

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, APRIL 8, 2024**

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, April 8, 2024 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES:

- a) March 11, 2024

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

4. PUBLIC HEARINGS (5 Minute Rule Applies):

- a) Public Hearing/Discussion/Action: Summary Plat Amendment at 313 W. Riverside. Assistant City Manager Alvarez
- b) Public Hearing/Discussion/Action: Variance request at 1007 N. Caballo. Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers, and Vehicles as Dwellings. Applicant wishes to use his RV as a permanent dwelling unit. Assistant City Manager
- c) Public Hearing/Discussion/Action: Conditional Use Permit at 909 N. Foch. The applicant is in the R-1 District.

5. REPORTS FROM THE BOARD

6. REPORTS FROM STAFF

7. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, MARCH 11, 2024**

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, March 11, 2024 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Angela A. Torres, City Clerk

1. APPROVAL OF AGENDA:

Chairman Sisney made a motion to approve the agenda. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) February 12, 2024.

Member Luchini made a motion to approve the minutes. Vice Chairman Buhler seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Variance at 401 Hwy. 181 to allow a mobile home that exceeds the age limit.

City Clerk Torres swore in the participants for the public hearing.

Assistant City Manager Alvarez: This public hearing is for a variance request at 401 Hwy. 181 to allow a mobile home that exceeds the age limit. The mobile home in question is the mobile home that was located on the old Anderson Home property as an office for them. The applicant Jose Rios is from RY Construction, and he wants to continue to use that as an office and move it to the lot at 401 Hwy. 181. He relocated it there. He has just has not done any of the installation, pending this hearing, due to the film crew in town. They needed to move it from that lot. As a contractor he has every intent of bringing the exterior up to code on the mobile home and doing all of the work required to make it look nice. The public hearing is the request to be able to relocate that mobile home that is used as an office to this property and continue using it as an office.

Chairman Sisney opened the public hearing.

Vice Chairman Buhler: How old is that mobile home?

Applicant Jose Rios: We tried to look for a year on it, but there was nothing we could find on it. I think it is in the 90's.

Assistant City Manager Alvarez: We looked at the county and they didn't have anything on the file at the county either which was surprising.

Applicant Jose Rios: It is a modular unit vs. a mobile unit. The difference is that it was never a home. It was always an office. There weren't bedrooms, showers, or things of that nature. There is a restroom and 3 offices.

Assistant City Manager Alvarez: I was in there when Anderson Homes was there, and it was an office at that time.

Vice Chairman Buhler: What is the code for if you take an old mobile home off and you put it somewhere else in the city. Can you do that?

Assistant City Manager Alvarez: That's why we are here. It has to go through a public hearing.

Vice Chairman Buhler: So, no you're not supposed to. Is that correct?

Assistant City Manager Alvarez: In order to move a mobile home to a property that is older than 20 years, it has to go through this process. Due to the filming, he relocated the mobile home to

the property, because the film crew is taking over that lot for filming, but it is not unloaded or installed on the property. He had to wait until it came through here.

Applicant Jose Rios: I went through the purchase process with the state, but I do need a signature from Planning & Zoning for the variance and to sign off on my permit application so I can turn it in with the state, and then I will have to go through a process with the State of New Mexico.

Vice Chairman Buhler: So, you would ground set it and do all that, and nobody would be living there?

Applicant Jose Rios: No ma'am.

Vice Chairman Buhler: Would it have air conditioning and heating?

Applicant Jose Rios: Absolutely, and it's all going to get redone. It's actually immaculate inside. That's why I bought it.

Member Kent: You bought this from another business and you're moving onto your property? So, the movie didn't really have anything to do with it. You were moving it anyways?

Applicant Jose Rios: I was not going to move it until we got everything approved, but the film crew got here, and Andersons asked if I could move it.

Member Kent: So that rushed you along.

Applicant Jose Rios: I just put it on that lot in hopes to get it approved by you guys so I can get it set up. It will all go through the state process, and if it does get approved, I will be getting city electric and water. All of that will be moved onto that lot also, so there will be new services going in there from the city.

Vice Chairman Buhler: How long will it take for you to get it fixed up?

Applicant Jose Rios: No more than 90 days once it is approved. There is a process that we have to go through. Electric has to get moved on to it, and also water.

Assistant City Manager Alvarez: They will have to put in a tap request for utilities. None of that is there yet.

Applicant Jose Rios: If this gets approved, then Traci will be able to sign off on my application, and it will get sent into the state, so there is a process for the application that I have to go through after this is done, but I think I can get it done within 90 days.

Vice Chairman Buhler: You'll cut the tongues off too?

Applicant Jose Rios: Oh yeah. It is going to be ground set, and it will look like it is level to the ground. I will make it look pretty.

Member Luchini: What color are you going to paint it?

Applicant Jose Rios: I am going to keep it tan because all of the rest of the buildings that are already existing are tan.

Member Luchini: Is that city sewer also?

Applicant Jose Rios: I will have to look into it, but I'm pretty sure that we are going to have to install a septic.

Assistant City Manager Alvarez: I think so too. I don't think this sewer goes out that far, and I think that it is probably going to be Sierra Electric Coop. It might be really close to the city electric.

Applicant Jose Rios: I am right on the border with you guys, but is considered city limits along there.

Assistant City Manager Alvarez: The property is located in the area where you turn to go out to Elephant Butte. It is right at the edge of the city limits and county limits.

Member Kent: So, will this be visible from the street? So, if the mobile home were to be approved and you left it there, would it be visible from the road?

Applicant Jose Rios: It will be yes. It will be kinda hard to see because that property is down there on the bottom, but if you look hard, you can see it. And again, nobody can live in it because it was never a home.

Member Luchini: So, I imagine that the electrical inside is up to date?

Applicant Jose Rios: Yes. Licensed electricians, plumbers, and HVAC specialists will be hired. I am a licensed general contractor.

Assistant City Manager Alvarez: I work with RY Construction on quite a bit of their projects and they are always very good at bringing in their plans and submitting for their permits through the state. I can go to the state website and look very easily to see who has a state permit, and never a doubt, when I look his up, they have always been permitted through the state.

Vice Chairman Buhler: What is the time limit on bringing it up to date?

Assistant City Manager Alvarez: So that can be designated by you guys. We don't have a time limit set in our Municipal Code.

Applicant Jose Rios: I have 120 days before I have to renew my permit through the state, so let's say it takes me longer than 120 days, I will then have to re-submit for renewal through the state. Once I submit the renewal, then they will renew it for another 120 days. That is a state standard.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Variance at 401 Hwy. 181 to allow a mobile home that exceeds the age limit. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. NEW BUSINESS:

a) Discussion/Action: Permitted Uses—With Conditions - 401 Hwy 181 – Construction Yard and Storage units.

Assistant City Manager Alvarez: This property is in the commercial district, and by right allowance in the commercial district with conditions is allowance for a construction yard, as well as for storage units. They are permitted in accordance with the state and conditions and upon approval by the Planning & Zoning Board. I included that section of the code in your packet. If you look at page 3 of 4, number 11: Construction or Contractor's yard shall be maintained in a neat and orderly fashion, enclosed by a fence (6) feet in height, except that the height shall be limited to (3) feet on the street curb with a clear site triangle as defined in this code. Number 19 under Storage Units says: Units shall not be for commercial sales of products, merchandise, service or repair. This does not preclude a business from using the storage unit 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. This will be a normal storage unit place. He will have some storage units for people to store stuff in. We are requesting approval from the Planning & Zoning Board for that property to be used for a construction yard, as well as for the storage units.

Member Kent: So, the storage units don't exist yet? That's part of what you want to do with the land?

Assistant City Manager Alvarez: No not yet, and yes.

Vice Chairman Buhler: And that would be for the general public?

Applicant Jose Rios: Yes. I will not be storing junk in there either. I plan on buying all enclosed storage units.

Vice Chairman Buhler: You'll keep it neat and nice?

Applicant Jose Rios: Yes ma'am.

Vice Chairman Buhler made a motion to recommend approval to the City Commission for Permitted Uses—With Conditions - 401 Hwy 181 – Construction Yard and Storage units. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Discussion/Action: Revocation of Variance at 1306 Tin St.

Assistant City Manager Alvarez: As you know, you recommended, and the City Commission approved a variance request for an installation of a mobile home that exceeded the age limit on 1306 Tin Street. This one has been a little frustrating because they haven't met any of the development requirements. I know that you guys have been wanting to see this, and just know that we have a process that we have to go through. We have to give a person reasonable time, reach out to them. There are steps that we have to follow, so we have been following those steps. I've had a couple of conversations with that applicant, always with the promise to get going on it. Code Enforcement had to go through their process with the code violations. We still don't have any results. As per the Municipal Code, this board has the ability to revoke this. I know that our Municipal Code says that it should be automatically revoked if they haven't taken care of or constructed within 90 to 180 days after the building permits have been issued, but it is the attorney's recommendation that it come to this board first as a recommendation to proceed with the revocation. If you approve that, then we will issue an official letter from the attorney notifying the applicant that their variance will be heard at a public meeting in front of the City Commission with the intent to revoke, which means that they would have to remove the mobile home from that lot, or bring it to code. Those are the steps that the city attorney has recommended that I follow.

Vice Chairman Buhler: Would you want more time?

Assistant City Manager Alvarez: I think that the applicant has been given ample time. I've had conversations with them, and I feel like I was very clear, including mailing the section of the code that shows exactly what needs to be done. I know times are tight financially. I know that contractors are busy, but I've even requested some very simplified things, and I don't feel that those requests have been met.

Member Kent: Is the one that has been sitting on the property for quite some time before they even came asking for the variance?

"It was noted that was the same property Member Kent was referring to."

Vice Chairman Buhler: They have done a lot of work on it, and I think they have tried.

Member Kent: So, what you are saying today is, if we were to agree to the recommendation for the revocation, is that they would still have a chance to get it done.

Assistant City Manager Alvarez: Correct. They will be issued a letter that says that is will go in front of the Commission by public hearing, and that will give them some time, and then there will be a public hearing, and then the Commission has the opportunity to give them a deadline date at that point, so they have plenty of an opportunity.

Chairman Sisney: Were they invited to today's meeting?

Assistant City Manager Alvarez: No, not at this point in time. It was the attorney's recommendation to bring it to you first to see if this is the process that you wanted to follow. If this is the process you wanted to follow, then they will be notified that we are intending to revoke their variance request.

Member Luchini: What about the one on Simpson?

Assistant City Manager Alvarez: There is a process that we follow for all of these with deadlines and dates, and so I have to go through those processes and procedures. It has to do with the notification and getting a hold people, then the signing of certified letters because there are dates when they sign for things. I can say that I called somebody and left a message, but I don't necessarily have the proof so that's why we send certified letters, and if I don't get the signed certified mailing back, then there is no proof that they received it. We have to wait until we receive or serve them in another manner if the certified letter is not being signed for or picked up. There are other ways to serve them, so I have to get that documentation for deadline dates or hardcore dates to be able to take it to the attorney to where he feels comfortable enough going through this process.

Chairman Sisney: Why is this one timed out, but the one on Simpson hasn't?

Assistant City Manager Alvarez: Because I was able to get a hold of this person sooner, than I was able to get ahold of the other one.

Chairman Sisney: I'm curious of what the correspondence has been between the city and these people.

Assistant City Manager Alvarez: We have attempted phone calls, certified letters, and from there it goes to Code Enforcement. They attempt onsite visitation and issuance and violation letters. We've also had a turnover with our Code Enforcement Officer, so until we have signed certified letter, or until we have proof that the Code Enforcement Officer has made physical contact with somebody to speak to them, because they have the body cam, or serve in another manner other than a certified letter. Until we have those dates, the City Attorney is not comfortable going through this process until I can give him exact dates of when they received the notice.

Chairman Sisney: What is happening with the one on Simpson?

Assistant City Manager Alvarez: The same thing that is happening for this one here. We've attempted contact. We made some verbal contact with them over the phone, and Code Enforcement has also contacted them. Once we get enough information, and the Attorney feels that we have done our due diligence of contacting them, and he goes through the process of a revocation of a variance, then you will very well see that other one come to you. Hopefully it will be very soon.

Chairman Sisney: Can I see the interaction with you and the people on tin? I would like to see the contact, the letters that were mailed and what attempts were made to contact them.

Assistant City Manager: I can reach out to Code Enforcement and see if they have copies of the violation letters. I will have to ask if they sent a violation letter or if they met in person. I had conversations on the phone with them.

Chairman Sisney: Did they tell you that they just gave up and they don't want to get this thing done?

Assistant City Manager: No, they told me that they were going to get stuff done. That's what I'm saying. They haven't done what I requested them to do. That is why it is coming to you guys.

Member Kent: What have you requested that they are not acting on?

Assistant City Manager: it is supposed to be on a permanent foundation, or they need to go through CID for their mobile home permitting if it is not on permanent foundation. There is something with the state that allows that, but they haven't done anything. There is skirting that is required to be around the bottom of it. The wheels have to be out. The tongue can't be hanging out. There is a whole list of requirements that they have to meet for mobile home installation. That is for anybody who has a mobile home, not just someone who is putting one in that is less than 20 years old.

Member Kent: So, have they done any of it?

Assistant City Manager: No. Neither one has done anything that I've asked.

Chairman Sisney: In the future, I would like to ask that we see that stuff.

Assistant City Manager: I will have to check with the attorney to find out what is public record, and what isn't.

Chairman Sisney: I would like the information because I like to be as informed as possible while making a decision. I don't want to make any mistakes. Will this letter give them the opportunity to ask for an extension?

Assistant City Manager: Yes. Potentially. This is a new process. Our attorney hasn't even done it before. I had to do a lot of digging in our Municipal Code before I was able to tell him that we have the authority to do this. A public hearing will be held in front of the Commission, and anybody could come and speak for or against it, including this board. The Commission has the authority at that point in time to grant them more time if they wish. Again, this is a new process. It is not clear in our code.

Member Luchini: Should we create the process before we make a motion?

Assistant City Manager: You can. That is going to be a long process. You are looking at a good 60 to 90 plus days minimum. Probably even more than that because it would be an ordinance change. We would have to draft the ordinance, it would have to go the City Commission for publication, there is a publication timeline, and then it would go back to the Commission for a public hearing and final adoption. Then it takes how many days after they adopt an ordinance?

City Clerk Torres: This type of ordinance would be 5 days after adoption, but since it an ordinance, it could be petitioned within 30 days after adoption.

Assistant City Manager: You also have to take into consideration the time it will take for the Planning & Zoning Commission to draft the ordinance and procedures that they want.

City Clerk Torres: That is something you can keep in mind for the future.

Member Luchini: It's just that, unless we read every section of the code (and we should), we don't realize these things until it comes up here.

City Clerk Torres: Do you want me to provide you with the Planning & Zoning Ordinances again?

Member Kent: It's all online isn't it?

City Clerk Torres nodded yes.

Assistant City Manager: The municipal code is huge, and there are a lot of things that we are very familiar with, but then every once in a while, something odd comes up that we've never done before, so then we start reviewing it in the code, and the code sometimes doesn't give us a whole lot of guidance, and at that point in time, we reach out to the attorney for their recommendation. When this happens, we make note of that section that needs to be revised. We had an engineering firm that came in at one point and talked about working on revising the entire Municipal Code. That is something that has been put on the back burner because it will cost around \$26,000 to revise our entire Municipal Code, so we have been trying to do it little by little in-house.

Vice Chairman Buhler: I think it is a good recommendation, because it will put more pressure on those people to do what they are supposed to do, and what they agreed to do. I don't think anyone is living there.

Member Kent: The things you are asking for by the examples you have given are not huge or overly extensive things. They should be able to follow through with your request because that was part of the agreement when they were granted the variance. That is what you have to do if you want to have this on your property. It is written in the code. I've read it, so if we need to take action to encourage them along a little more, then I hope they come through.

Assistant City Manager: If I saw a little bit of progress, it would be ok. I know that skirting a trailer can be expensive, but if I saw even one panel or one section going up a month or a couple of things done here or there or a little bit at a time, then it would be different, but when you see no progress, that is when you have to learn to draw a line.

Vice Chairman Buhler: This request is not unreasonable.

Vice Chairman Buhler made a motion that city staff work with the City Attorney to draft a letter for the intent to revoke the Variance at 1306 Tin St. Member Kent seconded the motion. Roll call vote was taken. Motion carried unanimously.

6. REPORTS FROM THE BOARD:

There were no reports from the board.

7. REPORTS FROM STAFF:

There were no reports from city staff.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:37 p.m.

PASSED AND APPROVED ON THIS 8th DAY OF April, 2024.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-8-2024

ITEM: Public Hearing/Discussion/Action: Summary Plat Amendment 313 W. Riverside

BACKGROUND: Applicant wishes to amend their lot line. Property is located in the R-3 District. Both lots meet minimum required for the district. All required documents have been submitted, and fees paid. Both lots have direct access to City Water/Sewer/Electric and Streets.

SUPPORT INFORMATION:

- Summary Plat
- Parcel Maps
- Applicable Code Reference
- Finding of Facts Checklist
- Notice of Public Hearing

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

ALTERNATE SUMMARY PROCEDURE-SUMMARY PLAT

of two tracts of land
being part of Lot 10 and all of Lots 11, 12, 13 and 14, 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 hereon are located within the boundaries of Flood Zone AE,
"special flood hazard area inundated by 100-year flood, with base flood elevations
determined"

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 corners found without survey identification, an aluminum tag stamped "NMPLS 12129"
was applied

Reference:

Account No. 4241

Book 113, Pages 1738, (Warranty Deed)

UPC 302-207-918-5107

Revised & Amended Plat of Palomas Hot Springs Townsite recorded on May 8, 1929,
(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
350013 0005 C, (map revised: July 16, 1996)

ACKNOWLEDGMENT

We, the undersigned owners and representatives of the hereon described properties, do
hereby acknowledge, with our free consent, and in accordance with our wishes and desires,
the division of lot boundaries into Tracts 1 and 2, as shown on this plat.

Donna Pogreba
Donna Pogreba
STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 20th day of
February, 2024 by Donna Pogreba

[Signature]
Notary Public

My Commission Expires: May 27, 2025

[Signature]
Larry Pogreba

STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 20th day of
February, 2024 by Larry Pogreba

[Signature]
Notary Public

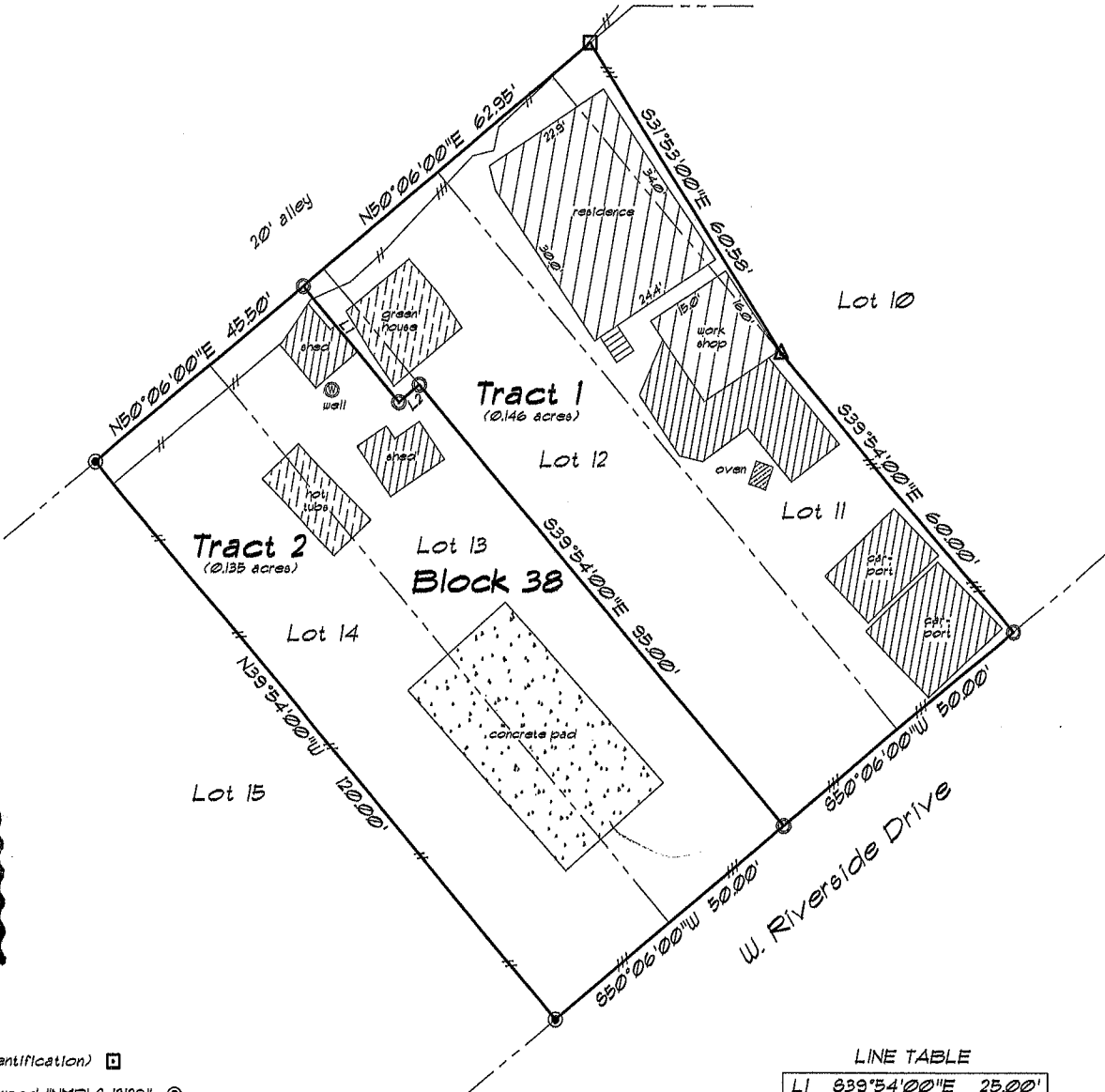
My Commission Expires: May 27, 2025

NANCY MORA
Notary Public - State of New Mexico
Commission # 1134558
My Comm. Expires May 27, 2025

Legend:

- found 1/2" rebar, (no survey identification) ☒
found 1/2" rebar w/survcap stamped "NMPLS 12129" ☒
found 5/8" rebar w/survcap stamped "RLS 2473" ☒
set 1/2" rebar w/survcap stamped "NMPLS 12129" ☒
board fence ☒
panel fence ☒

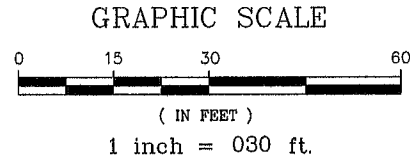
NANCY MORA
Notary Public - State of New Mexico
Commission # 1134558
Expires May 27, 2025



LINE TABLE		
L1	S39°54'00"E	25.00'
L2	N50°06'00"E	4.50'

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

Mayor: _____ Date: _____



February 15, 2024

Chaparral Surveying, LLC
Professional Land Surveying
P.O. Box 629 Elephant Butte, New Mexico 87935

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 Surveys in New Mexico.
[Signature]
David M. Senn
New Mexico Professional Surveyor
License Number 12129

INDEXING INFORMATION FOR COUNTY CLERK
Donna & Larry Pogreba (4241)
Palomas Hot Springs Townsite
Section 4, Tshp. 14 South, Rge. 4 West



Marr Avenue

South Pershing Street

Mims Street

Van Patten Avenue

West Riverside Drive

South Foch Street

100 ft
20 m



Search ✕

Search by Address ▾

313 W Riverside 🔍

Search results (1) Options ▾

▶ 313 W Riverside Dr, Truth Or Consequen...



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. 15-17. - 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. 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. 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-2	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

Sec. 11-14-3. - Residential and Transition Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a residential or transition District:

A. *SETBACK EXCEPTIONS:*

1. A minimum side yard setback of zero (0) feet in a residential District only, providing all the following requirements are met:
 - a. The setbacks are authorized by the City Commission as part of an approved development.
 - b. There shall be no less than ten (10) feet, including roof overhang, between structures, except approved condominium and townhouse developments with common wall construction.
 - c. All zero (0) lot lines shall be on the same side of all lots in a development.

2. The minimum setback distance shall be maintained for both front yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered upon application for variance to the Planning and Zoning Commission.
 3. New dwellings may be erected as close to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.
 4. An addition to a main dwelling shall be permitted as an extension of existing building lines, which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
 5. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting on R-1 or R-2 District.
- B. *FRONT-YARD PARKING.* Parking areas shall not cover over one-third ($1/3$) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds ($2/3$) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) feet parking area is permitted. Townhouses and apartment lots may use three fourths ($3/4$) of the front yard for parking.
- C. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.
- D. *EASEMENT ENCROACHMENTS.* There shall be no permanent structures located on easements without written approval of the City Commission.

Sec. 11-14-4. - Commercial and Manufacturing Districts: Additional Provisions and Exceptions.

The following provisions shall apply to all development in a commercial or manufacturing Districts:

- A. *SETBACK EXCEPTION.*
1. A zero (0) foot side yard shall be permitted only when:
 - a. A building on the abutting side is at least five (5) feet from the property line; or
 - b. Both buildings share a common wall on the side property line; or
 - c. When the abutting property is undeveloped. Otherwise, a five (5) foot setback is required.
 2. There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential District. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and any commercial or industrial structure.
- B. *MINIMUM DISTANCE BETWEEN STRUCTURES.* There shall be no less than ten (10) feet between buildings or structures located on the Same lot, tract, or parcel.
- C. *PRIVATE STREETS.* All non-dedicated streets or private drives shall be a minimum of twenty-four (24) feet in width.

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.

*Spot Zoning: The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*505 Sims St.
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www.torcnm.org*

*Destiny Mitchell
Commissioner*

*Ingo Hoeppe
Commissioner*

*Angie Gonzales
City Manager*

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 Monday, April 8, 2024, to receive input regarding the following:

Public Hearing/Discussion/Action: Summary Plat Amendment at 313 W. Riverside.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 941-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, April 5, 2024 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 22, 2024



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-8-2024

ITEM: Public Hearing/Discussion/Action: Variance Request 1007 N Caballo Road

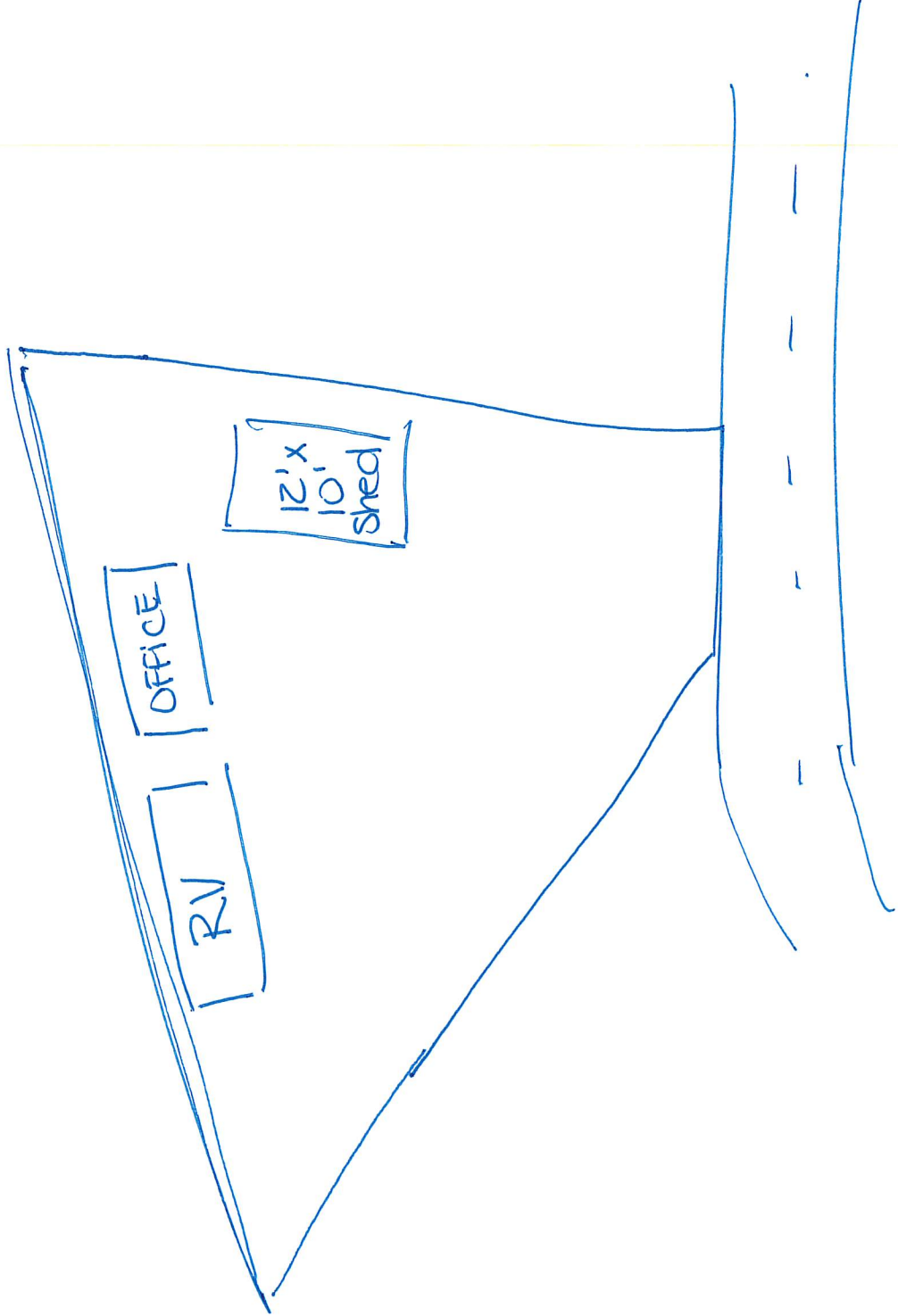
BACKGROUND: Applicant is requesting a variance from Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers, and Vehicles as Dwellings. Applicant wishes to use his RV as a permanent dwelling unit.

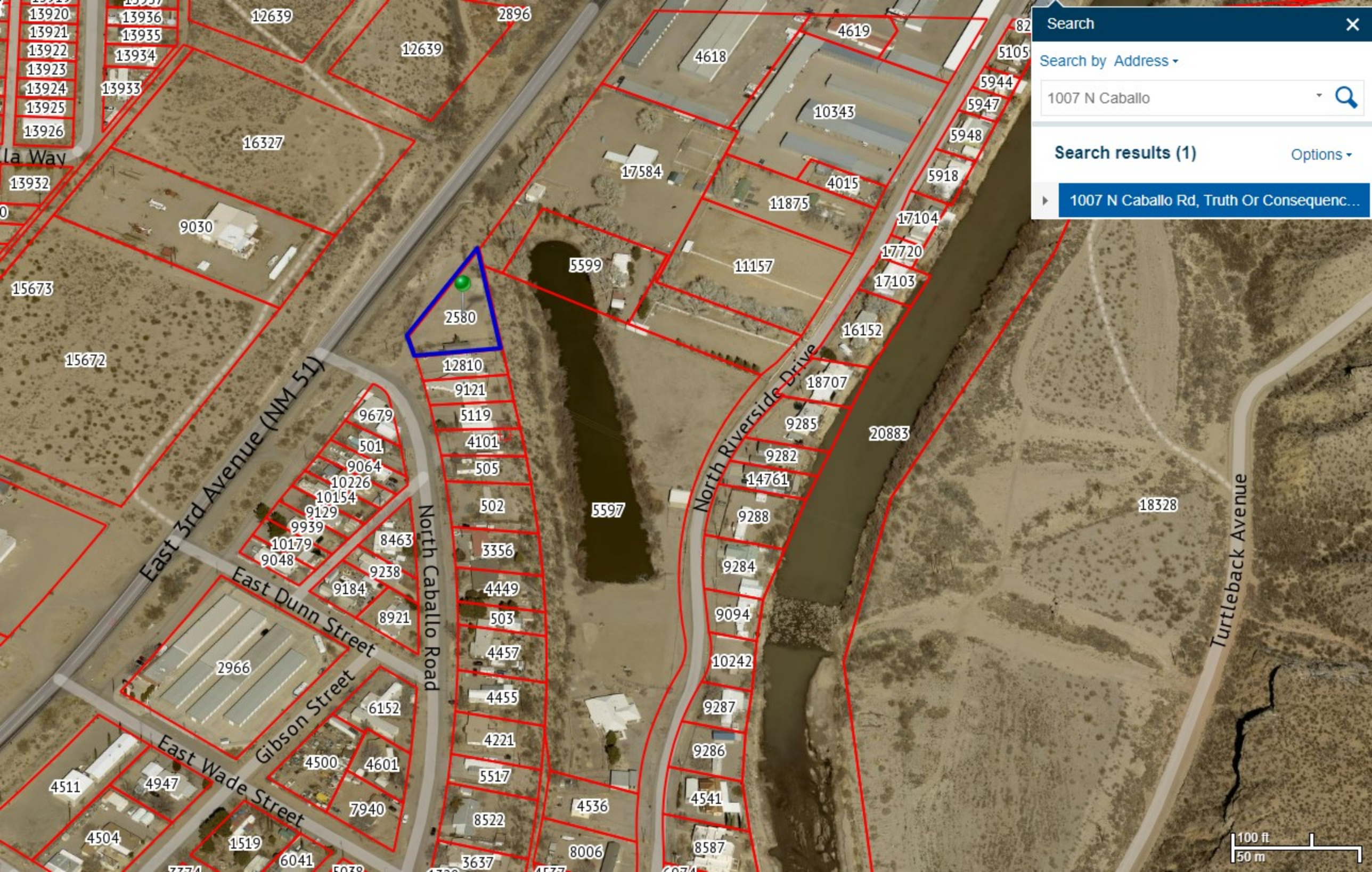
SUPPORT INFORMATION:

- Site Plan
- Parcel Maps
- Applicable Code Reference
- Finding of Facts Checklist
- Notice of Public Hearing

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

1007 N. Caballo





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Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers and Vehicles as Dwellings.

Recreational vehicles, boats, camping and travel trailers, truck campers and vehicles shall not be used as permanent or temporary dwellings or immobile living quarters on any private or city owned property or easement, except in a lawfully operated Recreational Vehicle Parks (RVP's) as approved by special use permit per Sec. 11-11-5. Utility connections are permitted for said units only within recreational vehicle parks (RVP's). The use of said units as temporary living quarters must be approved and permitted by the designated zoning official, may not be permanently connected to sewer lines, water lines, or electrical lines and shall not exceed the timeframe as approved by the designated zoning official and be restricted to a lot upon which a permanent dwelling is being constructed pursuant to 11-3-2 Building Permits and Plans and construction is moving forward in a timely manner. Transit travelers passing through the City may be allowed temporary parking on a commercial privately owned property with property owner or management consent, but such parking shall be limited to a period of not more than 12 hours unless a vehicle emergency maintenance, roadway hazard, medical emergency or inclement weather incident exists where the parking timeframe may be extended to a reasonable time necessary to resolve the incident. Special event attendees may be allowed temporary parking on a public or privately owned property with the consent of the property owner or manager. Said parking may not exceed seven (7) consecutive days and will require written approval by City Management. Special events are defined as: pageants, fairs, carnivals and large athletic events, religious or entertainment events, or large community gatherings that typically have one or more of the following characteristics: outdoor amplified music, a stage or staging, event lighting, tents, additional parking accommodations, traffic restrictions, and other characteristics consistent with larger gatherings that are not consistent with occasional residential parties.

(Ord. No. 726 , 3-9-22)

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



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Commissioner*

*Ingo Hoepfner
Commissioner*

*Angie Gonzales
City Manager*

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 Monday, April 8, 2024, to receive input regarding the following:

Public Hearing/Discussion/Action: Variance request at 1007 N. Caballo. Sec. 11-11-6. Recreational Vehicles, Boats, Camping and Travel Trailers, Truck Campers, and Vehicles as Dwellings. Applicant wishes to use his RV as a permanent dwelling unit.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 941-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, April 5, 2024 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 22, 2024

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.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-8-2024

ITEM: Public Hearing/Discussion/Action: Conditional Use Permit at 909 N. Foch

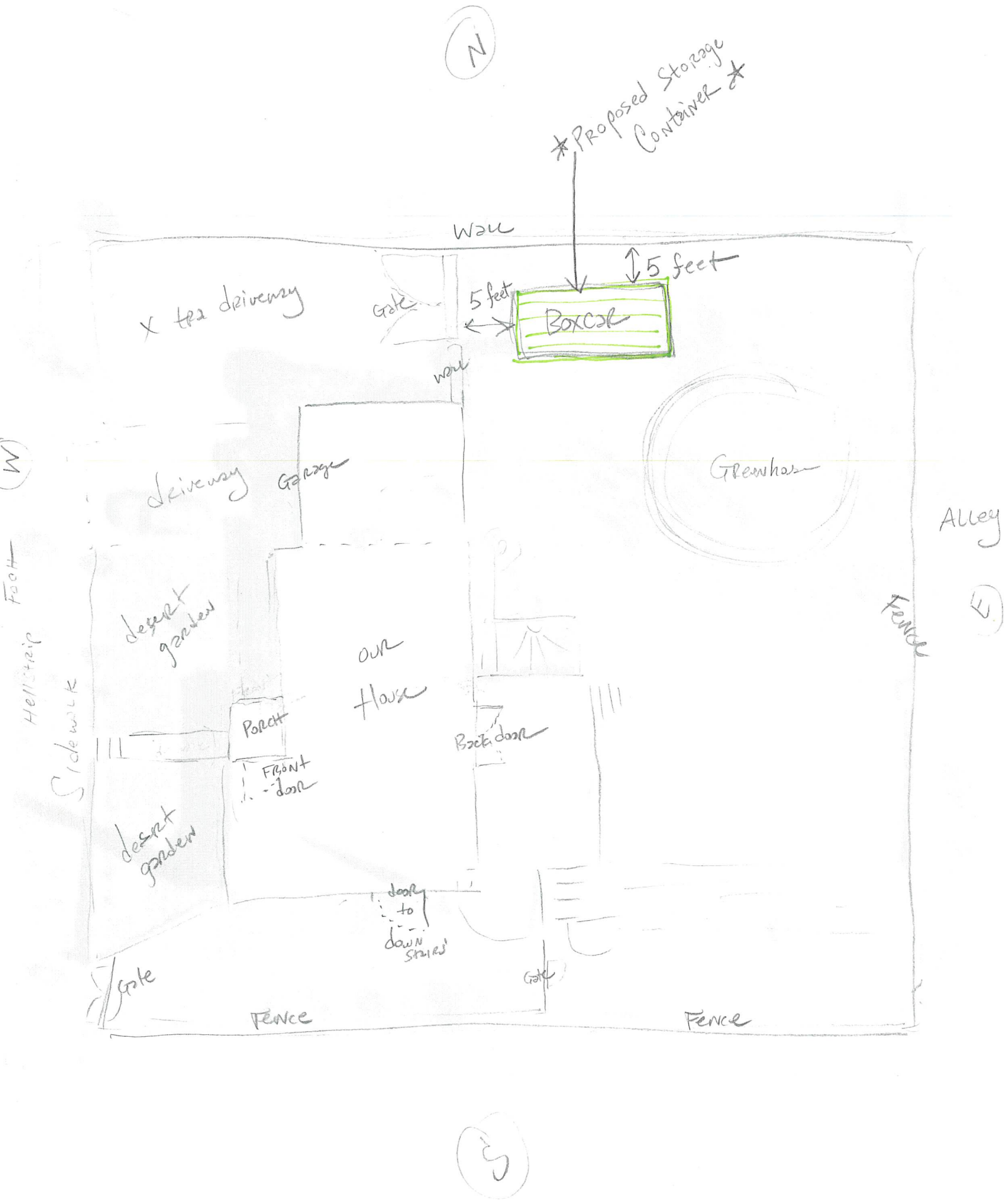
BACKGROUND:

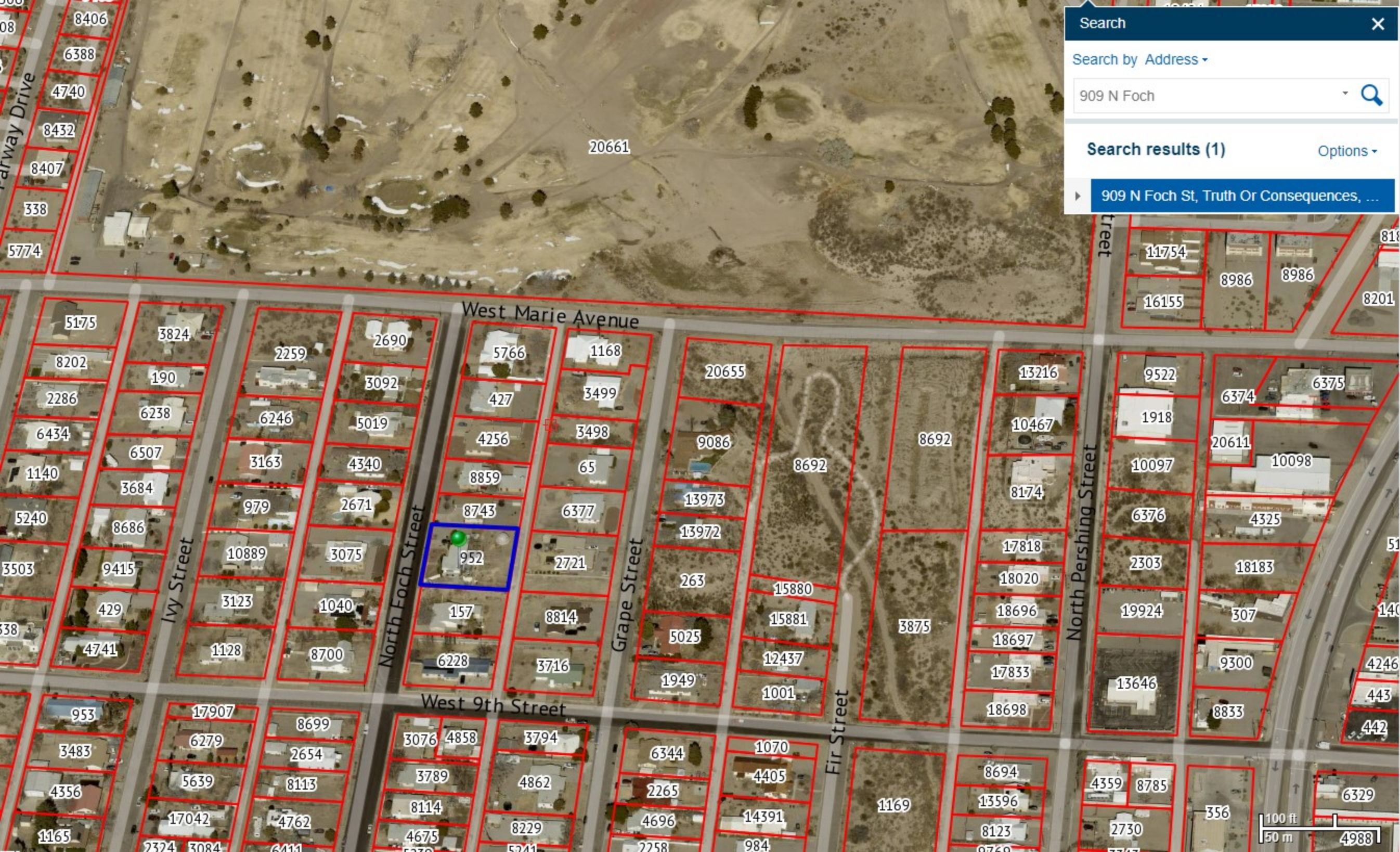
Applicant wishes to use a shipping container as a storage unit on his property. Property is located in the R-1 District and requires a Conditional Use Permit.

SUPPORT INFORMATION:

- Site Plan & Parcel Map
- Applicable Code References
- Public Hearing Notice
- Finding of Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	





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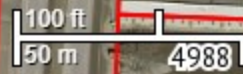
909 N Foch

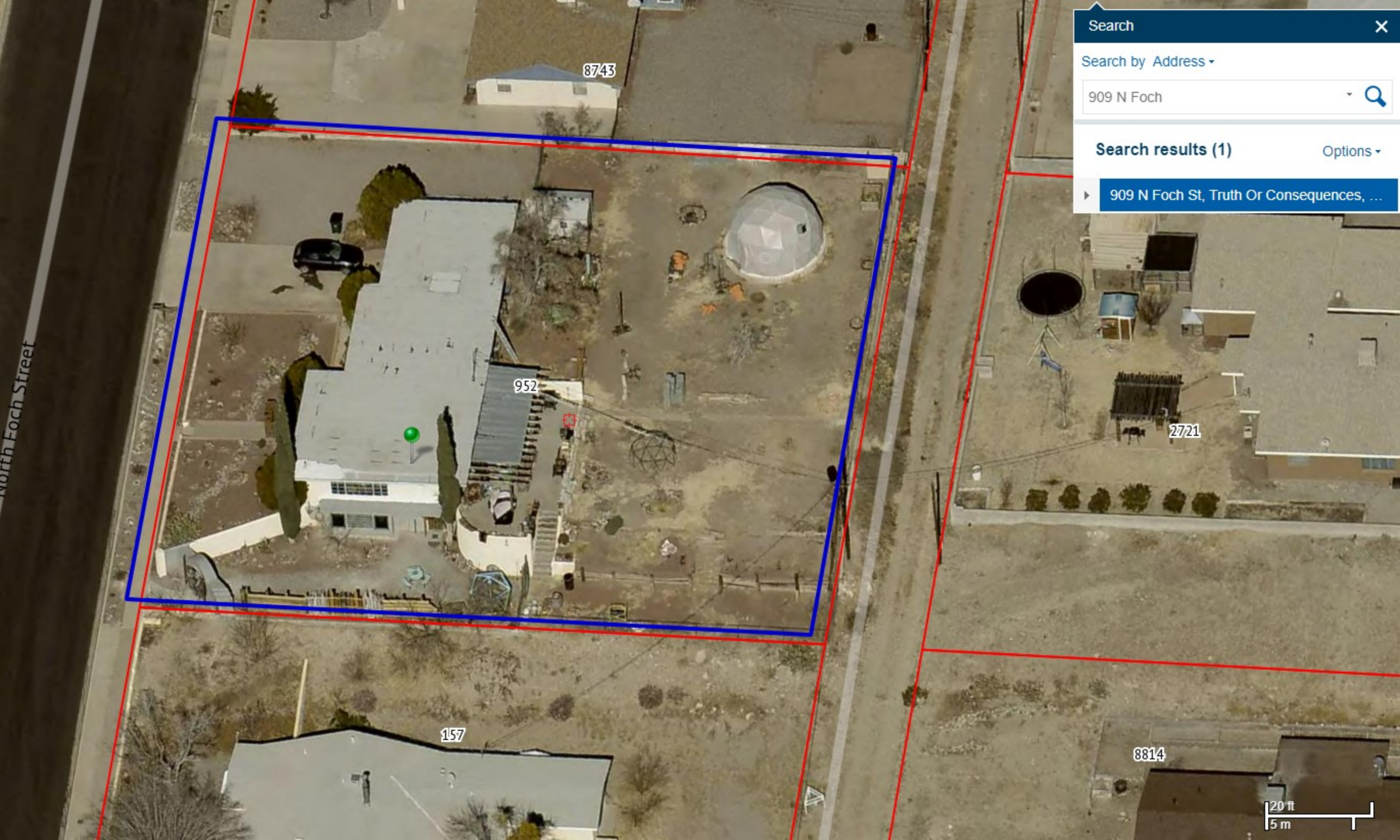
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North Foch Street

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909 N Foch

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Sec. 11-5-3. Conditional Use Permit.

A permit may be authorized by the Planning and Zoning Commission for uses stipulated as conditional within specific Districts and as presented in Article IX of this Code.

A. *Provisions for conditional use.*

1. The use must be desirable or essential to the public welfare, safety, health, morals or convenience of the residents in that District.
2. The use must be compatible to the existing uses in that District.
3. The use may be important to the development of an undeveloped area.
4. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.

B. *Fee.* A non-refundable application as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for a conditional use permit shall be in the format stipulated by the City and shall contain plans and other information as required by the City. The completed application for a conditional use permit,, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Review.* A conditional use permit shall be subject to review on each annual anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the conditional use permit may be revoked by the Planning and Zoning Commission.

E. *Transferal.* Conditional use permits shall not be transferable from location to location, building owner to building owner, or applicant to other party.

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
 - 1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.

-
2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
- a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731 , § 1, 8-10-22)

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoeppe
Commissioner*

*Angie Gonzales
City Manager*

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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 Monday, April 8, 2024, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit at 909 N. Foch. The applicant is in the R-1 District.

Sec. 11-10-4 (B) Storage Units/Shipping Containers: Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units, as long as they are not used for dwelling purposes, and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 941-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, April 5, 2024 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 22, 2024

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.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.