

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
TUESDAY, FEBRUARY 18, 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 Tuesday, February 18, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

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

1. APPROVAL OF AGENDA:

Member Luchini made a motion to approve the agenda. Member Kent seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) December 9, 2024.

Vice-Chairman Buhler 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.

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

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a. Discussion/Action: Special Use/Variance Request at 320 Marr Street. The applicant is requesting to build 2 tiny homes at this location. A Special

Use/Variance Request may be needed pertaining to Development Standards as the current code does not identify tiny homes.

Assistant City Manager Alvarez: In your agenda packet you have a proposed site plan for where the applicant would like to potentially place a couple of tiny homes. There are a couple of different options that they submitted. Where they are placing these homes does meet the required setbacks it is in the R3 district. However, the approximant square footage of these homes is about 399 square foot which is below the required minimum for the R3 area. Our municipal code hasn't been updated to accommodate tiny homes so this is kind of a new process. We have done one way back in the day and they did it as a special use permit. You have the option of doing a special use permit with it and/or a variance. The variance is requesting a variance from the code as it pertains to the minimum dwelling unit size. Also in your packet is an example of what the tiny home could potentially look like. From the planning and zoning stand point it would not be able to be left on wheels or be able to be towable because that would look more like an RV. We require to follow the same standards as you would do with a mobile home where we have to have the skirting and a type of foundation weather that be a permanent foundation or just a gravel foundation that would be decided at the state level at CID. The applicants are here and available for any questions and I stand for questions as well.

Chairman Sisney opened the public hearing.

Proponents:

Marcia DeChadendes: I'm the owner and resident at 324 Marr St. That is the property that is directly to the west of their property. I have been in conversation and cooperative, collaborative planning for how to manage different situations of their property and my property for the last year. I am really happy to have people who have a long history of the town returning to the town and putting a home so their family and their children's family can be present there. I find them to be really great potential citizens of our town.

Roy Gibson: I'm a registered professional engineer. I work for Bohannon Houston who are representing the Chowning's with this I'm happy to answer any questions you may have.

Clayton Chowning Applicant: I'm trying to put the tiny home in. My grandparents had property here in T or C, my parents have property in Caballo. We are hoping to be able to come and visit and use this property as well. Any questions you have Ill be happy to try and answer for you.

Chairman Sisney: You are brining in 2 tiny homes. What is the purpose of these homes?

Clayton Chowning Applicant: We planned on only doing one tiny home originally but I figured since we were doing the meeting I would try and permission if it was possible for 2. The one is going to be mainly for us to come and visit and I would also try and do some short-term rentals for a little bit of supplemental income. I was in a car accident a year ago and I can not continue to do my job as a mechanic anymore. I'm trying to look at different options to try to help supplement, as well as be able to use it as a family place to visit.

Member Kent: In the packet it says that the homes are prefabricated park model homes. Which is different than a tiny home technically because a park model home by description definition is really an RV so I'm just curious. We don't really have zoning rules for tiny homes per se. But we do have very specific rules about RV's. So, are we going to say that a park model RV is not an RV?

Assistant City Manager Alvarez: This is why I stated that they have to follow the requirements under a mobile home.

Member Kent: So, we are calling these mobile homes not RV even though they are RV by the legal term.

Clayton Chowning Applicant: I don't know if this makes any difference or not. Most of these that I am proposing are 11 feet wide or 14 to 15 feet wide so you can't just hook up to a pickup and move it. You have to do permits. It would be more of a permanent thing than something like an RV where I can just hook on and leave. They are not legal as an RV to go down the road.

Member Kent: I understand that. Some of it has to do with how they are built and how much insulation is in them and different things like that in terms of living in them. Four seasons and what. Living in an RV here all year round can be very hot and very cold depending on the time of year. I'm wondering would these be comfortable to live in during the winter and summer?

Clayton Chowning: I have never lived in one personally so I can't answer that. From the people I have been talking to I have some insulation specifications and it sounds like they are built fairly well. The one that we submitted was just to let you know what it was there is a hodgepodge. I'm sure of quality that I'm sure some are a whole lot lesser quality than others. That was just an example of what I was looking to do.

Vice-chairman Buhler: You will be going through the state to be permitted, correct?

Clayton Chowning: Yes.

Vice-Chairman Buhler: How would you be able to if there is flood elevation and they have to be raised have you inquired about that?

Clayton Chowning Applicant: I have not

Assistant City Manager Alvarez: Its part of the zoning approval process. When they do a build, they have to go get flood plain approval and that would be addressed at that point when they start submitting that. CID will not accept a permit application with out a signature form planning and zoning which is me as well as Travis Atwell he does the flood.

Vice-Chairman Buhler: Ok, Thank you.

Chairman Sisney: Is this going to be site built or off site built?

Clayton Chowning: The ones that I was looking at are office site built as a prefab.

Member Kent: So, they will have wheels on or on a trailer and then they will be set?

Clayton Chowning Applicant: I'm not opposed to looking into site built as well. These are what I was looking at but I would still like to the smaller around 400 square foot even if I did site built. It's a smaller lot where I don't have a whole lot of room.

Vice-Chairman Buhler: Traci what is the square foot for that size lot?

Assistant City Manager Alvarez: In your packet you have the development standards. In a dwelling unit for single family 700 square foot, multifamily or 2 family are 450 and 500 square feet.

Clayton Chowning: A mobile home is 550 is that correct?

Assistant City Manager Alvarez: Yes, a mobile home is 550.

Vice-Chairman Buhler: So, these tiny homes they don't meet the requirement for the lot size.

Assistant City Manager Alvarez: That is correct that is why they are here for a variance request or a special use permit.

Vice-Chairman Buhler: And we don't have a tiny home ordinance?

Assistant City Manager Alvarez: Correct we don't have a tiny home or a park model ordinance. Our municipal code was done way before tiny homes or park model homes.

Vice-Chairman Buhler: Are we working on this, are we going to be working on this or are we just going to have this every time. Are we working on the ordinance so we can have tiny homes.

Assistant City Manager Alvarez: So, in answer to your question yes. We are not working on just specific for tiny homes. There is quit a few things with in our municipal code that need to be addressed. It's a long process we have to go through the attorney and write out the ordinance. There is a lot of items from animal control, code enforcement to planning and zoning that we

are tackling. We are trying not to piece meal our ordinance because we have done that in the past. We are working in between all of our other times frames and different items and working with various city managers to update certain sections of our municipal code. Is it something that is going to be done in the next 6 months to a year probably not. We did go out at one point probably 2-3 years ago and we were going to hire somebody to do a code update for our entire municipal code and it was around \$36,000 so at that time it was put on hold because we did not have the funding available to have somebody come in and do it. The different departments are working on their various sections that are applicable to them in the code.

Chairman Sisney: Are we looking at a variance on the fencing request also or an 8-foot fence?

Assistant City Manager Alvarez: No, we are allowed by code to have an 8-foot fence.

Vice-Chairman Buhler: It's not 5?

Assistant City Manager Alvarez: No, if it's got a cross street, they have to follow the site triangle which is a 25-foot set back and a 4-foot. But fencing within the municipal code is allowed up to 8-feet.

Vice-Chairman Buhler: Where would your parking be?

Clayton Chowning Applicant: There is on street parking there as well but you have to have a 20-foot set back before you can put a lot for the tiny home with the new zoning. There would be room in front of the tiny home to park your cars.

Vice-Chairman Buhler: That's where the bath house is, so that's the alley so you would be using the alley?

Chairman Sisney: There is 2 buildings.

Vice-chairman Buhler: Ok, I see what you're saying. So, you haven't decided which way you are going to put them yet either have you.

Clayton Chowning Applicant: No, I'm not a 100%. One reason for that is the lot actually runs length wise instead of cross wise so I wasn't sure.

Vice-Chairman Buhler: Was there a home in there before?

Clayton Chowning Applicant: Not prior to 67.

Ralph Chowning: I started down here in the 70's and there was never anything their other then the one at the very back by the alley and a long building was there. My father built the front most building but I have never seen a building there per say.

Vice-Chairman Buhler: Is the bath house commercial?

Ralph Chowning: No.

Vice-Chairman Buhler: It would just be for family use?

Ralph Chowning: Also, for whoever stayed in the second one.

Vice-Chairman Buhler: If you rent it then that would be commercial use. Am I correct in that Traci?

Assistant City Manager Alvarez: If they are renting the unit?

Vice-Chairman Buhler: Yes.

Assistant City Manager Alvarez: The bath house would be applicable to the person in the unit they are not making the bath house commercial to where they are charging for people to come into the bath houses.

Vice-Chairman Buhler: They would be charging for people to stay there so it would possible be considered using it for commercial purposes.

Assistant City Manager Alvarez: I wouldn't consider it commercial. It would be no different if anybody had rentals. An example we have Nate he has the 4 units that he is potentially selling or renting and they have access to an out-door bath house. That is not a commercial bath house that bath house is being used only by the tenant of that property. You also have with in you packet your 7 findings of facts.

Member Luchini: One of the units you intend to use personally sporadically?

Clayton Chowning Applicant: I still work unfortunately I wish I could live here full time. In between my sister and I would use it but when we are not, we would use it as an Airbnb as a supplemental income.

Member Luchini: Even the first unit? If you have 2 units one of them will be a BnB?

Clayton Chowning Applicant: The second one will be quit a bit down the road. It would be a couple years down the road I would imagine for the second one to be even in consideration.

Member Luchini: So even the first one potentially could be a short-term rental?

Clayton Chowning Applicant: A short-term rental as well as me, my sister and my parents using it.

Assistant City Manager Alvarez: Just for verification their request a variance from the code or special use from the code due to the required dwelling size of the unit. Where ever they place these they are meeting the required front, rear and side setbacks. Its just a request to have a unit on there that doesn't meet the required dwelling unit size.

Vice-Chairman Buhler: The size, correct?

Assistant City Manager Alvarez: Yes, the square foot.

Member Kent: You have stated a few times you don't know what you are going to put on there you have a picture of an idea. I think my hesitation is what you are showing in that picture is an RV, it's not one you can tow behind your car every weekend to go camping but by definition they are built to the same standards as an RV so its an RV. Which we very clearly are not suppose to be living in on our properties. I understand there are people in town violating that and that's a whole different matter. If this where to be approved and I don't know if this part of what we are voting on today but I would like to see something more than an RV. A stick built tiny home would be lovely, or something that is more insolated more permanent, more 4 seasons all the things rather than just rolling an RV that is a little fancier because it has a porch and pretty paint.

Chairman Sisney: What do you think of that.

Member Kent: that's a park model home but it's built to RV standards which is not the same as a home.

Chairman Sisney: Do you know the difference between a park model and a regular RV?

Member Kent: A park model is meant to be put in an RV park and hooked up to the water and electric.

Chairman Sisney: But do you know the difference?

Member Kent: That's basically the difference the size and that it can't be towed around.

Chairman Sisney: The difference that I have seen a park model doesn't have a DC converter.

Member Kent: Right, it has to be plugged in.

Chairman Sisney: Right so it's not meant to go anywhere. Once they roll these things in they set them they aren't going to roll them back out again.

Member Kent: I understand that. But I lived in them. I spent 2 years living in one. I froze in the winter and it was hot in the summer. Its not a great living environment, a house with some good insolation and all the things seems like a much nicer project.

Clayton Chowning Applicant: My family owns a RV business in Moriarity we have been in the RV business since the 60's. I agree a lot of these are very low insolated and junk. The brands that we have sold, which is not what I am proposing to put on. The excel fifth wheels that are RV they have a 10 below zero guarantee. If you buy a Mercedes, you get a Mercedes. If you buy a Toyota you get at Toyota. I think if you buy a nice park model you are going to be fairly happy with the insolation. I agree with you if you buy something that has no insolation in it, if you buy a J Co you're going to have a problem with it. If you buy a DVR or a Mobile Sweets that \$175,000 versus \$20,000 your insolation package is going to be a little different in my opinion.

Member Kent: Sure, but it's a park model.

Vice-Chairman Buhler: You did say something like this.

Clayton Chowning Applicant: I don't know the insolation package on that one. I was just doing that one for a visual idea of what it would be like.

Roy Gibson: Just for point of clarification any of these modules would be placed on a permanent foundation where the moving equipment is stripped off, weather it shipped in 4 panels and a box is set up with it. Either way the building would have to meet the New Mexico building code. We will be going before the construction industries division with the state of New Mexico for that building. We will have to have fire detection, the smoke detectors all of those will be required per code, per the New Mexico building code. Secondly these will be hooked up permanently to permanent electricity, permanent water and request for permanent sewer.

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Variance Request at 320 Marr Street. Member Luchini seconded the motion. Roll call vote was taken.

Chris Sisney, Chairman voted aye.

Ether Luchini, Member voted aye.

Susan Buhler, Vice Chairman voted nay. It sets a precedent for having tiny homes everywhere and until the city acts on this, I cannot approve tiny homes.

Lisa Kent, Member voted aye.

Motion carried on a 3 to 1 Vote.

Member Luchini: Can we put a halt to these variances until there is an ordinance that is clearly spelled out for these tiny homes or anything else that we would constantly be approving variances for?

City Manager Whitehead: It seems to me that your other obligation as the board here would be to recommend to the city to fix inequities with in the code. For example, considering tiny homes has never really been considered or it has not been reviewed potentially we should look at that as again we can do those one. I think being proactive the chairman should send a letter to the manager's office requesting that we explore the tiny homes present back to you guys on how we can make an addition to that. I'm not a fan of waiting to fix the whole code. I think that you guys serve you need the ability to say we found a problem with in the code lets review it, lets get good information, let's bring some engineers that could give us good solid information. I have been sitting here doing some calculations an RV is technically is 7-feet long and one that is 50. That would be 350 square feet. Just by the square footage alone you kind of change the argument of we wouldn't really allow some one to move an RV in when were we are considering so that becomes the critical point. Is 400 feet a minimum we would ever go to and what kind of requirements. I guess in a long roundabout way I think we should consider looking at that I think this is something we would bring up and I think you know to kind of start solving some of these problems. I think your board should ask us to consider this one not just say hey let's fix the whole code lets go back and in a timely manner look at what we could do to solve this particular issue with inside the code.

Vice Chairman Buhler: You know Gary we need a standard. We don't have that. At our last meeting which was 2 months ago we had someone who purchased a tinny lot the river. I could see the whole river bank any empty property there turning into these tiny homes. That people don't live in, that they Airbnb that will affect our hotels because it is a slim margarine in this town for hotel owners, especially in the hot water district. We do need some protection and we do need some rules.

Member Kent: The short-term rental is another issue as well. With just how many we have and how many we should have. There is a lot of other things that has been brought up as well but there is nothing in our code about it.

Marcia DeChadendes: That particular block has at least 30 full-time living their RV's on it. The reason I'm here is because I would love to have someone who living in a house kind of place.

Vice-Chairman Buhler: Those are trailer parks. They are not just people living in RV's and you can live in an RV in an RV park so they have permission to do that.

Marcia DeChandendes: They are all owned by the same person.

Vice-Chairman Buhler: They are owned by different people. People come and winter here. We have different groups of people.

Member Kent: That's different then somebody who owns a private lot and wants to put an RV on it. Which you can not do.

Marcia DeChandendes: That's a really interesting distinction how does that get defined.

Member Kent: An RV Park is established there is amenities for the people, it has to have bathrooms, laundry available, it has the utilities where they can hook up to.

Vice-Chairman Buhler: Its commercial.

Member Kent: Yes, its commercial. Its very different then "Hey I bought a lot I'm going to park my RV on it". You can not do that.

Ralph Chowning: Technically the difference between a park model and an RV. RV's have water tanks, and a DC converter and are designed to be used without having to be hooked up. Park models technically do not have water tanks, do not have a DC converter and are designed to be actually plugged in and more permanent than an RV. There is total distinction between park model and RV.

City Manager Whitehead: I hear you. I just came to sit and listen. Ill explore with Traci what we need to do and how we can potentially expedite some improvements here.

Member Luchini: That seems to be a trend that we can get caught up in really quickly. There aren't very many I have seen a couple of other ones around town. I'm not sure if they got variance.

City Manager Whitehead: If there is nothing in the code for tiny homes and tiny homes specific in that size, we would really be missing the boat because that's a trend in the market? That is an opportunity for people to live here if they do it properly, we should welcome it right.

Clayton Chowning: Housing cost are so high you can't afford it.

City Manager Whitehead: Yes. It should be done in the right spots in the right locations it should be done correctly. They should be a benefit to the community. We will look into it.

Vice-Chairman Buhler: Thank you.

Member Luchini: Is there any way put on hold and of the additional hearings until the code is established.

City Manager Whitehead: I would say that you could not put a hold. I mean the commission could consider it but the fact that the code exists, the fact that the law exist we have to follow the law that exist.

Member Luchini: But there is no code that exist.

City Manager Whitehead: There is a code and there is a variance opportunity with in that code. The citizens would be allowed if we don't have a code to directly affect and a variance is possible in the code the public should have a right to come to that process. I hope that is helpful. We will take this one seriously. I'm here I will take this seriously. On this particular issue with tiny homes with in the structure.

Member Luchini: Thank you.

5. REPORTS FROM THE BOARD:

No reports from the board.

6. REPORTS FROM STAFF:

Assistant City Manager Alvarez: The only report I had was to introduce our new City Manager Gary Whitehead. Also, as a reminder to the commission when I bring these items to you for a variance request or a special use request that's because that's my directive per the code. I don't have authority to decide whether or not what they are doing is allowed. That's why we have a planning and zoning commission and that's why I bring it to you guys. If a customer comes to me and they say "We want to do ABC" and I show them what the code says and say this isn't allowed then they request the variance. I'm mandated by our code to bring these to you. That's why they come in front of you because a customer request to get the variance.

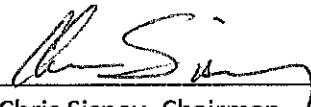
Member Luchini: To the petitioners I do appreciate that you did come to the city and realized that you need to get a variance rather than just pulling in and parking.

Vice-Chairman Buhler: Yes, and if you are approved make us proud.

7. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:37 p.m.

PASSED AND APPROVED ON THIS 10th DAY OF MARCH, 2025.


Chris Sisney, Chairman
Planning & Zoning Board