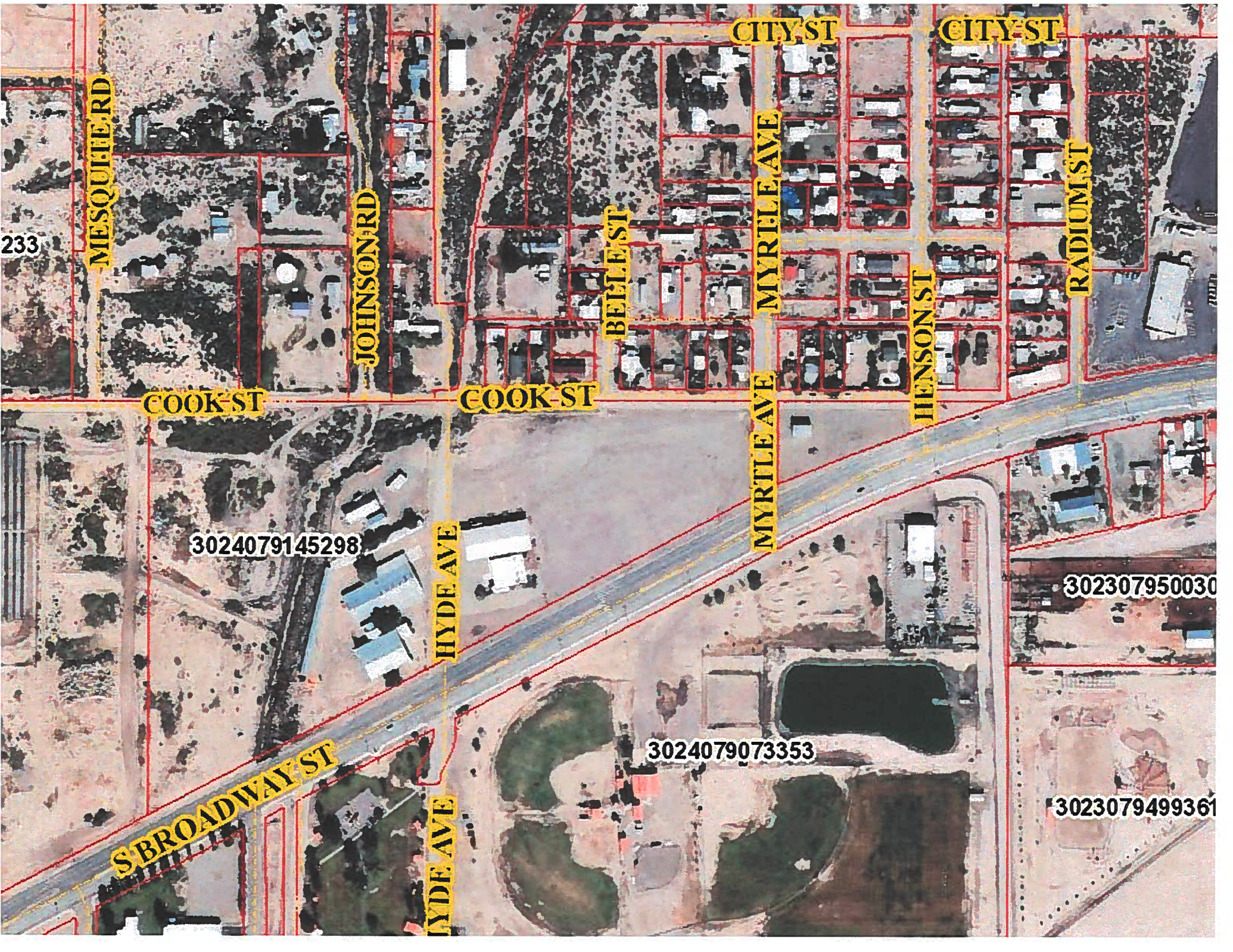
E-mail Address: cwebb@sierraco.org

Applicants Signature: _____

Reviewed By:

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Water/Wastewater:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____
Streets Department:	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Disapproved	Date <u>03-07-2022</u>
Planning/Zoning:	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Date _____

Utility Review Comments: This is a City street, vacating this road may become an issue for those in the area that utilize it.



233

MESQUITH RD

JOHNSON RD

COOK ST

COOK ST

BEILE ST

CITY ST

CITY ST

MYRTLE AVE

HENSON ST

RADIUM ST

MYRTLE AVE

HYDE AVE

3024079145298

302307950030

3024079073353

S BROADWAY ST

HYDE AVE

3023079499361



MYRTLE AVE

S BROADWAY ST

HYDE AVE

E VAL VERDE AVE

VERDE AVE

3024079145298

3024079073353

3024079073353

4079145298

1285 HYDE AVE

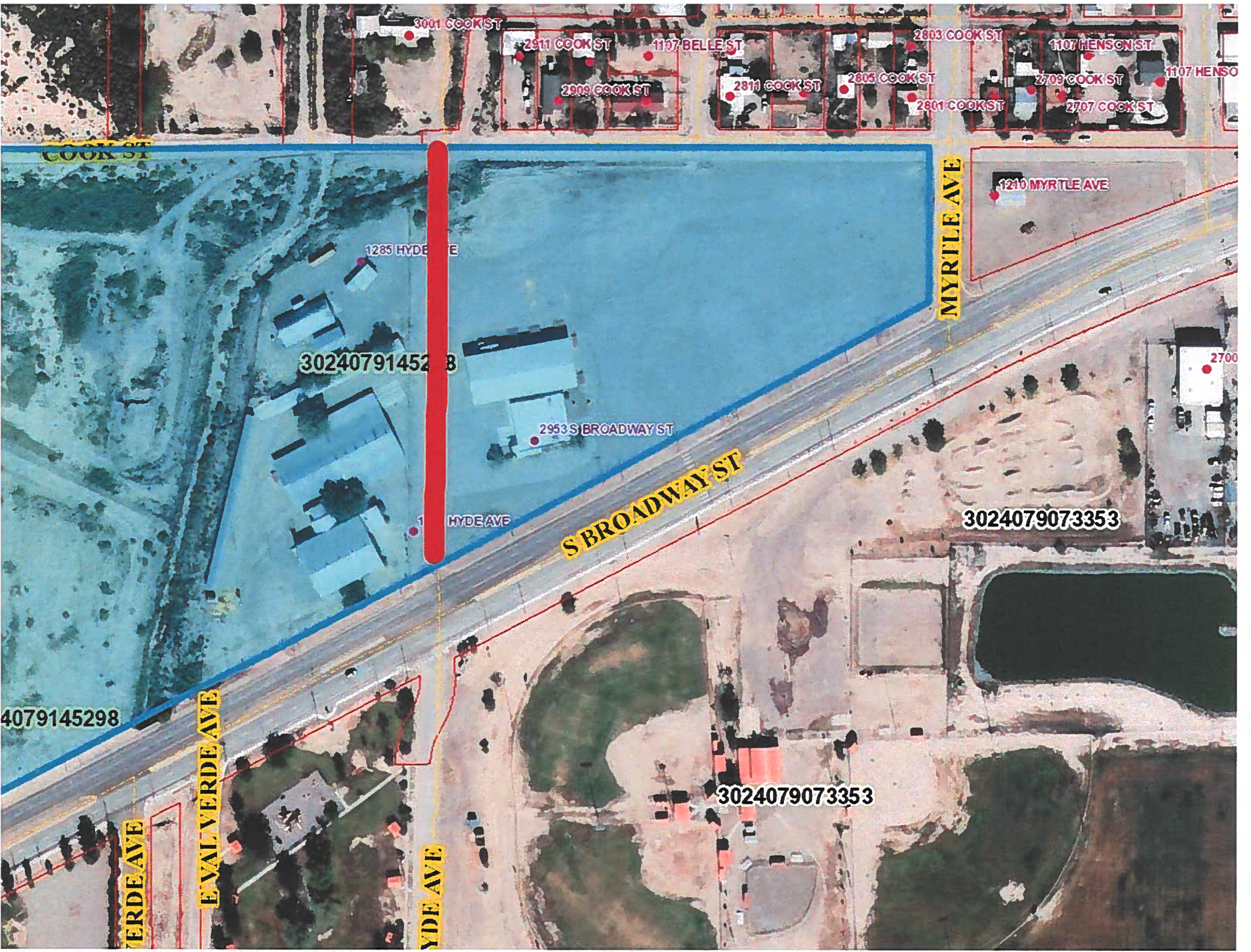
1321 HYDE AVE

2953 S BROADWAY ST

1210 MYRTLE AVE

2700

3001 COOK ST
2911 COOK ST
2909 COOK ST
2811 COOK ST
2805 COOK ST
2803 COOK ST
1107 HENSON ST
2709 COOK ST
2707 COOK ST
1107 HENSON ST



3001 COOK ST

2911 COOK ST

1107 BELLE ST

2803 COOK ST

1107 HENSON ST

2909 COOK ST

2811 COOK ST

2805 COOK ST

2801 COOK ST

2709 COOK ST

1107 HENSON ST

2707 COOK ST

1210 MYRTLE AVE

1285 HYDE AVE

302407914528

2953 S BROADWAY ST

HYDE AVE

S BROADWAY ST

3024079073353

2700

4079145298

VALVERDE AVE

VERDE AVE

HYDE AVE

3024079073353

*Amanda Forrister
Mayor*

*Rolf Hechler
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Shelly Harrelson
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, April 7, 2022 to receive input regarding the following:

Public Hearing/Discussion/Action: Request to Vacate on Hyde Street between South Broadway and Cook Street.

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, April 4, 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, March 11, 2022

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. 15-18. - Vacation of plats.

- A. *Purpose of vacation of plat:* A vacation of plat occurs when part or all of a filed subdivision plat is eliminated.
- B. *Cause:* All of or any part of a final plat filed with the County Clerk may be vacated if:
 - 1. The owners of record of the land proposed to be vacated sign an acknowledged statement declaring their wish that the plat or portion of a plat be vacated; or
 - 2. The City Commission finds that the plat's approval was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared.
- C. *Processes of vacation:* Vacations of plat that result in the decrease in the number of lots by not more than one lot may be processed using the Alternate Summary Process.
- D. *Statement of vacation:*
 - 1. The vacation of all or a portion of a final plat by the owners of land within a subdivision may be initiated by submittal to the City's Zoning Administrator of the statement of vacation bearing the acknowledged signatures of all owners of record of property within the subdivided land to be vacated.
 - 2. The vacation of all or a portion of a final plat by the owners of land within a subdivision may also be initiated by a vote of a majority of the City Commission.
 - 3. Statements of vacation shall be accompanied by a list of the names of all owners of record of property within and contiguous to the subdivided land to be vacated, and shall also be accompanied by acknowledged statements by the authorized representatives of all utility companies that have easements within the area proposed for vacation, which statements shall state the utilities' agreement to or opposition to such vacation insofar as it affects their rights to use dedicated easements in the subdivision.
- E. *Scheduling and notification:* Within 60 days of receiving a statement of vacation and the appropriate review fee, the City Commission shall approve or deny the vacation, subject to the following:
 - 1. Action shall be taken in a public meeting;
 - 2. At least 15 days prior to the meeting, notice of public hearing shall have been transmitted by first class mail to all owners of private property contiguous to or within 300 feet of the land to be vacated, and to all utilities with easements within or adjacent to the land proposed for vacation.
- F. *Action:* In approving conditionally approving or denying a vacation, the City Commission shall determine if the vacation is in the best interests of the public well-being, and whether any person is adversely affected by the vacation.
- G. *Right to retain roadways and utility easements:* The City Commission may require that dedicated roads within the area proposed for vacation remain dedicated, and may require that the rights of any utility existing before the vacation not be affected by the vacation.
- H. *Filing:* The City Commission's decision shall be filed in the records of the County Clerk of Sierra County by the applicant who shall also pay all required fees. When a vacation is approved, The County Clerk shall mark the final plat with the words "vacated" and shall refer on the final plat to the volume and page on which the statement of vacation is recorded. When a plat is partially vacated, both the City Commission's decision and the plat showing the partial vacation shall be filed in the records of the County Clerk of Sierra County. The County Clerk shall mark the final plat with the words "partially vacated" and shall refer on the final plat to both the volume and page on which the statement of vacation is filed, and the volume and page of the plat showing the area vacated.

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

PLANNING AND ZONING COMMISSION FINDINGS OF FACTS CHECKLIST

Request Date _____ Address _____

Findings of facts for recommendations and decisions.

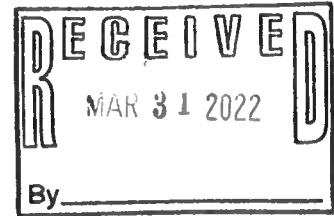
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City of Truth or Consequences
City Boards Application



Name: RICK DUMIAK Address: 705 CHARLES TOWN
Phone: 505 603 6400 Email: RDUMIAK@GMAIL.COM

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Golf Course Advisory Board
☐ Public Utility Advisory Board ☐ Library Advisory Board ☐ Recreation Advisory Board
☐ Lodger's Tax Advisory Board ☒ Planning & Zoning Commission ☐ Impact Fee Board
☐ Other: _____

My qualifications are:

HAVE SAT + CHAINED NUMEROUS PLANNING, DEVELOPMENT,
ZONING AND TOURIST RELATED BOARDS. I AM A RETIRED
FACILITIES DIRECTOR AND PROJECT MANAGER.
I WOULD NOT BE ABLE TO SIT ON THE BOARD
UNTIL AFTER APRIL 21, 2022. THANKS

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: [Signature] Date: 3-31-2022
3-31-2022 RD