

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MONDAY, JULY 12, 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, July 12, 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
Steven Zeschke, Member

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES:

- a. Regular Meeting of June 7 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 2103 S. Broadway, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of Plats. Traci Alvarez, Community Development Director.

5. REPORTS FROM THE BOARD

6. REPORTS FROM STAFF

7. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MONDAY, JUNE 7, 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, June 7, 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
Steven Zeschke, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Traci Alvarez, Community Development Director
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

- a. Regular meeting of Monday, May 3, 2021.

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

3. COMMENTS FROM THE PUBLIC: (3 Minute Rule Applies)

No responses from the public.

4. REPORTS FROM THE PLANNING & ZONING COMMISSION

Member Zeschke advised the Commission he will be out of town until October 2021. He requested a conference call set up option for future meetings. If option is not available, he may consider resigning. City Manager Swingle acknowledged Mr. Zeschke's dilemma and agreed resigning may be warranted do to the long term absence. Traci Alvarez, Community Development Director pointed out there is a current vacancy on the board. If Member Zeschke proceeds with his termination this will leave two vacancies that will need to be filled.

5. REPORTS FROM CITY STAFF

Deputy Clerk Barclay advised the Commission about next month's meeting in July. She noted it has been moved from July 5th to July 12th due to a Holiday conflict. She advised the Commission there will be a Public Hearing at the July 12th meeting. She also acknowledged Member Zeschke's request for a conference call setup.

6. ADJOURNMENT:

There being no further business to come before the Planning & Zoning Commission.

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

PASSED AND APPROVED ON THIS 12TH DAY OF JULY 2021.

Michael Hogg, Chairman
Planning & Zoning Commission

PLANNING & ZONING COMMISSION

Monday, July 12, 2021

4. PUBLIC HEARING:

- a. Public Hearing/Discussion/Action: Request for a Summary Plat Amendment at 2103 S. Broadway, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of Plats. Traci Alvarez, Community Development Director.

Attachments:

- Commission Action Form
- Parcel Aerial Map
- Plat of Survey
- Tract 1&2 Legal Description
- Public Hearing Notice
- Finding of Facts Checklist
- Sec. 11-2-2 - The Planning and Zoning Commission
- Sec. 15-15 – Alternate Summary Porcedure



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 07-12-2021

ITEM: Discussion/Action – Summary Plat Amendment – 2103 S Broadway

BACKGROUND:

Request to separate RV Park from private residence. All required documents and fees have been submitted.

Both lots meet minimum standards required for the district. This amendment does not have the effect to significantly alter the impacts on utilities, drainage, or traffic. Utility Verification form will be submitted at time of meeting.

SUPPORT INFORMATION:

Public Hearing Notice

Parcel Map

Plat Survey

Legal Description

Municipal Code References

Name of Drafter: Traci Alvarez	:	Meeting date: 07-12-2021
E-mail: tburnette@torcnm.org	Phone: 575-894-6673	



0 100 200ft

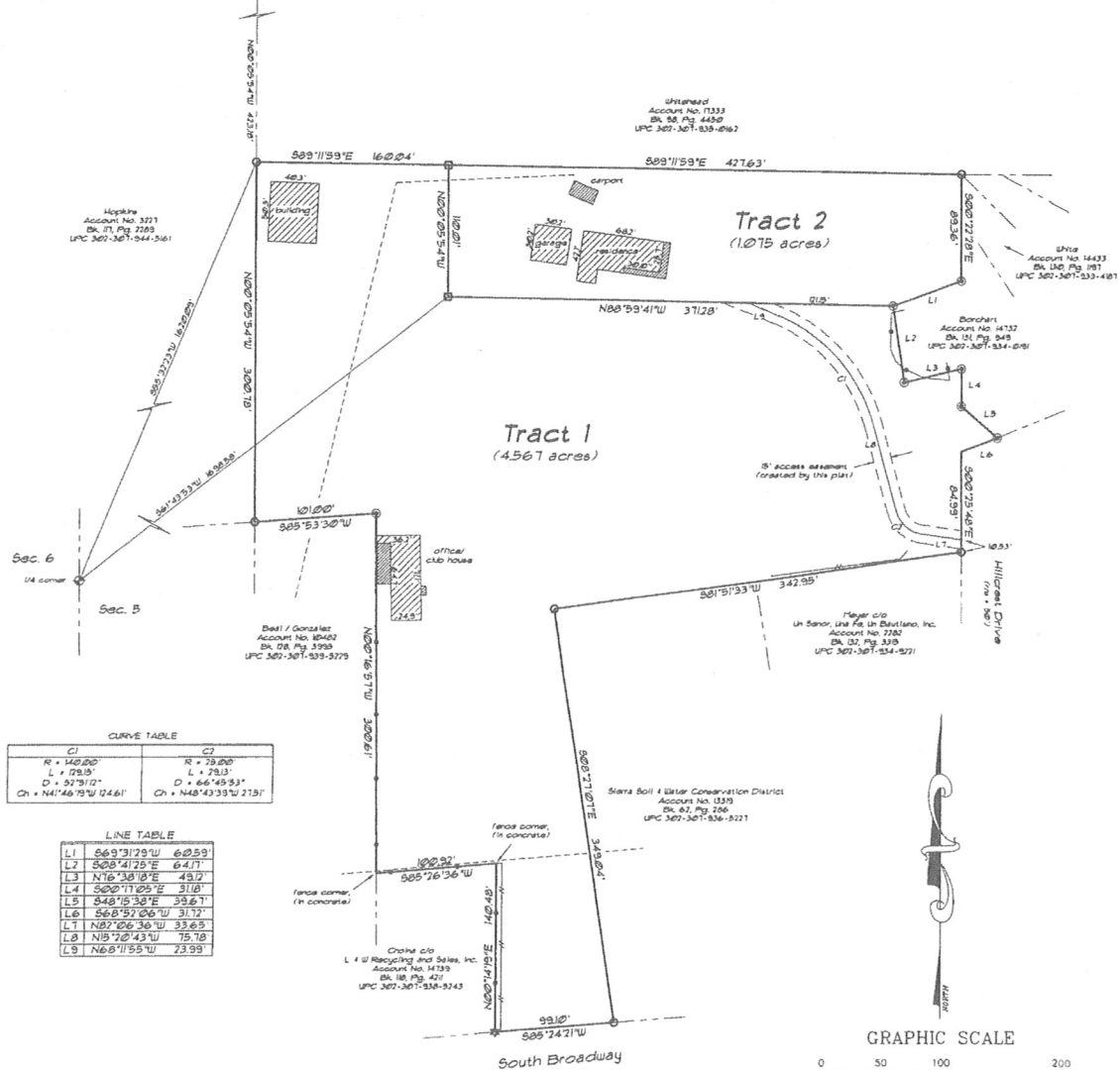
18500

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Go

ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT
of two tracts of land in the SE1/4 NW1/4 of Section 5,
Township 14 South, Range 4 West, N.M.P.M.,
in the City of Truth or Consequences, Sierra County, New Mexico



CURVE TABLE

C1	C2
R = 145.00'	R = 79.00'
L = 78.19'	L = 78.13'
D = 57°31'12"	D = 66°45'53"
Ch = N47°46'39"W 124.61'	Ch = N48°43'38"W 278.7'

LINE TABLE

L1	S69°31'29"W	60.59'
L2	S08°41'25"E	64.77'
L3	N76°30'18"E	43.72'
L4	S02°11'05"E	31.01'
L5	S48°15'30"E	39.67'
L6	S68°57'06"W	31.12'
L7	N87°06'36"W	33.65'
L8	N15°12'43"W	15.78'
L9	N68°11'55"W	23.99'

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).
Basis of bearings is NGS84, Geocentric North in ground distances based on GPS observations.
Use drawing scale to determine measurements when not labeled.

Reference:
Book 130, Pages 3235-3236
Account No. 12534
UPC 302-307-931-1/2
National Flood Insurance Program, Flood Insurance Rate Map for the City of Truth or Consequences, Sierra County, New Mexico, Community Plan No. 350673, Sheet C, Map revised, July 16, 1996, revised to reflect LOPR, April 23, 2008.
City of Truth or Consequences Subdivision Codes, Ordinance Number 555, (adopted May 23, 2006).

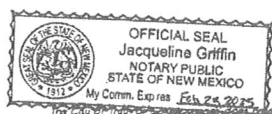
ACKNOWLEDGMENT

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 easement created as shown on this plat.

John H. Herbst
John H. Herbst, (Managing Member, Success Realty, LLC)
STATE OF NEW MEXICO
COUNTY OF SIERRA

The foregoing instrument was acknowledged before me this 25th day of

May, 2021 by John H. Herbst
Jacqueline Griffin
Notary Public
My Commission Expires: Feb 25, 2025



Mayor: _____ Date: _____

May 17, 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 minimum requirements of the Standards of Land Surveying in New Mexico.

David M. Sam
David M. Sam
New Mexico Professional Surveyor
License Number 17479

INDEXING INFORMATION FOR COUNTY CLERK
Success Realty, LLC
John H. Herbst (12534)
Section 5
Township 14 South, Range 4 West, NMPM

May 21, 2021

LEGAL DESCRIPTION-TRACT 1
(4.567 ACRES)

A tract of land situate in the SE1/4 NW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the NW corner of this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755", whence the west ¼ corner of Section 5, Township 14 South, Range 4 West, a "brass-cap" monument stamped "City of T. or C." bears S55°32'23"W, a distance of 1620.09 feet;

Thence, S89°11'59"E, a distance of 160.04 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S00°05'54"E, a distance of 110.01 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S88°59'41"E, a distance of 371.28 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S08°41'25"E, a distance of 64.17 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, N76°38'18"E, a distance of 49.12 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S00°17'05"E, a distance of 31.18 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S48°15'38"E, a distance of 39.67 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129", a point on Hillcrest Drive;

Thence, continuing along Hillcrest Drive, S68°52'06"W, a distance of 31.72 feet to an angle point in this tract;

Thence, continuing along Hillcrest Drive, S00°25'48"E, a distance of 84.99 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755";

Thence, S81°51'33"W, a distance of 342.95 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755";

Thence, S08°27'07"E, a distance of 349.04 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755", a point on S. Broadway;

Thence, continuing along S. Broadway, S85°24'21"W, a distance of 99.10 feet to an angle point in this tract, an iron pipe w/aluminum tag stamped "NMPLS 12129";

Thence, N00°14'19"E, a distance of 140.48 feet to an angle point in this tract, a fence corner in concrete;

Thence, S85°26'36"W, a distance of 100.92 feet to an angle point in this tract, a fence corner in concrete;

Thence, N00°16'57"W, a distance of 300.61 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S85°53'30"W, a distance of 101.00 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755";

Thence, N00°05'54"W, a distance of 300.78 feet to the point of beginning of the tract hereon described, containing 4.567 acres of land, more or less.

This legal description was prepared from a field survey by David M. Senn, NMPLS 12129, (re: Chaparral Surveying, I.I.C. Boundary Survey Plat dated May 17, 2021).

Chaparral Surveying, LLC

P.O. Box 629
Elephant Butte, New Mexico 87935
(575) 740-0334

May 21, 2021

LEGAL DESCRIPTION-TRACT 2 (1.075 ACRES)

A tract of land situate in the SE1/4 NW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the SW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129", whence the west ¼ corner of Section 5, Township 14 South, Range 4 West, a "brass-cap" monument stamped "City of T. or C." bears S61°43'53"W, a distance of 1698.58 feet;

Thence, N00°05'54"W, a distance of 110.01 feet to the NW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S89°11'59"E, a distance of 427.63 feet to the NE corner of this tract, a ½" rebar w/survcap stamped "NMPE & PS 1755";

Thence, S00°22'28"E, a distance of 89.36 feet to the SE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S69°31'29"W, a distance of 60.59 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, N88°59'41"W, a distance of 371.28 feet to the point of beginning of the tract hereon described, containing 1.075 acres of land, more or less.

This legal description was prepared from a field survey by David M. Senn, NMPLS 12129, (re: Chaparral Surveying, LLC, Boundary Survey Plat dated May 17, 2021).

Sandra K. Whitehead
Mayor



Paul Baca
Commissioner

Amanda Forrister
Mayor Pro-Tem

Randall Aragon
Commissioner

Frances Luna
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 5:30 p.m. regular scheduled Meeting on Monday, July 12, 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 2103 S. Broadway, Truth or Consequences, NM pursuant to Chapter 15, Sec. 15-17., Amendment of plats.

All interested persons are welcome to attend.

The agenda for this meeting may be obtained on Friday, July 9, 2021 on the city website 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, June 4, 2021

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 7-12-2021 Address 2103 S Broadway

Findings of facts for recommendations and decisions.

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

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

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

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

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

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

- G. *Findings of facts for recommendations and decisions.* In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:
1. Impair an adequate supply of light and air to adjacent property;
 2. Unreasonably increase the traffic in public streets;
 3. Increase the danger of fire or endanger the public safety;
 4. Deter the orderly and phased growth and development of the community;
 5. Unreasonably impair established property values within the surrounding area;

6. In any other respect impair the public health, safety and general welfare of the City; or

7. Constitute a spot zone and therefore adversely affect adjacent property values.

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

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

Sec. 15-15. - Alternate summary procedure.

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

1. A re-plat of a previously filed subdivision when:

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

2. The subdivision of previously unsubdivided land when:

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

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

C. *Elective pre-application procedure:*

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

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

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

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

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

E. *Submittal and review procedures:*

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

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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)