

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, JULY 14, 2025**

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, July 14, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk

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) June 9, 2025.

Member Luchini made a motion to approve the minutes with the corrections. Member Kent seconded the motion. Motion carried unanimously.

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

Scott Valentine: In last month's meeting, June 9th, I came in opposition to a dog kennel license at 412 N Elm, I live at 414. Currently, the kennel is right underneath my living room window. The property line is 9 feet from my house, and the kennel is a foot from that. I did not oppose the kennel if the resident would move it further to the back. We should have defined that, but he volunteered to move the kennel. He suggested that he was going to move the kennel before, but then he said he was happy to. He did not move the kennel. He has a kennel license. We were going to finalize it in tonight's meeting, I don't know how he got the kennel license, but it is not moved and now where he planned on putting it is approximately less than 40 feet from where it exists, so I am downwind of it. I cannot open the windows on the South side of my house, I would hope to be able to open my windows in the evening in the Summertime, but I cannot, and if I do, then my house smells like outside, and I don't want that. So, I oppose the kennel. That's all there is to it. If he says, "Oh, okay, I'll move it now." Because it's an inconvenience to him or something, I don't want it where he wanted to move it anyway. The way the county has set up the ordinance is four pets any combination of dogs or cats. If he has extra animals, they're in cages, they're not being walked, they're languishing in the sun, their shade is broken, I've seen it. You can have hay or whatever to make them comfy, but it is not good for them. The fourth dog that has been at large- I don't get mail right now because of the dog at large. It's not my dog, but now it's in the cage as of July 4th, that was afraid, so he put it in. Anyway, thank you for the time. I am opposed. I like the ordinance the way it's written, and I think it's very reasonable. I don't want to live next door to a dog kennel, that's all there is to it, it needs to be out in the country somewhere. Thank you.

Alice Hutchins: Hello, my name is Alice Hutchins. I live in T or C and run an AirBnb called Magnolia Street Casita. We have hosted over 150 out-of-town guests in the past 18 months with a 5-star rating and Super Host status. I wanted to highlight some of Molly Hammer's points in her excellent AirBnb workup included in your packet. Under "Tourism Without Large Infrastructure" she has two bullet points: "Adds Lodging Capacity", and "Preserves Rural Charm". Excellent points. Hotel chains offer a large capacity, but they do nothing to showcase the unique qualities that make T or C such a special place to live and visit. Almost 100% of our guests are from out of town, they book our space wanting a taste of the southwest, a close-knit community vibe, and a unique hot springs experience. Another point she makes is "Economic Development and Diversification". Under that is: "New Revenue Streams - Hosts can earn income that is often reinvested locally", and under that is: "Property Improvement and Beautification - Incentivizes Upkeep - Short Term Rentals are often required to have better upkeep, curb appeal, and property maintenance." The income we derive from Magnolia Street Casita is funneled right back into paying bills, buying groceries, and home improvement projects. Thanks to this extra income, we've been able to add landscaping, upgrade our curb appeal with new fencing, and we had the resources to re-stucco and paint the casita. All of this

adds value and aesthetic appeal to our neighborhood. Molly also brings up an excellent point under "Missed Opportunity – The City of T or C needs to establish a voluntary tax collection agreement with both booking platforms: AirBnB and VRBO". A lot of money from our valuable short-term rentals is being left on the table, and Molly has done all the legwork necessary to remedy this. It behooves this committee to move forward with her recommendations. Lastly, I am looking forward to the presentation from the Love's representative. This is an important project for our community. As you all know, one of the four responsibilities of Planning and Zoning is "Identifying and addressing emerging issues that are not yet reflected in our current municipal code." Last month, I said that we needed to upgrade codes that will protect our environment and the night sky. It would be foolish to let a project as big as the Love's Truck Stop move forward without provisions in place requiring night sky lighting and an environmentally friendly parking lot. I am happy to forward information regarding both of these items to the committee. Thank you so much.

Nanetta Landry: I am just here about the property on 1095 East Riverside Drive. The last time we had this meeting, I turned in, it was from 3 of us in the neighborhood, myself, Vicky, and Marlene, and we are all opposed to it. We really have some major issues with it including line of sight, the bank, which is odd, we live on the river, so the bank is very fragile, it's flooded 3 times this month. We also have personally looked at the plan. We feel, well, if you go forward with it, they need to be required to have a survey on the property because the lines that they're saying on there are not the true measurements of that property. Trying to put 2 feet between my property and 5 feet on the other side, and putting the same size house that he says he wants in there, would not be possible, which means something has to go, either the size of the house or the setbacks from the property, which are already too close. I'm just here to oppose that, thank you.

4. PRESENTATION:

- a. Presentation/Update: Love's Travel Stops and County Stores

(attached hereto and made a part hereof)

Member Hammer: Thank you for your presentation, I do have a few questions. As far as the overnight RV spots, have we taken into consideration the perceivable impact on local, family-owned RV parks? Will it redirect that traffic and potential revenue to a corporate company on the freeway that will kind of keep them there, they're going to eat, sleep, shower, get gas, and probably just get back on the road. I like Love's, especially as a traveler, whether I am towing a trailer or an SUV, I stop there because it's clean, it has a few things I need, but I never ever go into the town that it's at. That's my personal experience, so that's one thing I am concerned

about, we are just directing traffic. They stop and then get right back on the freeway, especially since it's on the other side of I-25. They have to get back over the access road and back into town. That's my concern, I feel like this ship has already sailed, this project is already underway, but those are concerns that I would have as a business owner, and representing business owners in town, I want to see more traffic come into town, and I feel like your location will prevent that. Also, your wages, are you pretty much paying minimum wage, or is it higher?

Barbara Peck, Large Developments Engineer: We do a local wage survey before we decide what the wages will be. So, they will be in the market for the area.

Member Hammer: Again, my concern is creating a lot of minimum wage jobs doesn't really help our community. I would like to see them get paid more so they can benefit from a better paying job, because there are not a lot of those here. The dark sky ordinance, we don't have a dark sky ordinance in T or C, do we? Is it in our ordinance?

City Manager Whitehead: It's part of the state law, so it would be a state requirement. Every building that is built requires every contractor that goes through to get a permit would have to be complaint with that.

Member Hammer: Okay, so it's state statute. You can get around our ordinance if it wasn't in there, but you just mentioned that you follow all ordinances and I don't think we have a specific one, but you answered my question, thank you.

Barbara Peck, Large Developments Engineer: We do have to follow the state statute.

Member Hammer: Got it. I think that's it, I don't know if you want to address those, there are a lot of questions, but those would be my concerns as far as the local economy and supporting our population.

Barbara Peck, Large Developments Engineer: Sure. Our experience has been that when we come into a small community, that it brings people into that community rather than taking them out of it. I'm most familiar with certain Alabama locations in that instance, where we have come into the community, and more comes in after us, business-wise as well as customer-wise. We draw them in off the interstate, right now there's not a giant red heart beaconing to people, drawing them off the interstate to Truth or Consequences, so we hope to do that. It's our hope that with some of the other things we are adding to it, which we don't do at all locations, that will also continue that conversation inside the store. With having store team members in there that are from the community, our hope is that they will become very familiar

with the regular drivers that come through the store. So those conversations happen, "Hey, have you tried such and such restaurant in town?" or "Hey, have you seen our hot springs?", those conversations become the norm, because we do cater to a fleet client. Then, either the drivers will go into town somehow, but those conversations do happen and drivers do come back through with their families, we do see that uptick within the community. So I'm hoping that is exactly what happens here, it would never be our desire to come in and obliterate a business, we don't want to be the Walmart Supercenter of the 1990's, 1980's kind of thing, we want to be a partner in the community and work with the businesses in the community to continue to develop that tourism, those stops, and people coming into town. So we're happy to work with the chamber or anybody else to help facilitate that as time goes on.

Member Hammer: One more question, is there any other choice besides Arby's in your fast food selection? It's kind of a rhetorical question.

Barbara Peck, Large Developments Engineer: I'm afraid that ship has sailed.

Chairman Sisney: Lisa, you have any questions?

Member Kent: No, I had similar concerns about the RV spots, but we addressed them, and I really wish it wasn't Arby's too, but it doesn't matter.

Vice Chairman Buhler: I do have a question, what size, how much land is dedicated to the RV park?

Barbara Peck, Large Developments Engineer: I may have to get that information back to you. It's around the periphery of the parking lot, and there are 10 spots, but I will have to have my engineer do the math on that.

Vice Chairman Buhler: You know, in New Mexico, for an RV park, 2 acres is the goal.

Barbara Peck, Large Developments Engineer: Those would be the parks where folks come and stay at, though, is that correct?

Vice Chairman Buhler: Well yeah, I think so.

Barbara Peck, Large Developments Engineer: And that is not what we want to be, we don't want to be some place they come to live. We definitely want to be the place where they come and keep going.

Vice Chairman Buhler: And I like your sign, except for the arrow.

Barbara Peck, Large Developments Engineer: Okay, noted. Thank you for your comments.

Vice Chairman Buhler: Truth or Consequences would be great up on the water tank, and you're very visible so you really wouldn't need an arrow anyway.

Barbara Peck, Large Developments Engineer: That hill's going to hurt, coming off that onramp.

Chairman Sisney: I have a question, you had a thing up there about human trafficking, but you didn't discuss it, I'd like to know what that was about.

Barbara Peck, Large Developments Engineer: There are many times where, because of the nature of the business that we are in, law enforcement works with us very closely to help facilitate ending really horrible things from happening. We work very closely with the Department of Homeland Security, Blue Campaign training for all of our team members, and Truckers Against Trafficking. So, that's an organization that one of our owners was a founding member of. We want to make sure that nothing bad is happening on our properties. We are going to work with every agency that we can find to help make sure that that's the case. It doesn't matter what the crime is, we are going to work with agencies to make sure that it doesn't happen on our property. Our fleet customers don't want to come to a place that's unsafe. They don't want their drivers to be in places that are unsafe. Our automobile customers, they don't want to go to a place that's unsafe. We do everything we can, and work with various different agencies to make sure our staff is trained, our stop is clean and safe, and that the layout and our standards are high enough that in the event something were to breeze through, we would be aware of it immediately and take swift and immediate action.

Chairman Sisney: So there's obviously a need for that. What are the results of your efforts? How often do you catch people trafficking and how often do people get rescued and that sort of thing?

Barbara Peck, Large Developments Engineer: Most of the time it doesn't happen on our sites. We are the first notification, and then the law enforcement agencies move into action as it's going down the road. So, you will hear about things that happen further away. What I can tell you is that every year, we run a crime analysis through a third party contractor, so it's not our opinion of the safety of our sites, it's another company telling us what the data says. Our sites come in at or below the crime percentage of the community that we're in. We're not higher

than it is, we are either at it or we're below it, because of these actions that we take with our staff, with our cameras, and our involvement with law enforcement. Is that kind of the answer to your question? Ask it again.

Chairman Sisney: Well, I was wondering how often do people get rescued because of your efforts?

Barbara Peck, Large Developments Engineer: I don't know the answer to that, and I don't know that it's something we are tracking.

Chairman Sisney: So you're doing this, but you don't know if it's doing anything?

Barbara Peck, Large Developments Engineer: All we can do is try. It's better than doing nothing.

Chairman Sisney: Absolutely. These things are notorious for being with trafficking and all kinds of criminal activities. They have got a pretty good reputation for that. So, the closest Love's Travel Center is up in Los Lunas, right?

Barbara Peck, Large Developments Engineer: In Belen. And then Las Cruces is to the south, it might be closer than Belen.

Chairman Sisney: It is. What kind of wages are you paying in Belen? Where do we start?

Barbara Peck, Large Developments Engineer: I'll have to get that information and bring it back for the next one, I don't have that with me. I'm going to take some notes.

Chairman Sisney: The hookups for the RV's, what type of hookups, is it just electrical or are you doing sewer and water also?

Barbara Peck, Large Developments Engineer: No, the City of Truth or Consequences does not allow the sewer hookups, so we don't have those. There will definitely be power, and then we do the Wi-Fi connectivity for them. I will have to check, because without the sewer, I don't think we do the water either, but let me double check on that as well.

Member Kent: Will there be at least a dump station? Not nothing?

Barbara Peck, Large Developments Engineer: No.

Member Kent: Residents could use that.

Member Hammer: I have one more question, but I'll go after everybody else.

Chairman Sisney: I would like to make the comment that regarding dark skies, not directed at Love's particularly, but if there is a state ordinance working on dark skies, I can see Las Cruces better every night over the years I've been here, so I don't know how well all this dark skies stuff is working. It's getting bright out there, but let me ask you another question. Are you going to have any services for EV's (Electrical Vehicles), any charging stations or anything?

Barbara Peck, Large Developments Engineer: So what we do with EV's is we do plumb for it, and then we work with the EV equipment providers. If they feel like it's a market that would use it, then they come out and we lease the spaces to them. So, they'll bring the equipment out, and that sort of thing, and connect with the infrastructure so it's available for the customers.

Chairman Sisney: Would you make a provision for the future use of rapid chargers, which require a DC converter on-site? Is that part of the plan that you guys can upgrade for when it's time, when you're ready to start servicing EV's?

Barbara Peck, Large Developments Engineer: We make the room for it, but those EV companies will make those decisions on their own, we just lease out the space.

Chairman Sisney: Because it's got to get there at some point.

Barbara Peck, Large Developments Engineer: Sure. That's why we make sure there are spots set aside for it, space for the chargers and the transformers that are required for it.

Chairman Sisney: Okay. Thank you for answering my questions. Molly, you have one?

Member Hammer: I just have one comment on the water tower billboard. My first reaction to that is like, no, I don't want to be Love's T or C town. We have too much charm here, we have too much tourism attractions, like the hot springs, the lake, the river, that really draw people here. I just, I'm not a marketing person, but I have a lot of pride in this town and what we represent, and I would just love to see an effort on Love's part to go, "Hey, turn left here to go to the hot springs." Instead of like, Love's, and T or C. I just would like to see you guys work with us to bring people into town and highlight our features that people can come here for. That's my last comment.

Barbara Peck, Large Developments Engineer: Thank you, I appreciate your comments.

5. PUBLIC HEARINGS (5 Minute Rule Applies)

- a. Public Hearing/Discussion/Action: Special Use Permit and Variance Request for 400-406 Van Patten to develop a 2 spot RV park which requires a SUP.

Chairman Sisney recused himself, Vice Chairman Buhler opened the public hearing.

Applicant: Jessica Logreira & Chris Slate

Proponents: Chris Sisney

Opponents: None

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

Assistant City Manager Alvarez: What you have in front of you today is a request for a Special Use Permit, and also a Variance Request. The property is located in the R3 district and per our municipal code, an RV park is allowed in the R3 district via a Special Use Permit, so, that's why it's being brought to you. She is also requesting a variance, and that would be in regards to the community building that is specified, that is a requirement as an RV park. The applicant will speak a little more on that shortly. A little bit of background on the property, this property first came to you guys as a designated mobile home/RV park. When she purchased the property, she went through a Summary Plot Amendment and split part of the property so she could sell off a section of it, not realizing that when she did that, it cancelled out the mobile home/RV park use that had been designated however many years ago as Petunia's Mobile Home Park. It did come to our attention when she was doing some enhancements to the property, and we reached out to let her know that due to the lot split, it was no longer designated and she would have to go through the Special Use Permit process again. She immediately stopped the enhancements and has submitted and gone through all the required processes. The application has been submitted, certified letters were mailed out, all fees were paid. Within your packet, she has done a really great job of delineating the area for the mobile home park, and providing a breakdown of where things are, and where things are at. With that, I will turn it over to the applicant unless you have any questions for me at this time. We can let her give a little bit of history and talk about what she'd like to do there.

Vice Chairman Buhler: So they have a permit now going forward?

Assistant City Manager Alvarez: No.

Vice Chairman Buhler: Not yet?

Assistant City Manager Alvarez: So, the property, however many years ago, was designated as a mobile home park, Petunia's Mobile Home Park, and per our municipal code, RV's are allowed in a mobile home park. So, you can have a mobile home park and then, unfortunately, put all RV's in it, then it's an RV/mobile home park, that's what the property was. Once she came to you guys and you allowed her to split that property, it then just became 2 residential properties. So it's no longer considered an RV or mobile home park. That's why she's coming back to you now, she has to request that Special Use Permit.

Vice Chairman Buhler: Okay.

Jessica Logreira, Applicant: Hello, I'm Jessica Logreira and this is Chris Slate we own the property that is being discussed right now. Traci mentioned, this property had mobile home/RV spaces and are only going to be using 2. The spaces were divided they had their concrete slab, they had the utilities, and sewage, and all of that. So, when we re-platted and sold it, we did not know that it cancelled it. At the Assessor's Office, we still had it under Petunia's Mobile Home Park. As soon as we found that out, we went to the City and asked what we needed to do to comply, so that's why we're here now. The spaces are 3 and I have photos here, if you'd like to see photos. RV parks across the country require the majority of the RV's to be self-sufficient, so they don't need to have bathroom. We are going to provide showers where the tubs are, each tub will have a shower. So that's why, because of the size and the small footprint, we are asking for a variance so we don't need to include a community building for laundry and bathroom because there are only 2 spaces, it's not really like a 10 space RV park or anything like that. We are already providing the showers in the tub area. We are in an RV park neighborhood, there are 2. There's the Glam Camp across the street from us, and then there's the Artesian on the other side, so they're on the road between Foch and Van Patten. So, we are not doing something new in the neighborhood. We hope to create an aesthetically pleasing environment on our property, and by upgrading our place, we will be improving the surrounding property value. We have the 2 semi-private spaces, each space is divided by fencing, including the hot springs tub that will have its own enclosure. Each RV space is over 3x the minimum size required by the code of ordinance in T or C. It's like 1,250 square feet per space, and we have over 4,000 square feet per space. We are decorating those spaces that are dividing the space with earthy tones so we can blend and use more of the natural environment, and we have pictures of that too. We have a picture of a mural as well.

Vice Chairman Buhler: Are you putting trailers in there, then?

Jessica Logreira, Applicant: No, it's for Short Term Rentals.

Vice Chairman Buhler: Someone will just park an RV in there?

Jessica Logreira, Applicant: Right, yeah.

Vice Chairman Buhler: So really, it's an RV park.

Jessica Logreira, Applicant: Yes.

Member Kent: So, you said short term, so you will not allow for long term. People cannot come live there for a year, 2 years?

Jessica Logreira, Applicant: No.

Member Kent: A couple nights, a week, 2 weeks maybe?

Jessica Logreira, Applicant: Yeah.

Member Kent: A question I have, when you applied for your well permit, did you apply for residential or a commercial permit?

Jessica Logreira, Applicant: I don't remember, that was over a year ago. I presented all the paperwork to the state in Las Cruces, and they approved it. The ownership papers probably say something there. We are R3.

Member Kent: Well that's not the designating factor, though.

Jessica Logreira, Applicant: We are commercial in the sense that we are not going to be renting people to come and soak for an hour, we are not doing that.

Member Kent: It's only for people there.

Jessica Logreira, Applicant: For the people that park there overnight.

Member Kent: In a slip.

Jessica Logreira, Applicant: Yes.

Member Kent: I understand, I'm just asking questions.

Vice Chairman Buhler: Not to single you out by any means, but you know, it is important that if you're going to have a business, that you have a commercial water right. That's what the hotels have. The Glam Camp, I'm not sure what they have. I don't think that they do have one. But I know that the State Engineer's Office should be contacted about this, and this falls on our city, not on you, I'm not saying what you're doing or what you would like to do is good or bad, I'm just saying that the city needs to find out about this because it is going to become more and more important to the hot water district.

Jessica Logreira, Applicant: Are we talking about the hot springs water or treated?

Vice Chairman Buhler: I'm talking about, the rule of thumb with a water right, is that you can have a well, and you can put 1 acre foot of water over your land, I think it's per year. If you have a water right, of course, you have hours. You have so many hours, so it's different for someone that has a water right or a commercial water right. It's different than a domestic well, there's a big difference.

Jessica Logreira, Applicant: When we did - our building is all commercial. We pay everything commercial. When we went to the state they gave us residential, they didn't give us commercial.

Vice Chairman Buhler: Right, it's a domestic well. So, it is something that the city is going to have to - I don't know how, but eventually, you know, they could shut everybody down. The well people down in Las Cruces, that's where our basin is. That's where our engineer, the state engineer, is for water rights, in Las Cruces.

Jessica Logreira, Applicant: I think I know what you're talking about, because when we applied for a second well we need to submit to the state again, and the city to get all the permits, and they said that based on the usage we had, we built a second well because we have a lot of sand and it gets clogged sometimes, and it's hard. We need to get Mauldin with the big rig to come and fix it. So based on the usage we had, we were not even 50% under the maximum, and they

said until we reach this much, then we will have to pay more. So, this is a different property, but it answers the question about the usage basically.

Vice Chairman Buhler: Well I do also have a question about the French drain, did an engineer design that for you, or how did you come up with a French drain for those hot tubs?

Chris Slate, Applicant: We had a contractor.

Member Kent: So you just dug a big hole and filled it with rocks, and the hot mineral water?

Jessica Logreira, Applicant: In the pictures you can see.

Vice Chairman Buhler: I have seen it.

Member Hammer: So basically, that French drain means that you're not putting water back into the sewer, you're not tying into the city sewer, you are putting it on your property and it either seeps back into the ground or it evaporates.

Jessica Logreira, Applicant: Yes, and the tubs are small, they're like 4x6 or something like that. Now, the other day we went when it rained a lot, we wanted to see what it looked like, because it's a lot of sand, so it either goes down or evaporates. I think it just goes down into the sand. That was rain.

Vice Chairman Buhler: Well if you get a permit, you know, we don't make the decision, the city makes the final decision. We just recommend. So, you would still go before the city with your plans of what you would like to do, you'll just get a recommendation basically, that we'll vote on from us today.

Member Kent: So, in terms of your request, the Variance Request, to not have to have a community center, I personally, if this were to be approved and go through, I'm okay with that, as long as you are strict with who you are renting to, that they are 100% self-contained, and that they're not living there for long periods of time. I lived in an RV for a while, and your water pipes and stuff are going to freeze at some point. It's hard to keep them not, so having a community room was very useful for us on certain mornings. But, it being so small, I guess that's not the biggest concern, and if people aren't going to be living there long-term, they can always pull out and leave if they need to.

Vice Chairman Buhler: Well it was residential. It was a permanent home or trailer that was in there before, correct?

Jessica Logreira, Applicant: Yeah, there were several, yes.

Member Hammer: Are there full hookups? So, water, sewer, and is it a 50 amp or a 30 amp on each?

Chris Slate, Applicant: 50 amp.

Member Hammer: So they have a way to get rid of blackwater safely, and greywater, and they're self-contained, so they have their own bathrooms. I guess, you'll have to enforce that somehow.

Jessica Logreira, Applicant: Yeah.

Member Hammer: I'm not sure, that'll be on your questionnaire or something?

Jessica Logreira, Applicant: Well we have rules no pets, no children, no more than the registered guests, and we keep those real straight?

Vice Chairman Buhler: You'd have an age, then, on the RV that would be put in there. Would you have an age on that? I know some of the RV Parks have that.

Jessica Logreira, Applicant: Yeah, on pets, because you don't know if you're going to have a barking dog.

Vice Chairman Buhler: And one other thing I want to mention to you all is that if someone has a lot and they want to put an RV on it, and live in it, they cannot do that. I know someone that has been told that they have to remove it, they cannot use it. So I think that needs to be stated at this meeting, that you can't live in T or C in an RV on your property.

Assistant City Manager Alvarez: Unless you're in an RV park.

Vice Chairman Buhler: Unless you're in an RV Park.

Jessica Logreira, Applicant: Yes, but it's not our intention. We aren't going for that, we don't want a long-term resident. We want short term and as we go through all the steps and get

approval, our next step is going to the city, getting the STR permit, as we have for our Airbnb, and pay monthly all the taxes, convention center, lodger's, all of that.

Vice Chairman Buhler: And you're not going to have a laundry facility?

Jessica Logreira, Applicant: That's why we're asking for the Variance, because it's only 2 spots so we don't want to have to build this building with laundry, bathrooms, and everything, for only 2 RV's at a time. People are not staying there for long.

Member Kent: I mean, the laundry, for me, is the least of my concerns, we have laundromats, or a laundromat.

Vice Chairman Buhler: 1.

Member Kent: Well there's 1 in Elephant Butte, so there's at least 2 in the area.

Jessica Logreira, Applicant: Williamsburg.

Member Kent: Maybe Williamsburg, anyways, they can pop over to a laundromat. But bathrooms are different, right, what happens if your pipes are frozen or whatever and there's no public bathrooms, it's hard to find bathrooms. So I see the need for it to some degree, but as long as it's stated and they know what they're dealing with, and there aren't people living there long-term, and they are able to leave if they have to leave, or get in their car and go somewhere if they have to, maybe, that's okay.

Jessica Logreira, Applicant: Yes. Self-contained.

Member Hammer: So I have a question between short-term and long-term. I think we need to kind of define what denotes long-term. Is it greater than 30 days? Is it 6 months? Is it 12 months? I think that's important because if we have somebody else come to the Planning & Zoning Board with a similar concept or idea, I think we need to have the definition of long-term.

Member Kent: I believe somewhere in all of these codes it does say that greater than 30 days is long-term.

Member Hammer: So that's what we're going by then.

Jessica Logreira, Applicant: I think it is because for short-term, if it's over 30 days, the tax break is different.

Member Hammer: I understand that, the Airbnb stuff, but it can get a little gray with RV's. "Well, we're coming down for the winter", you know, I have a lot of snow birds that stay at my Airbnb's, they want to stay for 3 months, and is that considered long-term? Yes, as far as our code goes. For Short Term Rentals, and that's in our Short Term Rental Ordinance as well, the 29 days.

Assistant City Manager Alvarez: For short-term, yeah, so I guess the gray area on that is per our municipal code, at an RV park, you can live in an RV park as a dwelling unit, full-time. That's allowed in our municipal code, and it's identified for recreational vehicle parks. So, her request is for a Special Use Permit as a recreational vehicle park. Now, she's telling you that she has no intent of those being full-timers there, and what the board has to do is to decide – I mean, that's what she's telling you she can do, and that's definitely her intent in everything that she's brought to me. This is a tourist, coming through, passing through, visiting T or C, like a normal RV park. If you wanted to get into the weeds of it, as a special use RV park, she could make a decision to allow them full-time.

Member Hammer: Or if you sold it, the future owner might go, "Oh, well it's in the code I can rent long-term." Right? Because they didn't ask for a Variance otherwise. Okay.

Vice Chairman Buhler: Well I'm sure there'll be a bathroom in there for the people that come to stay with you. They usually have one.

Chris Slate, Applicant: There's not a bathroom.

Vice Chairman Buhler: I know you guys have a nice building downtown, and you have provided lots of good things for the community. I know you would probably do a good job with this.

Jessica Logreira, Applicant: Yeah, we're trying to make it look pretty.

Assistant City Manager Alvarez: So, Vice Chairman, if the board is all done with their discussion, then the next step would be to open up the public hearing for any proponents or opponents.

Vice Chairman Buhler: Thank you for coming forward and answering our questions as best you could. Chris Sisney.

Chris Sisney, Proponent: Hello, my name is Chris Sisney, and I want to inform everybody that the reason I recused myself from this topic is because I am the person that bought the 2 lots that they divided off from the original properties. Their properties, if we were coming out the – there's Foch, and there's Van Patten [intersecting Foch], so they've got [the Southeast spot of those intersecting streets], [in the northeast section is Glam Camp, next to that is Artesia], and over next to that is a property that has about 5 floaters on it, which are the county's that stayed down before they built this town. I think I'm the only one here that was sent a letter, as a neighbor, that's speaking. But I want to let everybody know that I think they're doing a fantastic job over there, and the only reason I recuse myself is because I bought the lot next to them, so I'm involved, that's my involvement in it. I hope that they are able to continue doing what they're doing because it's a nice-looking property, thank you.

City Manager Whitehead: Madam Chair, Mr. Sisney would need to excuse himself from the room before the board votes on this action, okay?

Vice Chairman Buhler: Okay, you'll have to leave the room, Chris.

Chairman Sisney excused himself from the room for voting.

Vice Chairman Buhler closed the public hearing.

Vice Chairman Buhler: In the matter before us, I guess we are ready to take a vote on whether to grant the Special Permit for the very small RV park.

Assistant City Manager Alvarez: As well as the Variance Request.

Vice Chairman Buhler: Yes, that follows the Variance Request.

Member Kent: I recommend that we approve it. I know they've said the intention is short-term, and I believe them, and that's all good. I don't know what to think down the road, if the property sells and it's designated as an RV park, and now it doesn't have the community center or room, whatever it's called, but I feel like that's a problem, hopefully, that doesn't ever come.

Assistant City Manager Alvarez: I will have to do a review, on a Variance Request, I don't believe it is transferrable once the property sells.

Member Kent: So if it sells, so if we approve this, and they don't build the community room/building, whatever it is, and they sell it...

Assistant City Manager Alvarez: The Variance doesn't go with the property.

Vice Chairman Buhler: That's good to hear.

Member Hammer: So the new owner would have to reapply if they wanted to continue the same business?

Assistant City Manager Alvarez: I think for the Special Use Permit, it potentially goes with the property, but the Variance doesn't go with the property, but I will have to clarify that in our code. I will email it.

Member Hammer: What is the Variance, the laundry room and bathroom?

Assistant City Manager Alvarez: The community building with the bathroom and laundry room.

Member Kent: So if a new person bought it, it would still be designated as an RV park, but to operate, they are not in compliance because there's no community building, so they would have to come get a Variance again?

Assistant City Manager Alvarez: Correct, or bring it to code.

Member Kent: Okay then we will deal with that later. I recommend that we approve this. I've seen the property, I have watched them develop it, they are doing a good job.

Vice Chairman Buhler: So we'll need a motion and a second, and a vote.

Member Luchini made a motion to recommend approval to the City Commission for a Special Use Permit and Variance Request for 400-406 Van Patten. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

6. NEW BUSINESS:

- a. Discussion/Action: Request for Extension of Variance 320 Marr.

Deputy Clerk Martinez: So as I discussed in the email to you guys, because it was already included in a previous packet, we did not include it in this packet.

Chairman Sisney: This is the one behind the Artesian?

Vice Chairman Buhler: Yes.

Chairman Sisney: Okay. Are they here?

Vice Chairman Buhler: No.

Member Kent: I feel like this wasn't that long ago, why are they requesting an extension?

Assistant City Manager Alvarez: The code is a little bit gray as the City Manager and I were looking it over. The way I read it was that an applicant would have 90 days, from the date of receiving the Variance, to get a building permit. Then, 180 days to start the build. That's kind of different from the way the City Manager read it, so we are looking for some clarification on that. But in the meantime, just to ensure that we are in compliance, we are bringing it back because it is just shortly after the 90-day period. As you guys know, you granted the Variance for the build of the small homes. I know we had conversations with the applicant and they were planning to be here, so I am really surprised they are not here. They were going to explain their reason for some of the delays and I think with the applicant not being here, what I'd like to request is for the P&Z board to table this item to see when they can attend the meeting, because I think it's important for you to hear directly from the applicants. I'll reach out to them and make sure they can attend the next meeting. I know one of the reasons they were experiencing delays were due to some health concerns, so I will have to follow up with them.

Chairman Sisney: Before we table it, would we like to have any discussion on it?

Vice Chairman Buhler: No.

Member Hammer: I guess I just don't understand why we can't just approve the extension. Is there additional information needed, or they just need more time?

Chairman Sisney: Things have changed since. From what I read in the packet, they are talking about removing buildings, stuff like that.

Member Hammer: Okay, that's different.

City Manager Whitehead: If I may, in my review of this, I don't think anything has changed on their position of what they are going to do. The concern that we both had is that in the code it

simply says that the Variance is good for 90 days, or they have 180 days to get a permit. That's the gray area. Traci brought it to my attention that they may be out of compliance. They may be expecting they had 180 days to get their building permit, which in that case, to me, that would be the ultimate deadline, 180 days. I know we discussed this when they came previously, and I did present that to the commission to say that they will need some time. 90 days is a short period of time to get the Variance and then go get a permit, and get all those steps completed. The options you would have today is A) to table the item. B) to grant the extension to be in compliance with our interpretation that 90 days, but it would never go past 180 days. If they aren't in compliance in 180 days with a permit, they would then have to come back. So they either need to do it today, or they need to do it in 180 days. But I don't think you could take into consideration any change in condition that they might have unless you think the 90 days is, in fact, the drop dead date for them to be in compliance. I don't know if that helps very much, but my opinion would be that we would show them some leniency, if you will, for the 180 days which is part of the code, because it definitely doesn't say you only have 90 days to be in here, or the Variance is cancelled.

Member Hammer: So would the extension be 30 days, 60 days, 90 days? How much time would they need?

City Manager Whitehead: If we're asking, I would ask it for the whole 90 days to be in compliance with that 180-day part of the code that says they have to have a building permit within 180 days. They either need to be building *or* have a permit within the time limit. That's as far as I would consider that we could go. And tabling the item is certainly okay as well.

Member Hammer: But that means they stop having to do any work, right, so it puts a delay back on them for 30 days? I agree that we should give them leniency, as long as nothing has changed. They're just asking for more time.

Assistant City Manager Alvarez: Correct. They still have to submit all of their stuff through Planning & Zoning. I haven't received that information yet. So, they haven't gone through our process yet.

Chairman Sisney: Thank you, would someone like to make a motion?

Vice Chairman Buhler: I make a motion that we table the Variance Request and Extension for 320 Marr.

Member Hammer: I'm sorry, just process, because I haven't done this before, if I oppose that motion, what is the process? Because I would like to grant an extension instead of table.

City Manager Whitehead: A motion to table would have to be acted on immediately by the Chairman, requires a second, if the motion does not receive a second, the motion to table would die due to lack of a second. But if the motion to table is made and seconded, the Chairman has to act on it immediately.

Chairman Sisney: Is there a second?

Member Kent: Sure, I'll second.

Chairman Sisney: Thank you. All those in favor to table the request?

Vice Chairman Buhler: Aye.

Chairman Sisney: Aye.

Member Luchini: Aye.

Member Hammer: Nay.

Chairman Sisney: There we are on that one. Thank you, everyone.

Deputy Clerk Martinez: What was your vote, Lisa?

Member Kent: Nay.

Member Kent: I think we need to figure this out, though, because here's the next one. Same matter. So we need to know this so we don't do this every Variance.

City Manager Whitehead: Correct.

Vice Chairman Buhler made a motion to table the Request for Extension of Variance 320 Marr. Member Kent seconded the motion. Roll call vote was taken. Motion carried with a 3 to 2 vote

b. Discussion/Action: Request for Extension of Variance 1095 E Riverside.

Assistant City Manager Alvarez: As you know, the Planning & Zoning and City Commission approved a variance for the bill at 1095 E Riverside. There has been some delays experienced by the applicant with proceeding with getting the building permit. They have gone through all the Zoning approval, and been approved with their building plans, but as far as obtaining the permit goes, there has been some delays. The applicant is here and is requesting an extension for Variance for his build.

Chairman Sisney: Let me clarify, Planning & Zoning did not approve this to pass. City Council did.

Assistant City manager: I apologize, you are correct. It was sent to City Commission and then approved at City Commission.

Chairman Sisney: There has been some things that I learned during the first time he was in here. This property, as it shows up on the city's plat, was never to be built on. How did we get around that?

Assistant City Manager Alvarez: That's information I haven't received, so I'm not quite sure what you're referring to.

Chairman Sisney: I can't remember how it came out, I do remember that it came out. It's in the minutes, I believe. I remember hearing that this was on the record as not to ever be built on because it's an odd lot.

Assistant City Manager Alvarez: I don't have any documentation that says that it can't be, and all of our approvals before somebody goes through the build, to get their construction, they go through County approval at the flood director's as well. I have nothing within the city code that tells me they cannot build on that property. I guess I would ask for directive with the city management on this, the request here is not having anything to do with the build. The build was approved and the request is for an extension of the Variance they received, that's what's being presented to the board.

Chairman Sisney: Right, however, it didn't pass through Planning & Zoning. I distinctly remember at some point that issue came up, that that was never considered a residential lot.

Assistant City Manager Alvarez: But I don't have anything that's been provided to me by anybody that says that, through the County or otherwise.

Chairman Sisney: Can we find it?

Vice Chairman Buhler: I want to bring something up, too, he has a for sale sign on it too.

Assistant City Manager Alvarez: So the applicant is here to be able to speak in regards to the property and his request.

Vice Chairman Buhler: Are you selling the property?

Ambrosio Saiz, Applicant: My name is Ambrosio Saiz, I am the owner of the property at 1095, and it is not for sale. I did consider selling it at one point, due to the fact that my neighbors, the ones that spoke a few minutes ago, have been giving me nothing but beef for trying to build this house on this property. It has been a lifelong dream of mine to live on a property that's surrounded by a river. I have designed and drawn, and I do have the drawings, for the build already. I did go through all the proper channels, and since I bought this piece of property, I have been faced with nothing but police officers coming and trying to get me to move off my property, I was told by [Ms. Logreira] that I couldn't park my RV there, that it was against code. Code Enforcement was out there, I followed every channel. I followed everything properly to get to my build. Now, I understand that you're sitting there saying that it's a non-conforming lot, but I did follow the proper channels, and I did investigate. I certainly can build a house on this property as long as I follow the proper channels.

Member Kent: The request has been approved, I don't see a problem with extending it an extra 90 days, for a max of 180, which we believe is the limit. So I recommend to approve the extension.

Chairman Sisney: I hope that we do not recommend to approve because I do not think this lot should be built on, and I think that it should be dually noted in our records that this lot shouldn't be built on because if you sell the property, you're probably going to sell it and tell people that it's been approved to be built on, when the property wasn't designed to be a residential spot, and it is way below all the ordinances for anything to be built on that lot.

Vice Chairman Buhler: I drove by 2 days ago and your for sale sign was still there.

Ambrosio Saiz, Applicant: I drove by it today and there's no sign there.

Member Kent: I mean, the point is we're not here discussing what he's building. It's been approved. Are we going to let him have an extra 90 days or not?

Chairman Sisney: The fact that it wasn't approve by this board, and then it was approved by City Council leads me to feel that we have unfinished business here, and I'd like to find it on the city maps, that lot, and see the description of it, because from what I remember, it was marked as a lot not to be built on. Not a resident's lot, it was an access point so people across the street could get to the river. That's the purpose of that property.

Ambrosio Saiz, Applicant: Can I say something? There is a 10 foot easement located in that area right there, that is adjacent to my property. That could be used as access [to the river], this property is marked residential on the city maps.

Chairman Sisney: It's in a residential area. It wasn't marked as a residential. From my understanding, and I can't prove this, okay, but I did see it, and I'd like us to find that.

Ambrosio Saiz, Applicant: My question is, why would the realtor take it under his belt, and if he knew that this property wasn't able to be sold as a residential lot and to be built on, I purchased it from a realtor.

Chairman Sisney: Right.

Ambrosio Saiz, Applicant: I was not informed that this was a lot –

Chairman Sisney: That's why I want to get this very clear, so that it doesn't happen to the next person that buys this lot; that they buy something they can't build on.

Ambrosio Saiz, Applicant: So I'll be stuck with it? But I can't build anything on it?

Chairman Sisney: Yeah, you'll be stuck with it, because when you bought it, it was marked as a lot that was not to be built on. You came in for a Variance, and we did not approve it. It got approved through City Council, and now you're back again because it hasn't happened yet, and we do know that you were trying to sell the property.

Ambrosio Saiz, Applicant: I was trying to sell the property because I got angry with the neighbors because they were dumping trash in my property as they built this wall and fence that goes down into the water, which is against the law. You know, I'm at wit's end with you guys, man. I really am, I want to build a house here. I'm a good person.

Chairman Sisney: I understand that, but you have to get a Variance.

Ambrosio Saiz, Applicant: Yeah, you have my Variance, it's been approved.

Chairman Sisney: That's not a lot that you can build on, and it was stated...

Ambrosio Saiz, Applicant: Well I was not informed about it last time, sir? I was not informed of it.

Member Kent: Would that even pull up in a title search? At the time of purchase, there's all a title search.

Vice Chairman Buhler: Did you have a title search?

Ambrosio Saiz, Applicant: Yes I did.

Member Kent: Wouldn't that have come up in the title search if the title company did their due diligence?

City Manager Whitehead: I would want to believe that that would be the case.

Member Hammer: That it's either buildable or non-buildable. There should be some language in there.

City Manager Whitehead: I would think if the title insurance company would have found any issues with the property, they would have disclosed that to the realtor and to the potential owner, because they potentially would not have been able to issue a title policy. If there's a title policy, you could assume, then, that everything with the title would be in order. But again, it's not necessarily this board's condition or responsibility to decide whether or not the title is in good order, that's between the property owner, their title insurance, the realtor, and the person that sold the property.

Chairman Sisney: But the reason that we're here is because you're asking for a Variance to build on a lot that does not meet the requirements to have anything built on it. So that's what we're doing here, I'd like to see proof that this has changed from a non-conforming lot to a residential lot. I'd like to see proof of that.

City Manager Whitehead: Mr. Chairman, I would still, with due respect, again, the City Commission is dually elected, it is their obligation and their right to take the advice from this

council, this committee, and it is their right to make a different opinion and a different decision. Their decision is ultimately the decision that conveys here. Again, with due respect, the issue here today is that per the code, Traci, our P&Z Director, noticed that both of those permits that you've seen have not been ready to build within that 90 days within the code. That is, again, the only request that you're being asked here, is to grant an extension, and forward that extension request, whether you vote no, if you vote 2-2, if you vote 1-4, it still has to go before the Commission to continue to grant the timing. So, to re-litigate the issue, I think, is not relevant, and I think it would not be consistent with the way we would want to interact within the code. That would be my opinion as the manager, that the action has been taken, the Commission has made a decision, we've simply come to a time constraint, one that is confusing within the code, and your decision here today is, do we grant a continued time or not? It's really a black and white issue in question.

Member Hammer: So what happens if we don't for whatever reason?

City Manager Whitehead: The question would still be required to appear on the next Commission agenda, and we would say that we received no input or feedback from the Planning & Zoning Commission.

Member Hammer: And they would vote on it again?

City Manager Whitehead: Yes. The Commission would then make the decision on their own.

Member Hammer: To extend?

City Manager Whitehead: To extend or not to extend.

Member Hammer: So we're just making a recommendation?

City Manager Whitehead: Again, all your actions here are primarily recommendations of the community and the community's opinion on what should happen. This debate could have happened at the last one, but not for this one.

Member Kent made a motion to recommend approval to the City Commission for Request for Extension of Variance 1095 E Riverside. Member Hammer seconded the motion. Roll call vote was taken. Motion carried with Chairman Sisney and Member Luchini opposed. Motion carried on a 3-2 vote.

- c. Discussion/Action: Re-Appointment of member Lisa Kent.

Chairman Sisney made a motion to recommend approval to the City Commission for Re-Appointment of member Lisa Kent. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

- d. Discussion/Action: Re-organization of Chairman and Vice-Chairman.

Chairman Sisney: I don't know what that means.

Deputy Clerk Martinez: So since Lisa's term was up and you guys reappointed her, now we do the re-organization, you can keep it the same if you want, or you can do the re-organization, and it's just who serves as the Chair and who serves as the Vice Chair for the board.

Member Kent: Is that something that's required every time somebody's appointed or reappointed?

Deputy Clerk Martinez: Yes.

Vice Chairman Buhler: I'd like to keep it the same, but if anybody else wants my position, they're welcome to it.

Vice Chairman Buhler made a motion to recommend approval to the City Commission to keep the current positions the same. Chairman Sisney seconded the motion. Roll call vote was taken. Motion carried unanimously.

Chris Sisney: That's all the new business. Oh, I'm sorry we do still have some business to get to.

Vice Chairman Buhler: Mr. Valentine

Deputy Clerk Martinez: So are you wanting to do that as a report from the board? Because you do have your workshop.

Chairman Sisney: We're not ready for the workshop because at the last meeting, we agreed that we were going to revisit this and if certain items were met, then we would revisit it. However, it appears that it was approved without us getting a chance to discuss it. I'm curious how that happened.

Member Hammer: So the permit was issued, is that correct?

City Manager Whitehead: That's correct. We will just do this under reports, just to be courteous, as well. When the City Commission met and listened to your presentation, the Code Enforcement Officer indicated that the permit was, in fact, in order the way it was. The permit would only be allowed to survive for 1 year, it has to be renewed on an annual basis. So the Commission felt that because the neighbor had agreed to move, and the opponent said if they moved then everything was okay, the Commission said they'd just grant the permit for the whole year. That was the action the Commission took.

Member Hammer: So why was the issue even presented to the Commission when our directive was, come back in a month, let's make sure everybody's happy here, make sure that the permit applicant moved per the owner's issues with what was going on, then we would decide and make the recommendation then, it seems like something got missed there.

City Manager Whitehead: I think what got missed, and Traci presented it exactly as you guys described it the way it was presented, but from the Code Enforcement side, their position was, they did not need to request a Variance because they were totally in compliance with the code. Where it's at, it's in compliance, so they wouldn't have to be here to ask for a Variance. With that, and knowing that the permit requires an annual renewal, knowing those 2 things, the Commission said, "Why don't we just approve the permit." That was their decision, that was the conversation amongst the Commissioners, is if it's already in compliance, we couldn't add a stipulation to it, so we would approve it. If it's not built, if it's not correct, it's going to end in a year anyway, they'd have to re-do it every year. Just to be forward-thinking.

Member Hammer: So can Mr. Valentine put in a complaint about another ordinance that they are missing? Noise, smells, and then have something done?

City Manager Whitehead: Absolutely.

Member Hammer: Because I just don't think that's fair to Mr. Valentine when we made the promise, he was willing to approve it, and go forward with supporting it, if it was moved from below his living room window, and that didn't happen. So I don't think it's fair for the applicant to get another year without making any changes to make sure the neighbor...

Scott Valentine: I took down my fence?

Member Hammer: Yeah. If he has recourse to make sure that happens, that's what I would like to see. Whether it's another ordinance or not, I just feel like that's fair.

Deputy Clerk Martinez: So to answer that, he can go to the Clerk's office and file for an appeal. He has 30 days from when the permit was issued to file an appeal.

Member Hammer: When was it issued? Does he have 2 weeks? When was it?

Deputy Clerk Martinez: The 25th.

Assistant City Manager Alvarez: The 25th of June is when the City Commission approved it.

Member Hammer: So he has a week to file an appeal with the Clerk's office.

Vice Chairman Buhler: I'd like to add, too, that both parties, the other party agreed to do all these things here, and that's why we went the route we did.

Assistant City Manager Alvarez: I would definitely recommend that the board take the time out to go on to the City Commission meeting minutes that are posted for the June 25th meeting, and read them over. It was presented as you guys requested, as a temporary permit.

Member Hammer: For a year, though?

Assistant City Manager Alvarez: No, when I presented it, it was presented as a temporary and to come back in a month, is how I presented it to our City Commission.

Member Hammer: But that didn't happen. It is a year-long permit.

Assistant City Manager Alvarez: Correct. The City Commission made a determination to grant the kennel permit as it stood, as the full year.

Chairman Sisney: I have a question, Ms. Alvarez. Was Mr. Valentine notified that it was going before the City Council?

Assistant City Manager Alvarez: Yeah, he would have been notified. I know at the special hearing here, we notify the people –

Chairman Sisney: Right, but he thought he was getting a chance to come back. He didn't get a chance to come back, was he notified that it was coming up at City Council last week?

Deputy Clerk Martinez: Yes.

Assistant City Manager Alvarez: It wasn't at City Council last week. So, we didn't know until we went to the City Commission on June 25th that the Commission was going to make a determination to not have it come back to you guys.

Member Luchini: So they made the final decision, they totally ignored our recommendation and made their own decision without –

Member Hammer: We didn't even make a recommendation. We needed more time.

Member Kent: But we also didn't have to...

Assistant City Manager Alvarez: They had the minutes from your meeting, which are verbatim minutes, so they were able to review, and I can tell you that that was referenced by the Mayor, one of the Commissioners, he thoroughly read the minutes, and read what the presentation as to you guys, both from the proponent as the applicant, and Code Enforcement.

Vice Chairman Buhler: Yeah, because he would have complained, he would have stood up and said "I'm not for this." If he would have known that it was going to be approved.

Member Kent: So it sounds like –

Chairman Sisney: Let me ask a question, excuse me guys, Mr. Valentine, did you know that this came up before the City Council last month?

Scott Valentine: I was told at your meeting on June 10th that he had until the 14th to move the kennels. We agreed that if I moved the fence, he would move the kennels to the back, and it would be fine, that I wouldn't oppose.

Chairman Sisney: Right, but they didn't contact you and tell you that they were going to go ahead and decide this before now, today, which was the day we were supposed to discuss this?

Scott Valentine: Yes.

Chairman Sisney: Okay.

Member Kent: So, you need to go file, what is it, an appeal? Like, tomorrow.

Scott Valentine: Okay. I also want to say, for the record, There is an ordinance that allows for 4 pets.

Chairman Sisney: Mr. Valentine, let me correct you on that. That's not good information, it's 6.

Scott Valentine: Okay, 6. Any combination of dog or cat.

City Manager Whitehead: It's 7.

Deputy Clerk Martinez: It's a kennel permit.

Scott Valentine: I'm not talking about a Kennel Permit, I'm talking about an ordinance.

Deputy Clerk Martinez: But that's what he was granted, he was granted a Kennel Permit.

Scott Valentine: Now there's 8 dogs next door to me. The ordinance states - There's a reason for the ordinance. That's why I am opposed, because I am having to deal with all this stench, the dog dirt, noise, and I mean, I can't open my windows for crying out loud.

Member Hammer: Mr. Valentine, go file an appeal. Let's take next steps, because I think that's the protocol here.

Scott Valentine: Yeah, thank you. I'm taking up everybody's time. But I have been inconvenienced.

Chairman Sisney: Thank you for showing up today.

Scott Valentine: My house that I live in, eat in, whatever, I can't sell right now.

Chairman Sisney: Thank you, sir, thank you for coming to the meeting. Okay, that concludes new business. The rest of the meeting is going to be a workshop and discussion on Tiny Homes, ADU's, and Short-Term Rentals, so if you're not interested in that, that's what we're doing at this point.

Vice Chairman Buhler: I have to leave at 6.

Member Kent: I do too. I was supposed to leave before 6, but...

Member Hammer: Could we table the tiny home for next time, and start on the Airbnb? I did a pretty considerable amount of preparation for this.

Chairman Sisney: We're going to table the tiny homes and move on to Short-Term rentals.

7. WORKSHOP:

- a. Tiny Home/ADU:
- b. Short-Term Rentals:

Member Hammer: So, in our packets, I provided a position paper that is not on the slide deck that just talks about the general benefits of Airbnb's in small towns. So, I'm not going to go over that because it's in your packet and you can read it. It's pretty straightforward. What I wanted to do was, I put together some statistics because I think there's a general feeling that Airbnb's are taking over the world and small towns, and they're pushing people out. Rentals and stuff, and I think that's true for some locations. I'm seeing it on social media in this town, "Oh, Airbnb's are just taking over." I really like making decisions on data and facts, so I went to the Sierra County Assessor, the Housing Authority, and also Airbnb, I finally got somebody on the phone from Airbnb last Thursday, I can talk about that part later, but he was able to confirm some numbers for me. So, I just wanted to kind of go over some statistics to I guess explain my position on Airbnb's and whether or not they're taking over the town. That's the problem statement, right? We have too many Airbnb's and I want to dispel or provide some data to help us navigate that. So, I had Michael Hustin and his assistant give me some information from the Assessor, and in the town of T or C, it's not Elephant Butte, it's not Williamsburg, it's not Sierra County, in the town of T or C, there are 4,700 livable dwellings. That is comprised of single family, mobile homes, multi-family, and then the Housing Authority is separate. I confirmed with the Housing Authority there are 268 doors. I don't know how many people are living in each one, we don't have that. The multi-family, he didn't have a breakdown of how many duplexes, how many triplexes, and how many apartments in an apartment building. What I did, when I'm doing these calculations, I just use a multiplier by 3 of 162 units, because it's rough, and it's not exact science, but I know there's 54 multi-families, I multiplied that times 3, there's probably more, but I think that's conservative and it gives us a number to work with. This is just the same data in a different format, just a funnel chart. I like visuals. I also wanted to point out that we have a lot of subsidized housing here in T or C and it's comprised of the Housing Authority, which is the city-owned and run apartments, and then there's about 168 dwellings that are Section 8 or voucher-based that are owned privately by different landlords across town. So, there's a total of 435 units of subsidized housing in T or C. Which, looking at the 4700 number, that's about 9.2% of our total available housing, and it's about 15% of our population if we take 6,000. Please correct me if you see a number that's really out of whack, that you

have different data on, I just kind of put this together on data that I had gathered. Any questions so far? No? Okay. So, when I spoke with the Airbnb representative last Thursday, he confirmed that there are 109 Airbnb's in the city. That's not Sierra County, that's not Elephant Butte, in T or C. I would go to look, and there's like 149, 179, and it was really hard to get that number. So, he broke it down into 3 categories. Let me start down here. I'm going to go here because this has my numbers. 20% of Airbnb's of the 109 number, are businesses like the Hoozier, Glamp Camp, they've already got a hotel license, and they're doing both. They have a website for direct bookings and they're doing Airbnb. So, I'm not including that in my next numbers because they're already doing business with the city in a different way. They're just including the platform of Airbnb to get more business. Then, the other 40%, it was divided 40 and 40, the 40% is a person's primary home and they're renting out a room, or it's just part-time, but it's not a dedicated yearly around Airbnb. That's what he told me. I'm not exactly sure how he derived this, but that's what he shared with me. So, about 40% or 44 units, are dedicated Airbnb. Based on those numbers, so I'm taking out the hotel type units, and I'm just saying, dedicated and non-dedicated. So there's about 88, I'm taking that number and distilling it down. So, if I divide that by the number of housing units that are available in town, and again, I don't know ownership versus rentals, I don't have that number, I don't even know where to find that, like how many are just dedicated rentals in general. I would like that level of granularity, but I don't even know how I would get that information. What it came down to is 1% of units in the city are dedicated Airbnb's and then 1% non-dedicated, which basically means that the owner lives on-site or they're just doing it part-time. I feel like that's kind of under the danger zone for us, as far as saturation. Getting out of the theory that Airbnb is just taking over the rental market, because I just don't think the data is pointing in that way. It's good to keep an eye on it, it is important to support local residents and long-term rentals, but those are the numbers today. Any questions on that date? Okay. This is something that I'm sure the city's really interested in, the registered versus non-registered, and I'm taking it out of the 109 number. Sorry, the 88, I'm not including the hotels. So, we've got about 67% unregistered Airbnb's in the city of T or C based on the list I got from Angela. She gave me a list and there are about 29 registered. We have an opportunity to enforce compliance for Airbnb's. I want to talk about that in a minute, and Airbnb will help us with that. They can send emails to everybody in the city if we wanted to work on some kind of campaign to get their attention. He also confirmed, this is the stuff I wanted to know, how much money, how much revenue are we bringing into town. From January 2023 to March 2025, Lodger's tax is 126, and 240 on the gross receipts. That's over 27 months, so we are bringing revenue in town besides the re-investment into the city, hiring housecleaners, hiring HVAC, I am supporting local HVAC people and contractors, they're working on my houses, so we're keeping that money in town, and I think that's important to consider. So, the summary here, I don't need to read this, you can, it just summarized everything I just said, the main key points that I wanted to make. These are my

conclusions, I feel like less than 1% are dedicated Airbnb's, I don't feel like we're in the danger zone. He even said, if you were at 3%-5%, that's when things start getting, that's when you need to start paying attention to it, maybe do some more restrictions. I'm sure Chris will agree with me here, we have seen a lot of Airbnb's and from a host's point of view, I'm feeling it. I feel my bookings have gone down in the last 3 years, and everybody I talk to kind of feels the same because there is a glut of Airbnb's, the supply is not matching the demand. I feel like that will start weeding out and filtering out naturally, when you're not making money, you're probably going to go into a different market long-term, or you'll sell. I think there will be a natural attrition. Also, enforcing compliance, I think you'll probably get some people who will drop out, they don't want to deal with it. Through better or worse, you'll get that. With the registration, I want to be careful of this because I don't just want the city to start banging on doors, saying they need to comply. I think there's a nice way of doing this, getting people on board, getting excited about it. Some education, like here's where your lodger's tax goes, we're actually trying to pull in more business into town. The other thing is, and I know we've talked about this ad nauseam, really for the last 3 years, I really would love to have Airbnb and VRBO collect and submit all taxes, because they're not. Airbnb is collecting gross receipts tax, and lodger's tax, but they're not collecting the 1%. Administratively, it's a big pain for a host to have to collect that, and then go write a check for \$10 every month. I just think that if we can get that to be collected by those platforms, it also levels the playing field. So, when a guest goes in and looks around for different reservations, the tax is being collected across the board the same, because it's not now. It's just a barrier to entry, you know, let's encourage people to sign up, register as business with the city, and pay for the Short-Term Rental license. "But, hey, we've got the tax part taken care of, you don't have to do that." and I think that will encourage more people to sign up. Any questions?

Chairman Sisney: So is Airbnb collecting those fees now but on the unregistered people, what's the difference if they're registered or not?

Member Hammer: Yes. So, I have a spreadsheet that shows what VRBO and what Airbnb are collecting and remitting on every reservation or not. Gross receipts is being collected on every reservation no matter if you're registered or not. Lodger's tax is being collected and remitted on every reservation for Airbnb whether you're registered or not. Convention tax is voluntary. Then, VRBO, which is about 20% of my business, obviously none of this is VRBO stats, so there's more. But I think if you're registered for Airbnb, you're also on VRBO, or the opposite way. I don't know of many people who are just doing VRBO instead of Airbnb, they're doing both. So, VRBO, they're collecting and remitting gross receipts on every reservation whether you're registered or not. They are not collecting and remitting lodger's tax and convention tax. My next initiative is to try to get someone on the phone within VRBO so we can try to work with

the city and get a voluntary collection agreement that they collect and submit it on everybody. Because we're leaving money on the table, the city, that also just enforces compliance, it also levels the playing field for hosts, because every reservation will have those line items, instead of some do and some don't. Some people see the taxes and some don't. Does that answer your question?

Chairman Sisney: Yes, thank you.

Assistant City Manager Alvarez: Very nice information, thank you.

Chairman Sisney: Thank you, Molly Hammer. I'd like to make a statement for the record, whether there will be a the record or not, I've been on this board for years and I was not doing Airbnb when I joined this committee, so I'm not here because of that. That came later on, but you know how people talk.

8. REPORTS FROM THE BOARD:

No Reports from the Board

9. REPORTS FROM STAFF:

City Manager Whitehead: I would just say thank you guys. I know it's a difficult day, this was a long meeting, several hours, but just reminding you, Mr. Chair, trying to get you and Traci to be together, so on days that maybe it's a long meeting and you have lots of stuff, maybe workshop isn't on the agenda. She and I talked a little bit about that, the workshop is really here for us, for you guys to use to be respectful of your time and those kinds of things. Not really looking to have special meetings all the time for you either. But if you have a full agenda like today, I ask Traci to say to the Chair, "Hey let's just do the workshop next time and get through our business so you guys are reasonably out of here." We'll get better at this, and let me just conclude by saying there was a lot of information, I make notes, I hear everything, I'm listening. It's a challenge, I want to be fair to you to not sound like it's overwhelming, it's just a bunch. And it'll take a minute to really turn the ship. Even the Variance timing thing, that probably has never come up, where you all the sudden go, "Uh oh what does that code really say?" and I think those are just things we will have to note and fix. We'll continue to look at all those issues that were discussed here today, I assure you.

Chairman Sisney: We appreciate you working with us.

Member Hammer: I'm sorry, I have one more important topic with regards to Airbnb stays, long-term and short-term. It's in the packet. In our ordinance, we enforce taxes to be collected on stays over 29 days unless there's a lease agreement that happens. The problem with that is when somebody comes to me through Airbnb and VRBO, I can't just take them offline, and say we won't have to go through Airbnb and VRBO. What's happening is VRBO and Airbnb are automatically putting Lodger's tax and all the taxes on that reservation for stays longer than 29 days. No one else in the state does this, so I don't know how this got approved or why it was written, but I will get in trouble as a host if I say, "Hey, contact me offline, we'll just take this offline." They will shut me down, Airbnb and VRBO, they don't like that, because it's business for them, so I don't really have the opportunity to create a lease agreement with this person. Technically, it's impossible to do, if the lead comes through Airbnb or VRBO, and I'm on Furnished Finder too, so I can find that offline, that's no problem. But at some point I want to revisit that language in the code because that's what VRBO is doing because they're reading our code, and they're just slapping on that tax automatically, and I just don't think that's fair for long-term. It makes it cost-prohibitive, it's another 15% on their reservation, and it's expensive if they want to stay 3 months, and I want to encourage people to stay long-term. Anyway, I just want to make sure, if we don't discuss it today, I would like that changed as a host.

City Manager Whitehead: Sure.

Vice Chairman Buhler: Good job, Molly.

Member Kent: You know, the whole long meeting thing, we need to timebox these. I just missed an appointment, so you know. Being here 2 hours doesn't really work.

Assistant City Manager Alvarez: I will give the board a heads-up, I know we have at least 2 and possibly 3 or 4 public hearings that will be on the next meeting.

Member Kent: So definitely no workshopping.

Chairman Sisney: If you can let me know before the meeting that someone has a time constraint-

Member Kent: I always do every Monday. I need to be somewhere at 6:00.

Chairman Sisney: Oh, okay. That's good to know.

Member Kent: That's what I'm saying, it would be really nice if these meetings could not go, I mean if we could be done at 5-6 I can run.

Chairman Sisney: You can also leave, I mean we handled everything.

Member Kent: At this point I could have, but then, we've all been here a long time too.

Vice Chairman Buhler: If someone has to excuse themselves, that should never be a problem, we still have enough people to-

Member Kent: Next time I'll walk out.

10. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 6:08pm

PASSED AND APPROVED ON THIS 11th DAY OF AUGUST, 2025.


for Chris Sisney, Chairman
Planning & Zoning Board