

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
AGENDA  
WEDNESDAY, JUNE 24, 2020**

**SPECIAL MEETING**

Special 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 Wednesday, June 24, 2020 at 5:30 p.m.

**INTRODUCTION:**

**ROLL CALL:**

Lillis Urban, Chairman  
Dennis Dunnum, Vice Chairman  
James Bush, Member  
Richard Dumiak, Member  
Merrill Dicks, Member

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES:
  - a. Regular meeting of Wednesday, June 10, 2020
3. PUBLIC HEARINGS:
  - a. Public Hearing/Discussion/Action: Request for a Special Use Permit to do a live/work Retail Store/Art Gallery at 320 Broadway, Truth or Consequences, NM. Traci Alvarez, Designated Zoning Official
  - b. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance at 408 Main Street, 410 Main Street and 412 Main Street, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of plats. Traci Alvarez, Designated Zoning Official
  - c. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment and Variance Request at 323 W. Riverside Drive, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of plats. Traci Alvarez, Designated Zoning Official
4. NEW BUSINESS:
  - a. Discussion/Action: Set time and date for future meetings.
5. ADJOURNMENT

**There will be a limited amount of in-person attendance allowed in the Chambers based on COVID safe practices. You may also access the meeting using the information listed below:**

**June 24, 2020 Planning & Zoning Commission Meeting**

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<https://global.gotomeeting.com/join/996007693>

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**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING  
MINUTES  
WEDNESDAY, JUNE 10, 2020**

**REGULAR MEETING**

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico held in the City Commission Chambers, 405 W. 3<sup>rd</sup> Street, at 5:30 p.m. on Wednesday, June 10, 2020.

**INTRODUCTION:**

**ROLL CALL:**

Lillis Urban, Chairman  
Dennis Dunnum, Vice Chairman  
James Bush, Member - Absent  
Richard Dumiak, Member  
Merrill Dicks, Member

**ALSO PRESENT:**

Morris Madrid, City Manager  
Angela A. Torres, City Clerk  
Traci Alvarez, Grants/P & Z Coordinator  
Lisa Gabaldon, Secretary

**APPROVAL OF AGENDA:**

Vice Chairman Dunnum moved to approve the agenda as submitted. Member Dumiak seconded the motion. Motion carried unanimously.

**APPROVAL OF MINUTES:**

Special meeting of Tuesday, May 12, 2020:

Chairman Urban moved to approve the Minutes from May 12, 2020. Vice Chairman Dunnum seconded the motion. Motion carried unanimously.

**PRESENTATION:**

- a. **Presentation/Discussion: Planning & Zoning Commission Procedure Matters. City Attorney Jay Rubin:**

City Attorney Jay Rubin gave a brief description of the duties, responsibilities and functions pertaining to the P & Z Commission. He encouraged the board not to stray from the agenda that is provided to them before their scheduled meetings.

Per City Clerk Torres, the agenda goes out the Friday prior to the meetings; that's when the agenda is published and everything is final.

City Manager Madrid advised the P & Z Commission that the majority of their agenda will come from Traci Alvarez the Grants/P & Z Coordinator as she and City Attorney Rubin will determine the items that are required for the Commission's consideration.

City Attorney Rubin advised that the members of the P & Z Commission can add stuff to the agenda by bringing it to the Chairman. He advised the members to try not to engage in conversations with the community in regards to issues, refer them to Traci Alvarez. City Attorney Rubin spoke about members of the P & Z Commission recusing themselves from certain matters that they could have a personal interest in. He also went over the Battershell Procedures. Traci Alvarez advised the P & Z Commission that when she will bring in an application for the Commission to rule on for any Variances, Special Use, or Conditional Use, the requirements of that are certified mailings that she will send out. They won't be in the agenda packet, but she will have them there at the meetings in her folder where she can show the members of the Commission what has been done. The person putting in the application has to give a list of all of the houses within a 100 ft. radius. She will also post the property.

City Manager Madrid stated that the P & Z Commission can operate in any way they see fit. However, he advised that in order to be the most effective, most efficient, and make the meetings as orderly as possible, so that you address the items on the agenda quickly and efficiently, it falls on the Chairman. When a member wants to speak they should be recognized by the Chair, and given the floor until the member is done. It is completely inappropriate for members of the audience to raise their hands to speak. They are only able to speak during Public Comment. Every action on the agenda is an individual action.

**a. Presentation/Discussion: Development Overview/Orientation. Wesley Hall, Wilson & Co:**

Mr. Wesley Hall gave a brief description of his job background and duties, and his business as it pertains to the city, as he has been working with the city for almost 2 years. Wilson & Co. are currently under contract with the city to do their review services. He assists Traci whenever she has questions. Some of the sites that get developed in town go through the city. The city has hired them to review the site pertaining to the code. Also within the review process, we send out a letter to Traci for the recommendation and the comments, and they tell them about the water/waste water impact fees. This offsets the city for having to take care of some of the improvements. As they started this process, they found out that the Code of Ordinance needs to be updated. They are currently working with the city to set up a task order so that they can update the document to better help the city. There are some grey areas that need to be well defined and there is some wording in there that needs to be brought up to more recent situations. The Commission will have input with the new code. They are currently working on a new zoning map that will be interactive. The comprehensive plan is an idea, and the code is the law per City Manager Madrid.

**NEW BUSINESS:**

**a. Discussion/Review: Content of Material Packet for P & Z Members**

Member Dumiak mentioned that there were 2 copies of Chapter 16.

City Clerk Torres advised them that the Chapter without the editors notes is the most recent/updated copy; the copy with the page numbers.

Member Dumiak questioned the fact that there is not a building inspector.

Traci Alvarez confirmed this and stated that due to the new state laws from 2018, it would require the city to have a Building Inspector that was certified in HVAC, Plumbing, Electric, and General Contractor services; or they would have to hire 4 separate Building Inspectors. The state now does all of the inspections and all of the permitting. The city does the review and approval. All structural inspections are being done at the state level.

**b. Discussion/Action: Public Comment procedures for future agendas:**

Chairman Urban asked for clarification in regards to public comment time limits from City Attorney Jay Rubin.

City Attorney Rubin stated that they have a 3 minute rule for the City Commission Meetings.

Traci Alvarez cleared up the fact that the P&Z Commission will rarely have Special Meetings as they try to get everything covered during regular meetings.

City Manager Madrid wanted to differentiate between public comment and Public Hearings. Public comment can be for anything and should be limited to 3 minutes. As far time limits for Public Hearings, that's at the discretion of the Commission and those involved. Some things will absolutely take longer than 3 minutes. There is not a set time limit for Public Hearings. Individuals can send an email or write a letter and send it to the Clerk's Office and it will be distributed to the Commission during the meeting. It can be read into public comment or just stay between the Commissioners.

Member Dicks suggested a sign-in sheet for the public comments.

City Manager Madrid stated that public comment is not intended to be an interaction or a discussion. Its purpose is to listen and accept the comment be it positive, negative or indifferent. You can also have on the agenda responses to public comment. You are not obligated to respond in any way.

**Chairman Urban made a motion for public comment to take place at the onset of every meeting and that it is limited to 90 seconds per person. Vice Chairman Dunnum seconded the motion. Motion carried unanimously.**

**REPORTS:**

City Attorney Jay Rubin explained that 'REPORTS' does not mean that the commissioners will receive any type of reports, but just to speak of anything that may be on their minds.

City Clerk Torres advised that she could change the term to: **'COMMENTS FROM P & Z COMMISSION'** if that suits the members better. They all agreed.

Chairman Urban asked for Traci Alvarez to explain the process for reviewing the applications.

Ms. Alvarez explained that she will prepare all of the application information and will have it to City Clerk Torres the Friday prior to the meeting and City Clerk Torres will get them out to the Commission in the agenda packet. The agenda packet will include an application about the agenda item and any other supporting documents. She further explained that she will have her files with her in case there's a question about anything that wasn't included in the packet.

City Manager Madrid stated that he has seen other processes used in other communities. The first step is to present the record, which would be the file that Traci has developed. Make sure that it is complete, and have a vote to accept the record proper. The second part is to reject or accept the request to vote.

Chairman Urban suggested if they are able to accept the findings of facts as amended by Comments from the Commission.

City Clerk Torres stated that it would be noted during the minutes, and then when it's presented to the City Commission by Traci Alvarez. Amendments will be included as well.

**ADJOURNMENT:**

**There being no further business to come before the Planning & Zoning Commission, Lillis Urban, Chairman, declared the meeting adjourned. Member Dumiak seconded the motion. Motion carried unanimously.**

PASSED AND APPROVED this 24<sup>th</sup> day of June, 2020.

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Lillis Urban Chairman  
Planning & Zoning Commission



**CITY OF TRUTH OR CONSEQUENCES**  
**PLANNING AND ZONING COMMISSION ACTION FORM**

DATE: JUNE 24, 2020

**ITEM: Public Hearing/Discussion/Action – Special Use Permit: Live/Work 320 Broadway**

**BACKGROUND:**

Applicants are Anna Scattoloni & Corrinne Farner of Galactic Digs Gallery & Other Treasures. Applicants would like to maintain their retail store/art gallery in the front half of the building and live in the back half of the building so they can live onsite and rent their current residence to offset the expenses of the business. Applicants have met with City Manager and Zoning Official and discussed their business plan. Onsite inspection has been completed.

Per the City of T or C Code of Ordinances (attached) Chapter 16 - Comprehensive Planning and Zoning Code; Article IX. - Comprehensive Planning and Zoning District; Sec. 11-9-7. - C-1 General Commercial District; E. Special Uses For C-1 District 1 - Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street.

All required documents have been submitted and fees have been paid. Certified mailings were sent to required property owners.

**SUPPORT INFORMATION:**

- **Applicant Letter of Request**
- **Public Hearing Notice**
- **Code Reference**

Name of Drafter: Traci Burnette	:	Meeting date: 6-24-2020
E-mail: <a href="mailto:tburnette@torcnm.org">tburnette@torcnm.org</a>	Phone: 575-894-6673	

12/18/19

We are requesting a work/live permit to accomodate our plans to use our current residence as an air/bnb and/or rental unit. This ideally will offset the expense of the business at 320 Broadway. We are both artists who have relocated to TorC with plans to pursue our art alongside operating a retail store and art gallery. We are planning to use studio space in the building for stain glass, sculpture, painting and community art projects. Your approval of our application for a live/work space will facilitate our ability to stay in TorC and pursue these goals and will also contribute to a vibrant downtown.

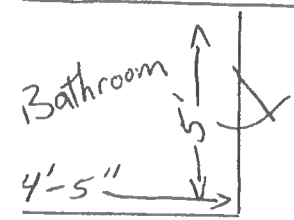
Thankyou for your consideration.

Anna Scott Low  
Cafe



(X = Doorway = X)

Driveway



Kitchen

14'-7"

14'-4"

closet 13'-8"

13'-7"

Art  
Gallery  
+  
Retail shop

17'-7"

14'-5"

19'-7"

22'-10"

Retail  
Store

7'-2"

17'-5"

Retail Store

Front Entrance

12'

*Sandra K. Whitehead*  
*Mayor*

*Brendan Tolley*  
*Mayor Pro-Tem*

*Amanda Forrister*  
*Commissioner*



*Paul Baca*  
*Commissioner*

*Randall Aragon*  
*Commissioner*

*Morris Madrid*  
*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 Special Meeting scheduled on Wednesday, June 24, 2020 in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico to receive input regarding the following:

Public Hearing/Discussion/Action: Request for a Special Use Permit to do a live/work Retail Store/Art Gallery at 320 Broadway, Truth or Consequences, NM.

All interested persons are welcome to attend or participate via teleconference.

A copy of the proposed Ordinance is available at the City Clerk's Office, 505 Sims Street, Truth or Consequences or by email at [aatorres@torcnm.org](mailto:aatorres@torcnm.org).

The agenda for this meeting may be obtained on Friday, June 19, 2020 on the city website; by contacting the City Clerk's Office at 575-894-6673; or by email to: [aatorres@torcnm.org](mailto:aatorres@torcnm.org).

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

Publish on the following date:

- Sentinel– Friday, June 5, 2020

**Sec. 11-9-7. - C-1 General Commercial District.**

- A. **PURPOSE.** The intent of the C-1 District is to provide for certain commercial/retail uses which serve both transient and local trade. The District is intended for areas surrounding major arterial or collector streets where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use.
- B. **DEVELOPMENT STANDARDS.** Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. **C-1 PERMITTED USES.**

• Accountant Office	• Arts and Crafts Studio
• Advertising Services	• Auditoriums
• Animal Hospital and Clinic	• Automobile Parking Lot
• Auto and Camper Sales, Service and Rental	• Gasoline Pumps
• Automotive Equipment	• Gasoline Stations
• Bakery	• Gift Shop
• Banking and Financial Institution	• Glass Cutting and Finishing
• Barber Shop and Beauty Parlor	• Golf Course
• Bathhouse or Spa	• Grocery Store
• Bicycle Sales and Service	• Gymnasium
• Boat and RV Storage	• Hardware Store
• Bookstores and Stationery Shops	• Heavy Equipment Sales
• Building and Other Construction-Contractor: office only	• Hobby Shop
• Business Service Establishment	• Hospital or Overnight Clinic
• Butcher Shop and Meat Sales	• Hotel and Motel
• Catering	• Household Appliance Sales and Service and

	Repair
• Cigarette and Cigar Shop	• Insurance Services
• Clinic	• Institutions, Public and Quasi-Public
• Clothing Store and Apparel Shop	• Jewelry Store
• Coffee Shop	• Kennel, Commercial
• Columbarium	• Laboratory (medical, dental or engineering)
• Community Center or Public Office Building	• Liquor Store - Taverns and Package Stores
• Convenience Store	• Pet Shop or Grooming Parlor
• Convention or Exhibition Hall	• Photographic Studio and Supply Store
• Country Club	• Plant Nursery
• Dance Hall or Music Academy	• Plumbing and Heating Shop
• Dentist Office	• Pool and Billiard Room
• Department Store	• Post Office
• Dressmaking Shop	• Private Club or Lounge
• Drugstore	• Public Park, Playground and Recreational
• Dry-cleaning and Steam cleaning Establishment	• Radio, Television Broadcasting Studios, Music Store
• Electrical Shop and Electricians	• Real Estate Services
• Farm Machinery	• Restaurant
• Farm and Ranch Products and Supplies	• Retail Sales
• Fast Food Sales including Drive-In Sales	• Roofing and Sheet Metal Shop

• Firewood Sales	• Shoe Repair
• Florist Shop	• Show and Sales Room for Business Products
• Food Store	• Skating Rink
• Frozen Food Locker	• Sporting Goods Store
• Funeral Home, Mortuary (including crematorium)	• Tailoring
• Furniture and Home Furnishings	• Taverns and Cocktail Lounges
• Taxicab Transportation	• Travel Agency
• Telephone Exchange Station	• Upholstery
• Telegraph and Messenger Service	• Variety Store
• Tire Sales and Service	• Warehousing and Storage
• Title and Abstracting Services	• Watch and Clock Sales and Service

D. **PERMITTED USES—WITH CONDITIONS.** The following C-1 uses are permitted in accordance with stated conditions and upon approval by the Planning and Zoning Commission.

1. **Adult Entertainment Uses:** Uses such as adult bookstores, adult movie theaters, and adult news racks, as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any:

- a. School;
- b. Church;
- c. Public park or recreational facility;
- d. Residential District;
- e. Another adult entertainment facility.

There shall be no public display visible outside of the building. In addition, display of adult pictures of other materials within a grocery store, bookstore, or other retail or wholesale store shall be concealed from public view.

2. **Amusement Park or Enterprise:** Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning District. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning District.

3. Automobile Body and Repair Shop: Not permitted with one hundred (100) feet of any residential District.
4. Bank Drive-up Windows: Stacking lane(s) of one hundred eighty (180) feet by ten (10) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
5. Bowling Alley: Subject to approval of site and related plans. Bowling alleys are prohibited within three hundred (300) feet of any residential zoning District.
6. Bus or Motor Freight Terminal: Only when located on an arterial street as designated on the City Street Plan.
7. Car Washes: There shall be no run-off onto neighboring properties or streets resulting from the use. Any discharge into public liquid waste disposal systems shall be approved by the administrator of the system prior to approval of the business. If the subject property is not served by a public waste disposal system, approval from the New Mexico Environmental Department shall be required.
8. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with State licensing requirements and enclosed by a solid wall or fence five (5) feet in height.
9. Christmas Tree Sales: Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.
10. Church: Only when located on an arterial or collector street as designated on the City Street Plan.
11. Construction or Contractor's Yard: Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above street curb within a clear site triangle as defined in this Code.
12. Drive-In Theater: Subject to approval of site and related plans.
13. Firewood Sales: No more than twenty (20) cords stored on site.
14. Flea Market: Subject to any other requirements of the Municipal Code.
15. Furniture Assembly (Accessory Use): Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total business floor area, and shall be within the same building.
16. Gas Pressure Control Stations: (Public or Private Utility.)
17. Heavy Equipment Repair (Accessory Use): Permitted only as an incidental or accessory use to heavy equipment sales. Floor area for repair shall not exceed three thousand (3,000) square feet and not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.
18. Miniature Golf Course: Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential District.
19. Mini Storage Units: Units shall not be used for commercial sales of products, merchandise, service or repair. (This does not preclude a business from using storage units solely for storage of commercial or business related items provide that the actual commercial operation or business is conducted elsewhere, and there is no external evidence of the business at the storage unit.)
20. School, Public, Private or Trade: Sites shall be located on an arterial or collector street as shown on the City Street Plan.

21. Shopping Center: Providing site, drainage, and related plans for the entire development are approved.
22. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use): The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:
  - a. Storage shall be within an enclosed building or within a sight-obscuring fence at least six (6) feet in height;
  - b. Vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customer;
  - c. Exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;
  - d. A maximum of five (5) wrecked vehicles may be stored at the building exterior during any one time;
  - e. Exterior storage shall be a minimum of one hundred (100) feet from a residential District.
23. Swimming Pools: Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
24. Television and Radio Towers and all Other Free Standing Towers (Public and Private Uses): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
25. Welding (Accessory Use): Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the C-1 District. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.
26. Wrecker Service: In accord with storage of wrecked vehicle provisions of Item D.22 of this Section.

E. *SPECIAL USES FOR C-1 DISTRICT.* The following uses require approval of the City Commission. Specific conditions and provisions for special use may be referred to in Article V.

1. Dwelling Unit: Special Use Permits are required for dwellings within the C-1 District upon lots or other parcels located directly adjacent to Broadway Avenue, Main Street or Date Street. Dwellings elsewhere within the C-1 District are permitted by right. Manufactured Homes (MH's) are permitted within the C-1 District subject to the provisions stated herein and in Articles 11 and 14.
2. Apartments ten (10) unit minimum)
3. Concrete Sales and Ready Mix
4. Correctional Facilities and Institutions
5. Heavy Equipment Repair and Service
6. Kennel (Commercial)
7. Manufactured Home Park or Subdivision: Subject to the provisions of Articles 11 and 14.
8. Propane or Liquefied Petroleum Gas Distribution Point: Up to two thousand (2,000) gallons, not be located within three hundred thirty (330) feet of any residential zoning district, or within the area bounded by Date, Main and Austin Streets.
9. Racetrack
10. Residential Vehicle Park

11. Recycle Purchase Center
12. Stadium: Baseball, Football, Soccer or Track.
13. Townhouses (R-2 Development Standards apply)
14. Welding Shop





**CITY OF TRUTH OR CONSEQUENCES**  
**PLANNING AND ZONING COMMISSION ACTION FORM**  
**DATE: JUNE 24, 2020**

**ITEM: Public Hearing/Discussion/Action – 408/410/412 Mainstreet**

**BACKGROUND:**

Property owner/representative is requesting a minor Plat Amendment and Variance. Applicant, Gerald Bush, is requesting to amend the existing property lines to provide walkway easement to lots 13 and 14. Currently no easement exists.

Amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic. All required documents have been submitted and fees have been paid. Certified mailings were sent to required property owners.

Variance request from Chapter 15 - Subdivision Code Sec. 15-15 – A.1.E –

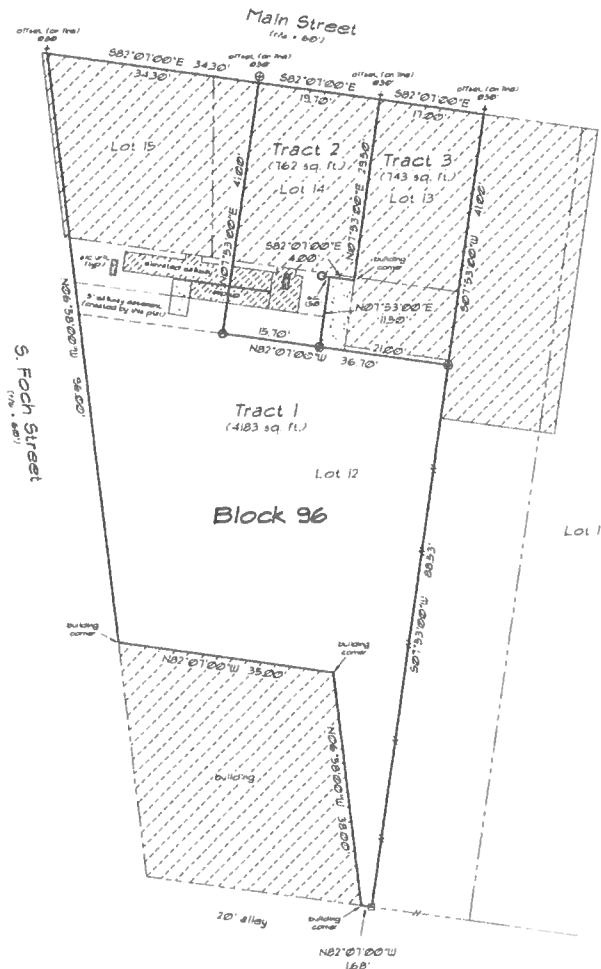
*“The new lots comply in all ways with the standards for lots contained within the City's Comprehensive Planning and Zoning Code”* Applicant is requesting a minor amendment to add an easement. Current lots do not meet the minimum required standard width for the C-1 Zone.

**SUPPORT INFORMATION:**

- **Summary Plat Amendment with legal descriptions**
- **Assessor Map**
- **Notice of Public Hearing**
- **Code of Ordinances- Chapter 15 - Subdivision Code- Sec. 15-17. - Amendment of plats- B Minor amendment of plat**
- **Code of Ordinances Chapter 16 - Comprehensive Planning and Zoning Code Article XIV. - Development Standards Sec. 11-14-2. - Standards for Districts**

Name of Drafter: Traci Burnette	:	Meeting date: 6-24-2020
E-mail: <a href="mailto:tburnette@torcnm.org">tburnette@torcnm.org</a>	Phone: 575-894-6673	

**ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT**  
of three tracts of land  
within Lots 12, 13, 14 and 15, Block 96, Original Townsite of Hot Springs,  
a subdivision in the City of Truth or Consequences, Sierra County,  
New Mexico



**Notes:**  
These tracts are subject to easements, restrictions and reservations of record.  
The tracts shown hereon are located within the boundaries of Flood Zone X, "area determined to be outside 500-year flood plain".  
The hereon described tracts were created under the City of Truth or Consequences Subdivision Codes, Ordinance Number 555, adopted May 23, 2006, (Chapter 15 Section 15, Alternate Summary Procedure).  
Use drawing scale to determine measurements when not labeled.  
On rebar found without survey identification, an aluminum tag stamped "NPLS 029" was applied.

**Legend:**  
found 5/8" rebar w/survey stamped "J. Richter NPLS 13384" @  
found 3/8" rebar, (no survey identification) □  
found chiseled "x", in concrete +  
set 1/2" rebar w/survey stamped "NPLS 029" ○  
marked "x" on metal grate ⊗  
corrugated metal fence ————  
lot line ————

**ACKNOWLEDGMENT**

I, the undersigned owner of the hereon described property, do hereby acknowledge, with my free consent, and in accordance with my wishes and desires, the division of land and utility easement created as shown on this plat.

Gerald A. Bush  
STATE OF NEW MEXICO  
COUNTY OF SIERRA  
The foregoing instrument was acknowledged before me this 9th day of March, 2020 by Gerald A. Bush  
Kerley Kasiah  
Notary Public  
My Commission Expires 1-18-21

The City of Truth or Consequences does hereby acknowledge the division of land as shown on this plat.

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

**Reference**

Account No. 1797  
Book 137, Pages 4831-4839, (Warranty Deed)  
UPC 307-201-822-3466

Account No. 6528  
Book 137, Pages 4844-4845, (Warranty Deed)  
UPC 307-201-822-4470

Account No. 9316  
Book 137, Pages 4831-4839, (Warranty Deed)  
UPC 307-201-822-3464

Account No. 1946  
Book 137, Pages 4833, (Warranty Deed)  
UPC 307-201-822-1465

City of Truth or Consequences Subdivision Codes, Ordinance Number 555, (adopted May 23, 2006).

Original Townsite of Hot Springs Subdivision Plat filed on March 16, 1927, (Plat No. 13-A-1)

National Flood Insurance Program, Flood Insurance Rate Map for the City of Truth or Consequences, New Mexico, Community Panel No. 380013 0005 C, (map revised July 16, 1996)

Book J, Pages 348-349, (Right-of-Way)

Book K, Pages 451-453, (Mutual Easements)

Book 25, Pages 668-669, (Grant of Sewer Line Easement)

March 6, 2020

**Chaparral Surveying, LLC**  
Professional Land Surveying

P.O. Box 625 Elephant Butte, New Mexico 87835

**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 not a land division or subdivision as defined in the New Mexico Subdivision Act and that this is a summary plat of an existing tract or tracts.

This plat meets the minimum requirements of the Standards of Land Surveying New Mexico.

David M. Sem  
New Mexico Professional Surveyor  
License Number 7125

**INDEXING INFORMATION FOR COUNTY CLERK**  
Gerald A. Bush  
Original Townsite of Hot Springs  
Section 33 T4N 13S R10W 4E West

2078237468

3022078224470

*Sandra K. Whitehead*  
Mayor

*Brendan Tolley*  
Mayor Pro-Tem

*Amanda Forrister*  
Commissioner



*Paul Baca*  
Commissioner

*Randall Aragon*  
Commissioner

*Morris Madrid*  
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 Special Meeting scheduled on Wednesday, June 24, 2020 in the 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 and Variance at 408 Main Street, 410 Main Street and 412 Main Street, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of plats.

All interested persons are welcome to attend or participate via teleconference.

A copy of the proposed Ordinance is available at the City Clerk's Office, 505 Sims Street, Truth or Consequences or by email at [aatorres@torcnm.org](mailto:aatorres@torcnm.org).

The agenda for this meeting may be obtained on Friday, June 19, 2020 on the city website; by contacting the City Clerk's Office at 575-894-6673; or by email to: [aatorres@torcnm.org](mailto:aatorres@torcnm.org).

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

Publish on the following date:

- Sentinel– Friday, June 5, 2020

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)

Sec. 11-14-2. - Standards For Districts.

District	Lots: Minimum Front Setback	Yards: Minimum Rear Setback	Yards: Minimum Side Setback
R-1	25'	25'	8'
R-1	25'	20'	6' or 0'*
R-3	20'	15'	5' or 0'*
R-4	25'	25'	5'
RR-1	25'	15'	5'
C-1	20'	15'	5' or 0'*
M-1	25'	25'	5' or 0'*
T-1	25'	25'	15'

\* As permissible per Section 11-14-3 and 11-14-4.

District	Lots: Minimum Area	Lots: Minimum Width	Dwelling: Minimum Area	Maximum Height
R-1	9,000 s. f.	60'	1,200 s. f.	26'
R-2: Single-Family	5,000 s. f.	60'	900 s. f.	26'
R-2: Two-Family	4,000 s. f./unit	60'	650 s. f./unit	35'
R-2: Multiple-Family	3,500 s. f./unit	60'	600 s. f./unit	35'
R-2: Apartments	3,500 s. f./unit	60'	500 s. f./unit	35'

R-2: MH*	5,000 s. f.	60'	900 s. f.	26'
R-3: Single-Family	4,500 s. f.	45'	700 s. f.	35'
R-3: Two-Family	3,000 s. f./unit	45'	500 s. f./unit	35'
R-3: Multiple-Family	3,000 s. f./unit	45'	450 s. f./unit	35'
R-3: Apartments	2,000 s. f./unit	45'	400 s. f./unit	35'
R-3: NM*	4,500	45'	550 s. f.	26'
R-4	1 acre	75'	1,200 s. f.	26'
RR-1	5,000 s. f.	50'	800 s. f.	26'
C-1	5,000 s. f.	60'	" "	35'
C-1: MH*	4,000 s. f.	45'	550 s. f.	26'
M-1	" "	60'	" "	35'
T-1	21,780 s. f.	100'	800 s. f.	35'
T-1: MH*	21,780 s. f.	60'	550 s. f.	26'

\* Not located within MHP





**CITY OF TRUTH OR CONSEQUENCES**  
**PLANNING AND ZONING COMMISSION ACTION FORM**  
**DATE: JUNE 24, 2020**

**ITEM: Public Hearing/Discussion/Action – 323 W Riverside**

**BACKGROUND:**

Property owner/representative is requesting a Plat Amendment and Variance. Applicant, Epifanio Buenaventa, is requesting to amend the existing property line to cleanly separate the houses from the mobile home park.

Property is located in the R-3 Zone with a minimum lot width requirement of 45'. Amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic. All required documents have been submitted and fees have been paid. Certified mailings were sent to required property owners.

Variance Request Chapter 15 - SUBDIVISION CODE Sec. 15-13. - Submitting a preliminary plat – “Both lots to be created have direct, legal, unobstructed access to an existing City maintained and paved street with curb gutter and sidewalk”; No Curb, gutter and sidewalk currently exist along and requiring the property owner to provide Curb Gutter and Sidewalk would be a financial hardship.

**SUPPORT INFORMATION:**

**Summary Plat Amendment**

**Assessor Map**

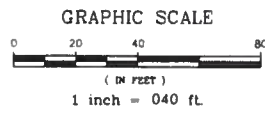
**Notice of Public Hearing**

Name of Drafter: Traci Burnette	:	Meeting date: 6-24-2020
E-mail: <a href="mailto:tburnette@torcnm.org">tburnette@torcnm.org</a>	Phone: 575-894-6673	



# ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT

of the alteration of property boundaries  
between Lots 15 through 17 and Lots 18 through 26, Block 38,  
Palomas Hot Springs Townsite,  
a subdivision in the City of Truth or Consequences, Sierra County,  
New Mexico



## Notes:

These tracts are subject to easements, restrictions and reservations of record

The tracts shown herein are located within the boundaries of Flood Zone AE "special flood hazard area inundated by 100-year flood with base flood elevations determined"

The herein described tracts were created under the City of Truth or Consequences Subdivision Codes, Ordinance Number 555, adopted May 23, 2006, (Chapter 15, Section 15, Alternate Summary Procedure)

Use drawing scale to determine measurements when not labeled

Improvements, (mobile homes, fences, etc.) located within parcel boundaries are not shown

## Reference:

Lots 15 through 17  
Account No. 36591, (Epifanio Buenavente)  
Book 131, Page 2247, (Quitclaim Deed)  
UPC 302-207-975-213

Lots 18 through 26, (Riverbreeze Mobile Home Park)  
Account No. 37161, (Roselind Tooner Buenavente Trust)  
Book 127, Pages 4244-4247, (Warranty Deed)  
UPC 302-207-520-414

Revised 4 Amended Plat of Palomas Hot Springs Townsite recorded on May 8, 1979,  
(Plat No. 28, Slide No. 68)

City of Truth or Consequences Subdivision Codes, Ordinance Number 555, (adopted May 23, 2006)

National Flood Insurance Program, Flood Insurance Rate Map Community-Panel Number 330073 00025 C, (map revised July 16, 1996)

## ACKNOWLEDGMENT

I, the undersigned owner and representative of the herein described properties do hereby acknowledge, with my free consent, and in accordance with my wishes and desires the alteration of property boundaries as shown on this plat.

*Roselind Tooner Buenavente Trust - Personal Rep. Epifanio N. Buenavente*  
Epifanio Buenavente

STATE OF NEW MEXICO  
COUNTY OF SIERRA

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of

February, 2020 by Epifanio Buenavente

Notary Public

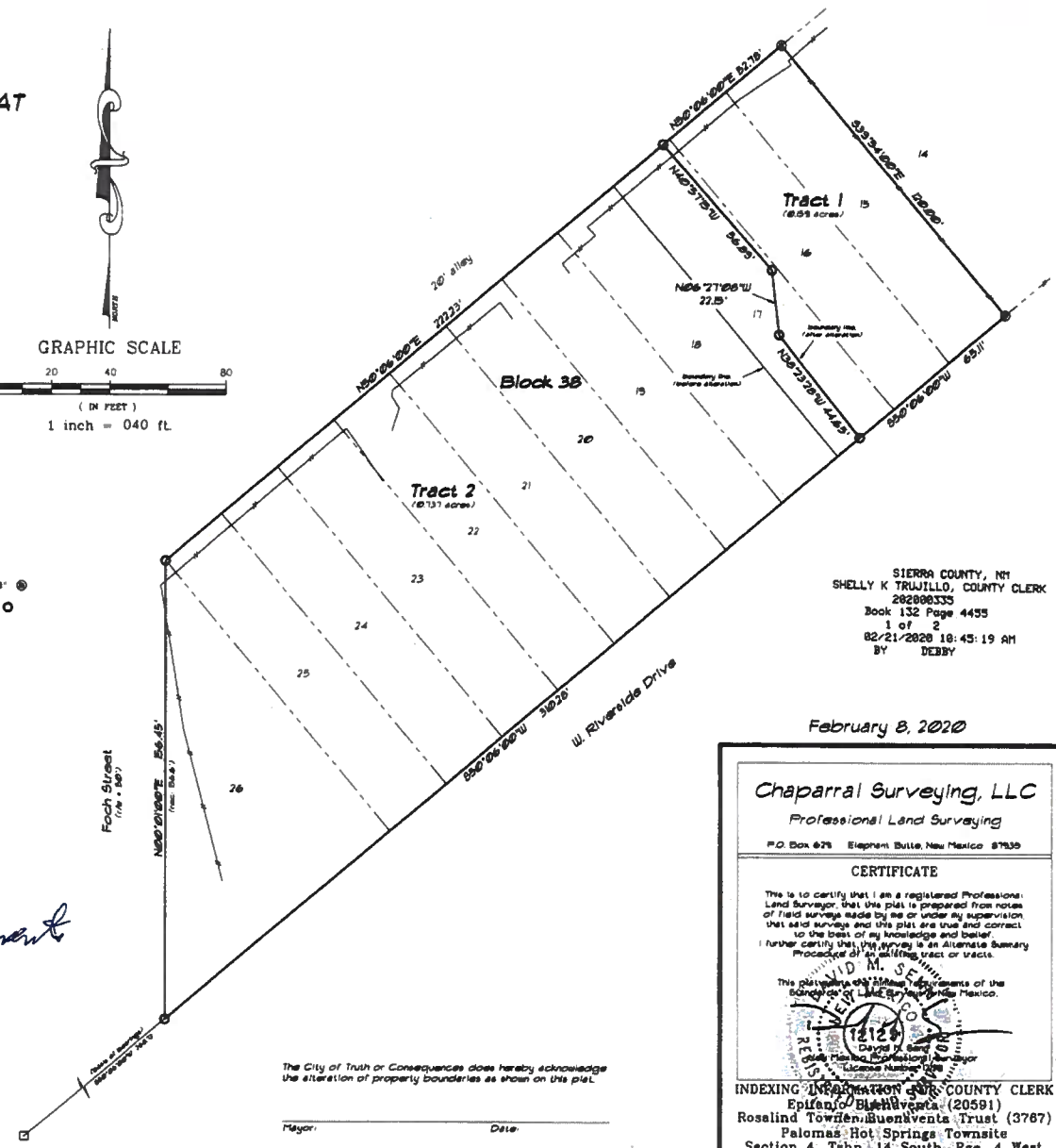
My Commission Expires:



OFFICIAL SEAL  
Destiny Welty

NOTARY PUBLIC - State of New Mexico

My Commission Expires 05-03-2023



The City of Truth or Consequences does hereby acknowledge the alteration of property boundaries as shown on this plat.

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

SIERRA COUNTY, NM  
SHELLY K TRUJILLO, COUNTY CLERK  
2020083335  
Book 132 Page 4435  
1 of 2  
02/21/2020 10:45:19 AM  
BY DEBBY

February 8, 2020

Chaparral Surveying, LLC  
Professional Land Surveying

P.O. Box 678 Elphinston, New Mexico 87539

## 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.

DAVID M. SEMMEL  
This plat is the property of the Surveyor and is to be kept in the Surveyor's files.  
12120  
Days of Survey  
Survey Number 12120

INDEXING INFORMATION FOR COUNTY CLERK  
Epifanio Buenavente (20591)  
Roselind Tooner Buenavente Trust (3787)  
Palomas Hot Springs Townsite  
Section 4, Tshp. 14 South, Rge. 4 West



3022079210115

3022079192113

3022079204123

30220

3022079187133

*Sandra K. Whitehead  
Mayor*

*Brendan Tolley  
Mayor Pro-Tem*

*Amanda Forrister  
Commissioner*



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

*Paul Baca  
Commissioner*

*Randall Aragon  
Commissioner*

*Morris Madrid  
City Manager*

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