



**CITY OF ELEPHANT BUTTE ZONING COMMISSION
NOTICE OF REGULAR MEETING
Tuesday, April 1, 2025 – 10:00am
103 Water Street, Elephant Butte, NM 87935**

Minutes*

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Commissioner Lee Morris called the meeting to order and led the pledge of allegiance.

2. ROLL CALL/IDENTIFICATION OF VOTING MEMBERS

- Chairman Lee Morris – Present
- Vice-Chair Christine Logan – Absent
- Commissioner John Masce – Present
- Alternate Commissioner Matt Casas – Absent
- Alternate Commissioner Mike Finlay – Present

City Clerk Cobleigh conducted a roll call and declared a quorum. It was noted for the record that Alternate Commissioner Mike Finlay will be a voting member today.

3. APPROVAL OF AGENDA - Declaration of conflict of interest

Commissioner Masce made a motion to approve the agenda as submitted. Commissioner Finlay seconded the motion. 3-0. Motion Carried.

4. PUBLIC COMMENT

- a. *The Open Meetings Act is in effect and there is a 3-minute limit per speaker on all non-agenda items.

None Submitted.

5. CONSENT ITEMS

- a. Regular Meeting Minutes from March 4, 2025

Commissioner Masce made a motion to approve the meeting minutes as presented. Commissioner Finlay seconded the motion. 3-0. Motion Carried.

6. PUBLIC HEARING

- a. Variance Request – 423 Alhambra – Case No. 25-029

Chairman Morris requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Commissioner John Masce – Present
Commissioner Mike Finlay – Present

Chairman Morris introduced the hearing for 423 Alhambra as case number 25-029. The applicant is requesting a variance for the proposed placement of an accessory structure placement

on a vacant lot adjacent to a lot with a pre-existing dwelling present. Chairman Morris stated that City Staff will present the matter and then the applicant would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 25-029.

Chairman Lee Morris – No

Commissioner John Masce – No

Commissioner Mike Finlay – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 25-029.

Chairman Lee Morris – No

Commissioner John Masce – No

Commissioner Mike Finlay – No

Chairman Morris swore in all parties as a group who wish to testify at this public hearing. Lindsey Cobleigh, City Clerk and Christopher Baca, Applicant were both sworn in.

City Presentation

Lindsey Cobleigh, City Clerk & Land Use Administrator for the City of Elephant Butte, presented this case to the commission as case number 25-029 423 Alhambra.

DOCUMENTS PROVIDED IN PUBLIC HEARING PACKET:

- Denied Permit Letter
- General Land Use Application
- Variance Application
- Proof of Ownership
- Survey & Plat Map
- Site Development Plan
- Onsite Posting Pictures
- Public Hearing Notices
- Public Hearing Notice Letter Sent to Neighbors
- Proof of Payment of Permit and Public Hearing

LAND USE ADMINISTRATOR'S NARRATIVE OVERVIEW OF PROPERTY:

1. This property is currently requesting a time variance to have a vacation of lot line performed to adjoin 423 Alhambra with 421 Alhambra.
2. As seen in the onsite pictures there is a pre-existing dwelling located at 421 Alhambra and 423 Alhambra is a vacant cleared lot.
3. Code Reference for Denial:
§ 155.006 **ADMINISTRATION OF THE CODE.** (D) *Zoning permits.* (3) *Approval of permits.* (b) *Building permit.*
1. No construction shall be permitted until a copy of the approved building permit and the construction drawings for such permit have been submitted to the Zoning Administrator. The zoning permit shall automatically expire 90 days after issuance unless the building permit and construction plans have been submitted to the Zoning Administrator with receipt acknowledged. Construction of any accessory building shall not commence prior to commencement of construction of the principal building, and neither the principal building nor any accessory building shall be occupied prior to issuance of a certificate of occupancy for the principal building.

Issuance of a zoning permit shall constitute an agreement by the applicant to site visits by the Zoning Administrator to determine compliance with these provisions. Construction or occupancy in violation of any of these provisions shall result in automatic voidance of the zoning permit. Upon such automatic voidance, the city may take such action as is necessary to abate the violation, including, but not limited to, issuance of a stop work order, filing of a complaint in Municipal Court, and application for injunctive relief in a court of competent jurisdiction.

LAND USE RECOMMENDATION

It is the recommendation of the Land Use Department to vacate the common lot line between lots 6 and 7 to create one parcel of land that has a dwelling present on the property.

There were no questions from the Commission or the applicant for city staff.

Applicant Presentation

Christopher Baca, 423 Alhambra, presented to the commission that he has already contacted a local surveyor to schedule a new survey to be conducted on the two lots to legally be joined as one through the process of a vacation of lot line. Baca is requesting a time variance process to be able to begin the development of the proposed accessory structure on the property and will complete the lot line vacation as soon as possible. Baca stated he is approximately 2-3 weeks out from being on the surveyor's schedule.

There were no questions from the Commission or city staff for the applicant.

Chairman Morris closed the public hearing for Case Number 25-029.

Commissioner Masce made a motion to conditionally approve case number 25-029 with a 60-day timeline to obtain the new survey and file for the lot line vacation and to allow for the issuance of the zoning permit prior to the lot line vacation. Staff is to prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commission will allow for a staff extension of time if the applicant has shown due process. Commissioner Finlay seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Commissioner John Masce – Yes

Commissioner Mike Finlay – Yes

Motion Carried.

For the record the case 25-029 was conditionally approved with a 60-day timeline to obtain a survey for the vacation of lot line. It was approved to issue the zoning permit before the lot line vacation. City Staff to update the Zoning Commission of the status of this case at the May 6, 2025, regular meeting. City Staff authorized to issue an extension on the 60-day timeline if the applicant has shown due process.

b. Final Plat Submittal – Cielo Entrada Subdivision – Case No. 25-030

Chairman Morris requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present
Commissioner John Masce – Present
Commissioner Mike Finlay – Present

Chairman Morris introduced the hearing for the Final Plat Submittal of Cielo Entrada as case number 25-030. The applicant is requesting approval of the final plat of the Cielo Entrada Subdivision located within the Turtleback Mountain Resort. Chairman Morris stated that City Staff will present the matter and then the applicant would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 25-030.

Chairman Lee Morris – No
Commissioner John Masce – No
Commissioner Mike Finlay – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 25-030.

Chairman Lee Morris – No
Commissioner John Masce – No
Commissioner Mike Finlay – No

Chairman Morris swore in all parties as a group who wish to testify at this public hearing. Lindsey Cobleigh, City Clerk and Sam Senn and Michael Carducci, Representing Integrated Environmental Services-Applicant were both sworn in.

City Presentation

Lindsey Cobleigh, City Clerk & Land Use Administrator for the City of Elephant Butte, presented this case to the commission as case number 25-030 Final Plat of Cielo Entrada.

Timeline of Due Process for:

Public Hearing Case #25-030 Final Plat Submittal of Cielo Entrada Subdivision within the Turtleback Mountain Resort Planned Unit Development.

Wednesday, March 5, 2025 – The Final Plat of Cielo Entrada was submitted to City Hall. The Final plat was paid for in the amount of \$50.00 as per current adopted resolution 23-24-114.

Tuesday, March 11, 2025 – Notice of Public Hearing were drafted and posted online 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
- Notices were additionally uploaded to the Official City of Elephant Butte Facebook page, www.facebook.com/ElephantButteNM

Tuesday, March 11, 2025 – Notice of Public Hearing was sent to the Sentinel via email to be published as a legal notice for three consecutive weeks. This notice covers both the Zoning Commission Hearing as well as the City Council Hearing.

Thursday, March 13, 2025 – Public Hearing Notice posted on property for both the Zoning Commission and City Council Public Hearings.

Thursday, March 13, 2025 – Letters to property owners within 100' of the proposed subdivision site were sent out. Letters of notification were drafted and sent to all legal property owners within one hundred feet of the subject parcel of land. There was a total of three landowners within the code required one-hundred-foot mark. All three landowners received a copy of the notification of public hearings for the submittal of the final subdivision plat of Cielo Entrada.

Thursday, March 20, 2025 – All required signatures from utility providers have been received.

Documents Included in Public Hearing Packet:

- General Land Use Application Packet – App., letter from Mike Carducci, final plat, and payment.
- Copy of Letter Notification Letter – Letter and Copies of envelopes sent out.
- Posting Locations Notice of Hearing
- On-site Posting Pictures
- Legal Notices – Public Hearing for Zoning Commission and City Council for Final Plat Submittal of Cielo Entrada.
- List of E911 Assigned Addresses for Cielo Entrada
- Final Plat Submittal – Cielo Entrada

There were no questions from the Commission or the applicant for city staff.

Applicant Presentation

Sam Senn, Presented on behalf of Integrated Environmental Services. Senn reviewed the three-page final plat submittal for Cielo Entrada. Senn went over the information located on each of the three pages.

There were no questions from the Commission or city staff for the applicant.

Chairman Morris closed the public hearing for Case Number 25-030.

Commissioner Masce made a motion to approve case number 25-030 with a recommendation to be heard by the City Council on April 9, 2025. Staff is to prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commissioner Finlay seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Commissioner John Masce – Yes

Commissioner Mike Finlay – Yes

Motion Carried.

***For the record the case 25-030 was approved with a recommendation to be heard by the City Council at the next regular meeting on April 9, 2025, at 2:00pm. ***

c. Variance Request – 410 San Andres – Case No. 25-035

Chairman Morris requested a roll call to enter the public hearing.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Present

Commissioner John Masce – Present

Commissioner Mike Finlay – Present

Chairman Morris introduced the hearing for 410 San Andres as case number 25-035. The applicant is requesting a variance for the proposed placement of an accessory structure placement on a vacant lot adjacent to a lot with a pre-existing dwelling present. Chairman Morris stated that City Staff will present the matter and then the applicant would have a chance to add any additional evidence needed.

Chairman Morris addressed the Commission in asking if they had received any ex parte communications of case number 25-035.

Chairman Lee Morris – No

Commissioner John Masce – No

Commissioner Mike Finlay – No

Chairman Morris addressed the Commission in asking if they had any interest in the matter of case number 25-035.

Chairman Lee Morris – No

Commissioner John Masce – No

Commissioner Mike Finlay – No

Chairman Morris swore in all parties as a group who wish to testify at this public hearing. Lindsey Cobleigh, City Clerk and Christopher Baca, Applicant Representative were both sworn in.

City Presentation

Lindsey Cobleigh, City Clerk & Land Use Administrator for the City of Elephant Butte, presented this case to the commission as case number 25-035 410 San Andres.

DOCUMENTS PROVIDED IN PUBLIC HEARING PACKET:

- Denied Permit Letter
- General Land Use Application
- Variance Application
- Proof of Ownership
- Survey & Plat Map
- Site Development Plan
- Onsite Posting Pictures
- Public Hearing Notices
- Public Hearing Notice Letter Sent to Neighbors
- Proof of Payment of Public Hearing

LAND USE ADMINISTRATOR'S NARRATIVE OVERVIEW OF PROPERTY:

4. This property is currently requesting a variance to place an accessory structure on a vacant lot with a primary dwelling present on the adjacent lot.
Vacant Lot Proposed for Accessory Structure: 410 San Andres.
Adjacent Lot with Primary Dwelling Present: 408 San Andres.
5. As seen in the onsite pictures there is a pre-existing dwelling located at 408 San Andres and 410 San Andres is a vacant lot.
6. Code Reference for Denial:
§ 155.006 **ADMINISTRATION OF THE CODE.** (D) *Zoning permits.* (3) *Approval of permits.* (b) *Building permit.*
1. No construction shall be permitted until a copy of the approved building permit and the construction drawings for such permit have been submitted to the Zoning Administrator. The zoning permit shall automatically expire 90 days after issuance unless the building permit and construction plans have been submitted to the Zoning Administrator with receipt acknowledged. Construction of any accessory building shall not commence prior to commencement of construction of the principal building, and neither the principal building nor any accessory building shall be occupied prior to issuance of a certificate of occupancy for the principal building. Issuance of a zoning permit shall constitute an agreement by the applicant to site visits by the Zoning

Administrator to determine compliance with these provisions. Construction or occupancy in violation of any of these provisions shall result in automatic voidance of the zoning permit. Upon such automatic voidance, the city may take such action as is necessary to abate the violation, including, but not limited to, issuance of a stop work order, filing of a complaint in Municipal Court, and application for injunctive relief in a court of competent jurisdiction.

LAND USE RECOMMENDATION

It is the recommendation of the Land Use Department to vacate the common lot line between lots 4 and 5 to create one parcel of land that has a dwelling present on the property.

There were no questions from the Commission or the applicant for city staff.

Applicant Presentation

Christopher Baca, 410 San Andres, presented to the commission that he is the representative for this address as the contractor. Baca requested the same timeline variance as he had received for case number 25-029. Baca is requesting a time variance process to be able to begin the development of the proposed accessory structure on the property and will complete the lot line vacation as soon as possible. Baca stated he is approximately 2-3 weeks out from being on the surveyor's schedule.

There were no questions from the Commission or city staff for the applicant.

Chairman Morris closed the public hearing for Case Number 25-035.

Commissioner Finlay made a motion to conditionally approve case number 25-035 with a 60-day timeline to obtain the new survey and file for the lot line vacation and to allow for the issuance of the zoning permit prior to the lot line vacation. Staff is to prepare the written findings of fact and conclusions of law and the Chairman be authorized to sign them as the written decision in this case. Commission will allow for a staff extension of time if the applicant has shown due process. Commissioner Masce seconded the motion. 3-0.

City Clerk Cobleigh conducted a roll call.

Chairman Lee Morris – Yes

Commissioner John Masce – Yes

Commissioner Mike Finlay – Yes

Motion Carried.

***For the record the case 25-035 was conditionally approved with a 60-day timeline to obtain a survey for the vacation of lot line. It was approved to issue the zoning permit before the lot line vacation. City Staff to update the Zoning Commission of the status of this case at the May 6, 2025, regular meeting. City Staff authorized to issue an extension on the 60-day timeline if the applicant has shown due process. ***

7. REGULAR ITEMS

a. Discussion/Possible Action: Ordinance 224 - Zoning Definitions Amendments

There was an open discussion between city staff and the members of the commission. Chairman Morris offered several amending suggestions to add to the amended draft. Adding extra verbiage under alley, and all mentions of "streets" once accepted for maintenance by the city". Adding under dedicated easement "the dedicated easement provider is responsible for the maintenance.

Adding under Food Trucks “as approved by the state of New Mexico”.

Commissioner Finlay made a motion to recommend Ordinance 224 to go before City Council for approval. Commissioner Masce seconded the motion. 3-0.

8. COMMISSIONER COMMENTS & REPORTS

Commissioner Masce – No Report

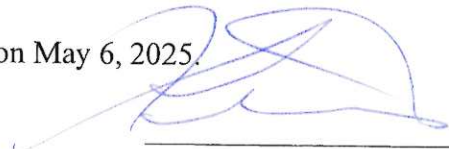
Commissioner Finlay – No Report

Chairman Morris let the commissioners know he will be attending the city council meeting on April 9, 2025, to present on behalf of the Commission the findings of fact on Cielo Entrada.

9. ADJOURNMENT

Chairman Morris adjourned the meeting.

Minutes approved and adopted at the Zoning meeting on May 6, 2025.



Lee Morris, Chairman

ATTEST:



Lindsey Cobleigh, City Clerk

