

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, JANUARY 12, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, December 12, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk
Gary Whitehead, City Manager – arrived at 4:23pm

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) December 8, 2025.

Member Hammer made a motion to approve the minutes. Member Kent 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)

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

a) Public Hearing/Discussion/Action: Conditional Use Permit at 1101 Marshall St.
Chairman Sisney opened the public hearing.

Proponents: No Proponents

Opponents: No Opponents

Assistant City Manager Alvarez: As you know, we're going to be working on transitioning a little bit from some of the Planning & Zoning stuff out of my office and over to Code Enforcement's office. Since these are properties that he is very familiar with, I'm going to let Officer Knull present all three of these items. I will say, for all three of these, all certified letters were mailed out to the surrounding properties, all application fees and everything were submitted and they're good to go. With that, I will turn it over to him and he can present the first one.

Code Enforcement Officer Knull: The property at 1101 Marshall Street has had a shipping container on their property for quite a while at this point. The property was originally brought to my attention via an anonymous complaint. When I followed up at the property, I observed the shipping containers on the property. I immediately followed up by mailing out a certified letter for a notice of violation, advising the applicant of the violations on the property, of section 11-10-4 which is our storage and shipping container section of the code. Per R-3, which is where the property is located, you can have a shipping container on the property with a Conditional Use Permit. The applicant, at the time, did not have a Conditional Use Permit, which led to my notice of violation. The applicant immediately started following up and started the process for the application for the permit, and I've received no further complaints.

Assistant City manager Alvarez: I will add that Tyler did reach out to me as well, I did pull the file and you'll see a Google Earth picture, the applicant had the shipping containers there, it wasn't on the Google Earth from 2022, but please keep in mind that our shipping container ordinance took effect late 2022, early 2023. So, the shipping container was placed on the property prior to us having any regulations for it. Therefore, it is potential, or possible, that they could have received permission or allowance, or they didn't have to receive permission or allowance through the previous ordinance, because we didn't have anything stipulating codes or requirements for shipping containers. The applicant is here in attendance if you have any questions.

Member Luchini: Is that not a grandfather clause?

Assistant City Manager Alvarez: It potentially could be, but unfortunately when we did the shipping container ordinance, we did not add that in. In our other building sections, it does say

that there might be non-conforming properties, or properties that maybe were allowed, like our setbacks, if you look at a lot of older homes in the downtown area, they obviously don't meet our setbacks because that was not a thing. So, we don't have to make them tear down and rebuild. In the sense of a shipping container, because it's a Conditional Use Permit, it was our thought process, until we amend the code to say, "Maybe we can do this as an administrative order" that it would be better for these people just to get a Conditional Use Permit on-hand, unless there's some glaring reason that the board feels they shouldn't have that shipping container. For that, again, you'll have to refer to your 7 findings of facts. For all three of these, they were anonymous complaints that came in, I think somebody was out doing a drive-by for some stuff, they hit a few different properties, and that's why they're being brought to you at this time.

Vice Chairman Buhler: Are the shipping containers in front of the building now?

Chairman Sisney: They've been moved.

Assistant City Manager Alvarez: If you look at the first map, I drew little black squares, that's the approximate location of the shipping containers now, and I'll show that to the applicant, so he is aware of where I placed them they are more at an angle, I wasn't paying attention.

Chairman Sisney: This is on my way home, and he's done a lot to improve the property, it looks really good now.

Member Hammer: Are there other complaints against this or the other properties besides just shipping containers? That was the complaint?

Code Enforcement Officer Knull: No. That was pretty much the complaint, and they came in within the same weeks. As Traci stated, I think someone was driving around, they might have received a notice for something and started looking for some stuff. It is something that now, I've been going around, myself, and looking for, simply to let people know that we are requiring Conditional Use Permits simply because we don't have the grandfather clause. Just for future reference, you should expect more of these coming your direction.

Vice Chairman Buhler: I think it's a good thing that people are coming forward.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Conditional Use Permit at 1101 Marshall St. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

Chairman Sisney: We recommend to approve your request, it'll go onto City Council now.

Assistant City Manager Alvarez: It'll be on the City Commission meeting for January 28th, they'll do the final determination.

Member Hammer: Sorry, when was the date of the Commission meeting?

Assistant City Manager Alvarez: Is it the 28th or 29th?

Deputy Clerk Martinez: January 28th at 4pm.

b) Public Hearing/Discussion/Action: Conditional Use Permit at 1306 Nickle St.

Chairman Sisney opened the public hearing.

Proponents: No Proponents

Opponents: No Opponents

Code Enforcement Officer Knull: As with the previous property, this was brought to my attention from an anonymous complaint. Upon driving by the property, I did observe the shipping container, I followed up with Traci to see if there was prior permission given or a prior Conditional Use Permit. None existed at the time, which prompted my notice of violation to the applicant, advising them on the need for a Conditional Use Permit. Applicant immediately began complying with our request and applying for the Conditional Use Permit. The Google Earth photo that you see is from 2017, showing that they did have the shipping container prior to our 2022 introduction of the section of the code that we're referring to here.

Assistant City Manager Alvarez: A review of this applicant's file did show that any improvements that he's made to the property have all gone through previous building inspectors, so they had a nice file showing applications for building permits.

Member Hammer: I have a question about setbacks. Are shipping containers subject to setbacks?

Assistant City Manager Alvarez: They're subject to the accessory building setback, which is 5 feet.

Member Hammer: Is this within the setbacks? I drove by but I couldn't tell.

Chairman Sisney: 7 feet, on the drawing.

Member Hammer: Oh, thank you. That's from the side, right? And then, is there a setback for the back as well?

Assistant City Manager Alvarez: 5. It's considered a temporary accessory building because it's moveable, so it's just a 5.

Member Hammer: I drove by this property, it's very clean, it's very inconspicuous on the back of the property, so I have no problem with this.

Assistant City Manager Alvarez: And I will say we've not received any calls on any of these properties; any calls, questions, or concerns from anybody that was mailed certified mailings.

Chairman Sisney closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Conditional Use Permit at 1306 Nickle St. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

c) Public Hearing/Discussion/Action: Conditional Use Permit at 1301 Platinum St.

Proponents: No Proponents

Opponents: No Opponents

Code Enforcement Officer Knull: Again, this property was brought to my attention by an anonymous complaint. Driving by the property, I didn't see any further violations that would stipulate any cause for concern with this shipping container. Notice of violation for failing to have a Conditional Use Permit was sent to the applicant, they immediately began trying to comply and applying for the Conditional Use Permit. If you go through your packet, you will see the Google Earth photo from 2017, you can see that this shipping container was also placed prior to our implementation of the code pertaining to this section. They are located in the R-3 district, which allows them to have this with a Conditional Use Permit. They do have 5-foot

setbacks on the front and side of the shipping container, meeting our setback requirements. The applicant is also present for any questions.

Assistant City Manager Alvarez: And I couldn't get Google Earth to give me anything that was readable prior to 2017, so I do believe the applicant said this one had been there longer. The applicant just handed me a letter from a previous owner. It looks like it was placed there sometime between 2012 and 2017.

Member Hammer: Are there any complaints with the letters or anything, besides the call?

Assistant City Manager Alvarez: No, nobody's contacted us on any of the certified mailers.

Member Luchini: I have a question, so Tyler, regarding the "complaint", is it a complaint or just a notification?

Code Enforcement Officer Knull: I technically consider anything like that a complaint of violation of code. Depending on how you take it, it could just be notifying me of it.

Assistant City Manager Alvarez: So I received a voicemail on these, and I emailed Tyler, and the complaint was specific that they had a shipping container, and in reviewing minutes to the Planning & Zoning meeting, there had been no time that they had come before the P&Z Commission. The person did their homework.

Code Enforcement Officer Knull: I'd like to note, for all applicants including this one, I received nothing further after this initial call.

Member Hammer: I appreciate everybody coming into compliance, and I have no issue with this container.

Member Luchini: I agree. These are renewable, right? They have to be renewed every year?

Assistant City Manager Alvarez: Yeah, annually. We'll look at that section of the code so that we can, potentially, be doing that administratively and not having it come to the P&Z Commission every time, unless there's a question or concern. But if the property remains in the same condition, nothing has moved, and nothing's changed, it seems a little redundant and costly to have public meetings for the applicant and for the city as well.

Member Hammer: How much is it to apply for a Conditional Use Permit?

Assistant City Manager Alvarez: The application fee is \$25, and then we're right close to \$10 per certified letter that gets sent out. If you're in a congested area, that could add up. What I usually tell my applicants, and what I abide by is, if I have one property owner and they're listed on the assessor's website with the same mailing address, and they own multiple properties, I'm going to mail them one letter, I'm not going to mail them 7 and charge for 7.

Member Hammer: I know this is a little off topic, but related, is there a way we could extend the renewal to like 3 years or something? A year seems excessive.

Assistant City Manager Alvarez: You could potentially make the decision to do that, and that's something we'll talk about in the workshop, because it specifically states in our code it must be an annual renewal.

Member Hammer: Right, it just seems excessive.

Assistant City Manager Alvarez: Just remember that the Conditional Use Permits aren't necessarily only specific to shipping containers. Right now, in our code, there are other things that require a Conditional Use, so if you make that blanket statement, you may be making that blanket statement for something other than a shipping container.

Member Hammer: Well maybe we could just make it for shipping containers or something that we felt like didn't need to be renewed, unless the property changed hands, and then the new applicant would need to come in.

Assistant City Manager Alvarez: So Conditional Use Permits technically should not, and this is something we will discuss, like I said, in the workshop, on a Conditional Use Permit, they are specific to the property owner only. That's what's different than a Special Use Permit, that goes with the property. So technically, if any of our applicants decided to move, then yes, the new applicant would have to come in and do the whole thing over again, even if they didn't move the shipping container, they would have to go through the process.

Member Hammer: Okay thanks for clarifying.

Member Luchini: Is it per container? If they had multiple containers on one property is that fee per container?

Assistant City Manager Alvarez: No, it's a \$25 application fee. Every time they have to do a public hearing, it's \$25. It doesn't matter if they're doing it for 5 shipping containers or 1, as long as they're doing it at the same meeting.

Member Luchini: What if they add a container?

Assistant City Manager Alvarez: Then they would have to go through the process again.

Matthew Hill, Applicant: For the yearly renewal, do we have to go through the whole same process? What does that look like?

Assistant City Manager Alvarez: Right now, it would have to come in front of the Planning & Zoning Commission, I believe, on a Conditional Use. I don't think we have to send out the certified mailings, and it might be something where you don't even have to be in attendance, I'll have to review the code on that, it might just be something simple where [Code Enforcement] goes out and does a property inspection, we bring it to the Commission, maybe we do it every few months, and we bring a whole bunch of them and say, "These are annual renewals, property looks good, no changes." And go through that. But as far as the application fee and certified mailings that is not part of the annual process. If it is, we'll change it.

Matthew Hill, Applicant: Okay, thank you so much.

Chairman Sisney closed the public hearing.

Member Luchini made a motion to recommend approval to the City Commission for a Conditional Use Permit at 1301 Platinum St. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. NEW BUSINESS:

a. Discussion/Action: Future Workshop Planning Items

Assistant City Manager Alvarez: I'm going to address a couple of them, and hopefully by the time I get done speaking our City Manager will be here, because he has items. The first section has to do with manufactured housing, if you could put that aside right now, I'd like to wait for the City Manager on that. The next section I have in there is the code for Conditional Use Permit, Variance, and Special Use Permit. Those are items you guys have spoken about that we wanted to do some clarification on, so I included those. The idea behind this item is for you guys to maybe come up with your next set of sections of the code that you may want to start looking at, reviewing, and making some recommendations. The only thing I would say, when it comes to the Special Use, the Variance, and the Conditional Use Permit, is, don't just go by

what I included in here, if you guys could get online to the actual municipal code, and in the search bar, make sure you type in the word "Special Use Permit" or "Variance" or "Conditional Use Permit" so that you make sure you're hitting all areas of the code that might require something like this. I just didn't want to overwhelm everybody with a whole bunch of paperwork at this time. With that, I guess we can take a look at the Conditional Use Permit requirements. I think, for the review portion, it's actually spelled out decently right there. It's subject to review on its annual anniversary following approval. If it's current use is significantly different or larger in scale than originally approved, then the P&Z board could revoke it. With that, I think that gives us a little bit of administrative ability to review something, and if it's the same as what you approved it, I think we could administratively continue the approval, and maybe just bring them as an update during the staff comments or something that we've reviewed and approved the following. That way, if you had questions or concerns about it, you would be able to ask at that time. The Variance request, that's been a topic I know you guys would really like to dive into, kind of figuring out what the Variance – and you know what, I think on the Variance information, Tyler and I had a really good discussion, he went to a really good zoning meeting, and Variance is something that came up with a lot of municipalities, so I'll let Tyler chime in.

Code Enforcement Officer Knull: As you guys know, annually, I attend the New Mexico League of Zoning Officials Conference through the municipal league. At this year's conference, these topics that you guys are covering, that we're talking about changing in our code, these are things that came up with almost every single municipality. Everybody is having the same issues as we are. The big thing to remember with our Variances, and actually the way that our code writes it, it kind of lays it out for you. Variances are supposed to be for hardships with the plot. So, if you have a non-conforming lot that's not a proper size, or maybe you can't meet the setback requirements because you have a weird triangle shaped lot, that's what a Variance is supposed to be. They were calling everything else a "Procedural Variance". Basically, I don't want to put a site-obstructing fence because I think I just want to put a chain link fence, so I'm going to request a Variance. That would be what everyone else calls a Procedural Variance, and they don't allow it. Variances should be what they agreed on, specific to how the lot size and lot shape is, nothing else. If you don't want to do something just because you don't want to take the extra time or spend the extra money, then that's not how we are supposed to be doing things, we're allowing Variances only for non-conforming lot sizes. Our current code actually lays that out, "The subject property must be irregular, narrow, shallow, or steep or otherwise, have physical conditions where application of the requirements of this Code would result in practical difficulty or unnecessary hardship to the owner in the use of his land or building." That's how our Variance currently reads, and I don't see an issue with it, I think that we've kind

of just misinterpreted that and allowed people to not put a façade on a building, requesting Variances. So however you guys want to take that and run with that anecdote, I guess.

Chairman Sisney: Alright Officer Knull, so if that's the case, what would be the proper approach?

Code Enforcement Officer Knull: So basically, we should wait for an applicant to bring forward why this is an unnecessary hardship, why their plot doesn't allow them to meet a setback requirement or some other provision of the code. We shouldn't be hearing Variance requests that are, "I don't want to put a site-obstructing fence, I just want to put chain link."

Assistant City Manager Alvarez: I want to expand on that a little bit, so right now the way our code reads, it really gives authority to a building inspector only, which is part of the problem with our code. Now that we don't have a building inspector, and we will have a zoning approval only, we need to restructure our code so that, whether it's me, Tyler, or anybody else in this position, we have more authority to be able to make those decisions and tell an applicant, "No, this does not meet the requirements of a Variance, you cannot bring this to Planning & Zoning." Right now, we don't have that authority. We have to rely solely on you as a Commission, and then our City Commission. So, it's a matter of restructuring our code to give us the proper authority that we don't have right now in the code.

Member Hammer: Can you summarize the other items, other scenarios, that would fall under a Variance request, besides setbacks? What other categories? I'm just not thinking of them off the top of my head, I'm sorry.

Code Enforcement Officer Knull: Yeah, and it's a little difficult to think of anything off the top of my head other than setbacks. Maybe you can't put a façade on one side because you physically can't get to that side of the building because of a steep incline on one side of the property, or something like that.

Assistant City Manager Alvarez: If the property is a non-conforming lot, you may not be able to meet the size requirements, the minimum lot size requirements, or the minimum dwelling unit size. Those could be potential options.

Member Kent: I just have a random question, because it kind of came up recently and you mentioned the fences. So say you own a corner lot, I know corner lots are supposed to adhere to a site triangle, if someone didn't want to do that and they wanted to build a site-obstructing fence all the way up and in the corner, is that something that would need a Variance?

Code Enforcement Officer Knull: We can still deny it. It says "unnecessary hardship" where site triangles are very necessary because it's the safety of traffic and pedestrians.

Member Kent: Okay, well there's a violation, just so you know.

Code Enforcement Officer Knull: We do have quite a few properties that are grandfathered in, with a site triangle situation.

Member Kent: This was built in the last 4 weeks.

Code Enforcement Officer Knull: It's possible that I'm probably not aware of it, then.

Member Kent: I'm just wondering how it got built without ever having a request to be allowed to do that.

Assistant City Manager Alvarez: Because, potentially, they didn't submit to P&Z, and that's where I really urge you guys, as board members, and getting out to the public, if you see something like that, turn it in so that we can take a look at the files, see if something went through or didn't go through, and then proceed from there.

Member Kent: It was one of our local builders, so I'll follow through.

Assistant City Manager Alvarez: The only other thing I'll say regarding the Variance, so you guys have been seeing Variances for anything and everything. If somebody comes in and they want to do something, I give them what the code states. I encourage them, and tell them, this is how they should do it. Every once in a while, you get somebody that says, "Well why can't I ask for a Variance? What about a Variance? That's when my hands become locked, once they bring it up. I don't tell somebody, "You know, if you don't want to do it this way, you can come to P&Z and get a Variance." It's when they really start pushing the argument, "Who do I talk to? I want to speak with the City Manager." Then that's when we tell them, you know, because again, I don't have that authority within our code to make that determination, so that's when it comes to you guys. That's the section of the code for Variance that we probably need to look at, and then of course we talked a little bit about the Conditional Use Permit, and there along the lines of the Special Use Permit, looking those over, and see what potential changes you guys want to make. Or this might not be something you guys want to dive into right now, that's part of this item on here is deciding what you guys want to tackle. I pulled the manufactured homes stuff aside and said we'd wait for the City Manager to get here to discuss that one.

City Manager Whitehead: Oh, great.

Chairman Sisney: Can you give this to me again? So, somebody comes to you, wants to put up a carport. You tell them –

Assistant City Manager Alvarez: I find out what zone they're in. I provide them what their required setbacks are, for how many feet for the port in the front, the rear, and the side, that they have to meet. Sometimes, like in the case with the one that came to you guys not too long ago, they didn't have the spacing, they couldn't meet that setback, they said, "What can I do? I can't do that. I need to talk to the City Manager. Do I go to the City Commission? Who do I go to?" and I said, "Your only recourse at this time would be to request a Variance through the Planning & Zoning Commission and get their recommendation or denial, then it goes to City Commission for final determination."

Chairman Sisney: Do we have that authority now? I guess I'm confused, do we have the authority or do we not have the authority?

Assistant City Manager Alvarez: I don't have the authority to tell somebody, "Yes, you can have that Variance." You guys, as a Planning & Zoning Commission, have the authority to recommend to approve or deny it. That recommendation would go to the City Commission and the City Commission ultimately has the authority to override, realistically, anything within our municipal code.

City Manager Whitehead: And in discussions with the attorney, because I read the code when I came on board, similar in the way Tyler is, and we haven't discussed this, Tyler is entitled to his opinions, but we have work to do on this, which is the city attorney and the City Commission have been in a liberal position where they feel like if somebody makes a reasonable request for a Variance, they want to hear it and consider it. That's what our attorney has said to me is, over the course of history, there's not been a Commission that's taken a strict position, "Those are the 4 items, that's the way it's going to be." They wanted to say, "If somebody comes and makes a reasonable request, we want Planning & Zoning to hear it, have a hearing, discuss it, give their concerns, their reasons yes and no, and then let the Commission ultimately decide." My position on a Variance is, if that's the way we're going to, which that's okay, there's no rule that says that's not okay, but the code should be clear in saying, "A Variance is going to be considered for these reasons." And it's black and white an the process is clearer, where you get that consistency. Or is it going to be more restrictive? That's what we kind of have to decide and clean up this language, because it feels like the language in the code is kind of ambiguous,

and it allows the attorney to say to me, when I say, "It doesn't look like it says we can do that." Well then he can show me where he feels like it does, so it's not clear. Moreso, Variance feels pretty easy to me, it could be a lot of things to do, but the Special Use and the Conditional Use are things that I think we really need to talk about. If we're going to let a barber shop go in a residence, and we're going to say, "We want people to have business and we want to do economic development." I'm using that as an example, that's a Special Use, it has to be renewed on an annual basis, and when it's gone, it's gone. Those kinds of things need to be black and white where everybody knows that if I sell a property, it can't be a barber shop again, it's over. And we get it, because nobody complained, right, so I think you have to be clear on what the reason is for doing this.

Member Hammer: Are you guys working with the county as well? Because sales go through the county, right, and then they get assessed. If there's a transfer of hands with the property, I'll use the barber shop for an example, let's say I'm going to buy a house and there's a barber shop in it, and that's why I want to buy it, because I want to cut hair. How do I find out if that's even okay in that zone? Because I think there's an education problem, a lot of people just don't understand, there's zoning, and you can have businesses in commercial but you've got to get a Variance, and I think there's some ambiguity and lack of knowledge. After they bought the property, and then I would be really disappointed if I couldn't do that, you know.

Assistant City Manager Alvarez: I will say, I get inquiries, people that are doing their due diligence, I get a lot of inquiries where people say, "I'm looking at purchasing this property, one was an RV park not too long ago, it had been an RV park since way back before a lot of our times, and they just wanted to know if they purchased that property, if it could still operate as an RV park, and per our code, yes it can still operate as an RV park. It was an active RV park, it still had RV's in it. So there are people that do their due diligence, they do contact me and say, "This is what's going on with the property, can it still operate?" but like you said, there are people that maybe don't know and don't do that.

Member Hammer: Are you seeing issues retroactively? I'm glad people are being proactive and doing their due diligence, but are you also getting complaints like, "Hey I bought this and I assumed that it would fall under this zone." Or whatever, maybe this is a non-issue, that's what I'm trying to understand from your experience.

Assistant City Manager Alvarez: Yes, I had one recently and I just can't recall.

Code Enforcement Officer Knull: We had one off of Pershing with an RV actually, the person believed that they could utilize it as an RV park, thinking that they had previous permission to

do so, and they never had any permission, we did weeks of searching for it, and couldn't find anything saying they did, so ultimately we had no choice but to pull the RV off of the lot, they were not allowed to be doing what they were doing. So that was a retroactive issue for that.

Member Hammer: Okay, I think I know the property. Thank you.

City Manager Whitehead: I think in some instances, we should be fair. In some instances, people get compliant, I'll give another example which was Carrie and the folks that came in for the car storage, they felt like it was commercial property so they could open their business, and they were preparing to open their business, but when we started getting complaints about cars, we reached out and they got really active, came in and looked at the code, and went through the process and recognized it. I think when you can get people, and again, we can find out and communicate with people that want to do the right thing, it can work. Back to the Variance, for me, that's what makes it tough to say, "We're just going to be black and white." If it's only these items, because I think it's a small community that wants to do things, you need the ability to say, "That's a fair and reasonable consideration, it doesn't affect the neighbors, it's probably a little bit off, and we should be able to consider it at least." So, I think you have to kind of tilt the code to allow it. The last piece, back to communication, I've always kind of struggled with this one, which is, how much should we be leaning and depending on the real estate community to also be a voice for us as well? If I'm buying a home through a realtor, they show me that house with the barber shop, does the realtor have an obligation under their errors and omissions to say, "This piece of property, even though the barber shop is here, will still require that you go back to Planning & Zoning." I think there's an educational piece that we have to do to make sure that we're partnering, if you will, with real estate. But then, that doesn't change the fact that if I own the house and I sold it to you on a real estate contract, we met at a restaurant and you said, "I always wanted to own that." That opportunity wouldn't exist, so potentially you may be right, where we have to work harder with the county to make sure that those opportunities are available. It always really comes down to communication.

Member Hammer: It feels like it should be in a disclosure or something, "These are the permits that have been on this property." I don't know, but that's me, I like data.

City Manager Whitehead: I think we can work on that. Do you want to discuss the mobile home opportunity? That sounds like an interesting one. So, we have a particular piece of property, it's a mobile home park, it's over in the Coleman/Caballo Road area, but let's just say we have mobile home parks throughout the community. The request that's been made, and obviously manufactured housing and mobile home parks are kind of a thing of the past, there are a few good ones in our community that are senior living, and the people that live there have been

there a long time, but as people move out, they're not refilling. The one in the middle of downtown is a great example, B&K, even though they've cleaned the property and it looks really good, there's not really anybody they're bringing in. So the request has been made, "Could we come up with a structure that would allow us to change the lot size within a mobile home park and find a way, then, to deed pieces of that so that people could buy those lots, and then put manufactured housing on them, or permanent structures?" and what they're using and they're citing is the lines of affordable housing, there is a tremendous amount of dollars available through the State of New Mexico through the housing that would allow brand new manufactured housing to go on the lot, and they would almost pay for most of it if you meet certain requirements and thresholds, but you can't do it in a mobile home park, you have to own the lot. The request is, is there something that we can do? We've met multiple times with different people to ask about it, and we can't find anything in the code other than a Variance, and it feels like in this case it doesn't do us any good just to give a Variance for this, we have to put it in this potential code exploration, really discuss it, and see if there is a way to do that. Just thoughts.

Member Kent: This would be, I don't know how to say it, so it's not a mobile home park anymore, it would be –

City Manager Whitehead: It *is* a mobile home park. It has 20 spaces, I'll be a little bit off, and it has 4 manufactured homes in it. Those 4 homes, because they can't figure out what to do, are kind of blighted, poor structure, so they can't get new people to move in because the old ones are bad, and they're just kind of stuck.

Member Kent: They're trying to figure out a way to take these 4 spots, or all spots maybe someday down the road, where they can sell the little square of land, and someone can come put their smaller manufactured home on it. But it would still be in a community, so maybe now it's not a mobile home park, it's like a manufactured home community? I don't know.

Member Hammer: Like an HOA, right?

City Manager Whitehead: It could be a subdivision. It could be anything like that.

Member Kent: Well HOA is just the governing body.

City Manager Whitehead: Now I have 20 spots, and if you know anything about mobile home parks, they're pretty narrow. They'd probably be 25 by 100, or 25 by 50. No win order to kind of make it work, we have to not have 20 spots, you'd have to have potentially 10 lots, which

would be twice the size, because you'd want to be able to have some setbacks, so you'd have to come up with some rules, you know the size would be different. And it wouldn't quite be, in this particular case, there's no way for us to make it fit exactly to the zoning, give you 20 foot in the front, 15 in the back, and 5 on each side, it wouldn't work. It wouldn't fit.

Member Kent: I think ultimately this is a decent idea, we have to take an old concept and modernize it. I think having it, I don't personally want to see it just plopping around the town in these random little spaces, but having a community of lots that have been designated the proper size to allow for this type of housing does feel like something that would be smart to do. It would be like a little subdivision, and they would have their own – I don't even know all the rules for a subdivision, but that's not really the point right now.

City Manager Whitehead: In this particular case, here's this mobile home park, and the owners really need to sell it, they really need to liquidate it, no one's going to buy it as a mobile home park, no investor's going to come in and go, "Yeah, let me take on this headache."

Vice Chairman Buhler: They can never get their money back.

City Manager Whitehead: No, right. So then, as an investor, I would say, "If there was something in the code that would allow me to, based on the size and the scope, change it's use, is there a number to break even? Am I going to get a return on investment if I pay X for it? Because now I could sell the lots or I could divide them, put homes on them, and sell them. So now there would be an investment tool to it, that would allow you or I to buy it in its entirety. I wouldn't say, "Oh I'm going to take that one and make it a lot and sell it." no, it's got to be an all or nothing.

Member Kent: See that's where it gets a little, I mean there's things to discuss, but currently in a mobile home park, I assume that water and electricity comes onto the property, and it gets fed around to all the lots.

City Manager Whitehead: That's correct.

Member Kent: So, now there's not 20, there's only 15 because they have to be bigger, but how do you do it? If it's all still shared electric and plumbing, and the sewer and the water, it still has to have like an HOA or be some kind of designated subdivision neighborhood, I don't know what the right word is. So even though people own their little plot, there are still shared amenities, and it still has to operate as a –

Member Luchini: As a unit.

Vice Chairman Buhler: Well not necessarily.

Member Kent: Or are we saying that they have to change it so each one of these plots has their own sewer, water, electric, their own meters, and they are truly individual, and not sharing amenities – services, I should say.

City Manager Whitehead: I think if you were to do that, that would be what ultimately comes out, which is, I would agree with you, to say, we would have to put in a new water infrastructure into the center and then have to be able to provide everyone with their own meter, their own electric, and their own sewer. Sewer is not as important. But that could run down the back, I know this particular property. I think there's a way, but I think that's got to be what the conversation is. And I like what you said, let's take an old concept and make it new. This is the right thing that opens the doors to more affordable housing, and it's a reasonable decision, but then how do we do it to make sure that it can be duplicated? We'd have to come up with those conditions, you'd want to make sure that those are met, and then Tyler and Traci could say, "Here's the rules." And whether you even sold it, it wouldn't even matter, if I owned it, it would be better to say, "Can I do this and now I can take my property and turn it into something too." So, we shouldn't just think of it as – but mobile home parks, I have a feeling are going to become more and more of a challenge in this modern era of people not really looking to do that anymore.

Vice Chairman Buhler: Well, they'll be smaller.

Assistant City Manager Alvarez: That's something to consider.

Vice Chairman Buhler: Like we've had people come in that want to put 2. They want 2 people to be able to come in. Remember, we had that case where it was going to be a home that you could put in and take out. We did approve that because they had improved the area and made it better. They might be able to do half of their property, as you stated, and then leave the other half the way it is. I don't know, it's kind of one of those things, it's a case-by-case thing in a way.

Member Kent: Well, I think if we're taking a mobile home park, it's case by case, you're talking about 1 smaller property, this is like a whole mobile home park, and we're saying let's change what it is.

Vice Chairman Buhler: Maybe it could be both for a while.

Member Kent: Or maybe half of it is still mobile home spots and the other half is re-plated and sold, and people have their smaller homes on there.

Assistant City Manager Alvarez: Something to consider, currently within our code for mobile home parks, we don't regulate the age of a mobile home that goes into a private mobile home park. We regulate the age of a mobile home that goes on a city lot, but within the private property of a mobile home park, that's regulated by the park owner. This can only potentially be an improvement to a mobile home park right now.

Vice Chairman Buhler: I think it's a good thing. It would be impossible for that person to ever sell what they'd want to sell it for, especially in the hot water district. It would be very hard to sell it as a mobile home, I would think.

Member Hammer: So as far as utilities go, every house that has electricity has to have their own trash. So just something to consider. Would a park have a commercial trash can where everybody contributed, or would each house –

Assistant City Manager Alvarez: It would depend on the access. We do that already right now. Most mobile home parks, and even any of our long-term RV parks, each space, a lot of them pay for their own electric, and then they either pay trash individually, because that's what the mobile home park determines, they make them pay their own trash, or the mobile home park owner pays the trash with the water and sewer. And then our solid waste department determines, can they access that area with a dumpster or with polycarts? So that's kind of determined internally on how to best service. The charge itself is based on the ability to access and how many they're servicing. They could all pay for their own electric and trash very easily, and then the solid waste department just makes sure that they provide them the access to get rid of their trash.

Vice Chairman Buhler: Now they would have an option, too, to build a home. They could build a home.

Member Hammer: A stick home.

City Manager Whitehead: I think so. Depending on what zone it's in. I didn't go look at that, that's a good point, are they in R-3, or are they in R-2? I don't think there's a mobile home park in R-1, there could be. But I think you would look at it from that, you could build a stick-built

home, you could put in a modular, you could really do anything, provided we found a way to get the lot size to some minimum. It would have to be, I think 5,000 square feet is what opened the door to allow a 700 square foot build on it, if I remember right. In R-3, you have to have 5,000 and then you have to build a minimum of 7. In this particular case, if we went with something smaller, if we went to 500, could that work? We're in R-3, you could make a 4,800 square foot lot, which would do it, and then you could build anything that's 500 square foot and up, I'm not advocating one way or another, but that would be the concept, is do we set up a minimum that's probably a little bit smaller, and because of the conditions at the mobile home park built to have a mobile home park. I would just say, that's one topic to put on your radar and begin to think about, and we can potentially say we will consider this as well, as we start moving through this year to get this ordinance put together, and the changes we're going to make. We want to get started on that as soon as possible. We think the animal control is pretty close, we'll try to get that done, and then Tyler, Traci, and I will begin working on drafting the changes based on your dialogue to see if we can get some changes made.

Member Hammer: So you'd basically implement a different section and then call it something different, like let's say, tiny home village, or something, just to have a category that would differentiate itself from mobile home parks, or RV parks would be a third.

Vice Chairman Buhler: Or it could say private. Just privately owned.

City Manager Whitehead: I think something like that.

Member Hammer: But we'd need a zone.

City Manager Whitehead: But you're right, it would need a section, you have or want to buy a mobile home park, and you don't want to keep it a mobile home park, here's this option to allow you to do that under the auspice of creating affordable housing. Because again, I would think, in that space, it's going to be something that's in the \$100,000 to \$200,000 range, which is technically, today, what affordable housing is.

Member Luchini: So, does the mobile home park, the word "park" get deleted?

City Manager Whitehead: It would be deleted, exactly. It would no longer be a park.

Member Luchini: Privately owned lots and homes.

City Manager Whitehead: It would be whatever this subdivision term is. It would be, yeah, a privately owned.

Vice Chairman Buhler: Development.

Chairman Sisney: Estates.

Assistant City Manager Alvarez: Housing.

City Manager Whitehead: Yeah, it would be something like that, and I would be now representing and selling these lots.

Member Luchini: Intending for mobile homes?

City Manager Whitehead: Intending for mobile homes, or a stick build.

Vice Chairman Buhler: Or a stick site build.

Member Luchini: Oh, I see.

City Manager Whitehead: It would be intended for something that you guys felt was the right size. We're going to look at dropping the size down on R-3, and that's it. Or, if it's 700 square feet, it would say, "You can get 5,000 square feet in your mobile home park, you could sell that, we'd let you do that." And I'm sure we're going to want to get feedback from surveyor, feedback from the county to know how they would assess it, how it could be subdivided, because we wouldn't want to let Gary just go in there and go, "Here's my plan." It really needs to be surveyed, a deed needs to be generated, it needs to convey title, it has several legal sides of it that would have to be met. We wouldn't want to create – from my county days, I know that there are several places throughout the county where there are subdivisions that never went through the county, they were all sold on real estate contracts, and it's a challenge for some of those homeowners now to get deeds, even though they paid for it, it was never done correctly so now there's a challenge. We want to be sure that we had it done correctly.

Member Kent: So, with this, too, we could decide, potentially, in a project like this, maybe the minimum house size *could* be 500 square feet, but that doesn't mean all of R-3 has to allow 500 square feet. So, we could never change the minimum on R-3, but we could allow it in these special areas.

City Manager Whitehead: Yes, I would think so. If you're thinking, again, what's R-3? If R-3 is going to be the standard, and all the mobile home parks are in R-3, then you're going to change that, but you're not wrong in that you could have another option in R-3. I think we would need to do the research, though, to see how many mobile home parks are in R-2 or R-1 and what that availability is. I don't think I thought about that as an option.

Vice Chairman Buhler: Would there be a height requirement too?

Member Kent: Well, there already is a maximum height on any building.

Assistant City Manager Alvarez: Yeah, it's right around 36 or 34 feet, I think, in all zones.

Member Kent: Although, if you're building a 500 square foot house, I don't really think we want to see it being 35 feet tall.

City Manager Whitehead: Maybe 25 feet tall.

Member Kent: And I say this because I've seen very narrow, extremely tall houses being built in some of these small city lots, not here, but in other towns.

Member Hammer: Here, too.

Member Kent: Well, here, too, but not quite as small. So that is something we might want to consider in some of these. If we're allowing 500, maybe the maximum height is a little less, so they don't build these huge, tall, super skinny oddly looking homes.

City Manager Whitehead: I could see that. If the code was a standard, let's make sure no one builds higher than 36, it really wasn't considered on lot size and scope, and I think maybe that could be an easy fix, to go look at other zoning areas where they say, "You have this much square feet for land, and you can only build this much square feet for a home, so you get setbacks, you get those things, and in those cases, it should only be X number of feet high, too." I don't know. It may be where we tighten that up and make those, you know.

Vice Chairman Buhler: I think that's a good idea.

Member Luchini: Would we allow Conex boxes in there?

City Manager Whitehead: Yes.

Member Kent: If there's room, I don't think there would be.

Member Luchini: As a residence, as a living unit.

Member Kent: Not as a living unit.

Vice Chairman Buhler: Well, if one was allowed, it would have to meet all the restrictions and guidelines for having a permit.

Member Luchini: What if they want to have a carport?

Member Kent: If there's room.

Member Hammer: So, this applies only to current mobile home or RV park properties, right? I can't just go into R-3 and go, "I want to make a mobile home park and then convert it to these small little subdivisions." Right?

City Manager Whitehead: Good point, I think you'd have that.

Member Hammer: Because I wouldn't want my neighbor to go, "Oh, that sounds like a great idea, I'm going to subdivide my acre into a bunch of tiny home plots." which would probably devalue my property in some way.

City Manager Whitehead: But on a twist conversation where that would be the condition, where you would say, "In R-3 you can have a tiny home village and these are the requirements to do so and your lot size, you can develop it." It could be, so it would have to be not covered under the mobile home change, it would have to be in on its own.

Member Hammer: Yeah, we need to include that in the ordinance, because that's going to be a possibility, if someone goes, "Hey, you're doing that with mobile home parks, why can't I create my little tiny home village? I've got 2 acres, or an acre." We've been talking about tiny home villages for a while, so it might be a good opportunity to tackle both scenarios.

Code Enforcement Officer Knull: And I'll say, as well, working with the animal control ordinance, part of what we're doing is trying to future-proof and prepare for things that are coming up, things that are trending, things that people may want to do in the future. Looking at these things, this may be something you guys want to attack and say, "You know what, this is a very

real possibility that people want to start building houses out of shipping containers, that's a very popular thing now, and some of them look really nice." Maybe that's something you guys want to start allowing and say, "This district will allow it, maybe here we won't, maybe we want to allow tiny home villages." Whatever you want to do, this would probably be a good time to start looking into those things.

Member Kent: Yeah, we'd love to look at where and how many. There might even be a percentage number or something, so it doesn't saturate a whole area.

Vice Chairman Buhler: Yeah, you'd have to have a certain sized property for something like that.

Member Kent: Yeah, and if there's already so many in that area, it's like, well, we have too many, but we could put one over there because there's none over there. I don't know, just to not have it –

City Manager Whitehead: As a committee and a group, you have to come to a consensus. We're going to allow, tiny homes, if you will, when we go down that road, we're talking about something less than 400 square feet, are we going to allow it anywhere? Are we going to allow it nowhere? Or are we going to allow it in specific areas? That's really, ultimately, what you guys have to come to terms with and then present to the Commission. Because those really are the only 3 options. I've heard you guys speak about it, we've talked about it, it feels like doing it in a subdivision type setting where it's an area and you can promote it and build it, where everybody in that area knows what they're getting and they want to be there for those reasons, and that's good. I would advocate, like Tyler just said, that you open it to the shipping containers and say, "That's where you can build it in there, but you've got to meet the standards and the goals."

Member Hammer: That really brings up the topic of urban planning in general. Our board doesn't really plan, you know, that's not really in our purview, although it could be, but do we have an urban plan of what the city should look like? Where do we want to focus development? Where do we want these tiny home villages to go? I feel like we start piece mailing, doing Variances, Special Use Permits, we kind of talked about this before, but if we had an overarching plan that we could drive towards, I think that would make our decisions a little bit more, maybe simpler? I don't know, but if we had a goal instead of just patchworking it together, I guess.

Vice Chairman Buhler: Do we have a planner that works within the city?

City Manager Whitehead: Traci. Unfortunately, in fairness to Traci, she does wear a lot of hats, I've been here a year now, so I've really gotten comfortable with what Traci does. She touches a lot of things that need to be touched, but really not in any significant way. She does do planning, but we really don't have a planning department. It just doesn't exist. If we needed to update, like we just recently went back to do the impact fees, and it has a component that requires we look at all the zones and decide where we're going to grow, it's just done with an engineering firm, we just have to hire someone because the law requires that you have that document in order to have impact fees. That's kind of the way we've done it. I would think it's not in our basket at this point. At some point, what we're trying to do, certainly in bringing Tyler on to help, to give Traci another support here with zoning, because it will be tough for her to deal with this, we have a lot of water projects. We got the first one done, and you see the stuff, it's here. What's more important? Figuring out if we want Conex boxes or getting water in the ground? So, in fairness to defend her a little bit, no we really don't, we really haven't thought about it, but that doesn't mean that we can't begin to make that part of what we're doing here as well. We kind of get the code right, we give Tyler an opportunity to take us to another level, which I think he can. He's going to be limited, we've got to get him help, we've got to get him educated, get him the space to do more than what he's doing, but I think we can get some stuff done.

Code Enforcement Officer Knull: And I would like to point out, too, that's why, if you look at your codes right above manufactured homes, you'll see the section for purpose and intent. The reason that city ordinances, city codes, have a title and/or purpose section is to, basically, like Molly said, lay out the goal for what you guys want. That's how you interpret the code. So that's what people are going to look back to and say, "You know what, this says this and I feel like it says this but it clarifies it when I look back at the title and intent of the code of why they're actually saying no you can't do that here, because the title and intent says this." So, you guys can completely change the title and intent of the goal to outline what your goal is to see how the city grows and improves. So that could potentially be something to look at and discuss with each other about what our goals are overall.

Member Hammer: Right. And that needs to come from you guys and the Commission, and it needs to be done a little bit by committee of like what is our 10-year urban plan? What is our goal? Because otherwise, we're shooting in the dark a little bit.

City Manager Whitehead: I'd like to finish by saying that unfortunately private development pushes us, that's just where we're at, we've never had a sewer line come all the way down Kopra until now that Love's is here, which has now opened that whole area for some kind of development. But we don't have the tools to go out there and push, somebody has to buy that

land and some developer has to decide, "Let's go make sure the zoning's right here and we're going to build some nice houses there." So, we end up kind of chasing a lot of times. Take, for example, if the mine does happen, I'm hopeful for them, it's a private business, they've been working their tails off for 10 years, if it happens we're going to be really behind, if they're going to bring in 700 employees. We're going to get 10% of them, I've always believed that from the Spaceport to anything we do, we're probably going to get a 10% slice of that pie, but 10% of 700 people is still 70 families. That's a big deal, and we're behind the curve on where we would put them and how we would do it. It's a challenge, for sure.

Vice Chairman Buhler: I think any way we can work with the county, too, is important because they have money.

City Manager Whitehead: Well, that was my presentation on the manufactured housing.

Assistant City Manager Alvarez: So the action item on the agenda is for you guys to decide which items, whether it be the ones that we presented today, or if there are other things you want to tackle, maybe come up with the subject for your next workshop. Then you will be able to work through it like you did with the other items, discussing it and then doing the position papers.

Member Kent: I still think one that we need to look at is the actual zoning throughout the city, is it an R-3, an R-1, etc. There are possibly areas that maybe need some updating of their zoning. Now that the city is growing and things are changing, that's one I wouldn't mind looking at.

Assistant City Manager Alvarez: As far as how everything is zoned?

Member Kent: Yeah, like should the hot water district have an overlay and not be in R-3, like Riverside is. There's T-1 –

Assistant City Manager Alvarez: So maybe we can put that on between now and the next meeting. Rezoning, from what I understand, and I'd have to double check with the attorney, but it sounds like it's maybe a little bit of a bigger thing than just an internal or Commission thing. Maybe what we can have is find out what it would take to do a rezoning. I could bring that information to you guys for the next meeting, and you could have some other topics.

Member Hammer: So besides the hot water district, Main Street, historic district, what other districts would we want to – I'm hearing that you might just want to layer over almost a sub-

zone, I don't even know what the term would be, but just like special conditions for an area that's not just R-3 or R-4.

Member Kent: Something along those lines, or – I'd have to look at a map – but there are areas that are like the M whatever and T. Does that still feel like the right zoning? Do we want to take some of those areas and make it where it could be residential or be something more than what it's currently zoned as, because the city is going to grow, so that would be an opportunity to kind of redefine things, protect certain areas, open up other areas, I don't know.

Member Luchini: That seems logical. Wouldn't you want your zoning areas to be zoned before you start changing mobile home parks into private lots? Does that make sense?

Member Hammer: I think it all has to be considered in the discussion, for sure.

Member Luchini: But does one supersede the other?

Member Kent: Maybe.

Member Luchini: Otherwise, they're going to be asking for a Variance.

Member Kent: Unless those, what we were talking about with turning the mobile home parks into these sort of smaller home communities, unless that is sort of a special type of development that is allowed in these areas, but yeah, that's all stuff that has to be considered.

Vice Chairman Buhler: I think we should, definitely look at the areas around town and discuss those.

Member Luchini: Would it be a thing that if somebody had a mobile **park** basically open mobile home park and wanted to delete the mobile home park, and build regular sized homes. Not small homes, not tiny homes, not smaller homes.

Member Hammer: Subdivide into larger lots, basically?

Member Luchini: Yes.

Member Hammer: Are people doing that?

Code Enforcement Officer Knull: I haven't seen it.

Vice Chairman Buhler: They will.

Assistant City Manager Alvarez: If somebody wanted to do that right now, I would think that they would just potentially go through the summary plat, the alternate summary procedure. If they've got a very large lot, one large parcel that's been a mobile home park, and they decided that they just wanted to get rid of the mobile home park and then sell it off into smaller lots, they could go through that alternate summary procedure, if it hasn't gone through that process, and then divide up the lots to meet the current standards and sell it that way.

Member Kent: Because then it's just being sold as a lot. It's not anything special, it's a lot. Is it big enough to build a house on?

Member Luchini: Would it be a different zoning?

Member Kent: No, it would just be a lot again.

Vice Chairman Buhler: Well, if it were going to be like a subdivision, there are subdivision rules within the state of New Mexico.

Assistant City Manager Alvarez: A subdivision within our code, too.

City Manager Whitehead: It may be, again, we've not really found anything to help this particular ask, but it may be really a simple process, where if I have a mobile home park that's 2 acres, like it or not, it's 2 acres of land, is there a way to go through our summary plat and create private lots, that would meet access, and all those codes? Maybe there's no reason not to say that's as far as we want to go, either. I think that's a valid point that would be considered.

Member Hammer: Step 1.

City manager Whitehead: It feels like, when I look at this particular ask, which is on that mobile home park on Coleman, is that it's too narrow. There's no way to access it, it's got limited access, so you're going to have to do something to create better access, a drive-through, and then as I look around, maybe those other parks are that way, but I think we could certainly take the time to look through the city. We could spend some time just looking and seeing where all the mobile home parks are, because I really think it's worth our time to say, "Really, how much more land in downtown is changeable?" That's a question I'd like to know the answer to. How

many lots down there could we change and by the code, what could they be changed to? And now, what would we want to do to be different with that? Or do we really want to do anything? So, I think the mobile home parks would be something we could present to you . I have some questions about, as you talk about zones, T-1. It looks like we have a lot of T-1 land around, and how do we start working within that? I've had some requests for different uses that are on T-1, so if they want to do that, now they've got to come and get a Variance, so should we open T-1 to be 4? I don't know. We have a lot of T-1 land.

Assistant City Manager Alvarez: T-1 is very identified, it's considered the transition district. It really just wasn't on the radar when they did the whole zoning map, it was so rural that they said, "Okay this is out there, and at some point in time, we'll take a look at the transition area, maybe incorporate it into R-1, R-2, R-3, commercial, manufactured, or industrial, as things start to develop." Nothing's been done there.

Member Hammer: So what do you guys want to do for our next workshop, then? Can we just focus on a couple topics? I think we kind of jumped around a bunch. We know what our homework is.

Assistant City Manager Alvarez: I will find out, with the City Manager, what it would take to rezone. I'll bring you guys that information, whether it's something that is simple, that the city can do on their own, or if it becomes something that's much bigger.

Member Luchini: Do the zones need to be defined more? Maybe I don't know enough about the zoning.

Assistant City Manager Alvarez: As far as what each area means?

Member Luchini: That's my question. Are we allowing Variances in zoning? Like R-1, R-2, R-3?

Code Enforcement Officer Knull: I guess, are you asking if we are allowing people to change their zone per lot?

Member Luchini: I think so.

Assistant City Manager Alvarez: That's spot zoning. If they can't meet the requirements that are set by code in their specific zone, then they come to you and request a Variance. Each zone, R-1, R-2, R-3, and transition, commercial, they all have set requirements on maybe building size, lot size, setbacks, all of that. They're all different. Right off the top, I can tell you in R-1, which is

more of the finer housing, or more strict housing area, they have to have a 25-foot setback from the front, whereas I think all the others just require 20.

Member Luchini: How about what's going on Riverside? The tiny lot wanting the extra tiny home. Was that just a Variance?

Assistant City Manager Alvarez: Yes, that was a Variance that came through the Planning & Zoning Commission.

Vice Chairman Buhler: Yeah, he hasn't done anything, it's still empty.

Assistant City Manager Alvarez: Yeah, he can't do anything at this point. That time frame has expired. His Variance is no longer in effect, he's already been notified of that.

Code Enforcement Officer Knull: I believe he's actually selling the lot.

Member Luchini: Okay, so that and your point, which I thought about when they were applying for the Conex boxes, and per owner, that seems to be like it should be really – the realtors really need to let people know that they're –

Assistant City Manager Alvarez: Some of the realtors are really – I get calls from the realtors, but we can't regulate the realtors.

Member Luchini: I know.

Assistant City Manager Alvarez: But they do, there's a couple of the realtors that are, somehow or another, they even have my personal cell phone number, not sure where they got that, but I get calls on the weekends. I will get calls on the weekends, saying, "Hey I'm taking somebody out to look at this house and they want to know, could they potentially do this?" so we do have some, but not all.

Member Luchini: Yeah, some kind of communication, especially if there's no realtor involved.

Member Kent: Really, that's the due diligence of the buyer, sorry.

Assistant City Manager Alvarez: I agree. I've even reached out to our real estate, they all have the link to our codes, when we have updated codes, I've sent them information. I'm very much readily available when they email or call me, but we can only do so much.

Member Hammer: So, Traci, back to this workshop ask, because you've put this before us as an ask, right? The staff would like for us to look at things and the sections of the code, the first bullet point here is the sections of the code applicable to Special Use Permit, Variance requests, and Conditional Use Permit. You would like for us to take a moment and review that, and bring back ideas and suggestions based on –

Assistant City Manager Alvarez: If that's what you guys, as a board want, those were my recommendations. If you guys have something else you want to look at, you can make that recommendation, but yes.

Member Hammer: I feel like if this is being raised, and you're looking at editing and revising the ordinance, it might be a good time to review it. Is that something we want to bring to the next meeting?

Member Kent: I mean we should probably finish getting through this, go off the list, something else can pop on the bottom, and

Member Hammer: I don't have a strong hit on the manufactured homes at this point. Is this more urgent, that we need to review this? Is it just something that's coming up?

City Manager Whitehead: I think it's just something that did come up.

Member Hammer: So, it's on the road map. So, we'll concentrate on these sections of the code for next meeting, a position paper, or feedback, etc.

Member Kent: So we can like finish that one off. Feel like we did it.

Member Hammer: Yeah. I think it's a good exercise for us to really understand that part of the code, too.

Assistant City Manager Alvarez: like I said, just hop on there and cross-search, because it's crazy how much everything interacts and touches each other.

Member Hammer: Okay, we can identify any anomalies or something.

Member Luchini: So, what are we doing?

Vice Chairman Buhler: What section are we tackling first?

Member Hammer: All 3 of them.

Member Kent: Special Use, Variance, Conditional, we're just staying on that topic.

Member Hammer: We're reviewing the code for those 3 sections. But she wants us to use those search terms on the code online because they appear in many, many different areas, not just what's printed here. I think it's a good exercise, good.

Chairman Sisney: Are we ready to move on? The next item is reports from the board.

6. REPORTS FROM THE BOARD:

Member Luchini: I have a couple of things. First, the good news is I love those new electronic signs the city put up. They're very nice, easy to put messages on.

Assistant City Manager Alvarez: Oh, our marquees?

Member Luchini: Yeah, the one right here and the one in Williamsburg. And then I was just concerned about the city, I guess, having an address number on each property, just for ease of emergency situations, pretty top priority, and just general public knowledge of trying to find an address without google maps or such. Emergency, I say, because there's been a few stories in the news in other cities, where emergency services have gone to the wrong addresses and bad things have happened, or bad things happened because they didn't go. That's it.

City Manager Whitehead: A situation turned worse.

Member Luchini: Yes.

Assistant City Manager Alvarez: We do have a section in our code that does require people place their addresses out, so it is something, actually, that was brought to my attention by one of our other departments, because they were trying to locate a house for their work. I actually had just mentioned it to Gary the other day about it.

Chairman Sisney: What about street signs?

Assistant City Manager Alvarez: It's one of those things to get with Code Enforcement, I mean, if there are some that you notice, areas that you notice, you can let us know and we can reach out to the property owners and give them that section.

Member Luchini: Street signs, also.

Member Hammer: I had a challenging time finding these addresses for the Conex applications.

Assistant City Manager Alvarez: And I'll tell you, that's one of the things with our Public Information Officer, one of the things I can start with is just having her blast it out on social media, you know, the section of the code, reminding people of the importance of getting their addresses posted out there. But we also just received word, I think 2 weeks ago, we haven't gotten the official grant agreement yet, but it looks like the city may have been awarded some funding for a street sign plan – if I'm remembering properly off the top of my head – so that will also help because one of my frustrations has been when I go out and try to find a property, and I have to drive 5 blocks over to find out what road I'm on to come 5 blocks back. So our streets department tries, but people definitely like to walk away with signs, and I think over the years they've disappeared. If we get a really good sign inventory on what's out there and what's not, we can maybe get those all back in place, and it'll be easier to keep up on it.

Vice Chairman Buhler: I would like to also see where the city ends and where the county begins. I would like to see that on some type of a map if we have such a map.

Assistant City Manager Alvarez: We do, my zoning map shows the zone areas. The city parcel map, I could see about getting one of those, but you can go onto the [Sierra County Assessor's website](#) and they have their [parcel map](#) that identifies the city's limits, the county limits, the Village of Williamsburg, and Elephant Butte.

Vice Chairman Buhler: If I went by there, could they give me a copy of it maybe?

Assistant City Manager Alvarez: At the county?

Vice Chairman Buhler: Yeah.

Assistant City Manager Alvarez: Potentially, I don't know what they print out so I don't want to speak for the county.

Code Enforcement Officer Knull: It is also available online. You just click it and it'll highlight all of the separate incorporated areas. I recently used it to show the member of the public.

Vice Chairman Buhler: And that's through Mike's office?

Code Enforcement Officer Knull: Yes.

Assistant City Manager Alvarez: And you're welcome, any time, to come down to the office and I can show you how to access it online, too, because it can be a little cumbersome if you don't know.

City Manager Whitehead: You've got to get a copy of each map of the zoning. I was surprised at the zones when I saw them, so we should get a copy of that and give it to you electronically so you can see.

Member Hammer: Could I make a request on the zoning map, that we have clear delineations of where one zone starts and where one zone stops?

Assistant City Manager Alvarez: I don't have the ability to give really clear – I'm working off of a map that was generated, I don't know how many years ago, so my GIS system is a very old, antiquated system. So, I can print out, but even myself, when I have to get close to the zoning, I have to get into that old system and really zoom in, and then kind of guess where the little black dots are in comparison to –

Member Hammer: As an example, that Pershing property that we've been talking about, that was really on the border, so I couldn't tell if it was, was it M-1, and C-1 or something? It was on the border of a commercial, and it was really hard to determine, what zone is this in?

Assistant City Manager Alvarez: I would say reach out to me, because I can, at the very least, pull it up on the GIS system.

Code Enforcement Officer Knull: And just to loop back around and help close out your question, as far as the addresses go, that is something I'm looking at actually figuring out how I'm going to approach that. I don't feel like starting to issue citations for that is something that is really necessary, but of course I'll be working with the PIO and Traci to figure out how we can get it out there that you need to make sure that your addresses are up to date. We even have issues at the Police Department, trying to locate certain addresses because there are just no numbers, and we make a solid guess and say, "Alright here we go." So that is something that we're

looking at, and it is unfortunate that we have properties like that, because like you said, it's a public safety issue, and it's a service issue as well. I'll be looking at how we can approach that.

Member Luchini: Thank you. That would be a good way to take advantage of the electric signs, just a quick message, whatever, "Put your address on your home" in better terms.

Assistant City Manager Alvarez: We are partnering with the county in doing some 911 address updates, so we have some properties in the city that have had to change their address because they were not addressed correctly. It'll just all tie into that, we can get a good public announcement out.

Member Luchini: I know you guys work hard, and I feel like when I come, I'm just like "You need to do this and this." But I really like the signs, and I appreciate the work you do.

Assistant City Manager Alvarez: And you know, you guys are our eyes out there. You guys are out there and you might see something or you're out there talking with the public, and they might see something. Please provide us that information. We follow up on that information.

Member Kent: I would like to say one quick thing on a positive note, the airport's looking great, the service has been really great. We were out there using it this last weekend, and my brother loved it, everybody was really nice.

Assistant City Manager Alvarez: That's great to hear, thank you.

Member Hammer: Happy Birthday to one of our members, Vice Chairman.

Assistant City Manager Alvarez: Happy Birthday.

Vice Chairman Buhler: Thank you all. Glad to be here.

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: I have a couple reports, but they're really quick. As you guys all know, and you've probably seen, Foch street is underway. They are working hard. If anybody is interested in getting a weekly update on the progress of that project, you can let me know or you can let Becca with MainStreet know, she's sending out weekly emails to the property owners that are right there, I think there are a few others that have also signed up. We have gone to bid and hired a contractor, and they are staging for our first big water project, what we call the shovel-ready project. They are going to be closing the road on Silver Street between 8th

and 9th, Wednesday, Thursday, and Friday, while they do some potholing. It'll be closed between 7am and 5:30pm. They will open it back up in the evenings. They are going to be hitting different water lines all over the city, so I can't tell you just one specific area, it is on our website. We're getting ready to meet internally to establish the same process we're doing with Foch, which is being able to provide weekly updates for anybody that wants to get on the email updates just to see the progress on stuff going on. We are getting ready to go to bid for our CDBG water meter replacement project, that'll replace approximately 900 meters and take them from the read meters up to an AMI meter. Then, as we do these different water projects, any of them that have a meter associated would also be updated to AMI, so we will bring that up, which will eliminate some of the walking and water meter reading, it'll be automated. Going to bid very shortly on our WSPI-1 USDA project, which is another large water project. Right behind that is WSPI-2 to follow. Of course, DOT will also be coming through restriping downtown, so we will be going through orange construction cone fatigue very soon. As the public reaches out to you, just remind them, it stinks, but it'll all be better in the end. We'll get there.

Vice Chairman Buhler: Is there any news on the Lee Belle Johnson building?

City Manager Whitehead: We have an application in to the legislature for a Capital Outlay. I've met with a contractor to do potentially a re-stabilization of the building, that's what we're trying to get done. So, we have that ask, and we'll see if we can get some funds to get that going.

Vice Chairman Buhler: Great, thank you guys.

City Manager Whitehead: It takes a long time, but we think that's the right process, to get the building's foundation stable, because the inside of the building is not in bad shape, we don't need an \$8 million project to renovate it, and it looks like the outside structures that were added later are the ones that are failing, the concrete is falling, so there's a process by which we could fix that up, the joists look great, and the building is really in pretty good shape, so we'll get something resolved there.

Vice Chairman Buhler: Good news.

Member Hammer: Yeah, that is good news.

Member Luchini: You mentioned Foch Street. Any really quick info on this diagonal parking, are the drivers going to raise a fuss about the change in traffic on Foch like they did on Broadway?

City Manager Whitehead: Yes.

Member Hammer: Watch your social media, it'll be blowing up.

Member Kent: Diagonal parking is wonderful so if they put it in, I hope people will embrace it.

Assistant City Manager Alvarez: Diagonal parking on one side of the street, and then parallel parking on the other side of the street, and it's traffic going both directions, not one-way.

City Manager Whitehead: A little tighter, a little slower, but it's going to be – you know, I came in on the end of it, but it's been in planning for 5 years – they've got nice lights that will be on the street, there's a set of speakers and sounds so there'll be music, it's really going to be pretty nice when it's all done, and it'll tie into doing celebrations downtown where Foch could be closed and McAdoo and Sims could be closed, and you'll have a nice corridor, then if we get Lee Belle going, you could have inside concerts, outside stuff, all right in the middle, it's going to be really nice. We've just got to get there.

Vice Chairman Buhler: We will together.

Member Hammer: When is the Police Station tour or open house?

Assistant City Manager Alvarez: We have an open house on the 20th at the new PNC building, for anybody to walk through and talk to the staff, the chief, to see what the conceptual design and everything is going to be. That's at 5:30pm. You guys should have received the public notification, I did ask for the Clerk's office to send it out.

Member Hammer: Yes, and they updated, I think, an address too.

Assistant City Manager Alvarez: That was my error, I don't know what happened with the assessor's website, but I punched it in and it brought it up and it gave me an address, and I was rushing. Bottom line, I was rushing through, there's a lot going on, and when I sent it out, I think it had 411 Main, but it's 210 Main. We did get that corrected thanks to our PIO, she was able to get it out when I was in a meeting when we realized the wrong one, so she made the adjustment and we've gotten the correct one out. It'll be in the newspaper on Thursday, the correct version with the correct address.

Code Enforcement Officer Knull: And it will be, like Traci said, January 20th at 5:30pm-6:30pm.

City Manager Whitehead: I'm most excited about the center, we're going to turn that into an art gallery, that's the piece that's going to be really cool. So, you'll have admin on one side, and the Police Department on the other, the vision looks really good, and then that center piece. The Capital Outlay requires that you spend money on art in public places, so we made the commitment that we're going to make that an art gallery that will fit nicely in the downtown, so during Art Hop, the Police Department will be a part of Art Hop. You'll be able to come through and see art that we've purchased, or local art, or school art, veteran art, we're really going to come up with some cool ideas to make that space public access and feel good. I'm excited about that, it needs to be done.

Vice Chairman Buhler: My dad, a little history here, that was his bank. He started that original bank and chartered it, and they bought all the buildings that were there and they built that building. He's happy that it's going to be the new Police Station. He thinks it's great.

8. ADJOURNMENT:

Chairman Sisney made a motion to adjourn the meeting at 5:34 PM. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

PASSED AND APPROVED ON THIS 9th DAY OF FEBRUARY 2026.



Chris Sisney, Chairman
Planning & Zoning Board