



**NOTICE OF CITY OF ELEPHANT BUTTE
CITY COUNCIL PUBLIC HEARING
103 Water Avenue
Monday, October 7, 2024 – 1:30PM**

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mortensen called the meeting to order and led the pledge of allegiance.

2. ROLL CALL

Mayor Phillip Mortensen – Present

Mayor Pro Tem Kim Skinner – Present by Phone

Councilor Cathy Harmon – Present

Councilor Mike Williams – Present

Councilor Skylar Arnold – Present

City Clerk Cobleigh conducted a roll call and declared a quorum.

3. APPROVAL OF AGENDA – Council Declaration of Conflict of Interest

City Clerk Cobleigh informed the City Council that item 4c had been withdrawn by the applicant and therefore tabled at the Zoning Commission Hearing earlier today. There would be no action or discussion on this item today.

Councilor Arnold made a motion to approve the agenda and removing item 4c as mentioned. Councilor Harmon seconded the motion. 4-0.

City Clerk Cobleigh conducted a roll call vote.

Mayor Pro Tem Skinner – Yes

Councilor Harmon – Yes

Councilor Williams – Yes

Councilor Arnold – Yes

Motion Carried.

4. PUBLIC HEARING

- a. Ordinance 220 – Turtleback Mountain Resort Planned Unit Development Zoning Amendment

Mayor Mortensen requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Mortensen – Present

Mayor Pro Tem Skinner – Present

Councilor Harmon – Present

Councilor Williams – Present

Councilor Arnold – Present

Mayor Mortensen introduced the hearing for Ordinance 220 case number 24-109. The applicant is requesting a zoning amendment to the Turtleback Mountain Resort Planned Unit Development. Chairman Morris stated that City Staff will present the matter and then the applicant or representative would have a chance to add any additional evidence needed.

Mayor Mortensen addressed the members of the council in asking if they had received any ex parte communications of case number 24-109.

Mayor Mortensen – No
Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams– No
Councilor Arnold – No

Mayor Mortensen addressed the members of the council in asking if they had any interest in the matter of case number 24-109.

Mayor Mortensen – No
Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams– No
Councilor Arnold – No

All parties requesting to present evidence or speak on this matter shall all rise and be sworn in as a group. Mayor Mortensen swore in all members of staff and members of the public who are present to speak.

Lindsey Cobleigh, Land Use Administrator/City Clerk presented a due process timeline report on this case. Cobleigh presented an additional attachment that is to be attached to ordinance 220, a phasing plan. City Clerk Cobleigh provided the Council with a draft copy of the Public Hearing Minutes of the Zoning Commission and a draft copy of the Special Meeting Minutes of the Zoning Commission.

Timeline of Due Process for:

Public Hearing Case #24-109 Ordinance 220 – An Ordinance Amending the Original Master Plan of the Turtleback Mountain Resort Planned Unit Development

Monday, August 26, 2024, the Zoning Amendment Request was paid for in the amount of \$650.00

- Master Plan Development of 20+ Lots - \$100.00
- Zoning Ordinance Text Amendment - \$250.00
- Zoning Map Amendment/Zone Change/Rezone - \$300.00

Wednesday, September 18, 2024, due to the lack of code required public hearing notices; (155.006 K) to be posted by City Staff, this item was tabled from the City Council agenda. This item was requested to go back before the Zoning Commission to begin the corrected process from the start. City Clerk Cobleigh stated that the Zoning Commission had heard this item earlier in the day before Public Hearing and taken action on it in a special meeting following the hearing.

Thursday, September 19, 2024, Staff (City Clerk & City Manager) coordinated with the members of both the City Council and the Zoning Commission to determine the earliest possible Public Hearing Date. The date of Monday, October 7, 2024, was set. This allowed for the 15-day minimum required posting time.

Friday, September 20, 2024, Public Notices of a Public Hearing were drafted and posted on site, 101 Clubhouse Drive and at all adopted posting locations: Inside City Hall, Outside City Hall, Post Office, and Community Center.

- Notices were additionally uploaded to the Official City of Elephant Butte website, www.cityofelephantbutte.com > Official Public Notices. The notice as well as the draft ordinance was included.
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM - Just the public notice of hearing was included.

Tuesday, September 24, 2024, All Public Notices were sent to the Sentinel via email to be published as a legal notice. Ordinance 220 was published as a legal notice as well.

Monday, September 30, 2024, Draft Public Hearing Agendas and Special Meeting Agendas were sent to Janet Porter-Carrejo, Stephen Archuleta, and Ben Young for review.

- Public Hearing for Zoning Commission
- Special Zoning Commission Meeting
- Public Hearing for City Council
- Special City Council Meeting

Documents Included in Public Hearing Packet:

- Draft Ordinance
- On-site Posting Pictures
- Legal Notices – Public Hearing & Special Meetings for Zoning Commission, Public Hearing & Special Meetings for City Council, Public Hearing Announcement for Zoning Commission for Ordinance 220, Public Hearing Announcement for City Council for Ordinance 220. Copy of email sent to the Sierra County Sentinel requesting the legal notices to be published.
- Pictures of physical posting locations, snapshot of website posting, and snapshot of Facebook posting.

Chairman Morris, Zoning Commission for the City of Elephant Butte. Chairman Morris provided the drafted Findings of Fact and Conclusions of law as set forth in the motion from the special meeting. All members of council and staff received a copy. Morris stated that there had been one document added to the attachments of Ordinance 220, the phasing plan. Morris informed the Council that the ordinance was recommended approval by the zoning commission and to be heard by the city council.

Applicant Presentation:

Sam Senn, Engineer & Representative for PreReal Investments and Turtleback Mountain Resort. Senn provided a detailed map showing the exact locations where the zoning amendments will be taking place with the adoption of Ordinance 220. Senn provided printouts for the commission as well as City Staff. There are six (6) zones that will be included within the zoning amendment; B-1, Z, P, Q, T, S. Members of the public requested to see the mapping. Clerk Cobleigh asked Code Enforcement Officer Romero to make additional copies for the public and hand them out. Senn went over each change that is taking place in each one of the zones. Senn stated that the Planned Unit Development is still maintaining the original development density number of 1,660 total proposed units and not changing that. Senn stated that some unit counts have changed between one zone to another.

Mayor Mortensen had questions regarding sections PA-S, PA-T combined. Mayor Mortensen requested clarification as part of these zoning areas are outside of the incorporated city limits of Elephant

Butte. Sam Senn clarified that, yes, there is a portion that is within the city boundaries of Truth or Consequences and this zoning had been previously discussed with TorC as well as the possible annexation of this portion of property into Elephant Butte. Senn stated that by doing this the City of Elephant Butte would also be able to annex the wastewater treatment facility into Elephant Butte as well; it currently sits in TorC city limits.

James Prendamano, PreReal Investments and Turtleback Mountain Resort. Prendamano clarified some previously held discussion items from the earlier zoning meetings. Prendamano stated that the Canon del Luna replat is proposed to replat lots 12-18 along with the roadway Canon Circle. Prendamano stated there would be no hotel access from Canon del Luna, all hotel access would be from the main Clubhouse Drive. Prendamano stated that there are plans to add in a storage area off of 181 and Sunset Ridge Road to accommodate the needs of the HOA members with the storage of boats, campers, etc. *(Prendamano stated this roadway as Stagecoach Drive – corrected in minutes to reflect as Clubhouse Drive. Stagecoach and Canon del Luna do not intersect.)*

Bruce Swingle, PreReal Investments – 1007 Poplar Street TorC. Swingle stated that there was an overwhelming opinion that a hotel in the area would have a negative impact on the community. Swingle stated that the Golf Course and Resort are expensive to maintain. The goal is to draw in additional residents and tourists to bring in additional revenue. Swingle stated that since PreReal took ownership of the Turtleback Mountain Resort property values have increased and they will continue to do so.

Gordon Edelheit, Truth or Consequences Chamber of Commerce. Stating how much the developer (PreReal) has done for TorC and they do it for Elephant Butte as well. Stated investors have spent \$55+ Million on projects within the county.

Steve Buckley, Sierra County Resident. Buckley stated that with this proposed growth will aid in the tourism industry. It will also help bring in the workforce and with a growing workforce, adequate housing a must.

Kathy Greenbury, 116 Canon del Luna, Lot 6. Greenbury stated that her and her husband built their home in 2012, and it served as the original stay and play home on the golf course. They built this home with the intent of retiring from Santa Fe to Elephant Butte when the time comes. Greenbury stated that these lots (12-18) were not ever zoned as commercial, they were all residential. Greenbury stated that she had not received the City's notice but had since clarified that with City Clerk Cobleigh. There was a wrong address on file with the County Clerk's Office and utility records. Greenbury asked the council to further review this and not approve the rezone of Canon del Luna.

Craig Pierson, 201 Mesa Grande. Pierson stated that this will be a major project, moving half a hillside. Pierson stated that by residing within the PUD all property owners are required to maintain the water flows to their property. Pierson asked the council to consider the hotel access points, the increased traffic, emergency response, night sky regulations, noise pollution. Pierson suggested patience in this approval and not to jump on it. Pierson suggested alternate locations for the proposed hotel site. Pierson stated, right idea, wrong time.

Benjamin Castillo, 109 Alta Vista. Castillo voiced concern over where there will be considerable dirt work below his home and asked what would happen to his home and property.

Mark Greenbury, 116 Canon del Luna. Greenbury presented pictures to the Council. Testified that he built his home at Canon del Luna in 2012. Greenbury stated that there was never discussion of adding commercial to the residential neighborhood. Canon del Luna is a river, running 6" deep during monsoon

season. Greenbury stated his concerns with 1-2 years of proposed development, heavy equipment, could cause the destruction of home values. Greenbury addressed the light and noise pollution from the proposed hotel. Please don't do this to us.

Mayor Mortensen closed the public hearing and requested a motion on this hearing be made at the Special Meeting immediately following this public hearing. Closed at 2:13pm.

b. Las Palomas Preliminary Plat Submission

Mayor Mortensen requested a roll call to enter into the public hearing.

City Clerk Cobleigh conducted a roll call.

Mayor Mortensen – Present
Mayor Pro Tem Skinner – Present
Councilor Harmon – Present
Councilor Williams– Present
Councilor Arnold – Present

Mayor Mortensen introduced the hearing for Las Palomas Preliminary Plat Submission case number 24-110. The applicant is requesting a preliminary plat of the Las Palomas Subdivision. Mayor Mortensen stated that City Staff will present the matter and then the applicant or representative would have a chance to add any additional evidence needed.

Mayor Mortensen addressed the members of the council in asking if they had received any ex parte communications of case number 24-110.

Mayor Mortensen – No
Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams– No
Councilor Arnold – No

Mayor Mortensen addressed the members of the council in asking if they had any interest in the matter of case number 24-110.

Mayor Mortensen – No
Mayor Pro Tem Skinner – No
Councilor Harmon – No
Councilor Williams– No
Councilor Arnold – No

All parties requesting to present evidence or speak on this matter shall all rise and be sworn in as a group. Mayor Mortensen swore in all members of staff and members of the public who are present to speak.

Lindsey Cobleigh, Land Use Administrator/City Clerk presented a due process timeline report on this case. Timeline of Due Process for:

Public Hearing Case #24-110 Preliminary Plat Submittal of Las Palomas Subdivision within the Turtleback Mountain Resort Planned Unit Development.

Monday, August 26, 2024, the Preliminary Plat of Las Palomas was paid for in the amount of \$808.00

- Master Plan Development of 20+ Lots - \$100.00
- Zoning Ordinance Text Amendment - \$250.00
- Preliminary Plat Submittal - \$350.00 + \$2.00 per lot

Wednesday, September 18, 2024, due to the lack of code required public hearing notices; (155.006 K) to be posted by City Staff, this item was tabled from the City Council agenda. This item was requested to go back before the Zoning Commission to begin the corrected process from the start.

Thursday, September 19, 2024, Staff (City Clerk & City Manager) coordinated with the members of both the City Council and the Zoning Commission to determine the earliest possible Public Hearing Date. The date of Monday, October 7, 2024, was set. This allowed for the 15-day minimum required posting time.

Friday, September 20, 2024, Public Notices of a Public Hearing were drafted and posted on site, Las Palomas Subdivision Site at Turtleback Parkway and at all adopted posting locations: Inside City Hall, Outside City Hall, Post Office, and Community Center.

- Notices were additionally uploaded to the Official City of Elephant Butte website, www.cityofelephantbutte.com > Official Public Notices. The notice as well as the three supporting documents from the preliminary plat were attached.
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM - Just the public notice of hearing was included.
- Letters of notification were drafted and sent to all legal property owners within two-hundred feet of the subject parcel of land. There was a total of three landowners within the code required two-hundred-foot mark. All three landowners received a copy of the notification of public hearings for the preliminary subdivision plat of Las Palomas along with three supporting documents from the preliminary plat.

Tuesday, September 24, 2024, All Public Notices were sent to the Sentinel via email to be published as a legal notice. Ordinance 220 was published as a legal notice as well.

Monday, September 30, 2024, Draft Public Hearing Agendas and Special Meeting Agendas were sent to Janet Porter-Carrejo, Stephen Archuleta, and Ben Young for review.

- Public Hearing for Zoning Commission
- Special Zoning Commission Meeting
- Public Hearing for City Council
- Special City Council Meeting

Documents Included in Public Hearing Packet:

- Copy of Letter Notification Letter – Letter, Maps, Copies of envelopes sent out.
- On-site Posting Pictures
- Legal Notices – Public Hearing & Special Meetings for Zoning Commission, Public Hearing & Special Meetings for City Council, Public Hearing Announcement for Zoning Commission for Las Palomas, Public Hearing Announcement for City Council for Las Palomas. Copy of email sent to the Sierra County Sentinel requesting the legal notices to be published.
- Pictures of physical posting locations, snapshot of website posting, and snapshot of Facebook posting.
- Las Palomas Fire Chief Review
- Las Palomas – New Mexico Water Review
- Preliminary Plat Submission of Las Palomas Subdivision

Chairman Morris, Zoning Commission for the City of Elephant Butte. Chairman Morris provided the drafted Findings of Fact and Conclusions of law as set forth in the motion from the special meeting. All members of council and staff received a copy. Morris informed the Council that the Las Palomas Preliminary Plat Submission was recommended approval by the zoning commission and to be heard by the city council.

Applicant Presentation:

Sam Senn, Engineer & Representative for PreReal Investments and Turtleback Mountain Resort. Senn stated that this proposed preliminary plat had previously come before the city in February 2008 and was pulled later that same year to place Canon del Luna added. Senn stated that this is a 52-lot proposed subdivision with the egress and ingress through one entrance. Senn stated that the Zoning Commission had recommended that the name be changed to adhere to the code that requires a unique name. Senn stated that when the final plat is brought back the subdivision will have a new amended name, road names and types set, and will adhere to the E911 Addressing. Senn stated that the smaller lots will bring smaller homes which is ideally what Sierra County needs currently.

James Prendamano, PreReal Investments. No comment feels this is straightforward.

Kenneth Trujillo, 101 Alta Vista. Question for James Prendamano, will the new development abide by the same Architecture Standards currently in place for the HOA? James Prendamano, all guidelines will apply to all current and proposed subdivisions.

Craig Pierson, 201 Mesa Grande. Concerned about the small size of the lots within the proposed development. Pierson doesn't want the projects or public housing to come into the PUD. Villa Tuscano was a failed design already; we shouldn't be repeating this. Pierson suggested to remove one home per acre for this subdivision.

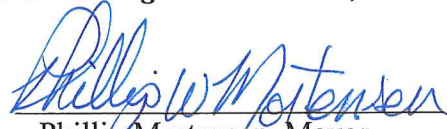
Mayor Mortensen closed the public hearing and requested a motion on this hearing be made at the Special Meeting immediately following this public hearing. Closed at 2:28pm.

~~e. Canon del Luna Replat Submission~~ *Tabled by Zoning Commission. No Action. Removed with the approval of the agenda, item 3.*

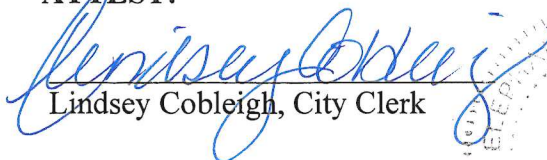
5. ADJOURNMENT

Mayor Mortensen adjourned the meeting.

Minutes approved and adopted at the City Council meeting on October 16, 2024.


Phillip Mortensen, Mayor

ATTEST:


Lindsey Cobleigh, City Clerk

