

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, MAY 11, 2026**

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, May 11, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. April 13, 2026

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

4. PUBLIC HEARING

- a. Discussion/Action: Request for Vacation of Plats at W. Austin Street.
- b. Discussion/Action: Request for Vacation of Plats at 418 Locust Street.
- c. Discussion/Action: Request for Plat Amendment at 2300 Veater.
- d. Discussion/Action: Request for a Variance at 1199 E. Riverside.

5. WORKSHOP:

- a. Shipping Containers

6. DISCUSSION:

- a. Sign Heights

7. REPORTS FROM THE BOARD

8. REPORTS FROM STAFF

9. ADJOURNMENT

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MINUTES
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INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk
Tyler Knull, Code Compliance Officer

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) March 9, 2026.

Member Luchini made a motion to approve the minutes. Member Hammer seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

Deputy Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Conditional Use Permit at 1107 N Bosque.

Assistant City Manager Alvarez: Good afternoon, I just want to start off by letting the board know that we are aware of all the violations in this area and working on getting them addressed. Keep in mind that is not what we are here for on this issue. The applicant is here with a conditional use permit request. Per our code you have to have a conditional use permit to have a shipping container on your property. The shipping container has been on the property since before shipping containers were in our code.

Chairman Sisney: Does a conditional use permit transfer with the sale of a property?

Assistant City Manager Alvarez: If their property sales or changes hands then that lot needs to go back into normal compliance.

Member Kent: A conditional use permit does not stay with the property upon sale. It's for whoever it's been issued to which would be the current owner.

Assistant City Manager Alvarez: I would have to review my notes. I think conditional use is only applicable to the specific property owner.

Member Hammer: It is. It's annual and it does not transfer with the sale of the property. Were as a variance is permanent.

Chairman Sisney: It was stated that they were out of compliance. Are the setbacks and everything else is good?

Assistant City Manager Alvarez: Yes.

Chairman Sisney: Ok so the only thing out of compliance was that the shipping container hadn't been permitted yet.

Assistant City Manager Alvarez: It hadn't been approved correct.

Member Hammer: The other odd thing about this conditional use permit and the storage container is that there is not a residence on the property.

Assistant City Manager Alvarez: Correct. There is not a structure which is part of the approval of the conditional use permit. Their action would be if you wanted to recommend approval it would be to recommend the approval of the conditional use permit to allow the storage container on a property without a main dwelling or principal building.

Member Hammer: Did you get any feedback from the public.

Assistant City Manager Alvarez: I have not received any.

Member Kent: It stated that there was a fence around the property. Is it a privacy fence or just a chain linked fence?

Assistant City Manager Alvarez: It's a privacy fence.

Member Kent: The aerial view doesn't show.

Assistant City Manager Alvarez: The aerial view is kind of outdated it's from 2024. Their lot is great though. I was out there today and it's very nice. I will say that as soon as the applicants were notified by code enforcement, they were reactive immediately and in the office to see that they could do.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Vice-Chairman Buhler made a motion to recommend approval to the City Commission for a Conditional Use Permit at 1107 N Bosque on the lot without a principal dwelling. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. WORKSHOP:

Assistant City Manager Alvarez: I'm going to hand out a workbook of chapter 16 planning and zoning where it identifies each subsection. It's pretty simplified and it will say like article 1 is there something in there you guys wish to update yes or no or if you guys want to leave it as is. That will also help us to funnel things for your review. This isn't something you need to do this evening if you want to review it and get it back to us in a couple of weeks, that gives us time to start compiling items for your next planning and zoning meeting.

Member Hammer: This is good, thank you and thank you to Manager Whitehead.

Assistant City Manager Alvarez: We have a big budget meeting for the commission all day tomorrow, so he does send his apologies for not being able to attend.

Vice-Chairman Buhler: At the last meeting he did say he would find out what the rules were for the river.

Assistant City Manager Alvarez: I will follow up with him.

Chairman Sisney: You talking about powered vessels?

Vice-Chairman Buhler: Yes, everything. There should be some type of signs.

Chairman Sisney: Yes, if we don't nip it in the butt there are going to be jet skis and all kinds of that stuff.

Code Enforcement Officer Knull: As far as I know that is the Bureau of Reclamation.

Assistant City Manager Alvarez: The question of it is the enforcement of it. Is there something that the city can do for potential enforcement? Is the County enforcing that?

Vice-Chairman Buhler: A sign.

Assistant City Manager Alvarez: Who do we call if there is an incident? We don't have anything in place so the question with the city manager is that something we can look at putting in place. I know it has come before commission.

Vice-Chairman Buhler: I think signage is really important especially for glass containers in the river and things like that. I personally have known people who have stepped and injured themselves with glass in the river. The use of the gas boats and jet skis.

Assistant City Manager Alvarez: I don't know about putting signage on the riverbank obviously on any riverbank area that is adjacent to city property that is something that we can look at but a lot of the riverbank is on private property or it is BOR property so we will have to find. It's kind of like state DOT I can't just approve a sign that goes out on Broadway, Main or Date those things have to go up at the state level. The state may say no you can't do that. Like the downtown area where everyone has sidewalk signs those are technically not allowed by state. They are good at turning a blind eye unless somebody calls in a complaint.

Member Kent: I think at a minimum for the river the new boat ramp is on city property.

Assistant City Manager Alvarez: That will have signage.

Member Kent: That is going to have a lot of good signage about safety and what is and isn't allowed. There are a couple of put in and take out points on the river that probably we could encourage them.

Assistant City Manager Alvarez: We have the big one at the end of 3rd Street by the bridge area that is all Ted Turner property.

Vice-Chairman Buhler: Rotary Park would be a good place also.

Assistant City Manager Alvarez: Rotary Park is a good one. They have signage that they are working on. They just announced at the last commission meeting that OJ received funding of a master plan for Rotary Park as well as a Feasibility study for the surf wave. Those are all things that we can look into. I just don't know, other than Ralph Edwards Park and Rotary Park, where else to put signage without it going into BOR or private property. I will relay that info to the city manager.

Vice-Chairman Buhler: You know where you go across the bridge that's where a lot of people go into the river there.

Member Kent: But that's not city property there.

Vice-Chairman Buhler: I don't know whose property it is. I would think that some residents wouldn't mind maybe having a sign either as long as it wasn't permanent.

Chairman Sisney: The houseboat that's on the riverbank does that guy still own that property?

Assistant City Manager Alvarez: I think that is technically under code right now so it's not something he can talk about.

Chairman Sisney: Does he still own the property?

Code Compliance Office Knull: I can't really discuss this.

Chairman Sisney: That guy use to rent jet skis out of that place.

Member Kent: Nobody lives there anymore and they haven't been doing that for several years.

Code Compliance Office Knull: It does look vacant. I haven't received any further continuation of violation but after taking it to court I haven't heard anything.

Member Luchini: He is under code is that you said.

Code Compliance Office Knull: It's under me right now and I'm going through proper enforcement.

Assistant City Manager Alvarez: I can tell you clear back when it was set up before Tyler even started code enforcement and I had code enforcement we had code issues that even went through our municipal court at that time. Just simply the houseboat there alone is a violation of our code. Like we have said we can take things to court all we want but we can only get so far. That's one of the things that hopefully restricting this and what Tyler and the city manager and his department are working on for a potential different way to handle these properties will help us.

Member Luchini: Is that private property?

Assistant City Manager Alvarez: Yes. It's a really little triangle property.

Member Luchini: Does he have utilities there?

Assistant City Manager Alvarez: No. I can't speak on electric out that way it would be Sierra Electric Coop but there is no sewer and water from the city.

- a. Special Use Permit**
- b. Variance Request**

Member Hammer: When we make a recommendation to approve a variance request and the city approves it according to the notes its forever. Is the any point and time where you either get more data or you realize the data that you received wasn't sufficient and then you can review that again.

Assistant City Manager Alvarez: Yes, that comes with property inspection getting out in the field. Which is something I'm not as good at now but that's why I rely on Tyler a little bit more. We have had a couple of instances where we allowed a variance for a mobile home. The pictures they submitted made the mobile home look like it was really nice but when that mobile home got put on the property it was not nice. They were issued a few different letters on bringing it into compliance for the variance they requested. When they didn't meet that compliance, I followed up with the property owner, and when the property owner themselves realized that they were going to be potentially in violation and could incur cost, then the property owner acted. That's where we rely on eyes in the field with our other departments. If they see something that shouldn't be happening out there, those are things to visit. Maybe there is a difference in the way we structure a variance request. Tyler and I had that conversation right before coming here and he has a very different view on a variance request and what he has learned at the planning and zoning conferences, versus the processes we go through that have been just sort of set and play over the years.

Member Hammer: Are you speaking to that today?

Code Compliance Office Knull: If you would like.

Member Hammer: Do you have a brief summonses.

Code Compliance Office Knull: Basically, every city has sort of a different way that they issue variances. What cities are realizing that they are getting themselves into is they have been issuing variances for "I don't want to put a side obstructing fence because that cost too much money". "I don't want to meet that set back because I want more yard space. I want it more over here" whatever that might be, but their lot is conforming to what the code says is a conforming lot. It's a square 100 feet by 100 feet lot you can meet set back requirements pretty easily on that lot. You should be able to not need a variance to meet our code. Now if your property is a triangle, you're not going to be able to meet set-back requirements very easily on another side trying to get it up to another side. That would be where we should be issuing variances rather than just issuing variances because it's hard to meet the standards of the code because that costs too much money or it's too hard. What our current code actually says is that we should only be issuing variances for non-conforming lots, irregular shaped lots or lots that are too small. One example would be the gentleman that wanted to build a house on Riverside

on that small lot that could be something a variance could legally per our code be issued for because it's a non-conforming lot. It's not his fault the lots not conforming. He could get a variance for it but if the lot was big and he could safely put something we shouldn't be going further with that variance request.

Assistant City Manager Alvarez: I think what you guys are seeing is if somebody wants to do something that outside the code then they request a variance. That's kind of the direction the city code has been taken in the past. The recommendation from the city attorney and because isn't even though like he said it says that there is a section somewhere within the code or somewhere in the language that leaves it very open-ended. That said, if it doesn't meet the standards, you take it for a variance. That is something you guys can review - how strict do you guys want to get. That's what City Manager Whitehead said. If it's not in the code, do you guys just want to say we are not going to review or issue variances unless it is non-conforming or unless it meets these certain standards?

Vice-Chairman Buhler: Well, it should meet at least the 7 findings of facts. These are the guidelines in the back of every packet. I think everybody needs to put that to the test. It's important. Safety should be the most important thing.

Member Kent: I think another thing we see is people asking forgiveness rather than permission. They have already done it and then they say they didn't know. Then they come in and ask for a variance. We are then put in a hard position because do you tell them to take it all down. We have had a lot of those also. People need to be more aware of what requires permits. That's more of an education thing. Even fences I don't think people realize you need a permit to put up a fence and we have plenty of fences in violation of many things.

Assistant City Manager Alvarez: There is no permit required to put up a fence.

Member Kent: You have to bring your plans to the city.

Assistant City Manager Alvarez: Any improvements you do, you should bring in a site plan. I actually get a lot of people that come in with fence stuff. I had somebody that was in my office today because they wanted to do an 8-foot fence all the way around their yard, but they can't do an 8-foot fence in the front yard. There are not permit requirements. Our code, there again, is based on back when we had a building inspector and not zoning approval. So, it's very broad and says any improvements need to go through the building inspector. What I tell people if you are building a fence even if you are building the fence exactly what our code says recommendation is for you to bring a site plan in so I can put it in your file so if somebody calls. But there is nothing in our code that says they have to do that.

Member Kent: So, when they don't do that and then they build it against the code then they are going to come in and ask to be forgiven.

Assistant City Manager Alvarez: I think that's where people not only need to educate themselves better, but we are trying to get things out there, especially with our public information officer on our website, social media, and utility bills. Stuff that says don't forget you have to a, b, c, and d. Right now, we are dealing with a lot of sign-ups for Daupler, so if you are without water, you know why. Those are conversations we have had with our public information officer, is getting little things like that out. Watering the April schedule should be in effect for watering. We have not done a good job letting people know.

Member Kent: I have never seen that I didn't know we had a schedule.

Member Hammer: I really like what the public information officer is doing. I love the page I actually went there today. It could be a tip of the month like permitting "did you" without it sounding putative just like this is how our city works.

Assistant City Manager Alvarez: I think Tyler helps with the PD website and Instagram page and they do little things like that. That's a good idea of getting those things out there.

Member Luchini: Those electronic signs seem like a good source of giving out information.

Assistant City Manager Alvarez: Have you guys submitted anything yet on these items or are you guys work shopping and then you will submit your input.

Vice-Chairman Buhler: I did turn in a Connex box paper to Manager Whitehead. This has been several meetings ago, but I did turn one in.

Deputy Clerk Martinez: Anything that was at the previous meetings that was a workshop item, that was the second email that I sent where it stated that I wouldn't be printing it because of the size of the file.

Assistant City Manager Alvarez: If you get a chance review and see if that was in there. If not, I can follow up. I would say if you are going to turn something in, maybe copy the clerk's office also.

Member Hammer: Is the plan to review and revise all the ordinances coming up soon? I know manager Whitehead talked about it a few times but is that coming up on our road map?

Assistant City Manager Alvarez: I think so I know he's got a really good binder. I was talking to Katy about that he was looking for a couple of minutes that he was having trouble finding. I think he is putting together some stuff and then this information as well. I know he has talked to Tyler as well about it because Tyler will be working closely on that. We had to get through all

of the animal ordinance. I think that one is finally finalized. We are looking at getting something to you guys. Keep in mind that the rest of this month and May is a little crazy in all of our schedules because we do have our department budgets we are working on. For me I have grant deadlines, submissions and lots of projects going to bid. Lots of projects have been bid and lots of construction getting ready to start.

Member Kent: I am putting together my position paper on zoning, map and districts. It was more than I thought it would be.

Assistant City Manager Alvarez: It's a lot I was surprised when I started doing some research.

Member Kent: I'm still working on that one.

Member Hammer: It seems like when we start having the conversation about ADU or tiny homes I'm sure that Manager Whitehead is going to bring that into ordinance discussion. We can discuss at that time the zoning, maps and stuff like that because it will duck tail nicely.

Member Kent: Yes, they all kind of intermingle. It's weird because they are all separate but then they all intermingle.

Assistant City Manager Alvarez: They do. I would say really look at those zoning maps and maybe start thinking about areas that you guys have talked about and maybe only having certain areas that are allowed. Maybe start thinking about what areas you would not want to allow those in. If it's a broad area that you want to allow something, then maybe you need to figure out the area that you don't want.

Code Compliance Office Knull: I would add to that, specifically say do not put it here if you don't want to be there. Yes, here and no here please.

Assistant City Manager Alvarez: We say that as we are laughing because that is an issue that we have. I'll bring chickens and roosters into play. Our municipal code identifies areas where you can have animals of that sort. It does not say you cannot have them. People that live in the downtown district don't necessarily expect to hear a rooster in the morning or have chickens.

Member Kent: That opens the door for them. They're not in violation of anything.

Assistant City Manager Alvarez: Right, it doesn't say they can't. So, what we have found is that does not stand up in court. It should be common sense, and we all know that if it says you can have in R4, but it doesn't say you can have R1, 2, and 3, then you shouldn't be allowed to have it, but our code does not say you cannot. Keep that one in mind. Or goats.

Vice-Chairman Buhler: Pigs.

Member Hammer: I have ducks across the street.

Vice-Chairman Buhler: There are people that have had pigs over by the cemetery.

Assistant City Manager Alvarez: I think if you guys are going down the line you look at something like special use permit. I think what I would ask the board to do for special use, variance request and conditional use but especially the special use and variance request is think about what items that come to you guys requesting those and where you have maybe felt like it was a situation where you didn't necessarily want to approve it but our code didn't give you enough guidance on whether or not you should approve it. Those are kind of the things that we want to be able to identify.

Vice-Chairman Buhler: I don't think that we should someone approve some one to live in a motor home anywhere in the city. They don't have smoke detectors in them. They are not made for permanent-type living situation.

Assistant City Manager Alvarez: Are you including an RV park in that as well because that's private property?

Vice-Chairman Buhler: Well, you know, if someone has an RV park they better have in their main area, laundry facility or restroom they better have some fire extinguishers. They better have something that would help a situation like that because a trailer can burn fast before a fire truck could ever get there.

Assistant City Manager Alvarez: The only thing we have to be careful of when you put certain restrictions on like that. I hear you and I agree with you 100 percent. We have that section of the code that says RV's can not be used as a dwelling unit on any city lot. An RV park is different because it's private property, so once you go into the private property section, we can't mandate like with the Short-Term Rentals, that there is certain items that they have to have on hand and maybe look at what that list is for short term rental and we put that into something that we can enforce on a private property situation. It gets a little bit stickier when you get into private property. Mobile home parks are the same thing. We have conditions that they have to meet, but then if they meet those conditions at the onset we don't have the enforcement to continue to go onto their private property area. Unlike a short-term rental which we do those as annual inspections. Those are the things to think about changing within the code. Give us the ability to enforce and the courts the ability to follow through.

Code Compliance Office Knull: To help you out with that specific section the City of Carlsbad is having a really big problem with that. They presented some stuff at the last Zoning Officials Conference where they talked about revising the code on how they allow people to live in

motor homes, RV's and things of that nature. That might be worth looking into just to at least get some wheels turning.

Member Kent: It's been approved in their code if we of look?

Code Compliance Office Knull: I believe so. They were talking as if it had been.

Vice-Chairman Buhler: Can we get a copy of that.

Code Compliance Office Knull: It should be online I don't specifically have a copy of it. I'm sure you can contact the city themselves and have them email you a copy.

Assistant City Manager Alvarez: The City of Aztec I believe is another one that re-did a lot of their code a while back. I know when I was looking at wanting to tackle some of these codes I downloaded a bunch from the City of Aztec because I like their structure.

Code Compliance Office Knull: I have used the City of Aztec as well to help with revising some of our code as well.

Vice-Chairman Buhler: I see this becoming more of a problem. I really do.

Chairman Sisney: People are living as they can. It's going to get worse also.

Assistant City Manager Alvarez: I will say when you are looking at the potential of RV parks, Short-Term Rentals, tiny homes and ADU's I have had some of the oddest questions come up lately. I have one guy that wanted to know if he can take a boat dig a whole in the ground and sink the majority of the boat in the ground and then rent it out as an ADU. The oddest things are coming across my plate.

Member Kent: That's when we might want to say requires a foundation.

Assistant City Manager Alvarez: Maybe it's because we have the Glamp Camp that went through years ago and it has some really unique places that you can stay in. I don't know if people are wanting to kind of come up with that type of area.

Vice-Chairman Buhler: I think they should definitely be inspected by the fire marshal. I think that would be an important thing.

Assistant City Manager Alvarez: Those things do go through Fire Marshal approval. Every development has to have Fire Marshal signature on it.

Vice-Chairman Buhler: That's good to hear.

Assistant City Manager Alvarez: Even Short-Term Retail inspections are approved through either the fire chief or a designee that he has. That he has designated to review.

Vice-Chairman Buhler: Most RVs are not permanent living.

Member Kent: They are not. If you actually read the definition of an RV and the standards they are built to. They are not meant to year-round. But that's besides the point. Our town is full of RV parks. We can just say no more RV parks, but they also should be required to have some standards. To how they operate them safely and things in place.

Assistant City Manager Alvarez: How do you transition that. Like you said we have a lot of RV parks so if you implement a code that says RV parks can have stays longer than 90 days or something. If you implement something like that how do we transition that to existing.

Member Kent: I don't know if it's something like that. Is it really a 90-day thing or is it that there is safety things.

Vice-Chairman Buhler: I think you have to make the owners.

Member Kent: You give them time to comply.

Assistant City Manager Alvarez: That is what we need from you guys how long of a period of a time.

Vice-Chairman Buhler: You have to make the owner responsible.

Assistant City Manager Alvarez: But also keep in mind that requires follow-up and staffing. We have to prioritize. We would love to do it all. I would love to have Tyler be doing a lot more planning and zoning stuff. Unfortunately, he has one animal control officer, and we have yet to fill that second position that has now been open for almost a year. So, we also have to take that into consideration. I'm not saying don't do it. I'm just saying that we need to take it off in small chunks and prioritize what the priority is so that we have the time to implement something. Otherwise, we are just going to be buried under all this and it's not going to happen.

Vice-Chairman Buhler: It has to be common sense type applications. That people could actually deal with.

Chairman Sisney: Do you have to go to the academy to be an animal control officer?

Code Compliance Office Knull: The state doesn't require any specific training.

Chairman Sisney: You just can't fill that position?

Code Compliance Office Knull: No.

Chairman Sisney: Is it posted?

Assistant City Manager Alvarez: We have a few positions posted in the city. I think it's just a different dynamic now a days. There are things that are allowed and legal that are not allowed or possible to work for municipal government, that poses an issue. We have potentially some great applicants, but they also have to be able to pass a drug test. When you legalize marijuana it's hard.

Chairman Sisney: If its legal substance why do you have to pass a drug test?

Assistant City Manager Alvarez: Because we are a government.

Member Kent: You can't show up drunk and you can't show up high.

Code Compliance Office Knull: We are considered safety-sensitive.

Member Kent: My husband works in a hospital. Yes, it's legal but no he can not show up to work high.

Chairman Sisney: No, you can't show up to work high just like you can't show up to work drunk.

Member Kent: That's why they have to be able to pass a drug test.

Chairman Sisney: Some places don't check you all the time.

Member Kent: You never know when they will. Random drug test.

Assistant City Manager Alvarez: The difference is if you do a random test and you have alcohol in your system the level or volume of alcohol is much more delineated and they can determine potentially did you just drink or was this a carry over from last night. I think you can do hair follicle or saturation test, but the cost is so high right now. They wouldn't be able to tell if someone used marijuana 2 weeks ago and their drug test, it's going to be in their system.

Chairman Sisney: Seems kind of silly to make you fail a test for marijuana when its legal.

Member Kent: Exactly, time to give up a vice, find a new one I don't know.

Assistant City Manager Alvarez: Long conversation, just bite this off in chunks for us so we can make sure we can implement it with the staffing we have. I noticed Conex boxes are on the agenda.

Member Hammer: I think that's carry-over. We did a position paper on Conex boxes.

Member Kent: We haven't really reviewed it or talked about any of that. We probably need to look at the papers and discuss.

Assistant City Manager Alvarez: Is that specific, then, to shipping containers?

Member Kent: Yes.

Chairman Sisney: So, we're done with Conex boxes?

Member Hammer: Yep.

Vice-Chairman Buhler: Maybe.

Assistant City Manager Alvarez: I think at the last meeting, I provided you guys with some information and history on potentially the process of re-zoning. It is a big bite, it's not unheard of and can be done.

Member Kent: When I look at this map, for me, I look at the historic district, and I just think that kind of needs its own special little something, and not be lumped in with everything else, because it is a historic district. That's what I have been mulling over.

Assistant City Manager Alvarez: I think our downtown master plan – I'll take a look, but in one of those plans, it actually identifies the historic district, and there's kind of a boundary. It's kind of weird, because I would have expected that to be identified in the code side of things too, as opposed to commercial. So, it might be something where because it's already identified, that we could identify it in the code, we could say, "Conditional use permit for shipping containers is not allowed" or "Shipping containers are not allowed in the designated historic district." And that might already be designated, so that might be one step less that we have to do. But I'll find that map and send it out to you guys. It's going to be a rough map, because I don't have any original documentation. So, it's just what's been probably scanned multiple times, but I think it'll give you guys a good idea.

Vice-Chairman Buhler: And the T-1's are part of the city limits?

Assistant City Manager Alvarez: Correct, yes. We are currently working on, on your map what you don't see, is where we annexed to go to the airport. Our map was never updated after they annexed in, and it's a really funky – you'll have to look at the map on the parcel thing – it's a very long stretch before it goes up to our airport, annexes in our airport and the properties that all surround the airport. We are doing a lot of review to figure out how they designated that back in the day, and it looks like they identified areas up there, some of them, as an RPUD, residential planned unit development, I think, as well as a commercial planned unit development, as well as potentially industrial area, and then of course, we have airport overlay. I'm just giving you guys a heads-up on that, our code does talk about those items, take a look at that because there is the potential that we may have some development coming in and up that direction. So, I don't know if that's something, once they finalize what they need to finalize on

their plot stuff, if they're going to develop, that might be something that would be coming to the commission.

Member Luchini: What is in this outcropping on the north side in the T-1 transitional zone?

Assistant City Manager Alvarez: That's the cemetery.

Member Hammer: So that's cemetery road right there?

Assistant City Manager Alvarez: That's a good question, its cemetery road, but we've also heard that it was supposed to be Dr. Hubble drive.

Member Kent: So, then that's where the Love's is going, right over there?

Member Hammer: Yeah.

Member Kent: Has anybody seen the sign when you drive up Foch yet?

Member Hammer: That was my comment.

Member Kent: When you're driving up Foch, the hill, the sign just looms front and center, so as soon as they light that up, it's going to be glowing in town all 24/7.

Chairman Sisney: How is that going to meet dark skies or whatever?

Member Hammer: Are we still in workshop?

Member Kent: We just divulged, sorry.

Member Hammer: I have a whole thing on the sign when we're ready.

Member Kent: Well, let's talk about it, because I have a lot of thoughts on signs.

Member Hammer: Chairman, are we finished with the workshop?

- c. Conditional Use Permit**
- d. Connex Boxes**
- e. Review of Zoning Map and Districts**

Assistant City Manager Alvarez: Before we go to reports from the board, just so I do my notes, so you guys are doing position papers on the zoning map?

Member Hammer: I don't think I'm ready, I think it's too big.

Member Kent: Well, if we have something specific about it.

Member Hammer: Maybe the historic district?

Member Kent: Well, that's kind of what I was focusing on, like I can't do the whole thing.

Member Kent: Personally, for me, like I said, the historic district is something of concern to me, so that's where I'm kind of focusing what I'm going to write on. Maybe there will be a couple other little things, but no I'm not doing this entire map and the whole entire city. That's too much at once.

Assistant City Manager Alvarez: And you guys think you already did your position papers for Conex boxes?

Member Kent: I'm not sure I did one.

Member Hammer: I think I did.

Vice-Chairman Buhler: I think I did, I'll revisit mine.

Assistant City Manager Alvarez: Partial yes, partial no.

Member Luchini: I know we've done one.

Deputy Clerk Martinez: Will we be bringing that back at the next meeting?

Assistant City Manager Alvarez: Position papers for shipping containers, we still need to finalize those.

Member Hammer: So, we're putting a lot on our next meeting, I think maybe filling this out?

Assistant City Manager Alvarez: Probably not at the next meeting, I will tell you right now, you have four public hearings coming to your next meeting. Maybe we need to roll this to the June meeting and that will give you guys even more time to do stuff. Unless you want something, unless you want to maybe pick one of these items to discuss, but you do have four public hearings coming to the next meeting.

Vice-Chairman Buhler: I think we should postpone it to June, I think that's a good idea.

Member Kent: Well and that gives us time.

Vice-Chairman Buhler: Gives everybody some time.

Member Hammer: And when do we want to turn this in, next meeting or the following?

Assistant City Manager Alvarez: Gary was hoping maybe you guys could just fill this out individually, and maybe get it to us in the next week or two weeks. That way we can start compiling our information.

Vice Chairman Buhler: And drop it over to The Clerk's Office?

Assistant City Manager Alvarez: Yes, to Katy. You can turn it into the Clerk's Office, and she'll get it over to Gary.

Member Hammer: Is there a digital copy that you might send that we could fill out online? Or do you want us to submit.

Deputy Clerk Martinez: You can scan it in and send it.

Member Hammer: I can edit a PDF.

Assistant City Manager Alvarez: Gary made it, so let me just ask him if he has a digital.

Member Hammer: It looks like it's a PowerPoint.

Assistant City Manager Alvarez: Would everybody like it in digital form?

Vice-Chairman Buhler: This is fine for me.

Member Luchini: No, this is good with me.

Member Kent: I'll take a PDF if you have one.

Assistant City Manager Alvarez: Variance request, special use, and conditional use permit: you guys have submitted info on those, or you're still reviewing?

Member Hammer: I think it was requested, and I don't think anybody turned theirs in. I think it was tightening up some of the language on variance and special use. I think, to your point Traci, is making sure the ordinance says "You can't have this in this zone." That type of thing, and it's not variance request, but, well I guess it is, it's all included, but I don't think we have anything specific about the language in these ordinances.

Member Kent: We were all supposed to review.

Member Hammer: I think just familiarizing ourselves with those.

Assistant City Manager Alvarez: So in each one of our zones, if you look at the R-1, R-2, R-3, it's going to give you a list of what is allowed by right, and then it gives you a list of what is required for special use. I think, if I recall properly, the City Manager was wanting you to take a look and see if that's what we want to use special use for. Then when it comes to a variance request,

how specific or how broad do you want variance requests? Because right now, we're bringing anything that's outside the code. So, do you want to identify somewhere in the code that's very specific on what will be allowed for variance? And then the conditional use, I think there was the question on conditional use, like in the R-3, if you're allowed to have this as a special use. Per our code, special uses are to infinity. Do we want special uses to be conditional uses so that if the property changes hands or something, that that's not specific?

Member Hammer: I thought special use was like, Fiesta, right? So, I did think it had an end date.

Member Kent: That's what I thought too, like a vendor wants to come park, then they get a special use, because it's for Fiesta.

Member Hammer: And they don't get it all year.

Deputy Clerk Martinez: That would be like a special event permit.

Assistant City Manager Alvarez: No, right now, we do special use – I mean, if you look in your code, if somebody wants to have a barbershop in the R-3, that's a special use permit that they have to go through. So, say somebody wants to have an RV park, I use R-3 as an example, but with each zone in town, if you look up R-1, it tells you what's allowed in R-1. Then there's a second part that says, "These are allowed in R-1 but only by special use." We do that for R-2, we do that for R-3. RV parks are one of those things that I do believe, for sure in R-3, I can't remember in R-2, R-4 and T-1 I don't think anybody can build an RV park without coming to Planning & Zoning for a special use.

Vice-Chairman Buhler: You have to have a certain amount of property to have an RV park, correct?

Assistant City Manager Alvarez: Correct.

Vice-Chairman Buhler: So, there are rules that address that too.

Assistant City Manager Alvarez: They still have to come as a special use, even if they meet everything within the development standards, it has to have a special use permit.

Member Kent: Okay.

Member Luchini: Why do you allow them to ask for anything other than what's already listed that's allowed?

Assistant City Manager Alvarez: Because our code is not specific on a variance, because you're talking about a variance, our code is not specific within a variance allowance to make the recommendation from our attorney for us to be able to tell somebody, "No the code does not

allow it, therefore we're not going to take it and request the variance." So, if you guys want to say, "These are the items in our code, and if it doesn't meet a, b, c, and d, then no variance is going to be allowed." Then we need to come up with that proper wording within our code. You could do that specific to zoning sections; R-1 is a very strict area. In R-1, standards have to be met, and no variances will be considered, you know, that's something you guys have to look at changing. Look at the definition of variance, I'm sorry I don't have it in front of me, but within our code, look at the definition of variance, or how it's used multiple times in the code, and then that's where we have to fine-tune it. We have to also make sure that the decisions we make doesn't cause issues in the long-term after. Anybody can sue us, if anybody wants to file a lawsuit, they can file a lawsuit, but it is costly when they file a lawsuit, we do have to go through a process, but we just want to make sure we are definite in the way stuff is worded in our code, and right now it's not. It's not definite enough for our attorney to say "No, they can't do it period."

Member Luchini: Can you just put there's no variance allowed?

Assistant City Manager Alvarez: Within the code?

Member Luchini: Whatever code or whatever zone.

Assistant City Manager Alvarez: I mean, you guys can make that recommendation. I don't think to just say, "No variances at all within our code will ever be allowed." I honestly don't think that would be approved at the Commission level. I think there's always going to be potential special circumstances that they have to consider.

Member Kent: Well especially with the old stuff, like there's so many old buildings where the property lines and stuff are a little out of whack, or the alley is too close, and that is really what a variance would be for. There was one a while ago where a guy bought a property and the way it was marked on the map, it was – I don't remember the specifics – but he didn't have room to put his fence in the alley, so we adjusted the line, that's really what a variance should be. In cases like that, where something was not mapped, you know what I mean. That's kind of what a variance is, it was out of his control, can we adjust it so he can put his fence up properly? Yes or no.

Assistant City Manager Alvarez: Maybe that's a way to identify it in the code; "Variances will be considered for items that are outside the norm or out of your control" something like that. It's just too broad right now.

Member Kent: It's not just "because I feel like it" or "because I don't feel like it."

Deputy Clerk Martinez: And it is state statute.

Member Luchini: To allow a variance?

Deputy Clerk Martinez: A variance is considered to be state statute, and I believe Tyler and I read it, a lot of it has to do with hardship.

Code Enforcement Officer Knull: An extreme hardship, something like that, so having to do with non-conforming lots. And it is very specific that an extreme hardship, or however they word that, is due to plot lines.

Member Kent: That's what I was trying to say.

Assistant City Manager Alvarez: Okay, so you guys are still reviewing special use, variance requests, and conditional use. You're going to work on position papers for the shipping containers, and for maybe the historical identification on the zoning map for now. Did I get that correct? Maybe what we could task Tyler to do is on the special use, variance, and conditional use – you have a planning and zoning conference coming up, correct?

Code Enforcement Officer Knull: Yes, unfortunately I will most likely not be able to attend, I will be out of town.

Assistant City Manager Alvarez: So maybe what you could do is reach out – maybe we won't have those for the June meeting, maybe we could move them to the July meeting, and maybe you could reach out to some of the entities and pull some information that they have, and we can get it over to them?

Code Enforcement Officer Knull: I'm looking to see if I can get that information.

Assistant City Manager Alvarez: So maybe we'll put that on the agenda for the July meeting if the board agrees to that, we'll see if we can gather some better information.

Deputy Clerk Martinez: I have the ordinance pulled up for special use. It just says, "A special use permit is required for a special land use which is not permitted by the right within the district wherein it is requested."

Assistant City Manager Alvarez: So, it's very broad. Basically, anything outside what it says, you can give them a special use for. But also, within that, like I said, it identifies things that are required to have a special use, too. I think that's one of the things the City Manager was maybe talking about in areas where we're giving variance requests, maybe we should be giving them special use permits instead.

Member Hammer: Because they expire too.

Assistant City Manager Alvarez: So, we'll plan special use, variance, and conditional for the July meeting. Between now and July, we'll gather information, "we" as in Tyler, will gather information, and get it over to the clerk's office to get to you prior to our July meeting. Then we'll have some more information for discussion.

Deputy Clerk Martinez: Zoning you want to bring back in June?

Member Hammer: Should we bring one to the next one, like Conex and then spread it out a little bit?

Deputy Clerk Martinez: You can, again, it's up to you guys on the time you have. For me, it really makes no difference, but again, there are four public hearings at the next meeting.

Vice-Chairman Buhler: I'd say we skip the next one.

Assistant City Manager Alvarez: I think the shipping containers for the next meeting would be okay. Like I said, there are four, but two of them are requests to vacate, I'm trying to remember what my other two are. I think that the requests to vacate could potentially go through pretty quickly.

Member Hammer: How about we determine – can we determine at the meeting, if we go too long with the public hearings, then we'd just move it?

Assistant City Manager Alvarez: You could move it to the next meeting, yeah.

Member Hammer: Why don't we decide then?

Member Kent: Well, put it on the agenda, and then if we don't have time, it moves.

Deputy Clerk Martinez: So, we're just putting Conex boxes for the next meeting in May?

Member Hammer: Yeah. Position papers.

Member Luchini: We need a position paper for Conex for May.

Deputy Clerk Martinez: The review and zoning of the districts will be in June?

Member Hammer: Yes. Just in the interest of time.

Assistant City Manager Alvarez: I think so. The only thing I would request is that we definitely reference it as "shipping containers" and not "Conex boxes" only because that's a brand, and I don't want somebody to get caught up in that one.

Member Hammer: I'm fine with shipping containers.

6. REPORTS FROM THE BOARD:

Member Hammer: I have a couple things, I did write a letter to the city and to the board for one of them, which I brought. Before I talk about the sign, I had something before that. I just wanted to thank the city for doing a free trash day the next two weekends, and I hope that that has a great success. Hopefully I'll be in town and I can help out a little bit, so thanks for listening to that and implementing that.

Assistant City Manager Alvarez: Did you say the next few weekends?

Member Hammer: The next two weekends, so it's this Friday and Saturday, and then the following Friday and Saturday.

Assistant City Manager Alvarez: No.

Member Kent: Well, I think one was for T or C and one was for Williamsburg or something like that.

Assistant City Manager Alvarez: We have it on Friday, Saturday, and then Monday, Tuesday. That's for city and village residents only, and they can only bring up to 1 ton.

Vice-Chairman Buhler: And that's for Friday and Saturday?

Deputy Clerk Martinez: It'll be the 17th, 18th, 20th, and 21st during regular business hours, from 8am-3pm.

Vice-Chairman Buhler: April, right?

Deputy Clerk Martinez: Yes. And then it's like she said, it's one-time only up to 1 ton.

Member Hammer: The hours over two days from 8-3?

Assistant City Manager Alvarez: Over four days.

Member Hammer: Okay.

Member Kent: So, it's just skipping Sunday.

Deputy Clerk Martinez: Correct, because they're closed.

Member Hammer: I had to really dig for that today, I could not find it, she posted it a long time ago, because there are a lot of water outage items. Maybe she could re-post it?

Deputy Clerk Martinez: If you just scroll down on our website, it's the third item, so if you look under Featured News, you can see it there.

Member Hammer: I'm just saying, on social media, I think it would be good to have another push, if she wanted to do that.

Vice-Chairman Buhler: On Facebook

Member Hammer: On Facebook, like on the Square, there's 13,000 people on there, everybody's on there.

Vice-Chairman Buhler: They're doing one for the county, too, maybe country.

Assistant City Manager Alvarez: There is a date for the county.

Deputy Clerk Martinez: Theirs is on actual Earth Day.

Vice-Chairman Buhler: Maybe do it on the country square site.

Member Kent: The Sierra County Square.

Assistant City Manager Alvarez: We put it on our city Facebook page, and then whoever owns those sites posts it on theirs.

Deputy Clerk Martinez: It's also on our website, and it's very accessible off the website.

Member Hammer: But not many people go to the website randomly, everybody's on Facebook almost all the time. It would just be nice if she could post it, just get it up there on the top.

Vice-Chairman Buhler: I'll definitely share it.

Member Kent: Yeah, but do it soon, because if you wait until right before, you'll see it two days after. The way their algorithms work, you'd want to post it now.

Assistant City Manager Alvarez: I'll reach out to her tomorrow and ask if she'll bump it up.

Member Hammer: Okay, second topic. I wrote a letter, I have been driving around, as most of us have, and also talking to different residents. We're all in disbelief that we can see the sign all over town, not just from the freeway, but down Foch Street, all over, and the sign's not even on yet, it's not even illuminated yet. I voted to recommend this, and I'm regretting it, because in the packet, they had a survey with signs and photographs saying, "Okay this is 1 mile from the exit, this is half a mile from the exit, this is 1/10th of a mile from the exit. We want our sign to be visible to truckers for safety, and marketing purposes." I was totally okay with that. What I didn't realize is approving the height of 95 feet and the square footage is 1,000 square feet. It's normally 200 in our ordinance. I had no idea the impact that was going to have, and the blight it was going to have on our horizon. I just want to bring this up, it kind of goes along with, if we approve a variance, how can we go back when this information wasn't disclosed? Or if we have a variance request on the signage of this magnitude, we need 360-degree view surveys. I don't want to just see what it looks like from the freeway, I want to see downtown, or in our town, because it kind of goes against the whole commercial signage versus residential districts, if you can see a commercial sign in all the residential districts. I had to go back and read the minutes and their deck because I didn't think I approved that either, and it was the three signs. We were so focused on that during the meeting that we weren't focused on the height and how

incredibly high and big it is. In our ordinance, for a sign that big, it's only approved to 200 square feet for commercial. We approved for 1,000 square feet, with the Love's and Arby's sign, the whole mess.

Chairman Sisney: Did we get a presentation of what it was going to look like? I don't remember.

Member Hammer: We did, but nothing in there looked.

Chairman Sisney: Said it was going to be 1,000 square feet?

Member Hammer: It's on the variance, but all the photographs in her slide deck, that sign is tiny. It's short and tiny, it doesn't give a real good view of what we're seeing today.

Member Kent: And it was only from the highway.

Member Hammer: And it was only from the freeway.

Member Kent: Like the North and the South views, nothing from the view of town. Nobody asked.

Member Hammer: I would have never recommended for that to be approved, that's not what I want to see in my downtown. That's not what I want to see when I'm driving around my neighborhood, is a big truck stop sign. I think it's a blight.

Member Kent: Well, I mean, not the same, but a similar problem was because of what is allowed, Dollar General built that new store, and their big yellow sign now glows over the hot waster district all night long, like a 24-hour sun. Nobody needs to see that 24 hours a day, they're closed at 9pm. So yeah, we need to really think about signage.

Member Hamer: I'm asking the city to do three things, specific in my letter here. One, I think we need to review the dark-skies compliance because there's no way that sign is dark-skies compliant, and she said it would be, per state statute. The second thing, maybe open a dialogue with Love's, and go, "You know what? We didn't think we were going to see this in our town and you guys promised to be good neighbors, we'd like for you to be a good neighbor." Maybe they'll consider it, maybe they can use that sign somewhere else. They're making tons of signs. It's not like it's putting concrete in the ground there. See if there's a possibility of maybe adjusting it. And then, the last and important thing is we need to update our code. If there is a sign that big, and the variance is being requested for that large of a variance, they need to provide a survey from everywhere that it's going to be seen, not just the freeway.

Member Kent: Well, we need to adjust our code even without variances, because we don't need big signs.

Assistant City Manager Alvarez: For the first one, I'll definitely submit this information to the City Manager, for his directive. I don't know what the directive is to review something that has already been approved. But I'll definitely submit this information, and when we come back next

month, we'll hopefully have an answer on the directive. For the night sky portion, that's a state law that they have to follow, so I can talk to our electric director and see if he can determine, but ultimately, if it meets the state standard and the state says, "Yes, it's considered night-sky" then I, personally, wouldn't be able to go out and look at a light and say if it meets state standards, I wouldn't know how many lumens or whatever.

Member Hammer: Right.

Member Kent: You are saying it is compliant?

Member Hammer: She confirmed that it should be.

Code Compliance Office Knull: Yes, so actually, the New Mexico Night Skies Protection Act does have an exception under 77-12-7 of the New Mexico State Statute, where it does provide a list of exceptions with advertisements and signs being exceptions to that rule.

Member Hammer: She conveniently omitted that when we brought that topic up.

Assistant City Manager Alvarez: No, they've specifically said – I agree with you there – they said they're going to meet the night-skies standards.

Member Hammer: But she didn't tell us that there's an exception to the rule.

Assistant City Manager Alvarez: Well and I don't know that theirs falls under the exception.

Code Compliance Office Knull: It does have exceptions, and technically that says advertising signs are listed, but also part of that New Mexico Dark Skies Protection Act says that as long as it can be dimmed to 20% of full power, it could be considered compliant. So that could be where she was coming from. Traci looking into that would definitely be the biggest thing, but there could have been some miscommunication on how that was.

Member Hammer: I still think data was conveniently omitted for us to approve.

Chairman Sisney: Did they say it was 1,000 square feet?

Member Hammer: 900 and x, it's in the meeting notes. It's just under 1,000 it's like 975 or something like that. For comparison, for the size, our city ordinance, for billboards, is 400 square feet. It can't be bigger 400 square feet, and we allowed them to do almost three times that. I wouldn't have an issue with it if I could just see it from the freeway, but I just don't want to see it in town. It's a horrible precedent that we're setting.

Assistant City Manager Alvarez: I'll take this information, for sure, to the City Manager and get his guidance on how we proceed with something that we've already approved.

Member Kent: Even on that note, there's this one that may or may not be changed, there's the Dollar General one, there are other ones, so can something be put in place where at dusk, they have to dim the lights or turn them off if they're not open?

Member Hammer: I think we can write the ordinance, that's our job.

Assistant City Manager Alvarez: I think that's something to review.

Member Kent: So that's something to consider, is like, how do you require them, if they're not open, maybe they're off. And I mean, the lights around the building, the safety lights, that's one thing, but I'm talking about the big signs.

Member Hammer: Or dim to 10%.

Member Kent: Dim down, during the dusk to down or whatever it is, because there's nothing about that right now. That was part of what I was going to write into for the zoning, like downtown is like, how you get rid of that.

Member Hammer: I think that's something we should tackle, sooner than later, before we have a lot more signs. I like our little dark town and being able to walk around without a big corporate sign in my face, or driving down my residential street. I think it's important to preserve our character and not just be a big corporate billboard.

Assistant City Manager Alvarez: You said you read through that.

Member Hammer: I did.

Assistant City Manager Alvarez: I would be very happy to have that revised.

Member Hammer: We went beyond the minimum.

Assistant City Manager Alvarez: That's a tough one, that one definitely needs to be reviewed.

Member Hammer: I think we were focused on safety and visibility from the freeway, and we didn't take into account where else we'd see that sign.

Assistant City Manager Alvarez: I think our sign ordinance is one of our most complicated ordinances to review.

Member Hammer: Yeah, I don't want to see the Wal-Mart sign from my house, for example, you know, stay in the commercial area. Well, I've made my point, thank you for listening.

Code Compliance Office Knull: And just to help you out with that, since you are concerned about dark-skies, one of the few municipalities/local places that have implemented dark-skies ordinances is Taos county, so that's something to look into for framework, they do kind of match the state statute, but then they have their own stuff. If that's something you're wanting to look into.

Member Hammer: I think we need to, sooner rather than later. Because you set a precedent and then people start posting them, signs cost a lot of money, and they don't want to change them, so I think it's something that we should look at. Tyler, what were the other places? Taos had an additional one about it? An additional stipulation about dark skies?

Code Compliance Office Knull: Yeah, they have a county ordinance, and as you guys know, you can be stricter with county or city ordinances, but you can't be less strict than them. So they are a little bit stricter, but they do pretty closely mirror the state statute on it. As you guys are looking through it and wanting to revise things, you guys can always say, "We specifically want to be stricter here." Things like that.

Member Hammer: Yeah, we don't have to recreate it, we can just copy and paste.

Code Compliance Office Knull: Just look at the language and go from there, it's really helpful, and the only reason I'm telling you this is because when I went through the chapter revision for animals, we looked at what everyone else is doing, what they have, so that we're not reinventing the wheel.

Member Hammer: Absolutely, good idea.

Chairman Sisney: Well, I can imagine that people can freak out about roundabouts and road diets, they're going to really watch the signs.

Member Hammer: We're going to hear about it. I was like, wait, did I approve that?

Chairman Sisney: I cannot believe we approved a 1,000 square foot sign 95 feet in the air. I just remember them asking for three signs.

Member Hammer: I've re-read the minutes, I've re-read their deck, and it's in there, but we did not focus on it at all. We focused on the three signs.

Member Kent: She is a good presenter, that was the tactic.

Member Hammer: That was very much a tactic, to avoid getting stuck on.

Assistant City Manager Alvarez: If it was done, I don't feel it was done in a malicious or deliberate manner, I just don't. All the workings that I've done with Love's and everything we've requested of them. They paid to put in a sewer line, extend the sewer line, they paid to put in a huge water line, I mean, every –

Member Hammer: Can they pay to make their sign smaller?

Assistant City Manager Alvarez: Maybe, like I said, it is definitely worth potentially having a conversation. That's why I feel that to sit here and say in a public meeting, that they did something deliberate, I don't know that they did it deliberately.

Member Hammer: For the record, I did not say they said anything malicious, I just think they are a corporation and they want their marketing, and they want to be seen. There's no fault of that in general, I just think we made the mistake of not doing a better deep dive on the request, because we didn't understand the impact. Plus, everything that was before us only focused on highway visibility, we didn't even talk about where else we would see this. And I don't know the topography in town, I don't look at a topography map and go, "Will that be hidden from Foch

Street? Oh, it just peaked up over, oh that's 95 feet." And I wish we had had that visibility, because our discussion would have been way different.

Chairman Sisney: I remember her presenting two points: they were competitive pay scale, and I asked her about that, and she said that she didn't know. She also said they were very active in anti-human trafficking, and I asked, "What are you guys doing about human trafficking?" and she said she didn't know.

Member Kent: She did present the oversized sign, I remember specifically. I did not realize the impact of that on town, because it wasn't presented from that angle.

Assistant City Manager Alvarez: I think the whole idea of the presentation of the sign and what she was presenting had to do with the fact that the requirement, per our code, had to do with the freeway area. Nothing in our code said, "And you can't have it visible within so many miles." So, their pictures that she submitted were relevant to what our code said.

Member Hammer: So, I'm making the recommendation that we change the code and get way more specific.

Assistant City Manager Alvarez: 100%, we live and learn. I think this is the first one in there, maybe that's something we need to put in the code, "And the sign can't be visible within so many miles of a residential area."

Member Hammer: I'm sure the people in R-1 up there are not happy about that at all.

Vice-Chairman Buhler: Well, I had a beautiful view of the mountains, and now I have the sign. When it's lit, it will be big.

Member Hammer: You can see it from Elephant Butte.

Vice-Chairman Buhler: I think the thing that's the most important of all is to have a study before you sign on the dotted line and agree to this type of a business, there needs to be a little bit of a study done. I think it's important.

Member Hammer: And its impact, generally.

Vice-Chairman Buhler: On businesses, community, you know. People make decisions, and then those people are gone in two years. I think it's important. Thank you for bringing this up, and we'll try to do our best to do our best.

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: Our Infrastructure Capital Improvement Plan coming down the line, we have gotten it posted on our website, on Facebook, we have public meetings, one from 12pm-1pm on the 22nd of this month, and then we will have another one the same day, after our Commission meeting.

Member Kent: I'm sorry, I was confused, I have seen some fliers about this – is there a county one and a city one?

Assistant City Manager Alvarez: Yes, those are separate.

Member Kent: But one of them is on the same day at the same time.

Assistant City Manager Alvarez: The county does their own, we don't have anything to do with the county.

Member Kent: That makes it hard to go to both.

Assistant City Manager Alvarez: So, as a city resident, you wouldn't have input, necessarily, on the county's, because the county's is applicable to the county limits. The city's are only applicable to the city limits.

Member Hammer: I'd like to know what they're doing.

Member Kent: If you can go to the early one for the city, you can go to the later one for the county.

Assistant City Manager Alvarez: I have three public meetings total, I have April 22nd 12pm-1pm here in the Commission chambers, April 22nd from approximately 5:30pm-6:30pm directly after our Commission meeting because it's at the later time on that day, and then, Katy, could you tell me what my last one is? I want to say May 13th. People can do public comment on there, they can email it to me, they can do public comment during the meeting, they can make public comment on our Facebook page, there's also a QR code we put out there with a link to our city webpage for them to put in public comment. I'm looking for the secondary date as well.

Member Kent: So, these meetings, you can attend one. You don't need to go to all three?

Assistant City Manager Alvarez: Yeah, just one.

Member Kent: They're not like follow-ups on? I just want to make sure.

Vice-Chairman Buhler: For the one in May, can [The City Clerk's Office] send it to us?

Deputy Clerk Martinez: Yes.

Member Hammer: What are you expecting from public comment on this?

Assistant City Manager Alvarez: Anybody's recommendation for ICIP, for your infrastructure plan, it's got to be over \$10,000, it has to have a lifespan of over 10 years, and currently we have things like Marie Street, our water lines, wastewater treatment plant improvements, so what does the public want to see over the next 5 years? An ICIP is kind of a 5-year planning document, and we should have well-estimated costs for those. It's not a funding request, but we use the Capital Outlay and usually take the top three to five projects that the Commission ranks, they go up to Santa Fe during the legislative session to advocate for. This year, we got

some money for the repair of the foundation area or planning/design for the foundation area for the Lee Belle center, we also should get some planning funding for Marie Street improvements.

Member Hammer: Like a city pool? Would that be a recommendation? Not just infrastructure.

Assistant City Manager Alvarez: Right, yeah, parks, quality of life, roads, dams, etc. There will be a presentation at the public meetings, that will kind of help identify what those things are. Let's find that other date of the meeting.

Deputy Clerk Martinez: For the ICIP, you can also leave comments on the website for it directly.

Assistant City Manager Alvarez: The third meeting will be during the Commission meeting on May 13th at 9am. So we have the 12pm-1pm on April 22nd, the 5:30pm-6:30pm on April 22nd, and 9am during public comment on May 13th, for anybody who wants to come make comments in-person. Otherwise, like I said, emailing, comments on the Facebook page, or comment submission on the website.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:31 p.m.

PASSED AND APPROVED ON THIS 11th DAY OF MAY, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 5-11-2026

ITEM: Public Hearing/Discussion/Action – Vacation of Plats – W. Austin St.

BACKGROUND:

Applicant is requesting the city vacate a section of W. Austin St. adjacent to Parcel 3022079424016 (Tractor Supply), 3022079423046 (Fast Stop) and 3022079465042 (Cielo Vista RV Park). All property owners within 300ft were notified of public hearing.

Area requested to vacate as noted in application is not clearly identifiable by Planning and Zoning Dept., City Attorney, and Sierra County Assessor's Office. Additional information/clarification has been requested – see attached legal letter of recommendation.

Electric Dept. noted a main primary line that runs thru that area – waiting on clarification of vacation request.

If approved, applicant would need to provide survey with legal descriptions.

SUPPORT INFORMATION:

Site Plan
Parcel Maps
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	



City of Truth or Consequences

505 Sims Street

Truth or Consequences, New Mexico 87901

City (575) 894-6673 • Fax (575) 894-7767

May 4, 2026

City of Truth or Consequences
Attention: **Traci Alvarez**

RE: Proposed Vacation of a portion of West Austin

Dear Ms. Alvarez,

I am following up on our conversation this morning. As you are aware, I visited with the applicant earlier this week.

While I was at your office, we reviewed a map, and it is unclear what exactly the Applicant desires that the City Vacate. There is a necessary City alley which is contiguous to Fast Stop, and that alley heads to a parcel already owned by the RV Park.

Therefore, in contemplation of the May 11, 2026 Planning and Zoning Meeting. I make the following recommendations:

1. The 1946 Deed refers to an "extension of West Austin Street". So, we need to have clarification about where this strip of land is located. You have advised that you have communicated with the Assessor, and he is likewise confused. As we have required in other cases, a surveyed legal description would be helpful.
2. We want to ensure that our utility easements are not affected by the proposed Vacation. I am enclosing a copy of an Easement Agreement that the Applicant provided to me.
3. If the Vacation is approved, our usual practice has been to also quitclaim the street to the contiguous owners. The landowners can always agree amongst themselves to have one party subsequently deed their interest to the other.

You are certainly encouraged to provide a copy of this letter to all concerned including the Applicant. I am available for a follow up meeting, provided we do so before May 8, 2026.

Very sincerely,

A handwritten signature in dark ink, appearing to read "JFR", is written over the typed name.

Jaime F. Rubin, City Attorney
JFR: sjh

EASEMENT AGREEMENT

This Indenture made and entered into this 13th day of July, 1998, by and between Duckwall-Alco Stores, Inc., a Kansas corporation hereinafter referred to as "Grantor" and The City of Truth or Consequences, a municipal corporation, hereinafter referred to as "Grantee".

WHEREAS, the Grantor is the fee simple owner of certain real estate situated in the City of Truth or Consequences, Sierra County, New Mexico, and

WHEREAS, Grantee is desirous of obtaining an easement across and through the real estate owned by Grantor and,

WHEREAS, Grantor has agreed to grant said easement to the Grantee,

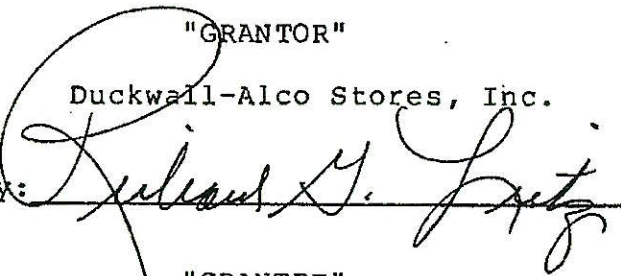
WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, convey and confirm unto the Grantee a strip of land twenty feet (20') in width situated in the NE1/4 of Section 4, Township 14 South, Range 4 West, NMPM, in the City of Truth or Consequences, New Mexico and more particularly described in Exhibit A, and depicted on Exhibit B, which are attached hereto and incorporated herein by reference.

The above and foregoing Easement is hereby conveyed to the Grantee for the purpose of constructing, maintaining and operating thereon and thereover, electric power transmission lines and telephone lines. Grantee agrees to keep, maintain and repair the Easement.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

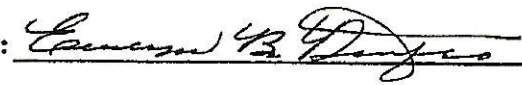
"GRANTOR"

Duckwall-Alco Stores, Inc.

by: 

"GRANTEE"

The City of Truth or Consequences

by: 

STATE OF KANSAS)
) SS:
COUNTY OF DICKINSON)

On this 10th day of July, 1998, before me, a Notary Public, duly commissioned, qualified and acting within and for the said County and State, appeared in person the within named Richard B. Bietz to me personally well known, who stated that he is Vice President of Duckwall-Alco Stores, Inc., a corporation organized and doing business under the laws of the State of Kansas, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said corporation; and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 10th day of July, 1998.

Dorean J. Rufener
Notary Public

My Comm. Expires 1-4-01
DOREAN J. RUFENER
Notary Public State of Kansas
My Appl. Expires 1-4-01

STATE OF NEW MEXICO)
) SS:
COUNTY OF SIERRA)

On this 13th day of July, 1998, before me, a Notary Public, duly commissioned, qualified and acting within and for the said County and State, appeared in person the within named Evelyn B. Renfro to me personally well known, who stated that she is Manager of The City of Truth or Consequences, a municipal corporation organized and doing business under the laws of the State of New Mexico, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said corporation; and further stated and acknowledged that he had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 13th day of July, 1998.

Angela Amador
Notary Public

My commission expires: 9-22-98

May 20, 1998

LEGAL DESCRIPTION
(20' WIDE UTILITY EASEMENT)

A tract of land situate in the NE1/4 of Section 4, Township 14 South, Range 4 West, NMPM, located in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

beginning at an angle point in this tract, said point being on the south boundary of an existing 30' wide utility and drainage easement, whence the NW corner of Section 4, Township 14 South, Range 4 West, bears N88°05'07"W, a distance of 938.77 feet, also whence the NW corner of a 3.5375 acre tract of land, surveyed by Senn & Associates, (plat dated: January 30, 1997), bears N79°35'56"W, a distance of 167.50 feet;

thence, along said boundary, S89°55'00"E, a distance of 20.00 feet to an angle point;

thence, S00°05'00"W, a distance of 34.15 feet to an angle point;

thence, S33°25'00"W, a distance of 162.86 feet to an angle point;

thence, S56°35'00"E, a distance of 174.73 feet to an angle point;

thence, S33°24'00"W, a distance of 20.00 feet to an angle point;

thence, N56°35'00"W, a distance of 194.74 feet to an angle point;

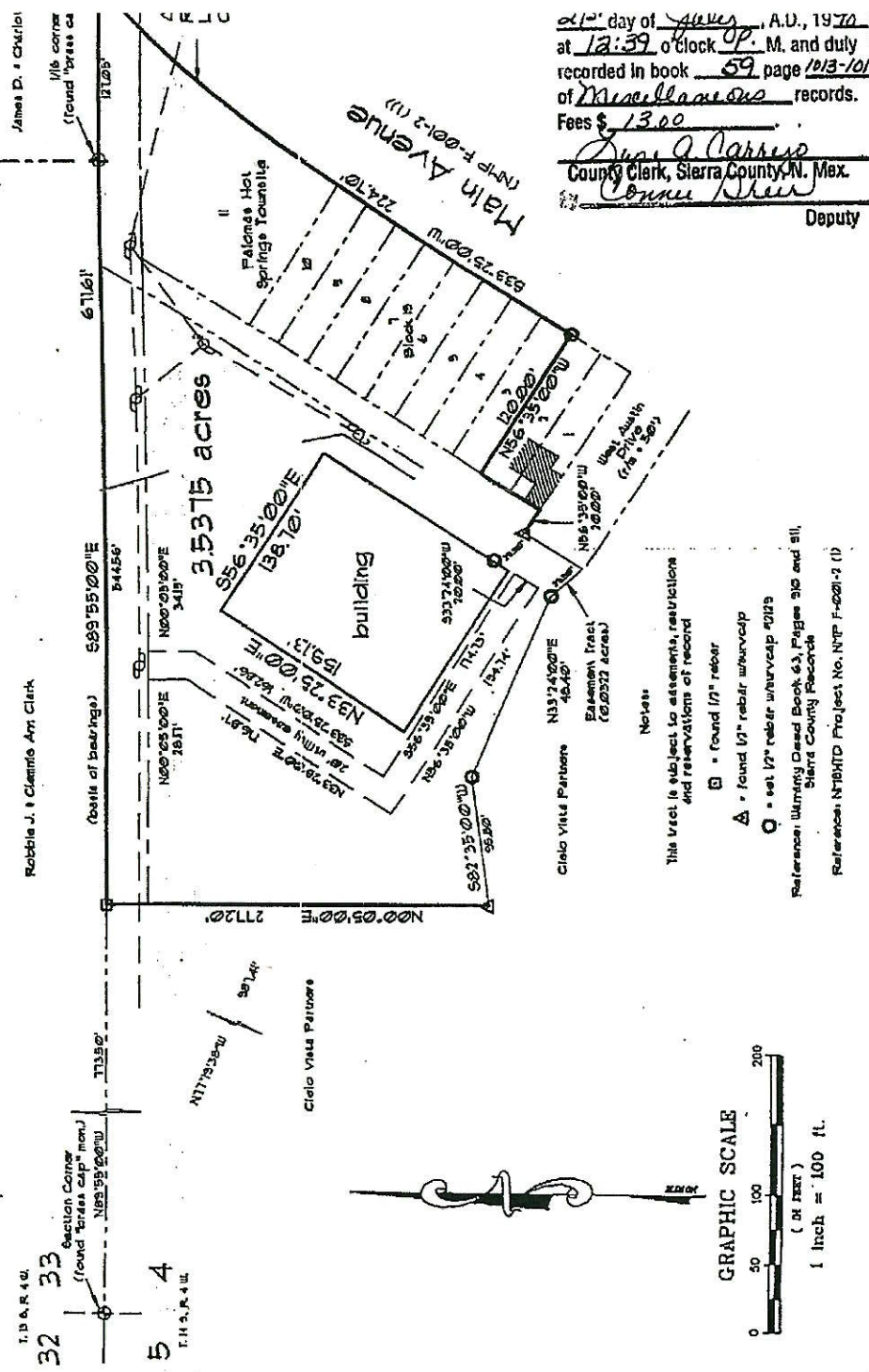
thence, N33°25'00"E, a distance of 176.87 feet to an angle point;

thence, N00°05'00"E, a distance of 28.17 feet to the place of beginning. Containing 0.177 acres, (7716 sq.ft.), more or less.

DRAWING FOR GENERAL INFORMATION ONLY; NOT A CERTIFIED DRAWING.

PLAT OF SURVEY

of a 3.5375 acre tract of land
in the NW1/4 of Sec. 4, Tshp. 14 South, Rge. 4 West, NMPM,
in the City of Truth or Consequences, Sierra County, New Mexico



SUPPLEMENT

Application For Vacation

Extension of West Austin Street

For the following reasons, the Applicant requests that the extension of W. Austin Street ("Extension") be vacated.

Location of the Extension: The Extension is located at the very western end of W. Austin Street. The following documents are attached hereto are intended to provide visual clarity:

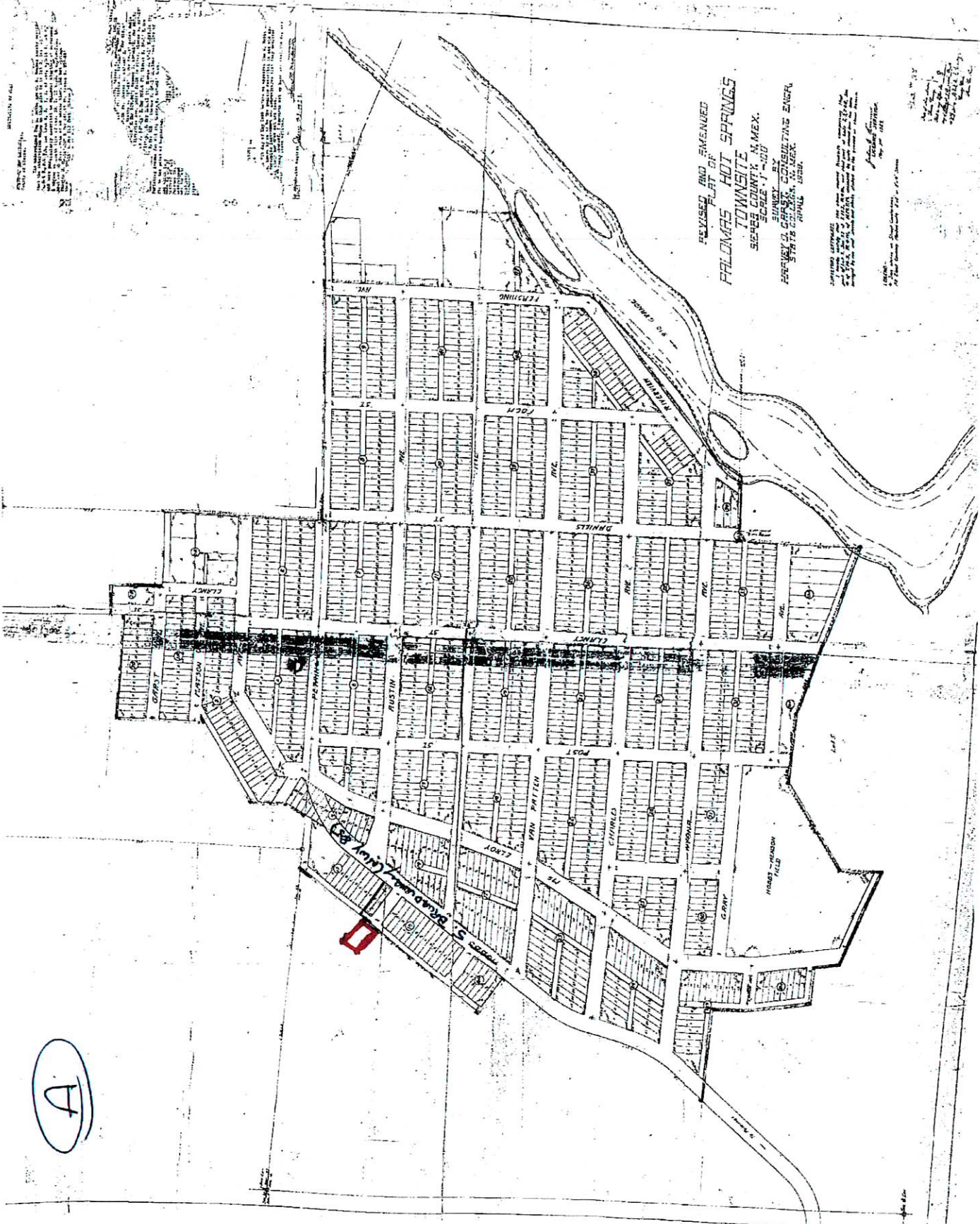
5/8/1929 Revised and Amended Plat of Palomas Hot Springs Townsite – Created W. Austin Street (A)
1/18/1997 Plat of Survey – Provides dimensions of the Extension sought to be vacated (B)
1/15/2015 ALTA Survey – Shows Extension runs under Tractor Supply building (C)
4/23/1946 Quitclaim Deed – Conveyance of Extension to the City (D)

Reasoning:

1. For its entire nearly 100 years of existence, the Extension has never been used.
2. Given the current use and development of the land, the Extension is unnecessary, and it likely never will be necessary.
3. The Extension dead ends at a cliff, so it is essentially a road to nowhere.
4. A building has been built over a portion of the ROW and is occupied by Tractor Supply, which is beneficial to the community and a popular retail store.

Existing Easements: This request is not intended to disturb the existing easements located in the same area as the Extension.

A



REVISED AND AMENDED
PLAT OF
PALOMAS HOT SPRINGS
TOWNSITE
SERRA COUNTY, N.MEX.
SCALE 1"=100'
BY
FREDERICK J. GARRIS, CONSULTING ENGINEER
STATE ENGINEER, N.MEX.
JANUARY 1938.

APPROVED FOR RECORD
JAN 13 1938
FREDERICK J. GARRIS
STATE ENGINEER, N.MEX.

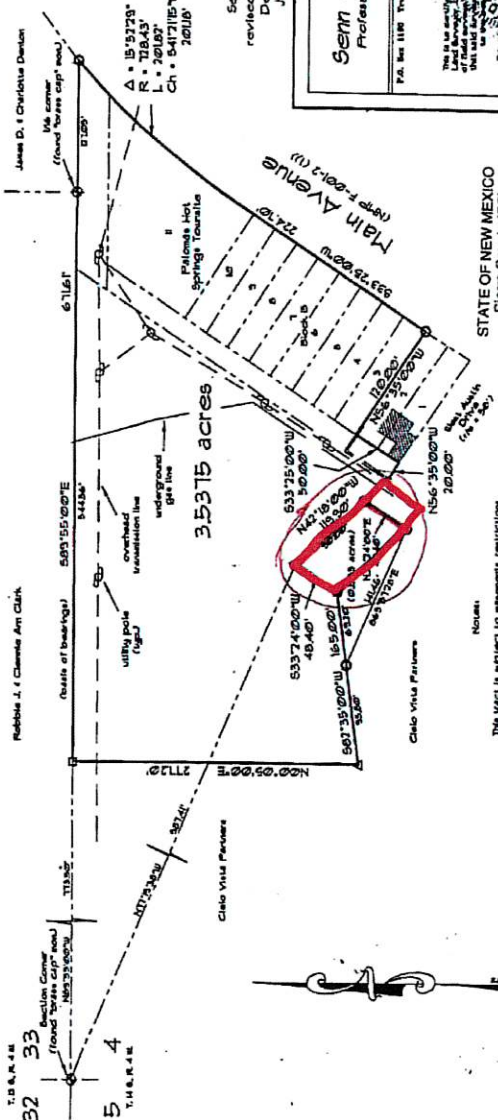
RECORDED
JAN 13 1938
BOOK 10, PAGE 10

(B)

Working Copy

PLAT OF SURVEY

of a 3.5375 acre tract of land
in the NW1/4 of Sec. 4, Tship. 14 South, Rge. 4 West, NMPM,
in the City of Truth or Consequences, Sierra County, New Mexico



September 4, 1996
revised: September 14, 1996
December 23, 1996
January 18, 1997

Senn & Associates
Professional Land Surveying

P.O. Box 1188 Truth or Consequences, New Mexico 87051



STATE OF NEW MEXICO
Sierra County (SS)
FILED IN MY OFFICE

JUN 26 1997 #1371

at Leticia, Chaco, N.M.
Sierra County Clerk
Gerald J. Murphy

NOTES:

The tract is subject to easements, restrictions
and reservations of record.

□ = Round 1/2" rebar

△ = Round 1/2" rebar short-cut

○ = set 1/2" rebar short-cut

Reference: Surveying Record Book 2, Page 30 and 31,
Sierra County Records.

Reference: NMPM Project No. 1997-2 (1)

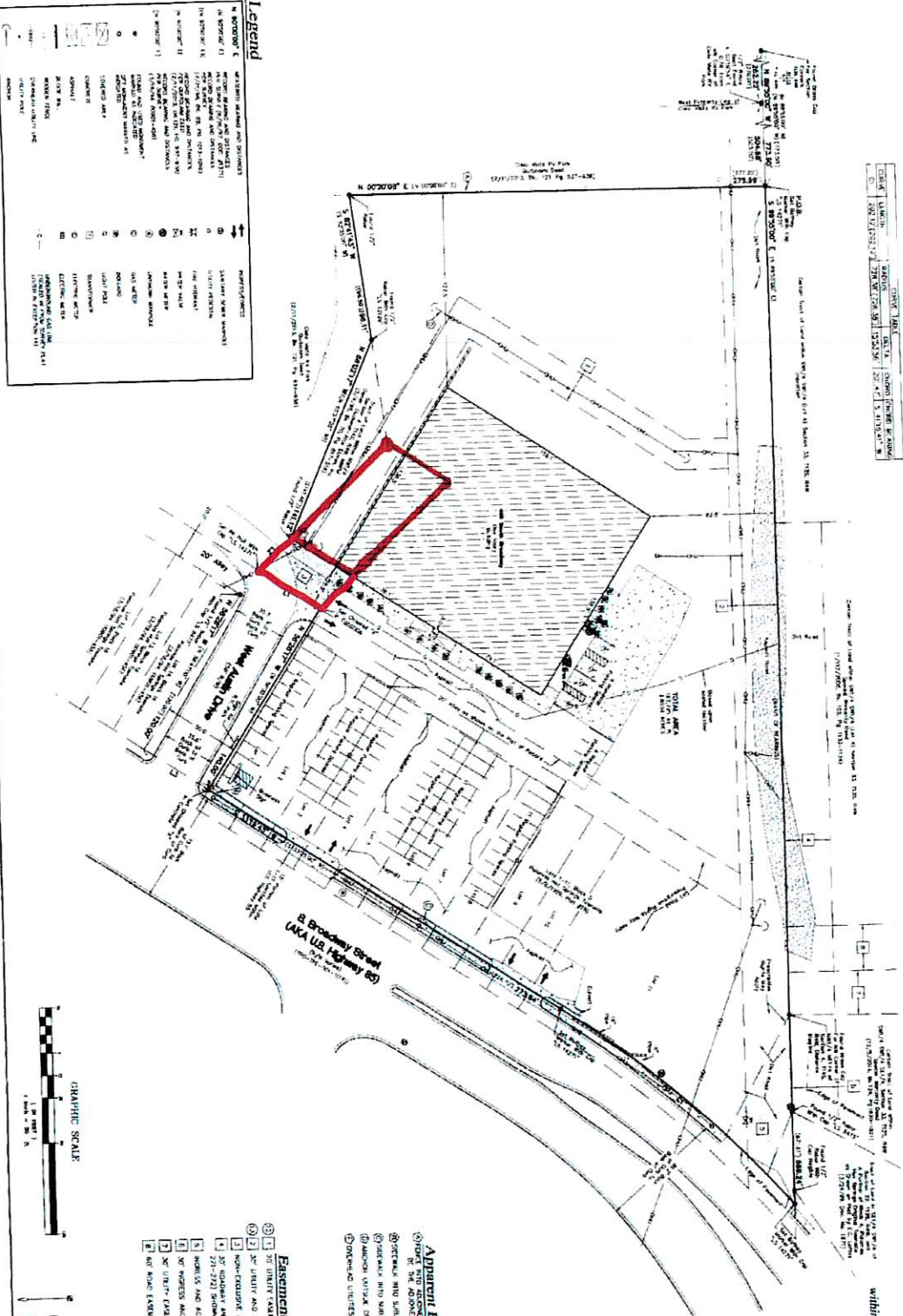
ALTA/ACSM Land Title Survey
for

Tract of Land
Comprised of Portions of Lots 1 thru 11, Block 15
Less Highway, Palomas Hot Springs Townsite
and a Tract adjacent to

Lots 1 thru 11, Block 1,
 within NW1/4 of Section 4, T 14 S, R 4 W, NMAPA
 City of Truth or Consequences
 Sierra County, New Mexico
 January 2015

LINE TABLE		$\{f_i^2 \text{ AOM}(f_i)\}$
1.7M	1.1 M(1.7M)	
1.1	4H 4C ((4H 4C))	$\leq 3.37^2 \cdot 4^2 \cdot M$ m
1.2	4H 4C ((4H 4C))	$\leq 4.75^2 \cdot 4^2 \cdot M$ m
1.3	4H 4C ((4H 4C))	$\leq 4.75^2 \cdot 4^2 \cdot M$ m
1.5	4H 4C ((4H 4C))	$\leq 3.37^2 \cdot 4^2 \cdot M$ m

CITY MAP					
COUNTY	LAMAR	RADIUS	MILEAGE	CHARGE	THROTTLE W. ASSESS
DATE	2021-09-27	72M OF 120M IN	120M IN	20.4"	5.4175.41" M



Apparent Encroachment Notes

- APPROXIMATE ENTHALPIES OF FORMATION**
- (KJ/MOLE) AT 298 K:
- ① $\text{H}_2\text{O}(l)$: -286
② $\text{CO}_2(g)$: -394
③ $\text{CH}_4(g)$: -75
④ $\text{C}_2\text{H}_6(g)$: -85
⑤ $\text{C}_2\text{H}_4(g)$: +52
⑥ $\text{C}_2\text{H}_2(g)$: +227
⑦ $\text{H}_2(g)$: 0
⑧ $\text{O}_2(g)$: 0
⑨ $\text{N}_2(g)$: 0
⑩ $\text{NH}_3(g)$: -46
⑪ $\text{NO}(g)$: +91
⑫ $\text{HCl}(g)$: -92
⑬ $\text{HF}(g)$: -271
⑭ $\text{SO}_2(g)$: -297
⑮ $\text{SO}_3(g)$: -396
⑯ $\text{Fe}_2\text{O}_3(s)$: -826
⑰ $\text{Al}_2\text{O}_3(s)$: -1676
⑱ $\text{CaO}(s)$: -635
⑲ $\text{MgO}(s)$: -602
⑳ $\text{SiO}_2(s)$: -911
㉑ $\text{ZnO}(s)$: -350
㉒ $\text{Cu}_2\text{O}(s)$: -168
㉓ $\text{Ag}_2\text{O}(s)$: -31
㉔ $\text{BaO}(s)$: -552
㉕ $\text{SrO}(s)$: -592
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㉝ $\text{CaF}_2(s)$: -1219
㉞ $\text{MgF}_2(s)$: -1103
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Easement Notices

- [illegible]

CARTESIAN SURVEYS INC.
P.O. BOX 4414 RIO RANCHO, N.M. 87174
Phone (505) 884-3000 Fax (505) 881-0241

Sheet 2 of 2

D

CITY OF HOT SPRINGS

QUITCLAIM DEED

MAX HILL

THIS INDENTURE, Made the 2nd day of May in the Year of Our Lord One Thousand Nine Hundred and Forty-six, between CITY OF HOT SPRINGS, formerly Town of Hot Springs, a municipal corporation, Trustee, party of the first part, and MAX HILL the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two Thousand Six Hundred and no/100 (\$2,600.00)---DOLLARS lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said party of the second part and to his heirs and assigns all the certain lot, piece, or parcel of land situated in the County of Sierra, and State of New Mexico, and bounded and particularly described as follows, to-wit:

Lots Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20) in Block numbered Forty-three (43) of the ORIGINAL HOT SPRINGS TOWNSITE, of Hot Springs, New Mexico.

This deed is given under authority of an Order of the District Court of Sierra County, New Mexico, in Cause No. 3090 - Civil. This Order authorized the Town of Hot Springs, which is now the City of Hot Springs, a municipal corporation, to sell to the above grantee the title to the above described property which it acquired as Trustee under the Special Master's Deed heretofore made to it in the above Cause No. 3090. - Civil in the District Court of Sierra County, New Mexico.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said part... of the second part, and to.... heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

ATTEST: Billye M. Allen
City Clerk
(Seal)

CITY OF HOT SPRINGS, formerly
Town of Hot Springs, a municipal
corporation, Trustee
By J. G. Hiss (Seal)
Mayor

APPROVED
Albert R. Keal
District Judge

ACKNOWLEDGMENT

STATE OF NEW MEXICO, County of Sierra, ss

On this 2 day of May, 1946, before me personally appeared J. G. Hiss, to me personally known, who being by me duly sworn, did say that he is Mayor of City of Hot Springs, Trustee, a municipal corporation organized under the laws of the State of New Mexico, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and that said instrument was signed and sealed in behalf of said municipal corporation, by authority of its board of -----, and said ----- acknowledged said instrument to be the free act and deed of said municipal corporation as Trustee.

(Seal) Witness my hand and seal on this the day and year first above written.

Rafael S. T. Foy, Notary Public
Sierra County, New Mexico

My commission expires July 26, 1947

STATE OF NEW MEXICO, County of Sierra, ss.

I hereby certify that this instrument was filed for record on the 3 day of May, A.D. 1946 at 9 o'clock A.M., and was duly recorded in Book F of Records of Deeds and Conveyances, page 102.

(Seal) Mrs. Jennie Martin, Probate Clerk and Ex-Officio Recorder
By Rafael S. T. Foy, Deputy

=====

H. P. ZUMWALT, et al QUITCLAIM DEED THE CITY OF HOT SPRINGS NEW MEXICO

THIS INDENTURE, Made the 23rd day of April in the Year of Our Lord One Thousand Nine Hundred and Forty Six, between H. P. Zumwalt and his wife Marie A. Hobbs Zumwalt, and U. E. Reeves and his wife Florence M. Reeves, parties of the first part, and The City of Hot Springs New Mexico the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One or More DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents, demise, release and forever quitclaim, unto the said parties of the second part and to its heirs and assigns all the certain lot, piece, or parcel of land situated in the County of Sierra, and State of New Mexico, and bounded and particularly described as follows, to-wit:

A parcel of land for the extension of West Austin Street in Palomas Hot Springs Township Hot Springs New Mexico, starting at the northwest corner of Block 16, Thence Northwest at right angles to the west line of said block 16 a distance 20 ft. Which is the point of beginning of this parcel of land, Thence North 42°32' west a distance of 120 ft. Thence North 35°19' east distance 50 ft. Thence South 42°32' east distance 120 ft. Thence South 35°19' west distance 50 ft. to the point of beginning. This parcel of land deeded for street purposes only.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said parties of the second part, and to its heirs and assigns forever.

VACATE
THIS

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of.

(Seal)
Approved by J. G. Hime
Mayor of the City of Hot Springs
ATTEST: Billye H. Allen
(Seal) City Clerk

H. P. Zumwalt (Seal)
Marie A. Hobbs Zumwalt (Seal)
W. E. Reeves (Seal)
Florence K. Reeves

STATE OF NEW MEXICO, County of Sierra. ss.

On this 23rd day of April, 1946, before me personally appeared H. P. Zumwalt and his wife Marie A. Hobbs Zumwalt and W. E. Reeves and his wife Florence K. Reeves to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.
(Seal) Witness my hand and seal the day and year last above written.
My commission expires Dec. 29, 1948 C. E. Benson, Notary Public

STATE OF NEW MEXICO, County of Sierra. ss.

I hereby certify that this instrument was filed for record on the 8 day of May, A.D. 1946, at 11 o'clock A.M., and was duly recorded in Book F of Records of Deeds and Conveyances, Page 102, 103.
(Seal) Mrs. Jennie Martin, Probate Clerk and Ex-Officio Recorder.
Rafael S. Tiofoya, Deputy

//////////////////// J. R. POINDEXTER

MAHEL DARR, et vir

QUITCLAIM DEED

THIS INSTRUMENT, Made this 30th day of April, A.D., 1946 between Mabel Darr, and W. A. Darr, her husband, of the first part and J. R. Poindexter, of the second part.

WITNESSETH, That the said parties of the first part, hereinbefore named, for and in consideration of the sum of TEN (\$10.00) Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold, released, conveyed, released and quitclaim and by these presents do grant, bargain, sell, remise, convey, release and confirm unto the said party of the second part his heirs and assigns forever, all of the following described lots or parcels of land and real estate situate, lying and being in the Town of Hot Springs County of Sierra and State of New Mexico, to-wit:

Commencing at the Southwest corner of Block 5 of the La Vista addition, formerly Bullen addition, to the Town of Hot Springs, thence North 150 feet, thence East 150 feet, thence South 150 feet, thence West 150 feet, to the point of beginning, containing 22,500 square feet.

This deed is given to confirm that certain deed under date of June 28, 1937, between same parties herein, in which said property was described as Lot 1 of Block 5 of the La Vista addition to the Town of Hot Springs, New Mexico

together with all and singular, the lands, tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all of the estate right, title, interest, claim and demand whatsoever of said parties of the first part, either in law or in equity, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD, The said premises above bargained and described with the appurtenances unto the said party of the second part his heirs and assigns forever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and seals the day and year above written.

Mabel Darr (L.S.)
W. A. Darr (L.S.)

STATE OF NEW MEXICO, County of Sierra. ss.

On this 30th day of April, 1946, before me personally appeared Mabel Darr and W. A. Darr, her husband, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, to the uses and purposes therein set forth.
(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

L. V. Wals
Notary Public

My commission expires Jan 5th 1948

STATE OF NEW MEXICO, County of Sierra. ss.

I hereby certify that this instrument was filed for record on the 9th day of May, A.D. 1946, at 1 o'clock P.M. and duly recorded in Book F, at page 103 of the Record of Deeds of said county.
(Seal) Mrs. Jennie Martin, Clerk

////////////////////////////////////



3022079424016

3022079

3022079465042

3022079423046

3022079396047

3022079430057

3022079457074

3022079436065

3022079453067

100ft

33.128 Degrees

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Comm...

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



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

*Ingo Hoepfner
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
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, May 11, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Request to Vacate Chapter 15 – Subdivision Code Sec. 15-18. – Vacation of plats. – portion of W. Austin St

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) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, May 8, 2026 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– Thursday, April 9, 2026

Sec. 15-18. Vacation of plats.

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

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



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 5-11-2026

ITEM: Public Hearing/Discussion/Action – Vacation of Plats – 418 Locust St.

BACKGROUND:

Applicant is requesting the city vacate the alleyway adjacent to 418 Locust St. Applicant owns properties on both sides of alleyway – Parcel 3022078407299 (418 Locust), Parcel 3022078423296 and Parcel 3022078423302. All property owners within 300ft were notified of public hearing.

Owner of parcels 3022078423306 and 3022078407306, both within the alley, is against it. Vacation of alleyway would block access to parcel 3022078423306.

If approved, applicant would need to provide survey with legal descriptions.

SUPPORT INFORMATION:

Site Plan
Parcel Maps
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

3022078423296

This is an aerial photograph of a large area of land, likely in a desert or semi-arid region. The land is divided into several rectangular parcels outlined in red. The parcels are labeled with numbers. The top-left parcel contains some sparse vegetation and a small structure. The top-right parcel contains a large, light-colored building with a flat roof. The middle-left parcel is mostly bare earth with some small shrubs. The middle-right parcel is also mostly bare earth. The bottom-left parcel is a large, irregularly shaped area with significant erosion and some vegetation. The bottom-right parcel is a large, rectangular area of bare earth. The overall terrain is flat and arid.

3022078423302

3022078423306

3022078407290

3022078407306

3022078415328

[Handwritten notes and sketches on lined paper]

HILL ST DE

BKK n

VACANT

PH 3022078423496

PH 3022078423302 PH

105'

100' EIR POLE

PH 3022078423196

ROUTE 12
POLE

20
10

105

4277

2013

$$\begin{array}{r|l} 30+140 & 30+140 \end{array}$$

55

✓ flexu +
LAD

57H

418 LOUST

LOCUST ST

PH# 3022078407299

140 10 30

140	2
2	..
3	..
4	..
5	..
6	..
7	..
8	..
9	:
10	0
140	0

60

54

140	1
2	2
3	3
4	4
5	5
6	6

60

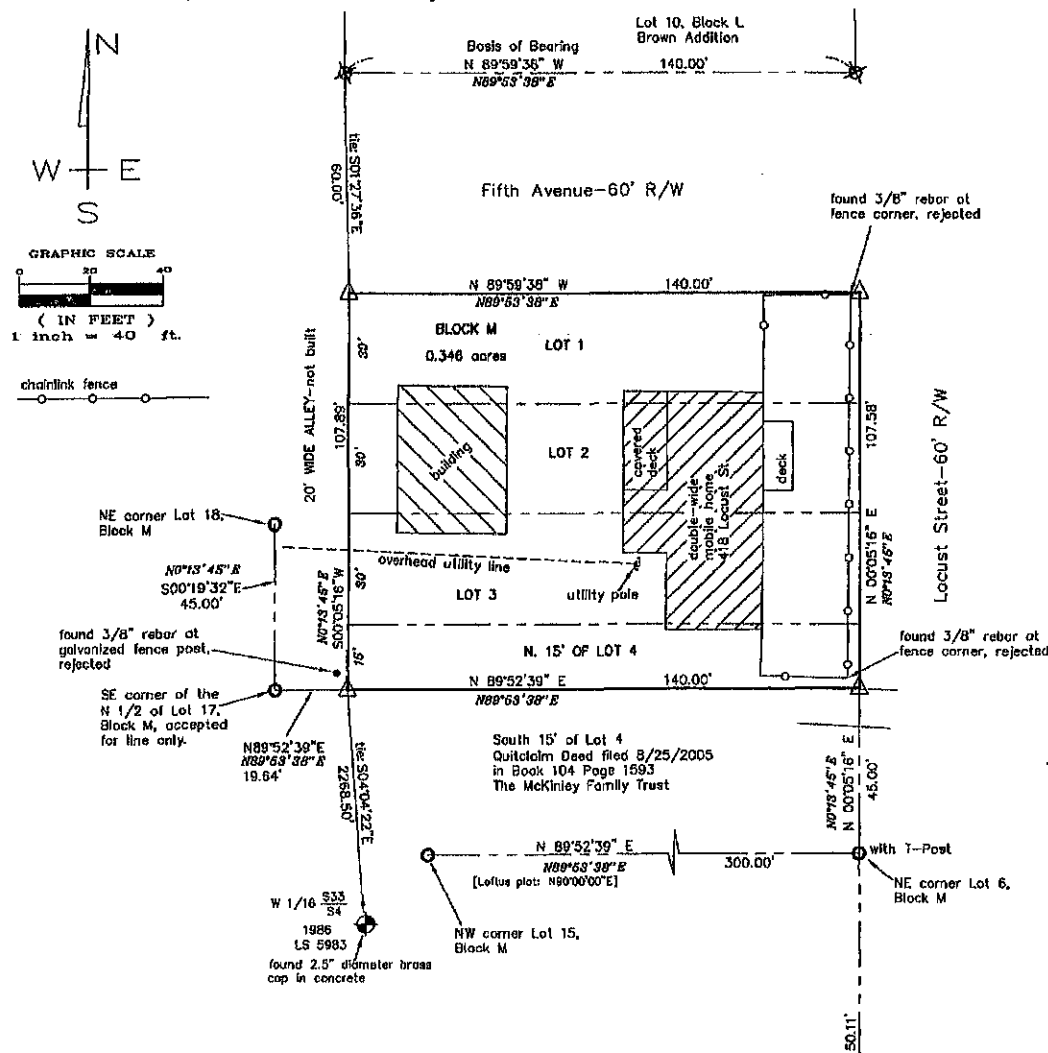
120°13'45"E

20



BOUNDARY SURVEY PLAT

LOTS 1, 2, 3, and the north 15' of Lot 4, Block M, Brown's (or Brown) Addition,
Truth or Consequences, Sierra County, New Mexico



Plat of Brown's (or Brown) Addition filed
12/17/1946 in Miscellaneous Book H Pages
483-484 Plat #2-B. (Reference document for Fifth
Ave Locust St, Block M, Block L)

Plat of Survey, not filed, titled "Parts of Block M &
all of Block T, Brown's Addition..." by Loftus & Co
Land Surveyors dated 1-10-00 and revised
4-4-00.

These lots are subject to easements, restrictions,
and reservations of record, and such easements
as may exist on the ground.

⊗ = found 1/2" diameter rebar with 1" diameter plastic
survey cap stamped NMPS 5949

△ = set 1/2" diameter rebar with 1" diameter plastic
survey cap stamped 13984

○ = found 5/8" diameter rebar with 1.25" plastic survey
cap stamped Loftus & Co RLS 8473

Found and accepted monuments tagged with
a 1.25" diameter brass disc stamped 13984

monument dimensions are "outside diameter"

SURVEYORS CERTIFICATE

I, Jeff L. Richter, New Mexico Professional Surveyor
No. 13984, do hereby certify that this Boundary Survey Plat
and the survey on the ground upon which it is based
were performed by me or under my direct supervision; that I
am a resident of this state; that this survey meets the
Minimum Standards for Surveying in New Mexico; and that it
is a true and correct copy of my knowledge and belief.
I further certify that this plat is not a land division or
subdivision as defined in the New Mexico Subdivision Act and
that this instrument is a Boundary Survey Plat of an existing
tract or tracts.

Jeff L. Richter, New Mexico Professional Surveyor
No. 13984, dated 4-16-2018
Date

Reference
Warranty Deed filed 12/1/1989 in Book 57
Page 60. This deed states that "The sewer
line from 418 Locust South to Third Street
belongs to Ann Niace and is not being
transferred with the above described property".

Assessor Account #8821

Basis of Bearings:
Boundary Survey Plat filed 10/23/2017 in
Book 128 Page 4810

Property lines of the surveyed subject lots are
contiguous with each other and with property
lines of adjoining lots.

Record dimensions, from subdivision plat referenced
hereon, shown in *italics* where record dimensions do
not equal field measurements. Others are field
measurements.

RICHTER LAND SURVEYING
614 BROADWAY P.O. BOX 1648
TRUTH OR CONSEQUENCES, NM 87901
575-894-2348

18014

INDEXING INFORMATION FOR COUNTY CLERK

SIERRA COUNTY, NM
SHELLY K. TRUJILLO, COUNTY CLERK
20180617
Book 129 Page 4106
1 of 1
04/16/2018 02:06:45 PM
BY LAURAH

Betty Harrison
Sec 33, T13S, R4W
Brown Addition

DEDICATION OF BROWN'S ADDITION
TO HOT SPRINGS, NEW MEXICO

IN WITNESS WHEREOF, I have hereunto set my hand and seal
this October 28, A.D. 1946

JAMES Wm. BROWN

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

My commission expires:
March 22, 1947

Douglas
Fitzhugh

Licenses 683

E. H. BLACK
Land Surveyor

BROWN ADDITION

TO THE CITY OF HOT SPRINGS
SIERRA COUNTY, NEW MEX.

ANN 1/4 SW 1/4 SEC. 33 T13S, R4W. N.M.P.M.

SCALE, 1 = 100

For FIRE Mapping Co

APR 12, 1983

I HEREBY certify that this
Instrument was filed for record on the
7th day of Dec., AD, 1946
at 3 o'clock P.M. and duly
recorded in Book H page 483-494
of Thirteenth --- of ---

Rolf Hechler
Mayor

Destiny Mitchell
Mayor Pro-Tem

Amanda Forrister
Commissioner



505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov

Ingo Hoepfner
Commissioner

Chaz M. Glines
Commissioner

Gary Whitehead
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, May 11, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Request to Vacate Chapter 15 – Subdivision Code Sec. 15-18.
– Vacation of plats. – 418 Locust St., Truth or Consequences, NM 87901

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) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, May 8, 2026 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– Thursday, April 9, 2026

Re: Ray and Linda Downs, 418 Locust 'vacation of plats' hearing/request

From Alvarez, Traci <talvarez@torcnm.org>

Date Thu 4/2/2026 9:08 PM

To Paul Richardson <prworld9000@yahoo.com>; Martinez, Katy <kmartinez@torcnm.gov>; Torres, Angela <aatorres@torcnm.gov>

Good evening,
I have received your email and I am including our City Clerk's office so it can be added to the record. Once I have prepared the item for the agenda, I will send you the property packet information for any further questions or concerns.
Thank you,
Traci

Traci Alvarez
Assistant City Manager
City of Truth or Consequences
505 Sims Street
Truth or Consequences, NM 87901
(575) 952-0565

PLEASE UPDATE YOUR RECORDS WITH NEW EMAIL ADDRESS (.GOV)

talvarez@torcnm.gov

From: Paul Richardson <prworld9000@yahoo.com>

Sent: Thursday, April 2, 2026 5:50 PM

To: Alvarez, Traci <talvarez@torcnm.org>

Subject: Ray and Linda Downs, 418 Locust 'vacation of plats' hearing/request

Hello Ms Alvarez,

I received the notice of this hearing today.

If this action would permit the Downs' to increase home density here on Locust, I am **against** it.

Locust as you know is a quiet, almost zero traffic small dirt road here in T Or C, which is a large part of why we bought here at #415.

I will be unable to attend your hearing in person, but please read my opinion into the record prior to any vote.

You may know that the Downs have this home for sale, he is a mobile home seller/developer and may be looking for more build-ability (profit) than they originally purchased, at the expense of the rest of the neighborhood.

Thank you so much, please call with any questions.

Best, PR

Paul Richardson, mgr

Prometheus, LLC
415 Locust, 87901
575-740-1429

Sec. 15-18. Vacation of plats.

- A. *Purpose of vacation of plat:* A vacation of plat occurs when part or all of a filed subdivision plat is eliminated.
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 - 1. The owners of record of the land proposed to be vacated sign an acknowledged statement declaring their wish that the plat or portion of a plat be vacated; or
 - 2. The City Commission finds that the plat's approval was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared.
- C. *Processes of vacation:* Vacations of plat that result in the decrease in the number of lots by not more than one lot may be processed using the Alternate Summary Process.
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(Ord. No. 555, 5-23-06)



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 5-11-2026

ITEM: Public Hearing/Discussion/Action – Summary Plat Amendment 2300 Veater

BACKGROUND:

Applicant is requesting to split parcel 3023079497476 and parcel 3023079432476 making 4 separate parcels. Property is in the T-1 district. All parcels meet lot size requirements. All parcels will have either direct access or legal easement access to all city-maintained utilities and street.

All required documents and fees have been submitted and certified letters mailed to property owners as required.

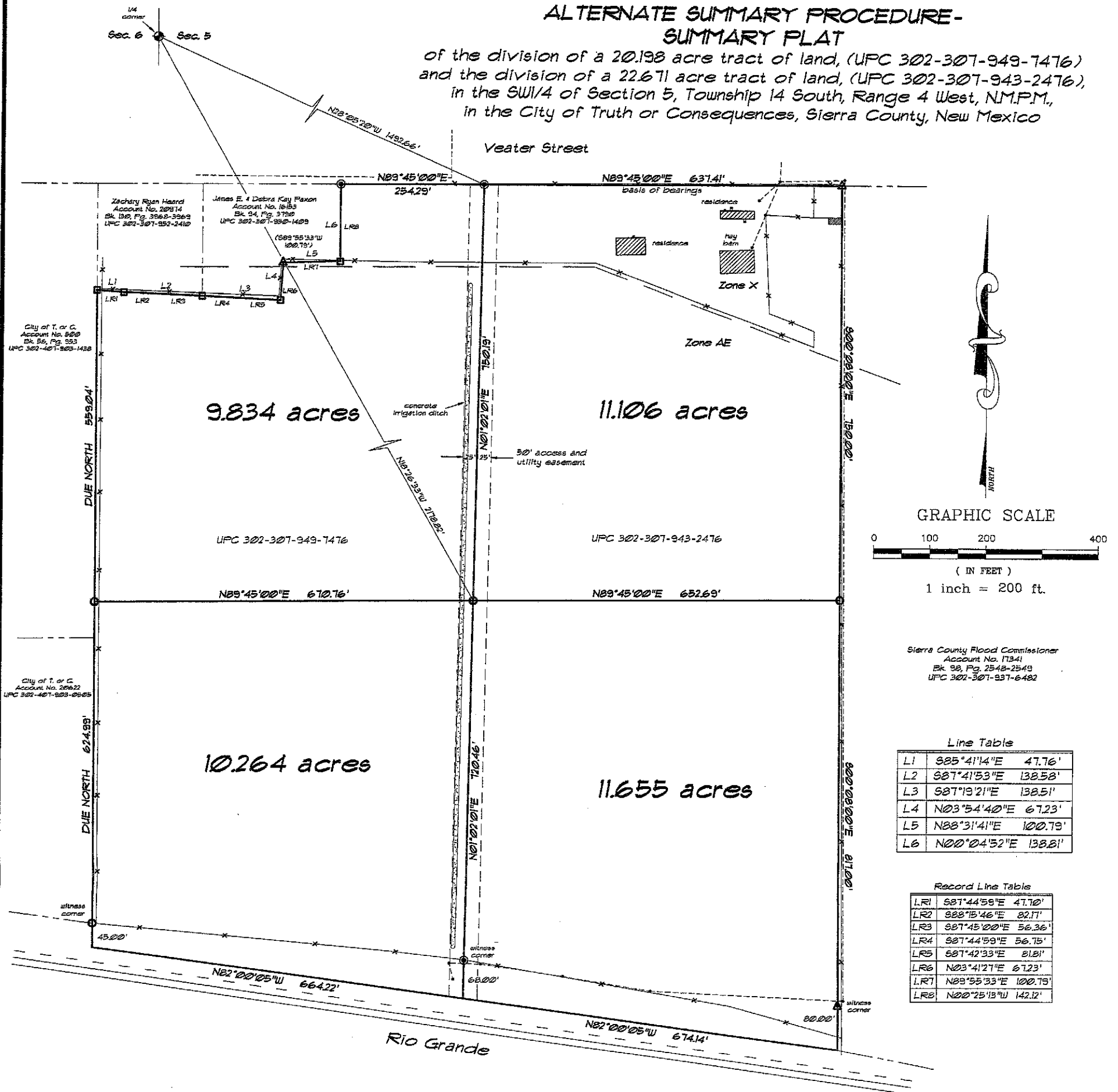
SUPPORT INFORMATION:

Surveys
Parcel Map
Public Hearing Notice
Applicable Code

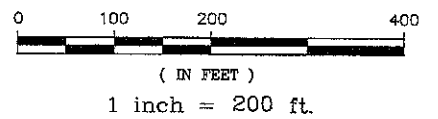
Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

ALTERNATE SUMMARY PROCEDURE-
SUMMARY PLAT

of the division of a 20.198 acre tract of land, (UPC 302-307-949-7476)
and the division of a 22.671 acre tract of land, (UPC 302-307-943-2476),
in the SW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M.,
in the City of Truth or Consequences, Sierra County, New Mexico



GRAPHIC SCALE



Sierra County Flood Commissioner
Account No. 17341
Bk. 98, Pg. 2548-2549
UPC 302-307-937-6482

Line Table

L1	S85°41'14"E	47.76'
L2	S87°41'53"E	138.58'
L3	S87°19'21"E	138.51'
L4	N03°54'40"E	67.23'
L5	N88°31'41"E	100.79'
L6	N00°04'52"E	138.81'

Record Line Table

LR1	S87°44'58"E	47.70'
LR2	S88°15'46"E	82.11'
LR3	S87°45'00"E	56.36'
LR4	S87°44'59"E	56.75'
LR5	S87°42'33"E	81.81'
LR6	N03°41'27"E	67.23'
LR7	N89°55'33"E	100.79'
LR8	N00°25'13"W	142.12'

ACKNOWLEDGMENT

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

Walter L. Martin
Walter L. Martin

STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 13th day of

March, 2026, by Walter L. Martin

Beverly T. Kasiah
Beverly T. Kasiah
Notary Public

My Commission Expires: 1-18-2029

Leslee J. Martin
Leslee J. Martin

STATE OF NEW MEXICO)
COUNTY OF SIERRA)

The foregoing instrument was acknowledged before me this 13th day of

March, 2026, by Leslee J. Martin

Beverly T. Kasiah
Beverly T. Kasiah
Notary Public

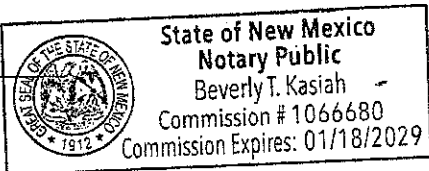
My Commission Expires: 1-18-2029

Reference:

Account No. 918
Book 145, Pages 212-215, (Warranty Deed)
UPC 302-307-943-2476 & UPC 302-307-949-7476

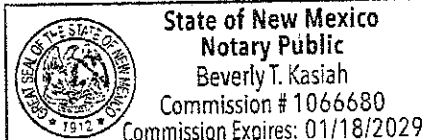
City of Truth or Consequences Subdivision Codes, Ordinance Number 555,
(adopted: May 23, 2006)

National Flood Insurance Program, Flood Insurance Rate Map for the City of
Truth or Consequences, Sierra County, New Mexico, Community-Panel No. 330073
2003 C, (revised July 16, 1996, and revised to reflect LOMR April 23, 2018)



Legend:

- Found 5/8" rebar w/survcap stamped "NMLS 13984" ●
- Found 1/2" rebar, (no survey identification) ▲
- Found 1/2" rebar w/survcap stamped "NMLS 5349" ■
- Found City of T or C "brass-cap" monument, (1/4 corner) ◆
- Set 1/2" rebar w/survcap stamped "NMLS 12125" ○
- wire fence line ————
- overhead power lines ————
- Flood Zone Boundary, (scaled from F.I.R.M.) ————



ACKNOWLEDGMENT

The City of Truth or Consequences, Sierra County, New Mexico,
does hereby acknowledge the division of property as shown
on this plat.

Mayor

Date

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" and Flood Zone AE,
"special flood hazard area inundated by the 100-year flood, with base flood
elevations determined"

The hereon described parcels 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)

On corners found without survey identification, an aluminum tag stamped "NMLS
12125" was applied

March 6, 2026

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 a land division but
not a subdivision as qualified hereon, (Alternate Summary
Procedure).

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

David M. Sarr
David M. Sarr
New Mexico Professional Surveyor
License Number 12125

INDEXING INFORMATION FOR COUNTY CLERK
Walter L. & Leslee J. Martin (918)
Section 5
Township 14 South, Range 4 West, N.M.P.M.

Chaparral Surveying, LLC

P.O. Box 629

Elephant Butte, New Mexico 87935

(575) 740-0334

March 11, 2026

LEGAL DESCRIPTION

(10.264 ACRES)

A tract of land situate in the SW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., bounded on the south by the north bank of the Rio Grande, in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the NE corner of this tract, a 1/2" rebar w/survcap stamped "NMPLS 12129", whence the west 1/4 corner of Section 5, Township 14 South, Range 4 West, a City of T or C "brass-cap" monument, bears N18°26'33"W, a distance of 2178.82 feet;

Thence, S01°02'01"W, a distance of 720.46 feet to the SE corner of this tract, a point on the north bank of the Rio Grande, whence a 5/8" rebar w/survcap stamped "NMLS 13984", (witness corner), bears N01°02'01"E, a distance of 68.00 feet;

Thence, continuing along the north bank of the Rio Grande, N82°00'05"W, a distance of 664.22 feet to the SW corner of this tract, whence a 1/2" rebar w/survcap stamped "NMPLS 12129", (witness corner), bears DUE NORTH, a distance of 45.00 feet;

Thence, DUE NORTH, a distance of 624.99 feet to the NW corner of this tract, a 1/2" rebar w/survcap stamped "NMPLS 12129";

Thence, N89°45'00"E, a distance of 670.76 feet to the point of beginning of the tract hereon described, containing 10.264 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, Summary Plat dated March 6, 2026).

Chaparral Surveying, LLC

P.O. Box 629

Elephant Butte, New Mexico 87935

(575) 740-0334

March 11, 2026

LEGAL DESCRIPTION

(11.655 ACRES)

A tract of land situate in the SW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., bounded on the south by the north bank of the Rio Grande, 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 1/2" rebar w/survcap stamped "NMPLS 12129", whence the west 1/4 corner of Section 5, Township 14 South, Range 4 West, a City of T or C "brass-cap" monument, bears N18°26'33"W, a distance of 2178.82 feet;

Thence, N89°45'00"E, a distance of 652.69 feet to the NE corner of this tract, a 1/2" rebar w/survcap stamped "NMPLS 12129";

Thence, S00°08'00"E, a distance of 817.00 feet to the SE corner of this tract, a point on the north bank of the Rio Grande, whence a 1/2" rebar w/aluminum tag stamped "NMPLS 12129", (witness corner), bears N00°08'00"W, a distance of 80.00 feet;

Thence, continuing along the north bank of the Rio Grande, N82°00'05"W, a distance of 674.14 feet to the SW corner of this tract, whence a 5/8" rebar w/survcap stamped "NMLS 13984", (witness corner), bears N01°02'01"E, a distance of 68.00 feet;

Thence, N01°02'01"E, a distance of 720.46 feet to the point of beginning of the tract hereon described, containing 11.655 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, Summary Plat dated March 6, 2026).

Chaparral Surveying, LLC

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

March 11, 2026

LEGAL DESCRIPTION (11.106 ACRES)

A tract of land situate in the SW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., bounded on the north by Veater Street, 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 5/8" rebar w/survcap stamped "NMLS 13984", a point on Veater Street, whence the west 1/4 corner of Section 5, Township 14 South, Range 4 West, a City of T or C "brass-cap" monument, bears N28°05'20"W, a distance of 1492.66 feet;

Thence, continuing along Veater Street, N89°45'00"E, a distance of 637.41 feet to the NE corner of this tract, a 1/2" rebar w/aluminum tag stamped "NMPLS 12129";

Thence, S00°08'00"E, a distance of 750.00 feet to the SE corner of this tract, a 1/2" rebar w/survcap stamped "NMPLS 12129";

Thence, S89°45'00"W, a distance of 652.69 feet to the SW corner of this tract, a 1/2" rebar w/survcap stamped "NMPLS 12129";

Thence, N01°02'01"E, a distance of 750.19 feet to the point of beginning of the tract hereon described, containing 11.106 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, Summary Plat dated March 6, 2026).

Chaparral Surveying, LLC

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

March 11, 2026

LEGAL DESCRIPTION (9.834 ACRES)

A tract of land situate in the SW1/4 of Section 5, Township 14 South, Range 4 West, N.M.P.M., bounded partially on the north by Veater Street, in the City of Truth or Consequences, Sierra County, New Mexico, and more particularly described as follows, to-wit;

Beginning at the NE corner of this tract, a 5/8" rebar w/survcap stamped "NMLS 13984", a point on Veater Street, whence the west ¼ corner of Section 5, Township 14 South, Range 4 West, a City of T or C "brass-cap" monument, bears N28°05'20"W, a distance of 1492.66 feet;

Thence, S01°02'01"W, a distance of 750.19 feet to the SE corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, S89°45'00"W, a distance of 670.76 feet to the SW corner of this tract, a ½" rebar w/survcap stamped "NMPLS 12129";

Thence, DUE NORTH, a distance of 559.04 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPS 5949";

Thence, S85°41'14"E, a distance of 47.76 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPS 5949";

Thence, S87°41'53"E, a distance of 138.58 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPS 5949";

Thence, S87°19'21"E, a distance of 138.51 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPS 5949";

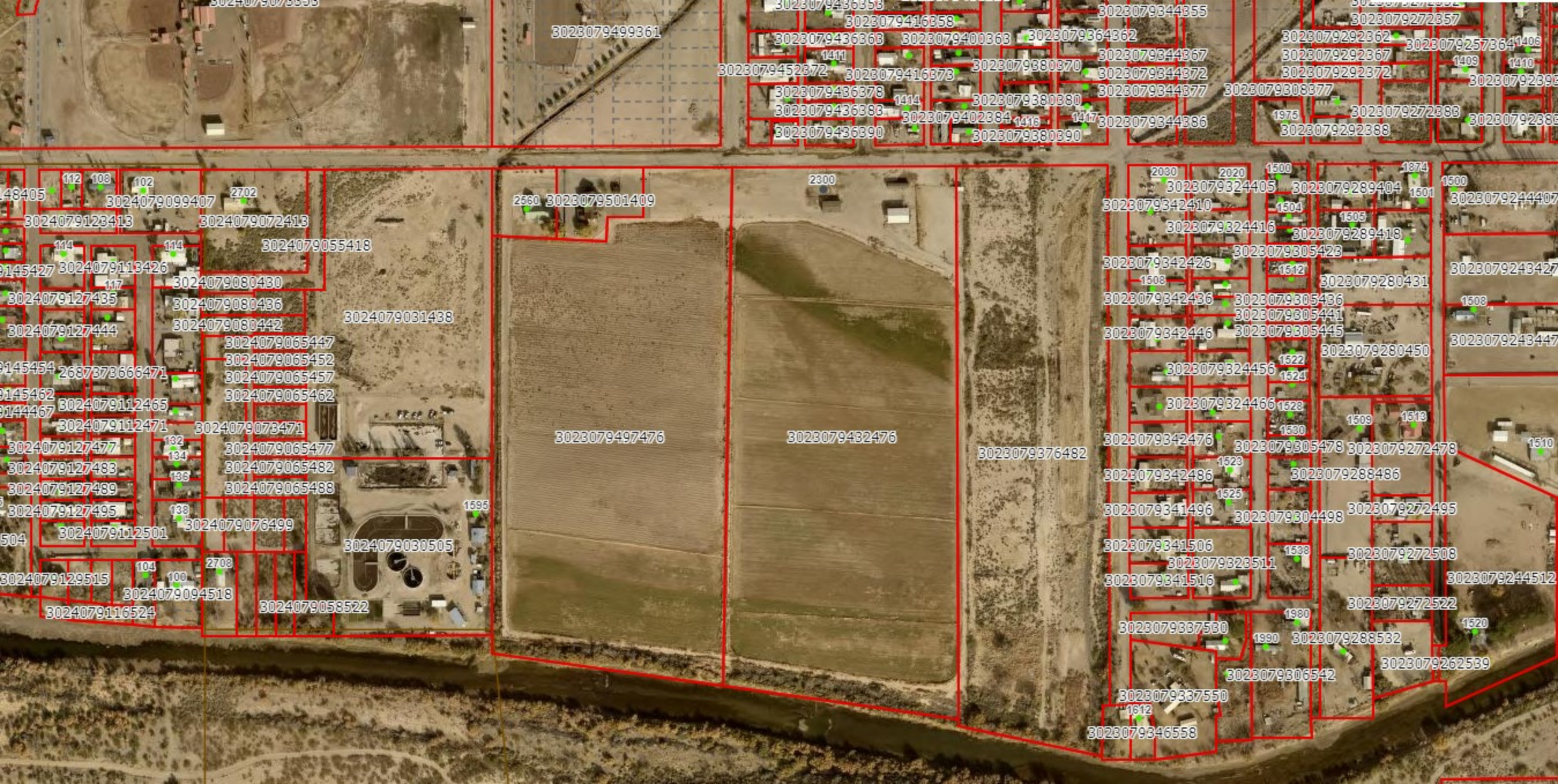
Thence, N03°54'40"E, a distance of 67.23 feet to an angle point in this tract, a ½" rebar w/aluminum tag stamped "NMPLS 12129";

Thence, N88°31'41"E, a distance of 100.79 feet to an angle point in this tract, a ½" rebar w/survcap stamped "NMPS 5949";

Thence, N00°04'52"E, a distance of 138.81 feet to an angle point in this tract, a 5/8" rebar w/survcap stamped "NMLS 13984", a point in Veater Street;

Thence, continuing along Veater Street, N89°45'00"E, a distance of 254.29 feet to the point of beginning of the tract hereon described, containing 9.834 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, Summary Plat dated March 6, 2026).



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4-27-2024

Dear P&Z Board Members,

Thank you for considering this re-plat. I'm sorry not to be present, but am out of state and unable to attend. This farm is currently in two 20 + acre parcels and I would like to divide it in four 10 + - acres. Listed below are the reasons I am asking for this re-plat.

1. I desire to have one parcel for myself and my other two family members one for each and have a small farm and homesite.
2. As water becomes more and more scarce, it is difficult to keep this much acreage alive and well managed.

It is my intent to keep farming the total acreage if I am able to get an approved supplemental well. I do not wish to be a burden on the city and will not require any utility extensions, other than service lines or taps. There is currently power on all 4 sides and water and sewer in Veater St. I have allowed for a 50' easement for private utility lines a privately maintained roadway. This width roadway should be adequate for future growth should the city need and desire it. Should my family or I ever decide to sell, we would be giving the owners of the two homes in the NE corner of the original farm an opportunity to purchase and add the 9.834 acres to their place. Again, I wish I could be there in person. Thanks again for considering this request.

Best regards

Walt Martin



575-740-1441

Sec. 11-9-9. T-1 Transition District.

- A. *PURPOSE.* The T-1 District is a low density semi-rural residential District comprised primarily of single family frame and manufactured housing units. This is a temporary classification intended to allow development of a predominantly undeveloped area.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Article 10 through 14 of this Code.
- C. *T-1 PERMITTED USES.* The following uses are permitted by right in the T-1 Districts:
1. Accessory Buildings.
 2. Detached Single Family Dwellings.
 3. Manufactured Housing on individual lots, tied down and skirted according to the provisions in Article 11 of the Comprehensive Planning and Zoning Code with one manufactured housing unit allowed per lot.
 4. Guest Dwellings or accessory living quarters.
 5. All types of Horticulture.
 6. 4-H or FFA animal raising in accordance with other applicable regulations.
 7. Keeping of small animals and fowl in accordance with other applicable regulations.
 8. Keeping of large animals in accordance with other applicable regulations.
 9. Recreational Courts, including but not limited to, tennis and other similar uses.
 10. Home Occupations.
 11. Produce stands for agricultural products.
 12. Greenhouse (commercial or non-commercial), garden sheds, and tool sheds. When detached from the main dwellings, such structures are subject to the provisions of Accessory Buildings.
 13. Private swimming pools five (5) feet from property lines and surrounded with four (4) feet fencing for safety.
 14. Garage or yard sale or similar use. There (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 15. Real Estate Office (temporary.) Permitted only when used in conjunction with a residential subdivision, provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.
 16. Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front or side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 17. Television and Radio Towers and all other Free Standing Towers (public or private.) Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.
 18. The sale of agricultural and farm products, nursery stock, poultry, rabbits, chinchillas, fish, frogs, earthworms and bees.
- D. *T-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission:

-
1. Boarding Houses and Rest Homes.
 2. Cemetery.
 3. Child Care Center (Six (6) or more children).
 4. Church.
 5. Community and publicly owned recreational centers, clubhouses, and similarly, used buildings and structures open to the public.
 6. Manufactured Home Parks.
 7. Manufactured Home Subdivision.
 8. Recreational Vehicle Park.
 9. Schools (Primary, Secondary, Private and Parochial).
 10. Veterinary Facilities.

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

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 closed 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 ($\frac{1}{3}$) 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 ($\frac{2}{3}$) 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 ($\frac{3}{4}$) 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.

*Rolf Hechler
Mayor*

*Destiny Mitchell
Mayor Pro-Tem*

*Amanda Forrister
Commissioner*



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

*Ingo Hoeppner
Commissioner*

*Chaz M. Glines
Commissioner*

*Gary Whitehead
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, May 11, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Plat Amendment 2300 Veater. The applicant is seeking approval of a plat amendment request for the property located at 2300 Veater, Truth or Consequences, NM 87901, as follows:

Chapter 15 – Subdivisions, Section 15-15 – Alternate Summary Procedure and Section 15-7 – Amendments of Plats. The applicant is requesting approval of a Summary Plat of Division to divide an approximately 22.9-acre tract into multiple parcels.

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) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, May 8, 2026 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– Thursday, April 9, 2026



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 5-11-2026

ITEM: Public Hearing/Discussion/Action – Variance Request 1199 E Riverside – Standards for District – Minimum Dwelling Unit Size

BACKGROUND:

Applicant is requesting a variance for minimum dwelling unit size. Property is in the RR-1 District. Existing structure on the property is 510 Square Feet. Applicant would like to remodel it for livable dwelling purposes. RR-1 requires minimum dwelling size 800 SF. Existing structure was an accessory building prior to lot split in 2022 (Parcels 2912363667737 and 2912533667738 were combined prior to 2022).

Structure has unobstructed access to city-maintained utilities and street.

All required documents and fees have been submitted and certified letters mailed to property owners as required.

SUPPORT INFORMATION:

Site Plan
Parcel Maps
Public Hearing Notice
Applicable Code

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

1199

1199

21079253007

3021079247008

1195

2912363667737

2912533667738

1227

3021079226008

1277

3021079216008

1299

3021079208008

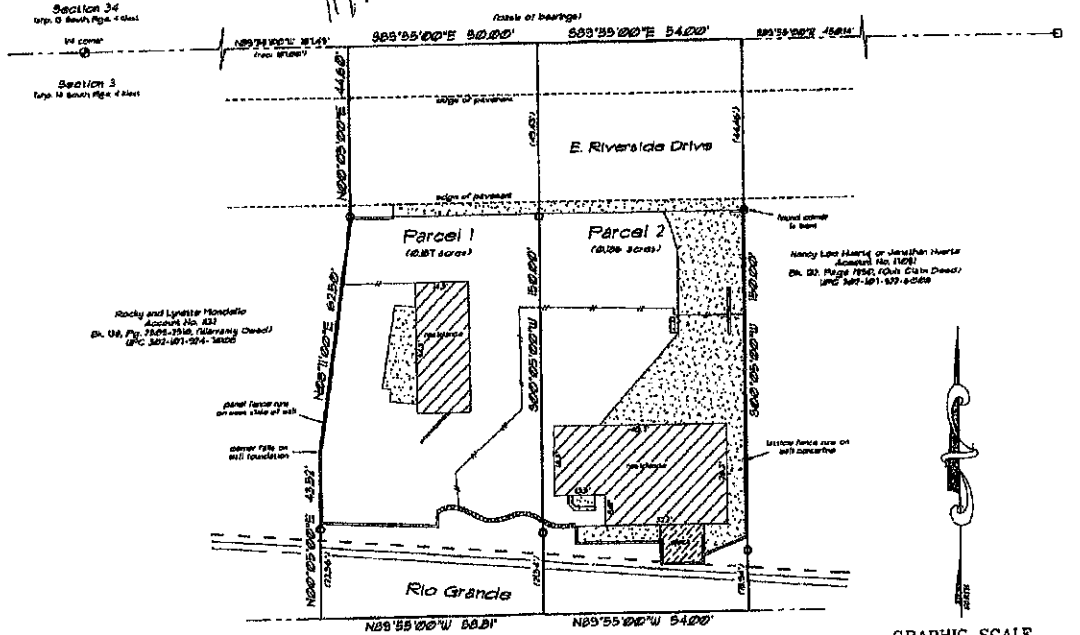
1307

1333



Exhibit A

ALTERNATE SUMMARY PROCEDURE-SUMMARY FLAT
of the division of a 0.373 acre tract of land into two parcels of land,
in the NW1/4 NE1/4, (Lot 1), of Section 3, Township 14 South, Range 4 West, NMPM,
in the City of Truth or Consequences, Blaine County, New Mexico



Notes:

- These parcels are subject to easements, restrictions and reservations of records.
- The parcels shown hereon are located within the boundaries of Flood Zone AE, "Special Flood Hazard Area designated by 100-year flood with base elevations determined."
- The heretofore described parcels were created under the City of Truth or Consequences Subdivision Codes, Ordinance Number 255, (Chapter 15, Section 15, Alternate Summary Procedure).
- Property address is 1221 E. Riverside Drive
- Use drawing scale to determine measurements when not labeled

Reference:

- Account No. 38
- Book 56, Pages 482-483, (Warranty Deed)
- The City of Truth or Consequences Subdivision Codes, Ordinance No. 255, Adopted May 25, 2006
- National Flood Insurance Program, Flood Insurance Rate Map for the City of Truth or Consequences, Blaine County, New Mexico, Community Panel No. 350073 0000 C, (map revised: July 16, 1986)
- Plat of Survey Book 1 Page 2729

Legend:

- found 5/8" rebar w/aluminum cap
- found 1/2" rebar w/survcap stamped "NPLS 025"
- found 5/8" rebar w/survcap stamped "Lotus & Co. RL5 0413"
- set 1/2" rebar w/survcap stamped "NPLS 025"
- board fence
- well, telucco or block
- rock wall

ACKNOWLEDGEMENT

We, the undersigned owners of the heretofore described property do hereby acknowledge, with our free consent and in accordance with our wishes and desires, the division of land as shown on this plat.

Judith Mondello
Judith Mondello

STATE OF NEW MEXICO ;
COUNTY OF GRANT

The foregoing instrument was acknowledged before me this 4 day of November, 2022, by Judith Mondello

My Commission expires 11/08/2025
Francine Mondello

OFFICIAL SEAL
VICTOR J. NAMEZ
Notary Public
State of New Mexico
My Comm. Expires 11/08/25

STATE OF NEW MEXICO ;
COUNTY OF GRANT

The foregoing instrument was acknowledged before me this 4 day of November, 2022, by Francine Mondello

My Commission expires 11/08/2025
Francine Mondello

OFFICIAL SEAL
VICTOR J. NAMEZ
Notary Public
State of New Mexico
My Comm. Expires 11/08/25

ACKNOWLEDGEMENT

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

Mayor
Date 4-12-23

September 28, 2022

Chaparral Surveying, LLC
Professional Land Surveying

P.O. Box 675 Stephensville, New Mexico 87835

CERTIFICATE

This is to certify that I am a registered Professional Land Surveyor, that the plat is prepared from notes of field survey made by me or under my supervision, that said survey and the 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 of land.

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

David R. Barr
New Mexico Professional Surveyor
License Number 1129

INDEXING INFORMATION FOR COUNTY CLERK
Judah & Francine Mondello (38)
Lot 1, Section 3
Township 14 South, Range 4 West, NMPM

SIERRA COUNTY, NM
SHELLY K. TRULLILLO, COUNTY CLERK
Book 141 Page 595
4 of 4
08/07/2023 11:12:40 AM
BY TERESAS

Rolf Hechler
Mayor

Destiny Mitchell
Mayor Pro-Tem

Amanda Forrister
Commissioner



Ingo Hoepfner
Commissioner

Chaz M. Glines
Commissioner

Gary Whitehead
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov

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, May 11, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Variance Request at 1199 E. Riverside. Applicant is requesting a variance from Chapter 16 - Article XIV - Sec. 11-14-2 – Standards for Districts. The property is within the RR-1 District, and the request is for a variance from the minimum dwelling area size requirement.

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) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, May 8, 2026 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– Thursday, April 9, 2026

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

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 closed 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 ($\frac{1}{3}$) 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 ($\frac{2}{3}$) 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 ($\frac{3}{4}$) 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. 11-9-6. RR-1 Riverside Residential District.

- A. *PURPOSE.* The RR-1 District is a low density residential District comprised primarily of single family frame and/or manufactured dwellings. It is intended that the RR-1 District provide a pleasant and fairly low density setting for those who desire to live near the Rio Grande.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV of this Code.
- C. *RR-1 PERMITTED USES.* The following uses are permitted by right in RR-1 District.
1. Accessory Building.
 2. Construction Yard or Building (Temporary): Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a sight obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within the clear sight triangle of a street intersection as defined in this Code.
 3. Detached Single Family Dwellings.
 4. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 5. Greenhouse (Non-Commercial), Garden Sheds, Tool Sheds: When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
 6. Home Occupation.
 7. Horses: Permitted only on lots or parcels of one (1) acre or more; provided that the total number of such animals not exceed three (3) per acre.
 8. Manufactured Homes.
 9. Public Park, Playground, Ball Fields or Tennis Courts.
 10. Kennel (Private, Residential).
 11. Storage (Residential Vehicles): Storage of personal recreational vehicles. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front yard, with no limit in the side or rear yard separated at least five (5) feet from any property line.
 12. Swimming Pool (Private): 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.
 13. Tennis Courts: Private for residential use.
- D. *RR-1 SPECIAL USES.* The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Specific conditions and provisions for special uses are described in Section 11-5-6.
1. Athletic Clubs or Bathhouses.
 2. Community Building (Public or Private).
 3. Gas Regulating Station (Public or Private Utility).

-
4. Manufactured Home Park.
 5. Recreational Vehicle Park.
 6. Swimming Pools (Public and Commercial).
 7. Telephone Exchange Station.
 8. Television and Radio Towers and all other Free-Standing Towers (Public and Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code.

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 or Truth or Consequences

Position Paper from Esther Luchini

City Planning and Zoning committee member Regarding storage containers May 4, 2026

In addition to regulations stated in Sec. 11-10-4 A-C:

1. Storage unit must not be connected to city utilities so . as to be used as a residence or living quarters.
2. Container Unit must be properly painted and be esthetically pleasing.
3. Container unit must be located and set behind the primary dwelling.
4. Conditional Use Permit must be renewed annually through the same process as the initial permitting.
5. Conditional Use Permit must not be transferred to a new property owner. In the case of a property sale, the new property owner must apply for a Conditional Use Permit.
6. Container Unit cannot be renter or leased to another individual other than the property owner, leasee or renter.

Sent from my iPhone

Position Shipping Containers

5-6-26

1. They should meet strict zoning codes.
2. ONE unit permitted on A single lot.
3. The container must not exceed 50% of the main House's Heated square footage.
4. Must be solid in color
no shipping labels on them.
5. Container cannot be stored in the front yard driveway or street. Container must be fenced from public view solid wall or fence 6 foot.
6. City New Rules maybe enforced retroactively with regard to containers.

Just Bechler
Historic Areas.

Possible Review Board for
Certain Areas of Town