

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, AUGUST 12, 2024**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, August 12, 2024 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, City Clerk Admin Assistant

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) August 12, 2024.

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

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

There were no comments from the public.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Request for a Special Use Permit at 1501 N. Ash for the purpose of a Multi-Animal Permit

Assistant City Manager Alvarez: We have an application packet from Rhonda Spence at 1501 N. Ash, she is looking for a multi-animal use permit. You can see that she has 6 dogs that she would like to have on this property. There is no dwelling unit on the property, it is just a fenced in piece of property. Animal control has gone out and assessed this application and you can see from the email I provided he does not recommend approval because there is nobody on site full time. The applicant is not present.

Chairman Sisney: Do we know where the applicant lives?

Assistant City Manager Alvarez: I believe she is staying temporarily on Locust with a friend.

Member Kent: But it's not or will ever be on this property?

Chairman Sisney: I can't tell how large the lot is.

Member Kent: There is no home there.

Chairman Sisney: Where would the dogs go if we don't approve the variance.

Assistant City Manager Alvarez: Unfortunately, the applicant is not here in attendance so I can't answer that question. You guys as a board can either choose to approve, deny or potentially table and reschedule a full public hearing.

Vice Chairman Buhler: I noticed there are some unsatisfactory marks on the application as well. There is no protection from the weather, the owner doesn't live on the property which if there were a problem there is nobody there and problems happen.

Assistant City Manager Alvarez: I do know that one of the other things that our animal control/code enforcement was going to address but hasn't had a chance to the dogs did get loose one time and he did have to go out there and round them up and contact the property owner.

Member Kent: If there is no one on the property, how often are the dogs being checked on, do they have food and water, it already states they don't have enough protection by dog houses.

Member Luchini: Do you know how long the dogs have been there?

Assistant City Manager Alvarez: Not exactly, we have had a little bit of trouble with communication and follow through on the applicant's part with getting us the proper

documents. It was my understanding that she wasn't going to be housing the dogs there until we went through this process. It wasn't until I heard from code enforcement that I even knew that the dogs were on the property.

Member Kent: This application is from December, it's 8 months old. So, they have possibly been there a while.

Vice Chairman Buhler: Its 6 dogs to its not just 1 or 2.

Chairman Sisney: Do we know if the application sat at her house for 8 months or did it sit with the city.

Assistant City Manager Alvarez: It didn't sit with the city for 8 months. She had to get some site plan stuff in. I know I might have been a little delayed on the city's part but only because we have one person doing code enforcement and animal control. I have seen email with myself as well as with animal control where there were multiple attempts to reach out and coordinate site visits and that was not an easy thing to coordinate. Any delay on the city's part I would say the majority of it came from not being able to coordinate a meeting with the property owner.

Chairman Sisney opened the public hearing.

Proponents:

There were no proponents.

Opponents:

There were no opponents.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend denial to the City Commission for a Request for a Special Use Permit at 1501 N. Ash for the purpose of a Multi-Animal Permit. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. NEW BUSINESS:

- a) Discussion/Action: Reorganization of Chairman and Vice Chairman

Member Esther Luchini made a motion to recommend the appointment of Chris Sisney as Chairman to the Planning and Zoning Board. Vice Chairman Susan Buhler seconded the motion. Motion carried unanimously.

Chairman Chris Sisney made a motion to recommend the appointment of Susan Buhler as Vice-Chairman to the Planning and Zoning Board. Member Lisa Kent seconded the motion. Motion carried unanimously.

b) Discussion/Action: Selection of Meeting Dates for October and November

Member Chris Sisney made a motion to recommend the set date for the October meeting to be on the 7th. Member Esther Luchini seconded the motion. Motion carried unanimously.

Member Chris Sisney made a motion to recommend the set date for the November meeting to be on the 4th. Member Esther Luchini seconded the motion. Motion carried unanimously.

6. REPORTS FROM THE BOARD:

Member Kent: It's not a report but I did want to bring to everyone's attention I will be traveling a little more than I expected in September and October I am going to have to call in. I hope that's ok. I will be available, but it will just have to be via phone.

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: I have no reports, does the board have any questions for me.

Chairman Sisney: The trailer on Platinum, did we revoke the variance?

Assistant City Manager Alvarez: You did recommend it be revoked and then it went to city commission. They went and spoke at the commission meeting and the commissioners did give the property owner a certain amount of time to remove or abate the property. I would have to pull the information I can email to you.

Chairman Sisney: Will you clarify when you say the property owner do you mean the owner of the lot or the owner of the trailer?

Assistant City Manager Alvarez: I believe it was the property owner. I will have to look at it. It was a while back. I do know that the commission granted a little bit of time.

Chairman Sisney: It makes a difference to me because we granted her that variance and she didn't follow through.

Assistant City Manager: You are welcome to come and speak to the city commission about that. I took your recommendation to the city commission, and they heard the applicant, and they made the decision. I can't override the city commission's decision.

Vice Chairman Buhler: I believe Jay was involved with it as well, correct?

Assistant City Manager Alvarez: Yes.

Chairman Sisney: Do we know what they have been granted?

Assistant City Manager Alvarez: Let me get the exact information and email it to you. I will find out what meeting that was at and I'll pull the actual minutes from that meeting and highlight those out and send them over to you with the action the commission took. Any other questions?

Member Kent: The last meeting Kyle Smith came and spoke about Air BnB. It's something that has been a concern to me, having lived in another small town and having seen what a short-term rental business does to a town is not always positive. How would the city go about writing regulations about how many Air Bnb's there can be, where they can be?

Assistant City Manager Alvarez: We do have a municipal code and ordinance pertaining to short-term rentals the city clerk's office can send you guys that information. You can also schedule that to be on your meeting also do a workshop and work with your board. You guys can come up with changes if you guys do your research on different municipalities and how they regulate and then hash it out as a board together and come up with a draft. That draft could then at that point go to city commission, it's a process to review and ordinance change but it is not unheard of.

Chairman Buhler: There are a lot of people who are using their places and short-term rentals, and the city is not getting the fee.

Assistant City Manager Alvarez: I know that has come up at the lodger's tax meeting. I'm not really familiar with the lodger's tax board. I don't know if any of you guys attend the lodger's tax. Otherwise, my recommendation would be to reach out to Angela at the clerk's office first because all the lodgers tax payments and everything goes through there. I know they have done a lot of research with Air BnB and how to collect money, it is hard to find which ones are doing it and which aren't, who is paying and who is not. They have done a lot of background into it. Take the time first to talk with Angela. Any recommendations you guys have on how we could potentially strengthen that ordinance and bring people into compliance. I go back and forth, the Air BnB's are great for bringing people into town but too many Air BnB's means you don't have long-term rentals for people to stay in. Ordinance is old, it started when Air BnB's and short-term rentals first started. I think there is room for improvement. That's where you guys as a board get to look those over and hash them out and come to a recommendation and agreements as a board, whether you are able to do it all in one meeting as a workshop or maybe you need to have 2 or 3 different meetings. Would the board like that on the agenda?

Chairman Sisney: Member Kent will you be here September?

Member Kent: No.

Assistant City Manager Alvarez: Is that something you would rather be in attendance with.

Member Kent: Yes, but since I'm not going to be here for the next couple months, I also don't want to hold it up. I would be ok if everyone else is ok to do it over the phone.

Member Luchini: Do we have to do it during a regular scheduled meeting, or can we have a special meeting?

Assistant City Manager Alvarez: You can, you guys have the opportunity to call a special meeting anytime you want.

Vice Chairman Buhler: I think it's important to do a little bit of research and see what other cities are doing.

Assistant City Manager Alvarez: My recommendation is that you guys do a workshop with you guys just hashing things out and coming up with some ideas and then potentially scheduling a public workshop where you can get the public to come in and get their input. When it gets to a point where you have a draft that you want us to take to the commission, the draft will go first to the commission for publication that would publish out for 30 days, then it would go back to the commission as a public hearing and a final adoption so, there would be public input that would come in. I would highly encourage you guys to attend the meetings that they are on as well so you can advocate to the commission.

Member Kent: The 9am meetings?

Assistant City Manager Alvarez: Yes. I would start with Angela at the city clerk's office and even the lodgers tax board and see what research they have done.

Vice Chairman Buhler: I think we should wait until you come back.

Member Kent: We could do research in the meantime. Look into other small towns and read their ordinance.

Vice Chairman Buhler: I don't know if it's possible, but people do well with advertising heads on beds. So, all of people probably do advertise their Air BnB's the ones that are doing it if they could get some money to help with their advertising that might an incentive for people to come forward and pay the city.

Assistant City Manager Alvarez: I believe we collect through Air BnB. Everyone who is on Air BnB we get a percentage.

Vice Chairman Buhler: Is it a yearly check?

Assistant City Manager Alvarez: I believe it is monthly. Definitely get with Angela. She and Chelsea from Accounts Receivable have worked very hard on that one.

Member Kent: I think the biggest thing that needs to be discussed is how many should be allowed and how disbursed they should be throughout the town, so we don't have a whole block, that's nothing, but Air BnB's that aren't being rented.

Vice Chairman Buhler: Or it would have to be some type of a revolving thing. Because it can't be the same people all the time that get to Air BnB their place.

Member Kent: Well, if you buy a permit. That's how it happens in many towns, the is x amount of permits you want it you pay for it. If you didn't get one you wait till there is one available. Air BnB was never meant to be like I bought 17 properties and I'm just going to let them sit here empty. It was supposed to be I have a second home and I'm not using it for 4 months if someone would like to stay there you are welcome. It's turned into this thing where towns are half empty because it all Air BnB's, they are not renting enough, and no one is doing long term rentals so no one can live in them that lives here locally or anywhere locally.

Vice Chairman Buhler: there is a problem there is not very many places for people to live here in town.

Member Kent: Right because they are all Air BnB's sitting empty.

Assistant City Manager Alvarez: Do you know which meeting you will be back at?

Member Kent: I should be back in November.

Assistant City Manager Alvarez: In attendance potentially? So maybe we could put it on the October meeting to figure out a date.

Member Kent: I should know by then.

8. ADJOURNMENT:

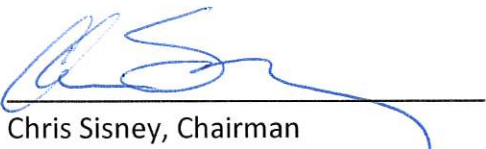
Chairman Sisney made a motion to adjourn.

Member Luchini second the motion.

Motion carried unanimously.

Chairman Sisney adjourned the meeting at 4:30 p.m.

PASSED AND APPROVED ON THIS 9th DAY OF September 2024.



Chris Sisney, Chairman
Planning & Zoning Board