

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

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, July 14, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. June 9, 2025

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

4. PRESENTATION:

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

5. PUBLIC HEARINGS (5 Minute Rule Applies):

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

6. NEW BUSINESS:

- a. Discussion/Action: Request for Extension of Variance 320 Marr.
- b. Discussion/Action: Request for Extension of Variance 1095 E Riverside.
- c. Discussion/Action: Re-Appointment of member Lisa Kent.
- d. Discussion/Action: Re-organization of Chairman and Vice-Chairman.

7. WORKSHOP:

- a. Tiny Homes/ ADU Discussion.
- b. Short-Term Rentals.

8. REPORTS FROM THE BOARD

9. REPORTS FROM STAFF

10. ADJOURNMENT

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MINUTES
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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
Abigail Rieth, City Clerk Admin Assistant
Tyler Knull, Code Compliance Officer

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) May 12, 2025.

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

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

Alice Hutchins: Thank you for this time of open comment. I was encouraged by your workshop approach to updating the planning and zoning codes for T or C. It's a really big responsibility and the health of our community is at stake. I have a couple of topics I wanted to cover.

Airbnb's – Michael & I have hosted over 140 guests in the year and a half we have had magnolia street casita. It has allowed us to meet incredible people, be a mini chamber of commerce (go here, do this), and given us the extra finances we need to stay here in the community after Michael retired. With that said, we are in the minority because we are registered with the city and pay all of the taxes each month. Maybe if the process were streamlined, more Airbnb owners would register and be an accountable part of our hospitality network.

I feel very strongly that Airbnb should not be seen as underground businesses that take away from long term rental properties. We would never rent out our casita long-term. Our property just isn't set up for that, and we are certainly not alone. We must be very careful to protect income streams for people who can only live here by the slimmest of margins.

We do need to prevent real estate from being purchased in bulk and run as Airbnb's by outside companies. I don't know how to do that with Planning & Zoning, but we need protections to keep Airbnb money here our community.

Tiny Homes – Again, we need to simplify the process for people to generate income. If we can do that and add affordable housing, fantastic. Michael and I purchased a lot that used to have a single-wide trailer. We don't want another trailer, but don't have the finances for a large stick-built home. If our zoning were changed, it would be a wonderful spot for two tiny homes and would fit right in with the existing neighborhood if done right. They would make perfect long-term rentals.

Lastly, green codes – The people of Sierra County care deeply about the environment. We are often asked to choose between economics and 'being green'. We can do both. We need to build shade, permeable surfaces, stormwater catchment, and dark skies lighting into our codes. It's pennies on the dollar, especially to companies like Love's, which wants to grace us with a new truck stop. Without new green codes and code enforcement, they will build cheap and fast, and we will be the poorer for it. I would love to see green codes as a future workshop topic. Thank you so much.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Kennel Permit Application 412 Elm Street.

Chairman Sisney opened the public hearing.

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

Proponents:

None

Opponents:

Scott Valentine

Assistant City Manager Alvarez: Thank you chairman, what you have before you is an application for a kennel permit. This is different than a multi-use permit. The purpose of a Kennel Permit is to house animals temporarily; animals might be in transition, etc. Applicant has paid all fees, public hearing notices were sent out, animal control is here, they have done their site inspection, and prior to me having Tyler from Code Enforcement speak, if I could direct you to the section in your packet that is specific to multi-animal Kennel Permits, section 3.8.1, if you look at 'K', it specifically states that in regards to a Kennel Permit, the amount of animals occupied at that residence is to be determined by recommendation of our animal control officer. That's why you don't see a list of animals, they do come and go, you don't see a request for how many, that will all be addressed during his presentation. With that, I will turn it over to animal control.

Code Compliance Officer Knull: Myself and another Code Enforcement Officer performed a site inspection on the property which is standard for any multi-animal sites or kennel areas. The site was very clean, the area for the dogs was spacious enough, all the animals looked happy and healthy. It's also standard practice for us to look through our call records for the properties to see if we have any sort of complaints for running at large – barking dogs, nuisance smells, things like that. We do not have any call records at the Sierra County Regional Dispatch Authority for any animal complaints in the area regarding barking dogs, nuisance smells, dogs running at large, anything like that. There is a limit of 7 [animals] that he's requested on the property and we do believe there's adequate space for it, he has stated that he will not be over 7 and plans to get under 7 on the property in the future. He is just not sure how long it will take. He does have a dog that's not technically his, but is a stray he has included with the Kennel Permit because he's still trying to capture it and wants to count it without going over his limit. This is a dog that we have tried to catch as animal control and we are unable to catch it. He has been able to bond with the dog and come much closer to catching it than we have, and we have allowed him to take some time to catch the dog because worst case scenario, we would have to go in with chemical capture, and that's not the way we want to do things. So, since he's made a bond with the dog, we are allowing him to try and trap the dog his way. That's the only 'running at large' situation that we have.

Assistant City Manager Alvarez: Chairman, members of the board, you will notice the date on the application is for December of 2024, there was some turnover at the Clerk's office, and I think this application was missed. You'll see the date of the inspection was April 23 2025, I do also want to let you know that I sent Officer Knull out last week to do a re-check and make sure everything looked good. It is a recent inspection that's been done.

Code Compliance Officer Knull: I will add as well, it was a surprise inspection, so the applicant had no clue that I was coming, which was great, it allowed me to see without having a scheduled time how the kennels are normally kept and they were very clean still.

Assistant City Manager Alvarez: Applicant is here and available to answer any questions if you need.

Board Member Hammer: I have a question, so this is not just a temporary permit application, is this a permanent application for temporary dogs?

Assistant City Manager Alvarez: Right now, our code specifies its annual renewal.

Board Member Hammer: And this is basically, from what I'm seeing, temporary housing of dogs, maybe some overflow from our local.

Assistant City Manager Alvarez: Not from our shelter, but they work with Desert Haven.

Board Member Luchini: Are there individual kennels for each animal?

Applicant Lon Flewelling: They do, each of them has roughly a 10 x 10 ft kennel. It's chain link, I have access so I can go into each one if I need to, they have three gallons of water, right now a kiddie pool, toys, a shelter, the whole area has a cover over it, and the walls have tarps that I can raise and lower depending on wind, heat, neighbors, and so on. I can address noise and that sort of thing also. The short answer is yes.

Chairman Sisney: I have a question, I just pulled into the alley over there, and were the dogs out?

Applicant Lon Flewelling: Not physically out, they are all in that kennel.

Chairman Sisney: I mean, were they indoors, were they in your house or?

Applicant Lon Flewelling: No, they're all in the kennel. They are all outdoors, in their own individual kennels. There's a small run within that so I can go out multiple times a day and give them exercise.

Chairman Sisney: When do they bark?

Applicant Lon Flewelling: Generally it's in the evening before sunset, when a lot of people walk their dogs, that was part of what prompted me to do the tarps so that I can physically block them off from the road and some of our intent as well, where you saw the alley, is to move that kennel back to what you probably drove past, there's a carport, a freestanding wooden shed, and then a yard area, and eventually, we would like to move everything back to that. So, it's a couple of things; away from the street, away from the neighbor's walls, that sort of thing, and much more of a controlled setting. Now, the control is that they're in kennels, but I want to also be able to give them weather-appropriate care. They've got cover, but when it gets extremely cold or extremely hot, I'd like to be able to give them some kind of relief from that as well. That's the intent; but for now, the kennel is in front of what you probably looked at, just in front of that.

Board Member Hammer: I also have a question, are you actively looking for homes for these animals?

Applicant Lon Flewelling: We are, in fact the capsule version of where we are today is – I'm a retired behavior therapist from Denver, and I decided I'm not retired yet. I've let go of things like, my 100 lb. mastiff bit my wife and now I've got to put him down', that used to be my customer, I would go to them and say, let's peel the layers back, and find out why the dog did that? And my job then was to rehab the dog and train the people. This is what happened, this is why, and this is what we can do. To come up to current, we had a care client in Las Palomas that was an early-stage Alzheimer's patient, she was fading quickly, so the intent for her was to eventually move out of state. People dropped off dogs at the end of their drive, that's where these started, there were a total of about 8 dropped off. Of them, two immediately disappeared, and we learned that it may have been a neighbor that was shooting them, because there were gunshots while we were on the property, never saw it, but dogs disappeared under that circumstance, so we assumed that might have been the case. These dogs were the remnants of the original drop-offs. There were two that were born out there, so they were actually feral. We were finally able to, after about a year, gain the trust of these dogs. These dogs had never been leashed, they'd been shot at, they had been dropped off, they hadn't been cared for. We went out there every day at the same time to create a regimen; feed them, water them, just show up. Those three females eventually were able to come to our kennels. Within days, they dropped 22 puppies. So, we had those adults, 22 puppies, 60 feedings a day, medications and everything that would go with it, and we did not want to put them in the shelter, which is overfilled on any given day anyway, so we worked with Desert Haven to get shots and records for all of them. We transported 14 of them out of state, the rest of them got re-homed, fostered, and adopted. All 22 puppies under our care got taken care of without any city entity, no taxes, no animal control officers having to intervene, so all that was

taken care of. What we've got now are the remnants of those last adults. We have a contract with Desert Haven that when I can get them leash trained and bring them to the vet clinic, we can get them spayed and neutered under the Spay a Stray program. The very worst possible scenario, trap & release type setting. We are not going to release. I've got the setting to be able to take care of them, I've got the knowledge to do so, I have the experience, the location, and the passion and drive to be able to do it. So that's why I'm here today, not to show that I'm a 'collector of dogs' if you will, but in Restapaw Ranch (That's our capsule coverage, it's a Facebook page), we help the less-helped. We help the ones that are the over-flow that was mentioned, from the shelter, from Desert Haven, and from Deming guardianship. If they have dogs that are in dire straits, if they have dogs that have been there too long, we can either take them in, or with our connections, foster and re-home. So, for us, our plan is not to have that long-term kennel. I don't want to start a business, I don't want to start a daycare boarding center or anything like that, that's why the numbers were mentioned. Seven is our top, including the one that was running that [Code Compliance Officer Knull] mentioned. When I can get them all spayed and neutered, they can then be adoptable. Part of what I do with my background is to follow through with people, to help them rehab their dogs. For example, two of the puppies still live here in town started causing problems because they're a cattle dog and husky mix. Surprise, they came with issues. I give them help for those dogs on a program, and then they give us donations through Mesilla Healing. We're on the board at Mesilla Healing. So, I can help them, I can keep dogs out of the rescue and shelter in the first place, I can take them in if I've got a spot. If I don't have a spot, I've got the connections to make phone calls and emails, and that sort of thing, to be a supplement to the shelter, and Desert Haven. We're all in connection, they've helped us with materials and such, so it's a symbiotic thing that we're trying to create and that's why I'm asking for a Permit as opposed to a license. Short-term population as opposed to long-term. I don't want to stir up neighbors or the neighborhood, I just want to be able to help the ones that aren't quite getting help. Like these were out in Palomas, and they're right on the edge of jurisdiction and that sort of thing, so that's the plan. That's why we're approaching it this way, is to be a small term, but still be an asset to the community. I guess I sort of made the 5 minutes, but that's a capsule of what we're trying to do, and a capsule of who I am too. Like I said, not just collecting dogs, that's not the plan. There are plenty of people who have their dogs out there with no water, no food, no shelter, as the officer can attest, we're the opposite. We're the ones trying to make a difference to that. That's the long answer to your question.

Board Member Hammer: I just have a couple of questions, I think I share the concern about barking and being a noise nuisance, I know that as a property owner here, I wouldn't want to hear dogs all day and all night. I wanted to make sure that it is mitigated because you're going

to have dogs coming in and out, different types of dogs, there could be more of a barky one, and I just want to make sure that it gets mitigated.

Applicant Lon Flewelling: Well, how I'll address it is some formulated things. I ran a dog daycare and boarding center for years, and some of the techniques we learned were sound frequencies and things, we're all hearing about those in our human lives too, there are certain ones that actually calm dogs. We had a teeny experiment out there. A lot of my employees were anywhere from 17-20. I would have them put the dogs in their kennels overnight, I was the first one in in the morning, and I learned that they had turned the radio on heavy metal. Every dog in the place was wired. So, we shifted that over to a specific frequency that calms any mammals, and the next morning, they were all sitting at the gate of their kennels, waiting for us to open the doors. I've got a Bluetooth speaker setting out there, solar lights, so there's a little glow, so there are actual addressed ways to touch that. The hands-on part of it is that I can physically go out and stop them as well, as an actual activity.

Board Member Hammer: Thank you.

Applicant Lon Flewelling: You're welcome.

Board Member Hammer: I knew you had a plan. The second question I have is, you know obviously you're dealing with the heat and you have shade and water, but it also gets very cold here. What are your plans for heating and shelter in the winter?

Applicant Lon Flewelling: Yeah, in fact we were able to get a touch of it, because we took them in about the 1st of November, so that very cold snap that we had, we ended up providing each of them with insulated houses. By insulated, I mean that we bought the plastic and wooden versions, and we've added covers to them, so there's a layer of blanket insulation (literally insulation), and then a tarp for weather and water proofing. We also make sure that each individual kennel has at least two or three inches of fresh straw. That addresses the odor as well, and feces and urine and that side of it. It's kind of a lucky side effect. But that helps to address it mostly, my knowledge in that is not doing things like putting blankets inside houses, because the breath on a mammal will turn that into an ice ball and they could actually die because their temperature lowered too much. So, each individual house also has three and four inches of straw in it during both the Summer and Winter, because straw is hollow, so in the Summer, it addresses the heat, keeps it out, and in Winter, it traps the heat in. So, that's how we address that. And the traps as well, they are positioned in such a way that it blocks the wind.

Board Member Hammer: Thank you.

Applicant Lon Flewelling: You're welcome.

Board Member Luchini: Are you bearing the cost of all the supplies?

Applicant Lon Flewelling: We were at first, the lady that I mentioned that had the home that moved out, she created a fund for me for just them. She helped us to buy one of the kennels, she provided food for the first few months. That was when we came on board with Mesilla Healing and we were able to do fundraisers through their 501C3 and that has helped us considerably with all the food. We get direct donations from a couple of people that do things like the Amazon lists, and that sort of thing. Others will just send a bag of food once a month, but it's all funneled through that 501C3 for accountability, and frankly, we can get more that way and do more with it.

Board Member Luchini: I imagine that you're working in tandem with Desert Haven and the City as to if you have room for an animal.

Applicant Lon Flewelling: They will often contact us and let us know. With the rescue portion, Desert Haven, shelter is more emergency like we have to do something right now, 'they found them out on the street', or 'he brought one from out in the desert', what have you, the rescues are more planned, 'we're going to be moving at the end of the month and we have two dogs we can't take with us' and so on, so those are more of a heads-up, they can get a hold of us and say 'the first of July, we're going to have...' whatever it is. Sadly, we've had to say no, because the numbers are important. I want to keep it at this level, I don't want to become a 'Best Friends' in Utah, I just don't. So, I've had to say no, but that is when I do kick in phone calls, check with other people, and see what's out there, see what can be done. Usually that will be solved by a foster setting. If I can't do it, someone will say that they can take them in for 3 weeks, or whatever it may be. That's usually the outcome in that setting.

Board Member Luchini: Did you say you kind of accept animals from other communities?

Applicant Lon Flewelling: Yeah, we've gotten requests from, there's one in Deming called Deming Guardianship, and the recent ones were our own dogs, our three chihuahuas that the human mom passed away and these guys were in a kennel for a week before her caregiver remembered that she had dogs, and went back over to the house and found them in their kennel with no food or water. Their dog parents were there too, so two elderly adults, three adult females, they asked if we can take the females, because somebody can take the adults

into a rehab-type setting. That's where we ended up taking those in. All of them are available unless we're foster failures within the numbers. Again, that will be included in that as well. I won't have, for example, 7 outside and 3 inside, they are going to be included in the numbers and always will be.

Assistant City Manager Alvarez: Chairman, if I may address something. Did you guys just recently start working under the 501C3?

Applicant Lon Flewelling: Yeah, within the last 6 months.

Assistant City Manager Alvarez: Just for clarification, they work with Desert Haven, not with the city shelter, because they weren't non-profit before, and our shelter has very strict guidelines they have to follow. We also typically look at putting animals out to a rescue, not necessarily bringing them into the shelter from a rescue, so I just wanted to clarify that their work is with Desert Haven, not with the City Shelter.

Vice Chairman Buhler: I did hear that our shelter has become a no-kill shelter, that's great news.

Applicant Lon Flewelling: That's very good. So important.

Board Member Hammer: Thank you for providing the service, I think it's important work that you're doing.

Applicant Lon Flewelling: My passion, a calling.

Chairman Sisney: Any other questions?

Assistant City Manager Alvarez: Chairman, at this time, then I would ask that you call any proponents or opponents that are in there to speak.

Chairman Sisney: Alright, I have Scott Valentine, who is defined as an opponent.

Scott Valentine: This'll be easy, thank you for the forum. If Lon will move the kennel, I'll even help expedite, I mean, it's right under my window. Anyway, I can site the ordinance and everything, but like I said, I won't oppose if he will move the kennel. Will you agree to do that?

Applicant Lon Flewelling: Yes.

Scott Valentine: Then we're done. It's right there. And the music, the dogs might like it, but it's about making me snap.

Board Member Hammer: Scott, can you point out where you are in the picture of the residence in question?

Scott Valentine: Yes.

(Complete copy attached hereto and made a part hereof)

Board Member Hammer: So where would the kennel be moved to? I'm not seeing a lot of room on this property.

(Applicant Lon Flewelling points out where they'd move the kennel away from Scott Valentine's house.)

Chairman Sisney: Mr. Valentine, I wanted to tell you that if you were to oppose that then I would support you on that. I want you to know that.

Scott Valentine: I appreciate that I've read the ordinance, and almost every item in the ordinance that states the reason for not having a kennel is what stuff I'm dealing with. Gracie, the dog that roams around, uses my backyard for the bathroom. I'm transient right now, I bought this house to rehab. I've hauled 20 tons of – that includes trailers and trash – up to the ceiling in the house. I've been working hard to rehab the property, and it still looks ruffled, but I'm working on it, and it's just me. I'm not a pet owner, but everybody likes dogs, and their dogs are sweet, but anyway, if they just move the kennel over, I'm fine.

Chairman Sisney: Well, there's your opportunity, Scott, I let you know I would have supported you.

Scott Valentine: I appreciate that, thank you so much.

Vice Chairman Buhler: I would like to know the timeframe of when you will move the kennel.

Applicant Lon Flewelling: I would base it off information I still need to get. I would need to acquire materials, mainly. That's the biggest thing. [Scott Valentine] is very good with the tearing down of what he's done on his property, so the building up will be quick, as soon as I

can procure the materials. Just a guess, a couple of weeks maybe? Because we can do two things: there is a physical fence there now, and a lot of the material can be used for, more than anything, security, so there's no ability to escape, to go out, so if I can stretch that, two weeks to a month, that would be the window. Probably the lesser of the two because we have time, people (with Scott's help), and probably at least half of the materials there.

Vice Chairman Buhler: Would that be alright with you, Mr. Valentine?

Scott Valentine: Yeah. How about July 9th?

Assistant City Manager Alvarez: Keep in mind that any recommendation you guys make does still has to go by our City Commission, and you, as a board, can make a decision to do a conditional or temporary approval, and revisit this. Just give me enough time for your recommendation to go to commission, and commission to either approve or deny what your recommendation it.

Vice Chairman Buhler: I think that's a good idea, a temporary. We like you. We think you're providing good service for the community. We also understand someone who lives right by you who needs rest too.

Applicant Lon Flewelling: And who has been very fair, too. We haven't had any clashes.

Vice Chairman Buhler: Well, I can tell your friends.

Applicant Lon Flewelling: Yep, straightforward.

Scott Valentine: Lon and Lisa have been really good to me.

Assistant City Manager Alvarez: I would recommend potentially looking at up to a 60 day, I know that's a long block but given the scheduling time for the next Commission meeting at the end of June, and then the next Planning & Zoning meeting would be, Sorry I don't have a calendar in front of me. We could potentially have it come back to you guys in July and see if any movement has been made by then, or you could look at it coming back in August.

Deputy Clerk Martinez: July 14th will be the next Planning & Zoning meeting.

Board Member Luchini: There would be a follow up? Would someone go out and follow up and report back?

Assistant City Manager Alvarez: The directive for the Planning & Zoning commission, you bet, could be arranged.

Code Compliance Officer Knull: Yes, we could do that.

Board Member Hammer: I'd like to hear from the neighbor, too, to make sure that the move and the new kennels and stuff are satisfactory to you. I don't know what you're planning on doing with this house, if you're moving in? It sounds like you're – are you living there right now? You said you're working on it.

Assistant City Manager Alvarez: And then take that into consideration, maybe check and see if he's available to come to the next meeting you want to schedule as well.

Scott Valentine: Like Lon, I'm a full-time volunteer. I work on the Navajo Indian reservation, so when school is out, I'm coming here. I bought this house a year ago in March, and I worked on it last Summer, and I'm working on it this Summer also.

Board Member Hammer: Is your plan to move in? Or to sell it?

Scott Valentine: It's a little small, I would have to add on to the property, but I have that option. I can flip but right now, I would like to rehab the property, that's my goal and I enjoy doing that, and I'm also enjoying the golf course.

Chairman Sisney: Before you leave, Mr. Valentine, I think we're discussing the opportunity to revisit this in, I think, 60 days would be better than 30 days. Are you interested in coming back in 60 days and talking about this?

Scott Valentine: Certainly. I'm going back early August, so I won't be here.

Assistant City Manager Alvarez: Your meeting dates in July are, what did you say?

Deputy Clerk Martinez: The 14th.

Assistant City Manager Alvarez: And then what is the meeting date in August?

Deputy Clerk Martinez: The 11th.

Assistant City Manager Alvarez: So, you're looking at a specific date of either July 14th or August 11th.

Board member Hammer: Scott Valentine is saying he won't be here in August.

Chairman Sisney: Mr. Valentine, July 12th for you then?

Assistant City Manager Alvarez: July 14th, Chairman.

Chairman Sisney: Okay.

Applicant Lon Flewelling: That will give everybody time to be able to do it and formulate a plan.

Chairman Sisney: Are there any other questions?

Assistant City Manager Alvarez: Just as always, I've included your seven findings of facts in your agenda packet for your review. When the board is ready to make a recommendation, please just be really specific in your recommendation so that we make sure we take that to the commission a directive.

Board Member Hammer: I have a question about the ordinance. Is there a restriction to how many kennels can be on a block or in a neighborhood? Or is it that anybody could come apply and we could have, say, 10, in a neighborhood?

Assistant City Manager Alvarez: Yeah, it's pretty open, just like a lot of our other items that you guys are talking about addressing.

Board Member Hammer: Okay, just curious.

Deputy Clerk Martinez: Lisa, did you have any questions?

Board Member Kent: No, I think this is a good direction to go in.

Chairman Sisney: Any other discussion?

Assistant City Manager Alvarez: Don't forget to close the public hearing.

Chairman Sisney: Okay, thank you. At this point, then, we will close the public hearing.

Chairman Sisney closed the public hearing.

Vice Chairman Buhler: We need to make a motion to revisit.

Assistant City Manager Alvarez: My recommendation would be for the board to make a motion to give a temporary approval, pending relocation of the kennels, and for this to come back to the board on the 14th of July, with both the applicant and the neighbor, to hear testimony from them on whether or not there has been any improvements or changes, and you guys could, at that time, look at permanent determination from there.

Chairman Sisney: I make a motion to do what Alvarez just said.

Vice Chairman Buhler: Good job.

Board Member Hammer: I second.

Chairman Sisney made a motion to recommend temporary approval, pending relocation of the kennels and it go back before the Planning and Zoning Board on July 14th to the City Commission for a Kennel Permit Application 412 Elm Street. Vice Chairman Buhler seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. Workshop:

a) Tiny Homes/ADU

Board Member Kent: I was just going to say, it's 20 till 5, do we maybe pick one of those topics to discuss today? Because they're not exactly one in the same.

Board Member Hammer: I think that's a good idea Lisa. Which topic?

Chairman Sisney: Tiny homes/ADU

Board Member Hammer: Are they two different topics?

Vice Chairman Buhler: I think we should discuss Airbnb.

Deputy Clerk Martinez: You can't discuss Airbnb's today. It's not on the agenda.

Board Member Hammer: No, it's not on the agenda. I thought the workshop was about tiny homes *and* ADU's.

Deputy Clerk Martinez: Yes, that's what you guys chose.

Board Member Hammer: I think that we can talk about how we can discuss if we want them to include Airbnb, but I don't think we should just talk about Airbnb restrictions separately, right?

Deputy Clerk Martinez: So, you guys chose to put Tiny Homes and ADU's as your first workshop topic. So that's the topic we need to stay on.

Board Member Hammer: Thanks for clarifying.

Chairman Sisney: Alright, so Molly, I read yours, would you like to open the conversation?

Board Member Hammer: Sure, I can try. The workshop is about, kind of discussing our personal positions, and then discussing pros and cons about each one. Is that the agenda for the workshop just so I'm clear?

Chairman Sisney: Yes, we give our positions.

Board Member Hammer: Okay, so you guys have my position paper in front of you, I think I just wanted to look at the pros and cons. I have a lot here, I have 2 pages, but I think the main considerations for me are zoning. We need to either designate a certain zone in the city, or have a layer zone over several zones, saying, 'hey, these zones can accommodate tiny homes in these zones.' Because I think some zones are more conducive to tiny homes than others, and I don't know what that looks like yet. But a couple of highlights from me: I think filling in and making cities more dense is a good idea to some extent. I would like to see the tiny home kind of look like the main home. There are two types of applications here, right? We're looking at properties that have a main home on them already and adding a tiny home to that property. And the other type of property is a vacant lot that we should discuss how many do we put on a lot. It depends on how big the lot is, what are the setbacks, how much space do they have between each other, do we put two or do we put ten? Ten gets a lot more dense, and there's considerations for that, then you're looking at the kind of multi-family, almost commercial zoning at that point. So that's just a consideration for parking, noise, traffic, etc. I think the definition of a tiny home or ADU something that I saw reading everyone else's position paper, one thing that came up, is are they on wheels or a fixed foundation? I think we had different opinions there, and I think there are considerations for both. Gary brought up that there are

some nice park models that have wheels; they're not an RV, they're a tiny home, but do we allow those or do they need to be on a fixed foundation? So, we need to kind of discuss that and the pros and cons of that.

Vice Chairman Buhler: I think they are considered an RV if they're on wheels. You spoke about an ADU being, for example, someone having a 'granny house' behind their house, and that can increase the value of your property. But having a tiny home next to a very expensive home could certainly decrease the [value of the property] of the person that has the expensive home. So, I think that we really have to follow our codes, because those codes were all made for a reason, and the main reason is safety. When you don't follow the codes, you jeopardize safety. You could technically have ten tiny homes on one acre, and it escalates. You can have more on more acres. So just think about ten tiny homes on one acre, that's a lot. It would have to be done to where there are spaces. It would have to be almost like probably a development.

Board Member Luchini: Do we have a clear definition of what a tiny home is? Is it mobile or is it not mobile?

Board Member Kent: I had put a definition that I found in my document that I got from Planning and Zoning." "I can read the legal definition of a tiny home: 'A *dwelling* that is permanently constructed on a vehicle chassis, is designed for long-term residency, includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home, is not self-propelled and that is 400 square feet or less in floor area excluding *lofts*.' A true tiny home, by definition, is on a vehicle chassis, it's designed to be moved, and it's less than 400 square feet. So, I think one of the things that had come up in one of the meetings is that currently, all of our different zoning square footage is right, and one of the questions was, 'should we reduce that?' I personally don't think we should, I think the minimum square footage of the homes is pretty small. I think if we want to allow for tiny homes, it would be almost a separate, I'm not sure what the word is, it's not neighborhood, but it would be an area designated, a little community, like an RV park is. It's an area that's designed specifically for that type of living. There are amenities that are provided within the boundaries of the property. I think a tiny home village would be something similar, just with a different type of structure. But not that this would reduce the size of what people are allowed to build, so that people can just go put little tiny 300 square foot homes all over the city. Those are just some of my thoughts.

Vice Chairman Buhler: I think those are good thoughts, I also think that we need to always keep the distances, for example, 25 feet off of the street, and how much space there has to be between, so they can get in to fight a fire. Those codes are important, and, like, Albuquerque

has tiny home guidelines, and I posted this in my what I had to say, and it says that for a tiny home, one room has to at least be 70 feet. It has a ceiling dimension of 7 foot minimum, it has to meet all the codes, it has to be on a permanent foundation. Now, I don't know if being on skids is a permanent foundation, I don't know the answer, is that a permanent foundation, Traci?

Assistant City Manager Alvarez: I would have to verify that through the state building code to see what they look at. For a mobile home, we require a 'permanent foundation', and some of the mobile homes are kind of on those skids.

Vice Chairman Buhler: In this Albuquerque example that I have, it says that it should meet all the energy conservation codes. It should have a permanent heating facility. No portable heaters would be accepted. Windows, and/or mechanical ventilation, wall switches, and it would also have to have an operable bathroom, windows, and exhaust fans. Smoke alarms, a kitchen sink, a door to the outside required that is at least 32 inches wide and 78 inches high. If it has a loft, it would have to have adequate size of stairs. There's a code to how wide the stairs have to be, the rungs have to be, all that. And then you would have to have an escape in the loft to be able to get out of, in the event of a fire. So, these things are all really important to tiny homes.

Board Member Hammer: Suzy, I have a question about your tiny home guideline from Albuquerque, it says that 'One room must be at least 70 square feet', so in my mind that's roughly 7 foot by 10 foot, but it doesn't say on here what the minimum overall is. Is that in here somewhere? I'm just curious about what they do.

Vice Chairman Buhler: It's not there, but I'm sure it's 400 square feet.

Board Member Hammer: So, they're not going smaller than 400 square foot.

Vice Chairman Buhler: No, and typically the rule of thumb is two people per bedroom. Now, that does not include children. But if you had a development that was 55 or older, then you could state 'no children' because you don't want 5 people living in a tiny home. It would be bad. And that's the problem. You don't want to turn it into a ghetto. And they could turn into a ghetto. So, you really have to ask yourself, why tiny homes?' is it a development for the community or an area, or is it an individual trying to maximize the number of people on a single-family resident lot?

Board Member Hammer: I think we should address both possibilities.

Vice Chairman Buhler: Those are important questions.

Board Member Hammer: Absolutely.

Vice Chairman Buhler: We're going to have to be really careful with granting variances for these types of projects because people should have to really – we need an inspector to make sure that these things are happening correctly. Often, things change, people will say they're going to do something, and then they do something else. And I don't think they should have to have a permit first for the tiny home to get connected to utilities and water, sewer, and electric. They should have to have the permit first, not after. It could be hard to get insurance for tiny homes too. They almost have to be insured like a trailer. I don't know if you can get FHA loans for them either, so those are all questions.

Board Member Kent: I don't know if one would finance a tiny home, is our concern, personally. Our concern is, if they were to be able to get a loan to build it, what does that mean? What can they build, where can they build it, and how do they comply to current building codes? Because I don't think it should be any different, there needs to be the setbacks, there needs to be parking, there needs to be all of those things as well as adhering to building codes, some of the things you mentioned, Suzy, the sewer, having hot and cold water, having heating and cooling, having the escape doors and hatches or whatever would be applicable for the type of home, I think that is our concern and what we would need to consider if we were to write something in.

Vice Chairman Buhler: Well, I think that's very important because if there's a fire, and something happens, and there's loss of life, it'll all come back to everybody that approved something like this. We're not engineers, I'm not a builder or an engineer, so we're going to have to be careful with this and move forward slowly and be deliberate in our actions and our deeds.

Board Member Kent: This is a question I have, for example, if I built a home, and I had to get a permit from the city and a permit from the state, and then the state came and inspected my home before I got a certificate of occupancy. It should be the same for a dwelling like this, it's smaller, yes, but it should have to comply with all the same things.

Vice Chairman Buhler: It should be exactly the same.

Board Member Hammer: That's standard, that should be standard.

Vice Chairman Buhler: It should be.

Board Member Luchini: So, we're making codes for tiny homes, we should have a list of items, definitions, size lots, size of the home, requirements of the home, and build the code. We all have the same consensus of what we think it is. So, that's what we're doing, is 'What is a tiny home in T or C? How should it be set? On a foundation, does it need a foundation?' our own code, right?

Assistant City Manager Alvarez: Yeah, you're looking at potentially adding a section in our municipal code.

Vice Chairman Buhler: Having a guideline.

Board Member Luchini: Well, we all have kind of the same thoughts on what it should be, so do we start with definitions? Lisa has a definition. That's it.

Vice Chairman Buhler: I think we could ask Gary to formulate what we have compiled and talk to the city about it.

Assistant City Manager Alvarez: I was making notes as we were going through, so when you say, formulate what you've compiled'.

Vice Chairman Buhler: Well in the guideline sheet, like in Albuquerque, like the sample that I submitted here in the paperwork, have Gary compile something like this, maybe for us to review first; we'd like to see it. Then maybe submit it to the city. But it comes down to this: we're either living for today, or you're building for the future. We need to build for the future and do things in a really good way to where everyone will be happy to live here. And we won't have any problems. And codes, I think, are really important.

Assistant City Manager Alvarez: Agreed. So, for clarification, have you guys come to an agreement on maybe the size of the smallest tiny home that you want to identify?

Vice Chairman Buhler: Maybe 400 square foot would be the absolute smallest.

Assistant City Manager Alvarez: So, we have allowances for that, in some of our zones, you can build- I'd have to look at it, I don't have the standards in front of me – but in R3 I think 450, I want to say, was an allowance for a dwelling unit. So, you want to go down to 400?

Board Member Hammer: What about the other zones? I think there was an 800 in some of them?

Assistant City Manager Alvarez: Yeah, so the R1 is the most restricted zone, they might even be 1200. Let me see if I can pull up development standards, or can you pull them up, Katy?

Board Member Kent: I think that's the other thing we really need to consider, though, is if we are saying tiny homes are 400 square feet, alright, where can it be? Can anybody just buy a lot anywhere in town and put this, or do we need to start looking at the current zoning and maybe consider, I don't know what it's called, is it a re-zoning or an overlay, where there's a certain area that specifically does allow for tiny homes, or specifically does not. When I say that, I mean it more as, 'I have a piece of property and that's all I want to put on it', not an ADU. Not where there's a primary residence with a smaller home behind it. That's a different situation. I'm talking about if somebody buys an acre of land, somebody buys a standard lot, what can they put on it? Can it be anywhere or does it have to be in a certain part of town where we've designated? This area allows for tiny homes, this area does not, that's another consideration I think.

Board Member Hammer: Or Lisa, to your point, maybe there is a standard full-sized home, and then you can have one additional ADU, but not 4-5 tiny homes on the same lot. I'm just throwing ideas out there, because I agree that we have two scenarios: one is an ADU on an established lot with a home already on it, single family dwelling, and they just want to add another ADU to it. The other scenario is what you just said, a lot or an acre, and they want to know how many buildings they can put on it. I think we have to be careful of that, especially given the zone.

Board Member Luchini: Well, what about if I have a lot across from the veteran's home? I bought that lot because I love the view of the mountains and the view of the city, but I only want a tiny home. Can I put it there? I don't expect an answer, but.

Board Member Hammer: It's not an ADU, it's just a tiny home.

Board Member Luchini: On that lot that I bought because I like that location. Or do I have to put it on the east side of town because it's a different zone?

Vice Chairman Buhler: Well, it's going to depend on what Traci just said, with that zone, there's a requirement. It would depend on that what you would get to put. You might not get to put a

tiny home there if it requires it to be a 1200 square foot home. That might have to be what you put. I mean, I don't think we should change situations like that.

Board Member Luchini: Well, I'm just asking if that's a situation, what is our answer?

Vice Chairman Buhler: Well, it would depend on what the minimum is for that area.

Board Member Kent: You know, I was looking at some of the zoning for another small town, and you cannot put a tiny home in the middle of the historic area, but there are parts of the town that do allow for the tiny homes, mobile homes, and things like that. They're all zoned differently, and maybe that is something we need to consider. That's what I was saying is possible changes to zoning. But if you're up on the Mesa, and the minimum square footage is 1200 and you buy an empty lot, you probably aren't going to get to put your tiny home there if that's all you're going to put there. If you're going to build a 1200 square foot house, and you want to put an ADU in the back, that's a whole different thing, and that's probably the other half of what we had on our agenda. What do we allow if there's a primary residence and they want to have the casita, the mother-in-law suite, ADU, whatever you want to call it.

Assistant City Manager Alvarez: For clarification, right now within our code, the R3 is the least restrictive one. So as a single family in R3, you have to have a minimum of 700 square foot dwelling unit, and your lot has to be a minimum of 4,500 square feet. If you do a two family, then you're dwelling only needs to be 500 square foot per unit, and your lot size is only 3,000 square feet. If you go up to multi family, a 3,000 square foot lot per unit, and a 450 square foot unit each. So, we go down as low as 450 square foot per unit in R3 under multi family. It goes down to 400 under apartments.

Board Member Hammer: How big is the lot for multifamily? What's the minimum for the lot size for multifamily?

Assistant City Manager Alvarez: 3,000 square feet per unit.

Board Member Hammer: We could say that if you want to put many tiny homes on a lot, it needs to kind of follow our multifamily guidelines. That's 400 square feet per unit, do we let them go down to 400 in that scenario?

Assistant City Manager Alvarez: I think it's really important to think about your zone area too, R3 is the largest zone, it covers a very large area in T or C. So, it's the least restrictive but covers the biggest area, so think of those as well.

Board Member Hammer: Is there a maximum of the multi family, can a multifamily be 100 units or 10 units? Is there a restriction on the number?

Assistant City Manager Alvarez: No. There's no restriction as long as you meet the lot size.

Board Member Hammer: And the setbacks. Height restrictions?

Assistant City Manager Alvarez: You're looking in R3, 35 foot. Goes down to a 26 foot in the more restrictive areas.

Chairman Sisney: "Someone's doing that though, they're usually building with calmer walls."

Board Member Hammer: Right, an apartment complex. I'm just saying.

Chairman Sisney: Well now we're talking about an RV park.

Board Member Hammer: Except they're not sharing walls.

Chairman Sisney: It doesn't seem like there's any place for any of these other than maybe an ADU.

Board Member Kent: If an RV park came in and said they'd like to put a few tiny homes in my RV park so that there are sort of these permanent rentals, and people didn't have to bring their RV but somebody could come rent the tiny home? That seems like a reasonable thing to me. But, just having people buy up all the lots and put tiny homes everywhere doesn't feel like the direction I think we want the entire R3 district to go in.

Assistant City Manager Alvarez: And the only thing I would recommend with the board, is also consider with mobile home parks and RV parks right now, we have a guideline for how they have to be laid out, how many are allowed, how big your lot size is, but we don't govern what they put in there, per say, as long as the setbacks are fine. If you were to request to bring in a mobile home, and put it on a lot in the city, it has to be less than 20 years old, unless you're in a mobile home park. Then it's determined by that mobile home park owner. So, the mobile home park could allow older [people] if they wanted, on their private property within the mobile home park. The same goes for the RV's in the RV park. We regulate how many can be put in there, the size and spacing between them, but the aesthetic look and age of the RV that goes in there, we don't regulate that. Currently, it's not a regulation in our code.

Vice Chairman Buhler: I think some do have a requirement for age, and some don't.

Assistant City Manager Alvarez: Correct.

Vice Chairman Buhler: We had another situation where someone had a hot water well, and they wanted to put in the two small homes on that lot. If they're Airbnb-ing it, it turns it into a commercial situation with the water too, and I don't know that is right, to be able to do that.

Assistant City Manager Alvarez: So, we don't regulate those.

Vice Chairman Buhler: But it should be for your own personal use.

Assistant City Manager Alvarez: Correct, I agree with you. But we don't regulate those currently in our code. I don't have the ability to oversight those. I have a list of items that when we get to staff comments, that's one of the things that has come up.

Board Member Kent: Yeah, when we get to the official Airbnb discussion, which I assume will come up, that is one of my points, Suzy. They all kind of intermingle. We are trying to talk about an ADU, we say we can't talk about Airbnb, and we talk about zoning but we're not talking about re-zoning, but all this stuff intermingles a little bit and it's really hard to talk about one topic without it encroaching on another. Everything gets impacted.

Assistant City Manager Alvarez: I agree, it might be something where we schedule for your next workshop a much more open-ended and not specific. If you have a specific topic, you know you're going to speak on, ADU's, as it relates to various sections in the code, and short term rentals, we can make it specific but broad at the same time so you're not so limited.

Vice Chairman Buhler: So maybe we go back after this meeting, and we fine-tune what we brought in, our notes and our ideas and our thoughts, we try to fine-tune it for the next meeting, and then we are able to speak about the Airbnb as well.

Assistant City Manager Alvarez: I understand what you're saying, you're looking at tiny homes, but there could be the Airbnb aspect of a tiny home too. Do you want to limit tiny homes to permanent dwelling units, or full-time dwelling units, and not have someone come in to do tiny homes as short-term rentals all over, do you want to allow that? I understand what you're saying, you've got to be able to cross those conversations.

Chairman Sisney: Could we consider that, would that fall under old business, or can it keep showing up and we keep dealing with it?

Assistant City Manager Alvarez: Yeah.

Chairman Sisney: Okay.

Deputy Clerk Martinez: It would still just be the workshop, so like Traci discussed at the last meeting, in your workshop, we can discuss the same item four meetings in a row, it's not just that we discussed it today and the conversation is over. You could keep bringing it up until you guys find a solution.

Chairman Sisney: So far the only time this has come up is at one time, on whatever street that is over there, Marr? That's the only time this has ever come up right? And that guy, they said they were going to use that for personal use.

Board Member Kent: No, they said personal and Airbnb.

Vice Chairman Buhler: Yeah, at first, he said, 'I'm going to stay there' and then he retracted that. I'm sure they're going to rent both of them out.

Chairman Sisney: But nothing's happened. They haven't put anything on that lot.

Assistant City Manager Alvarez: Not last time I drove by, and I will say that was probably 3 weeks to a month ago.

Chairman Sisney: That's the problem, is that people come and say one thing, then they do another, which brings me to the point, how do we address that piece of property that they were going to put a tiny home on and now it's up for sale?

Vice Chairman Buhler: Yeah, that's this property here on the river.

Chairman Sisney: Now that lot's up for sale, we approved it, and now the guy is backing out. Does that mean the next person can.

Assistant City Manager Alvarez: No, that's specific to a single application only.

Vice Chairman Buhler: Good, so it's not a carry-over.

Assistant City Manager Alvarez: "No."

Chairman Sisney: So, if somebody buys that property, they have to come before us.

Assistant City Manager Alvarez: They have to bring their stuff to me as well.

Vice Chairman Buhler: Good.

Board Member Hammer: I have a question about the man who asked for the variance with two tiny homes. I wasn't here during that approval, but I thought that Gary put in a picture of this park model, was that what he was going to install there?

Assistant City Manager Alvarez: Not necessarily.

Board Member Hammer: Okay, it was just an example.

Assistant City Manager Alvarez: That was the idea, and that was something they had looked at, they hadn't made a final determination on whether or not they were going to do a park model or potentially a site build, or some other type of a kit.

Board Member Hammer: Isn't a park model on wheels generally?

Assistant City Manager Alvarez: Yeah, but I think it's specified that those park models would have to come off the wheels and be done like a mobile home. They had to be on a permanent foundation.

Chairman Sisney: And that's usually two runners, and they strap it down, they take the wheels off, they set blocks on two runners, and they strap it down, that's considered a permanent foundation.

Assistant City Manager Alvarez: Correct, by state standards for mobile homes.

Board Member Hammer: So that's something we need to consider, that's one, do they have wheels or are they fixed on a permanent.

Chairman Sisney: If they have wheels, they're an RV.

Board Member Luchini: But they may have come off.

Board Member Hammer: That's what I'm saying, this park model arrives on wheels.

Chairman Sisney: Well, you take the wheels off, it's no longer an RV.

Board Member Hammer: Well, we need to put that in the code.

Vice Chairman Buhler: Or skids, they come in on skids too. Now, was there a permit for this particular property on Riverside and Magnolia?

Assistant City Manager Alvarez: Off the top of my head, I can't tell you without looking. I go through so many zoning approvals a day that people submit, so if you're looking for an actual state building permit, there is a portal that you can go onto the state construction industries. That's what I do when I follow up on my zoning approvals. You guys have to remember, I only approve for zoning. I do not look at structures, I do not issue building permits, I do not issue electrical, plumbing, anything. They get the zoning approval first, then they go get their state building permit. When I have done a zoning approval, I follow up with checking the website for the state to see if they've got their permits. If it's been a while, and they still don't have their permits, obviously I go out and do site visits to make sure they're not developing, but if they are developing, I attempt to make contact with the applicant as well as contacting CID to see if they just haven't uploaded something in the portal, because it takes them a little bit sometimes.

Vice Chairman Buhler: I think this needs to be checked into.

Assistant City Manager Alvarez: This isn't a topic on the agenda, but if you want to talk to me after the meeting, give me that information or stop by my office, then I can follow up on that.

Chairman Sisney: Is everybody getting tired?

Vice Chairman Buhler: Yeah, I think that's it for the day.

Board Member Hammer: Well, I have a question for the next meeting. I would love, and I can maybe take a stab at this, I would love to highlight, what are the main top 5 issues we need to consider in the code and make a decision? Like, the size, 400 square feet, wheels or no wheels, those are kind of high level, right?

Vice Chairman Buhler: Well, I think we should do that at home.

Board Member Hammer: Right, not here, not right now. I'm saying for the next meeting, because we have a few things to focus on, I think we went kind of all over the place, which is good, but then make our recommendations on the 5 key requirements we think that need to be addressed, kind of condense it down a little bit.

Board Member Luchini: That's what I thought, that's what I was trying to say. Our own guidelines.

Vice Chairman Buhler: Yeah, go through your personal guidelines, what you submitted, and condense it, and it all has to be really safety first. It really does.

Board Member Luchini: Is there ever any expiration on a permit, a variance that's allowed, or whatever?

Assistant City Manager Alvarez: If you guys implement one, yes, most definitely. Our permits, like our special use permits for kennel licenses, multi-animal, right now there is an annual renewal that is presented to the board. I know that one thing we are looking at doing is tweaking that section of the ordinance. I know Tyler is looking at some of the animal ordinance and the Clerk, so we don't necessarily have to bring those back to you every year if they're approved and still look good to Code Enforcement. Now, if there's an issue, concern, or complaints, then it would be brought to you, but right now those come back to you guys for renewal. Conditional use permits have a one-year timeframe, and any time you guys, as a board, can put a timeline or timeframe, just like with [The Kennel Permit Application for 412 Elm Street] as well. Variances can be revoked per our code, as well as special use and conditional use. If they aren't following what is being put out there, you can revoke that.

Board Member Luchini: Like the tiny homes on Marr, for an issue like that, we can put a time line.

Assistant City Manager Alvarez: Sure. Approve it as long as you don't see something happening within a certain amount of time.

Chairman Sisney: So how do we get other items on the agenda? There's a couple things I'd like to discuss, one is that piece of property on Riverside.

Deputy Clerk Martinez: So when I send you the draft agenda, that's when we can add it.

Assistant City Manager Alvarez: My recommendation too is if there are questions you have, before we put it directly on an agenda, reach out to me, because it might be something that I can resolve without it having to wait for another month when you have the agenda. That's what I'm there for, give me a call, bring it into me, email me, you know.

Chairman Sisney: I'd like to recommend that we put Airbnb on for next month's discussion also.

Board Member Hammer: Can we be specific about what Airbnb? Are we talking about restrictions?

Chairman Sisney: No, I want to figure out why there are people operating that aren't paying the fees.

Assistant City Manager Alvarez: So, my recommendation would be, to 'term' that, is Short Term Rentals. And only because Airbnb is covered in that term.

Chairman Sisney: Right, Kleenex versus tissue. Yeah, Short Term Rentals, please. Discussion at the next meeting.

Board Member Hammer: And you're talking about registration, compliance, are we talking about regulation and the number of them, because that's coming up too, should we restrict the number? Should we just talk about the whole ball of wax?

Chairman Sisney: Let's discuss it. But all the while, I want to know why people are operating without paying their dues.

Vice Chairman Buhler: That's not fair to people who do.

Board Member Hammer: Yeah, that's 29 registered and there's many more than that.

6. REPORTS FROM THE BOARD:

No Reports from Board

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: Yes. The first thing is, and I'm passing out a paper, I'm going to defer to our code enforcement officer, I noticed on at least one of the emails you guys sent in,

you spoke about issues with blight properties. Maybe there's a way we could have that as one of our topics, to deal with those properties that are not in such great condition.

Board Member Hammer: You mean the petition that went around?

Assistant City Manager Alvarez: No, I'm talking about the information you submitted in your email with the stuff you wanted to talk about. I can't remember whose email it was.

Board Member Hammer: I think it was Lisa's.

Assistant City Manager Alvarez: I wanted to move that a little bit off of Planning & Zoning temporarily, because Code Enforcement is actually actively working on a process, so I wanted to let him speak about that a little bit while I pass out this paper.

Code Compliance Officer Knull: This has been a topic I've been working on for probably 6 months now. Back in September, I attended the New Mexico League of Zoning Officials conference, and I met with Brad Hill, he was the town planning and development manager for the town of Edgewood. He had brought up a process in the conference that the town of Edgewood had switched to, because they had realized that their current code enforcement process wasn't working. They weren't getting compliance with properties, they were seeing blighted properties like we are, and they were taking a long time to resolve issues they were having. I did quite a bit of research leading up to this conference before I heard about this topic. I spoke with the city of Las Cruces, I spoke with Dona Ana County, I spoke with Socorro County and the City of Socorro, and I got the same answer from all of those locations that that's the nature of the beast. When you're dealing with property code, it's not criminal code. It's civil code. No one is going to end up in jail for this. Even though our code may say that they can, I can tell you right now that the judge has already told me he will never send someone to jail over property code. He's actually told me he doesn't want to enforce this. We're having a lot of kickback from that side of things, when you try to take something civil and take it a criminal route, it takes a very long time. My current process right now when I see a blighted property, or when it's reported to me, as a violation of city code, is to inspect the property and confirm that there is an existing violation. I attempt to make contact with the property owner, and if I can make contact, I will let them know what kind of violations we have. If I can't make contact, I send a certified letter, giving 30 days to fix any violations, as well as actions they need to take to remove those existing violations. There's basically no way they can say they don't know what to do. There's a way for them to contact me and ask questions, there are pictures of the violations that show them what I'm talking about. What I am seeing is that people don't care, and by the time they get the letter, the violation still exists, they give it the 30 days, they get taken to court

over it, and the judge says, 'well, this is too vague, doesn't make sense to enforce this, so we're going to dismiss it.' I've had 3 properties that have been dismissed without prejudice, so I can re-file them, of course, but the judge is going to continue to dismiss them. This new process will completely remove the courts from the process. It will no longer go through a criminal process; it will go through a strictly civil process. It would involve creating a new position within the city known as an administrative hearing officer, that would hear specifically code enforcement issues. They would have a set day, once or twice a month, or however often we decide they need to meet, and they would come in and all they would do is hear code enforcement issues. For example, they were out of compliance for 30 days after my notice, so they have to go to the hearing officer and the hearing officer says, 'okay, you've been out of compliance for 30 days, you haven't fixed the issue, what can we do to help you fix the issue? Do you need extra time?' There's a lot of things that we run into. Sometimes you can't get a disabled person in a wheelchair to clean up their weeds, and I'm not going to cite someone who's in a wheelchair that can't get their weeds cleaned up, because how are they going to do that? So, this hearing officer would look at all of the facts of the case and say, 'this is what we want to do to help you out, this is what we need you to do to help us out. If you don't comply within this time limit, what we're going to do is give an order as the city for the city to abate the property and place a lien on the property, and indemnify the property.' Our current process goes after an owner. We have to have someone come in and say, 'That's my property, this is my violation.' That's where we get stuck. Assessor's office information, by state law, is required to be updated, but it's not updated all the time. I get a lot of return mail. This new proposed process would go specifically after the property, which means if this property owner sells the property, the new owner would start bearing the violation as long as it is still in violation. We would continue to go after the property, there would be complete follow-through, and it would stay out of the court system, which can be bogged down. Right now, we're in the magistrate court, my code violation, after I've given them 30 days, I cite them, and it will take up to 3 months for them to get an initial hearing from the judge. Then the judge will send it back. So, the latest property that was dismissed took a year in magistrate court to go through, and that's way too long to get a property cleaned up. This new proposed process will shorten it to 6 months, and I would be more than willing to bring in my presentation and go into a lot more detail on those processes in your next meeting if you'd like. I've revised the ordinances to include a proposed change to meet this new process, and that's still going through some review, we are still waiting for some other stuff to come back before I can continue through, but it is something we are working on. This is a very long process, right now our process is taking years just because, who knows what at this point.

Assistant City Manager Alvarez: I do believe, you're talking about how you and the city manager went up to Edgewood. So I think what I'm recommending from the commission, is maybe that

section, since there are so many different items to have the Planning and Zoning board look at and start addressing, move that down to the bottom and let Code Enforcement take the ball on that first, and then we will keep you updated either with presentations, Tyler can come in and give you an update, or at the very least we will definitely notify you all when he's taking anything regarding changes to the code, or changes to the process, to the City Commission, so you are able to come in and hear what he's presenting. I'd hate to have him come in on overtime all the time as well.

Vice Chairman Buhler: I was at that city meeting when they came and spoke, and it's an excellent idea, so stay with it. It could really help the city a lot, it could help everyone a lot, even the individual who's behind. So I think it's good, thank you.

Code Compliance Officer Knull: Yes, and I've already started gathering a list of companies that are willing to come and clean up blighted properties, that are willing to work with not only the city, but property owners individually as well. So with the letters that I've been sending, just as a way to start helping out.

Vice Chairman Buhler: Do you have an attorney to help you too?

Code Compliance Officer Knull: That's something that we're working on as well.

Assistant City Manager Alvarez: We have our city attorney that we have to go through right now.

Vice Chairman Buhler: Okay, great.

Code Compliance Officer Knull: So just so you guys know, it is something that's on my radar. We are looking to completely revamp Chapter 6 of our code of ordinances, which is the health and sanitation chapter. That's going to be a lengthy process, it's got to go through legal reviews, be posted for 30 days and go through our entire ordinance revision guidelines. But it is something that's on my radar and I do have a process worked out. I've included a few other things in my current process that could try to help property owners out. Right now I have 80 active properties and those are properties that have violations that were reported or that I have seen, that I'm trying to get cleaned up, and I'm starting to get a lot more compliance right now with my current process of giving a list of property cleanup services to these owners, so I'm thinking that's a lot of the problem. However, as a city, it's going to be difficult for us to go through. We're only working with two tow companies that are willing to remove junk vehicles, so that's one big thing we are running into. These tow companies are private businesses and have a right

to deny us a tow, and they're not wanting to take any extra vehicles in right now. That's one thing we are still working on, but there are a lot of things I'm looking into trying and resolving a lot of the issues. If you guys have any things you think we need to look into along these lines, feel free to reach out to me. I can give you my business card if you don't already have access to my email address. Shoot me an email, let me know there's a concern you have with the current code, and I can let you know where we're at as far as my proposed changes, and the changes that have been brought up in the commission meetings before, and I can let you know if that's maybe been included, or something we can look into a revision for. But a revision of Chapter 6 is incoming.

Board Member Hammer: Officer Knull, I just want to say thank you for taking this on, this is kind of personal for me, because I care about how our city looks and feels from a business owner point of view, but also from a property owner point of view, and just the psychology of the town, you know, it's just not good to have trash everywhere.

Code Compliance Officer Knull: Yeah, exactly.

Board Member Hammer: A couple things, I would like to talk about this in more depth, I know we don't have very much time but thank you again for taking this on. Just a couple of questions, who is paying for the trash removal? You're just giving them a card and saying, 'here's help' and they pay for it or the city's paying for it? Are we budgeting?

Code Compliance Officer Knull: The city is not paying for it. What I've done is compiled a list of, right now 15 different services, from Las Cruces to Albuquerque, who are willing to at least come down to T or C. I'm basically giving this list with contact info to the property owners, so they can reach out to these services themselves. That way, we're not recommending anything or taking on any cost, but we're just saying, 'hey, these are services willing to do this. You're allowed to call whomever you want, but in case you don't have anyone else, this is who we have that is willing to come and help you out.

Board Member Hammer: Can you please put this into consideration, could we please bring back bulk trash pickup days at least once a year?

Assistant City Manager Alvarez: I'll have to address that a little bit."

Board Member Hammer: That would help, they just put it on their curb, and they pick it up.

Assistant City Manager Alvarez: Part of the reason that it stopped is because we have to be mindful of how much trash we take in as a city, because we have to report the weight of all of it to NMED and EPA. Once we reach a certain amount that we're taking in on a regular basis, we have to transition from a collection center to a transfer station. We are almost at that point right now. That is something Solid Waste is looking at putting in their budget for this next year, it is about an 18 month or so process to permit yourself from a collection center to a transfer station. There's a lot involved with it, they'll have to bring in a professional, Park Hill is the one I believe who works with them and helps do the landfill closure and who will help us the collection. So, we don't just take in city trash, we take in trash from all of Sierra County at our collection center there, so with the new builds that are going on in Elephant Butte, even though there's a trash service in Elephant Butte, he picks up all that trash and he hauls it to our facility to empty. So, we have to account for all of that coming in as well. They're trying to stretch that length of time as much as we can so we can get through a potential permitting process.

Board Member Hammer: I just see many municipalities doing this all over the nation and they do it twice a year, and if there's a will there's a way. I would just love to see us budget for it.

Assistant City Manager Alvarez: He's looking at working out with Las Cruces directly, and maybe they could bring in a container so it wouldn't be weighed through our facility. Even a grapppler, I think is what they're discussing potential of getting.

Code Compliance Officer Knull: And like you said, there's a lot of municipalities that do this as well. The town of Edgewood even stated that they do the same thing, however, they're in different circumstances than we are, and we have to be willing to work with other city entities, which is why we're looking at revising it to be a little more tweaked to our community's needs and the services that we have available, so that was something that was proposed and something I'm sure we want to do in the future, just with our current restrictions right now. That part's kind of on hold, but there is going to be an opening for that in Chapter 6 so that way if we want to start including something like that, we can.

Board Member Hammer: Thank you again for taking that on.

Assistant City Manager Alvarez: And when you talked about other municipalities, just keep in mind that the one thing you have to look at is, Does that municipality have a landfill? So maybe they have collection centers, but they haul their stuff to their own landfill, where we don't. We're paying to dispose of our trash.

Board Member Hammer: And there are other solutions, I'm sure. But I understand we're restricted on some level. Thank you.

Chairman Sisney: Are there any other reports from staff?

Assistant City Manager Alvarez: Yes, from me. There are a couple of things I handed out, you guys asked if I'd submit to you what came across my desk, so I've been keeping track of this since probably 2019, is when I started noticing a lot of oddball things that would come up that people would ask about. So I've been making a list as I go of things that I wanted to address. All of these items on here have been called in or people have stopped by and asked about at *least* a minimum of 2-3 times. It isn't just a one-time thing. As you see, we've already talked about the Accessory Dwelling Units and what the allowance is, or sizes, or zoning restrictions that we need to address, short term rentals, the same thing, do we do some type of a zoning restriction, allow them in certain areas. We've had people say we need to restrict how many can be within so many blocks of each other, things like that I would like Planning and Zoning to consider and discuss. Unusual dwelling units, the container homes, the yurts, tiny homes, I've had 3 calls in the last year and a half for people that want to use an airplane fuselage and make a home out of it. So, how do we want to deal with this? We can deal with those things as an 'as they come up' request for a variance, that's not an unusual thing, there are municipalities that deal with those on a case-by-case basis.

Board Member Hammer: Is an airplane a tiny home if you take the wheels off?

Assistant City Manager Alvarez: Yes, that one, I didn't even want to go there with that person. Of course, we have the vacant building issues that we have going, we've had people that have talked about the potential of doing a vacant building ordinance specific to our downtown area, and I did a little bit of diving on this back about 2 years ago, but I think it's actually Silver City has a vacant building ordinance for their downtown or main street area and it's an annual fee that a property owner could pay if their building is vacant for 12 months. So, every 12 months they pay. It's a revenue source for the city, but the idea behind it is to get some of those vacant buildings occupied in the downtown main street area one way or another.

Code Compliance Officer Knull: And if I can just interject quickly, in my Chapter 6 revision, that is something the town of Edgewood does as well, is a vacant property registration. It's not just for their downtown, it's for residential areas as well, they would have to pay an annual fee and give up-to-date contact information to the city, that way if anything were to happen at this property, for example, squatters, fires, anything like that, we could contact them to notify them

of the specific issue i.e. squatters, a break-in, fire hazards, code violations, etc. So that's something that's also in that Chapter 6 revision.

Vice Chairman Buhler: So, they basically pay nothing now, is that correct? They don't pay for utilities or anything, trash, nothing?

Assistant City Manager Alvarez: Correct, nothing.

Code Compliance Officer Knull: And the goal with that is to just incentivize using these buildings for something instead of letting them sit vacant for who knows how long, because we have nothing that says they can't. They just board up the windows so it's no longer considered dangerous structure, and it can sit vacant for as long as they want it to.

Board Member Hammer: Even if utilities are connected, is it vacant?

Assistant City Manager Alvarez: No, if the utilities are connected, it wouldn't be vacant. You can't police whether or not somebody is in there once a year. If they're paying for utilities, then things are going to be up to code, it might look better.

Board Member Hammer: I know insurance companies won't insure you if your rental is vacant, or they have a different fee structure, because they want somebody in there for safety reasons.

Assistant City Manager Alvarez: My next one, of course, was vacant property ordinances, but Tyler stole the thunder on that, so you guys can read that there. We also have live/work; we have not brought a live/work special use permit to Planning & Zoning. The last one would have been 2018 or 2019, pre-covid, when we had City Manager Madrid here. We also had nothing regulating that, so those came about I think in 2013 or 2014, there was a big push for the live/work, but there were no real guidelines set in stone on who was going to regulate and make sure that people living in the downtown were also opening their businesses for a period of time.

Vice Chairman Buhler: When I received my variance, I had to commit to half of the building being work, and the other half could be lived in. So, I think that's a good rule to have that.

Assistant City Manager Alvarez: And I think that portion is set, it's just who's regulating that?

Vice Chairman Buhler: No one, I don't think. Not now.

Assistant City Manager Alvarez: Yeah, no.

Vice Chairman Buhler: People are just doing what they want to do.

Assistant City Manager Alvarez: Correct, I agree. From all of the documents I can pull, from that information, it looked like this was something that passed management and was working really close with our Main Street, and it was something Main Street was wanting eyes on the town at night. So, Main Street was going to collaborate with the city to ensure that these businesses (because they are downtown Main Street businesses) were committing to being open so many days a week, or so many hours. I think that relationship fell through. Maybe COVID hit, I'm not sure, that was all before my time. But we don't have anything regulating, and I think we need to look at that. What do we have down there for live/work businesses, or people that should be doing a live/work, but they're only living and not working, and now we've got buildings in the downtown area that aren't working.

Vice Chairman Buhler: Well, Traci, you will, too, still have some people who are grandfathered in.

Assistant City Manager Alvarez: I detest that term, but yes, I understand what you're saying, because there are people that were allowed, and by that, I mean, we're not going to kick people out, but we need to look at what we want to do moving forward. Change of ownership means they need to come up to code, things like that. Another item that comes up quite a bit, believe it or not, is grease traps. Restaurants out there, grease is horrendous when it hits our sewer system. There are municipalities out there that set some kind of a grease trap ordinance and regulate it, inspections, not that we need to add more to our Code Enforcement, but it is something that sometimes Code Enforcement works hand-in-hand with our Wastewater, just to make sure that they're complying and they aren't dumping their grease directly into our sewer system.

Board Member Hammer: Can the same thing go for people who have their mechanic shop outside in their driveway, you know, how are they disposing of oil? I have a residence about 2 blocks from me, I walk my dogs by, and he has a huge plastic container of oil just sitting on the ground. So, it would be nice to.

Assistant City Manager Alvarez: That would be a great one, something like that should ultimately be turned over to our Code Enforcement, because that becomes a health and sanitation issue.

Board Member Hammer: Right, or it's going into our drainage system.

Assistant City Manager Alvarez: That is one of the reasons that we closed our RV dump that was by the family park. We had a lot of people that were dumping gasses and oils. Unfortunately, all it takes is a few people to ruin a good thing, and we had no way to regulate that, so we had no choice but to close down our dump site and tell people they'd have to go to state parks to do RV dumps. Animal allowances, so currently Code Enforcement is working on our Chapter 3 animal code, for issues that he deals with on a daily basis, but one of the things we both deal with on a daily basis is that currently our code defines, R1, R2, R3, things that are allowed. So, in the R3, in the R4, in the Riverside residential, and in the transition, it specifies that you can have horses, or a horse, and so many acres, or you can have your 4H animals, your fowl, or whatever. The problem is that in R1 and R2, it doesn't say you *cannot* have them. So, because there's nothing saying you *can't* have them, he gets calls and he doesn't have any teeth to do anything about it other than tell people that we have a noise ordinance, a sanitation or health ordinance, if it's becoming a nuisance we have a nuisance ordinance. I think we really need to look at that and see if we can define that better in our code, because typically people don't move to the downtown area, nor do they move to live around a golf course, to listen to a rooster next door. So those are things I think Planning & Zoning can potentially think about so that we can define that better. As you know, or you may not know, back in 2018, the state changed their building inspector requirements, which is the reason the city no longer has a building inspector. So, the state mandated that if you were going to have a building inspector, which we had at that time, and he was a general contractor building inspector, if we were going to have one, we either had to have one that was certified in general contracting, electric, plumbing, and HVAC, *or* we needed 4, 2, 3, whatever. But if we were going to have one, it had to be all. As a small municipality, we don't have the funding within our general fund to hire somebody that would be to that degree. We did look at potentially partnering at one point with the county, Elephant Butte, and the village of Williamsburg to see if maybe we could share a resource somehow. They didn't have a whole lot of interest in that, something we potentially need to revisit, again, that was pre-COVID, so everybody was kind of unsure of how things were going to move forward. With that being said, our code is specific to building inspector fees. Technically the code does say that a building inspector is a designated zoning official, and the commission, at the time that happened, designated me the zoning official. We do the Planning & Zoning meetings and get certified for Planning & Zoning, so by terminology, I could be considered a building inspector, though I don't have the background for building inspector. We need to look at revising our code so that I can charge zoning approval fees. As it is right now, people put in for their applications, they have an application fee for special use, but people that are putting into building, site reviews, brand new builds like Love's truck stop, any of those, we send those and we pay out of our city budget, an engineer to review those plans. Not for structural, but to

make sure they meet all of our zoning requirements, make sure they hit on the drainage and the topography. They're looking at everything that's specified in our code that a building inspector would look at top make sure that those things are met. Hookups, utility hookups, electrical amperage for our electric company, all of that. We pay that. So, every one of these brand-new builds comes out of our budget. We need to be able to collect some of that back. We're obviously not going to be able to collect a lot of it, but any minimal amount, some type of a review fee or a zoning approval fee, or something, we need to see about adding in there. With summer coming up, one of them actually just came in today, we have a lot of them looking at food trucks. They want to bring food trucks in. Right now, the way our city code reads is that they cannot park that food truck anywhere on city property. So, it's not supposed to be on the street. I know there's one that comes to town pretty regularly and it's on the street regularly on the weekends, and it's realistically a 'pick your battles' thing. They do have a business license, people love it, I don't want to be the bad guy to say, 'sorry, you can't park there.', and Code Enforcement is busy on the weekends being shorthanded, so we need to look at if we will allow these to park on city property. They're supposed to be on private property with a letter from the owner stating that they have permission to park there. They're supposed to submit their food handler's card along with their business application. That's not specified in our code, so I can't hold anybody to it, but when they come in and ask what they need to do, I tell them they need a business license to operate within the city, they need to submit a copy of their food handler's card, I need to send the fire chief out to take a look and make sure they're good to go with any fire extinguishers needed, and they can't park on city property so they need to submit a letter from a property owner.

Vice Chairman Buhler: They should be able to pay. They should be able to pay the city.

Assistant City Manager Alvarez: I would love that, but we don't have that defined.

Vice Chairman Buhler: Well, we should get that, that's a good thing, we can get that straightened out.

Assistant City Manager Alvarez: That's just it, yeah. We don't have any fees like that defined. The code hasn't been updated. The last time that section of the code was made, I don't think there was any such thing as a food truck. The other thing to potentially look at that we get a lot of calls about are mobile food vendors. The people that are set up by Walmart, or set up on the corner by Testin's Chevrolet. How do we regulate those and do we regulate them? The guy that goes door-to-door in the city offices selling banana bread, you know? Those are things that if you guys don't want to regulate it, that's fine, but I think it's a discussion we need to have so that it's a public discussion and people understand when we say 'yes we are' or 'no we're not',

why that is. So those are just a few of the items that come across my desk on a regular, so I think Gary said let's take the next year and really look at diving into the code and making any changes. I would definitely welcome that. Picking and choosing which ones are the priority and which ones to start with. I know there have been a couple of references made concerning timeframe on the meeting. You guys don't have an end time, so I don't want you to think that your meeting is only from 4-5, however do keep in mind that as a board, if you know these workshops can go long and you don't want to go late in the evening, you can ask your chairman to reach out to the Clerk and see if maybe you guys can move the next meeting to an earlier timeframe. Not on a regular basis, but say, 'hey we want to do some workshops, we'd rather the workshops start at 3:00.' And you could do that.

Board Member Hammer: Can I make another suggestion? Could we move reports from the board and reports from staff above the workshop, so the workshop is last?

Assistant City Manager Alvarez: You can do that when you approve the agenda. So, the way the agenda is structured and printed has to come out that way, but when you get ready to approve the agenda, you can make a motion to move reports from the board and reports from the staff up or move the workshop down.

Board Member Hammer: Because I really like hearing the reports, and I don't want to rush you guys. I feel like we can wrap up our workshop easier than shutting you guys down.

Code Compliance Officer Knull: And with your reviews that you are wanting to do on any ordinances, some food for thought is, a lot of the issues we are running into are that things are defined either very vague, or they're not defined at all, and there are loopholes the size of elephants. So be very specific as to what you want and what you don't want, because that's a lot of the reason that a judge doesn't want to enforce things, is because they're so vague, and there's no actual definition for things. So, if you want to say a tiny home is 400 feet to 500 feet, be specific on the minimum size to maximum size because if you don't define a maximum size, someone's going to say that they have a 1200 square foot tiny home; because that's what people do. I've run into a lot of situations where things aren't defined, to where they say you can or can't do something, and people will walk all over that and say, 'Well, the zone doesn't say I can't do that, but it says I can do it.' So be very specific and deliberate with any sort of things that you have for future proofing.

Board Member Hammer: Officer Knull, I would love to see you come at least once a quarter, maybe not once a month because I know you're really busy, and report back to those things that you're seeing; because you're in front of the judge, you're seeing the loopholes where things fall through, and when you raise those issues with us we can do more about it.

Code Compliance Officer Knull: I do make it a point to try to come to every Planning & Zoning meeting, as well as every commission meeting. Sometimes things conflict, sometimes I have court during a commission meeting and I can't make it, but I do try to come in for these meetings to hear what's going on.

Assistant City Manager Alvarez: Are you fully staffed over there now?

Code Compliance Officer Knull: No, we are still short one code enforcement officer, we're still waiting for one extra.

Assistant City Manager Alvarez: That means there's two people out there doing all the animal control and all code enforcement.

Code Compliance Officer Knull: And actually, it's me doing just building right now, and the other one doing just animal stuff, just to help split up responsibilities. That way it's sort of even, instead of both of us doing everything. The other guy is still somewhat new, and is only really privy to animal stuff and not so much building stuff. Anything building, I'm still doing, but we are still looking for applicants for a third position. Once that gets filled, hopefully we can start getting them cross-trained so that we will all be working on animal, and we will all be working on building, and that way it splits up responsibilities. That's where we're at right now.

Board Member Hammer: Thank you.

Code Compliance Officer Knull: Of course.

Assistant City Manager Alvarez: And if I understand the board, at the next meeting you will do a workshop again, and you still want to fine-tune and discuss the tiny homes and ADU's right?

Board Member Hammer: And someone said they wanted to discuss Airbnb's as well.

Chairman Sisney: Vacation Rentals.

Board Member Hammer: STR's, Short Term Rentals.

Deputy Clerk Martinez: We can do that. I do have a request. So, City Manager Whitehead has asked you guys to turn in your position papers and we asked that we have them the Monday before the meeting. So, we only ask this because when we build the packet, it's not a two second thing, we have to print every packet for every person. So, when I get a position paper at

1:00 in the afternoon, I'm now having to backtrack and add it into the packet, rebuild the packet.

Board Member Hammer: Plus, we moved the agenda up two days for you.

Vice Chairman Buhler: It's 72 hours.

Deputy Clerk Martinez: Right, so if you want your packet on Wednesdays now, I have to have your position paper by that Monday.

Vice Chairman Buhler: Monday what time?

Deputy Clerk Martinez: I would ask at least by noon. The end of the day is fine, but if I'm getting a position paper on Wednesday at 1:00pm, and you're wanting your packet at 2:00pm, that's not doable. It works out great especially if you can email them, because we see them right away. But it's very hard, because we have to get them to everybody else, and then add them into the packet. I know you guys want your packets early, but I can't get a packet to you by 2:00pm when I'm barely getting the paperwork by 1:00pm.

Board Member Hammer: We're asking you to move it up two days, so we need to help you do that. That's a fair request.

Deputy Clerk Martinez: If you could, please.

Assistant City Manager Alvarez: The only other thing I'd add to that is, I think if I review the minutes, I think Gary had said we'll get them to you no later than end of day Wednesday. So, I know the Clerks had called me to see if my stuff was ready, unfortunately, I had a very time-consuming customer that had come in, so I had gotten delayed and wasn't able to get my stuff to them in the morning, but my stuff will be to the Clerk's office as quickly as possible, so they can get those agendas no later than end of day on Wednesday.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:58 p.m.

PASSED AND APPROVED ON THIS 14th DAY OF JULY, 2024.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 7-14-2025

ITEM: Public Hearing/Discussion/Action – Special Use Permit and Variance request for 400-406 Van Patten for the development of a Recreational Vehicle Park

BACKGROUND: Property is in the R-3 District and an RV Park is allowed by special use permit.

Applicant is requesting a special use permit to develop the property lots located at 400-406 Van Patten as a designated RV Park allowing 2 RV Spaces. 400-410 Van Patten was a permitted Mobile Home/RV Park at one time. In 2023 the property owner went through a public hearing process to split the lot to sell a portion of the parcel, retaining the lots identified as 400-406 Van Patten. Property owner did not realize that splitting the parcel voided the current designation of Mobile Home/RV Park and a new special use permit would be required. During the process of property improvements to enhance the lots 400-406 Van Patten for RV purposes, owner was notified of the requirement for a new special use permit. The owner immediately complied with all requests to proceed with the special use permit.

The applicant is requesting a variance from the RV Park Requirement of a community building providing for recreational and service needs of the occupant of the RV Park to include restrooms, showers and laundry.

All applicable documents have been submitted and fees paid. Public notice has been sent to required surrounding properties via certified mail and published in the paper.

SUPPORT INFORMATION:

Site Plan

Parcel Maps of the lot and surrounding area

Applicable Code References

Findings of facts Checklist

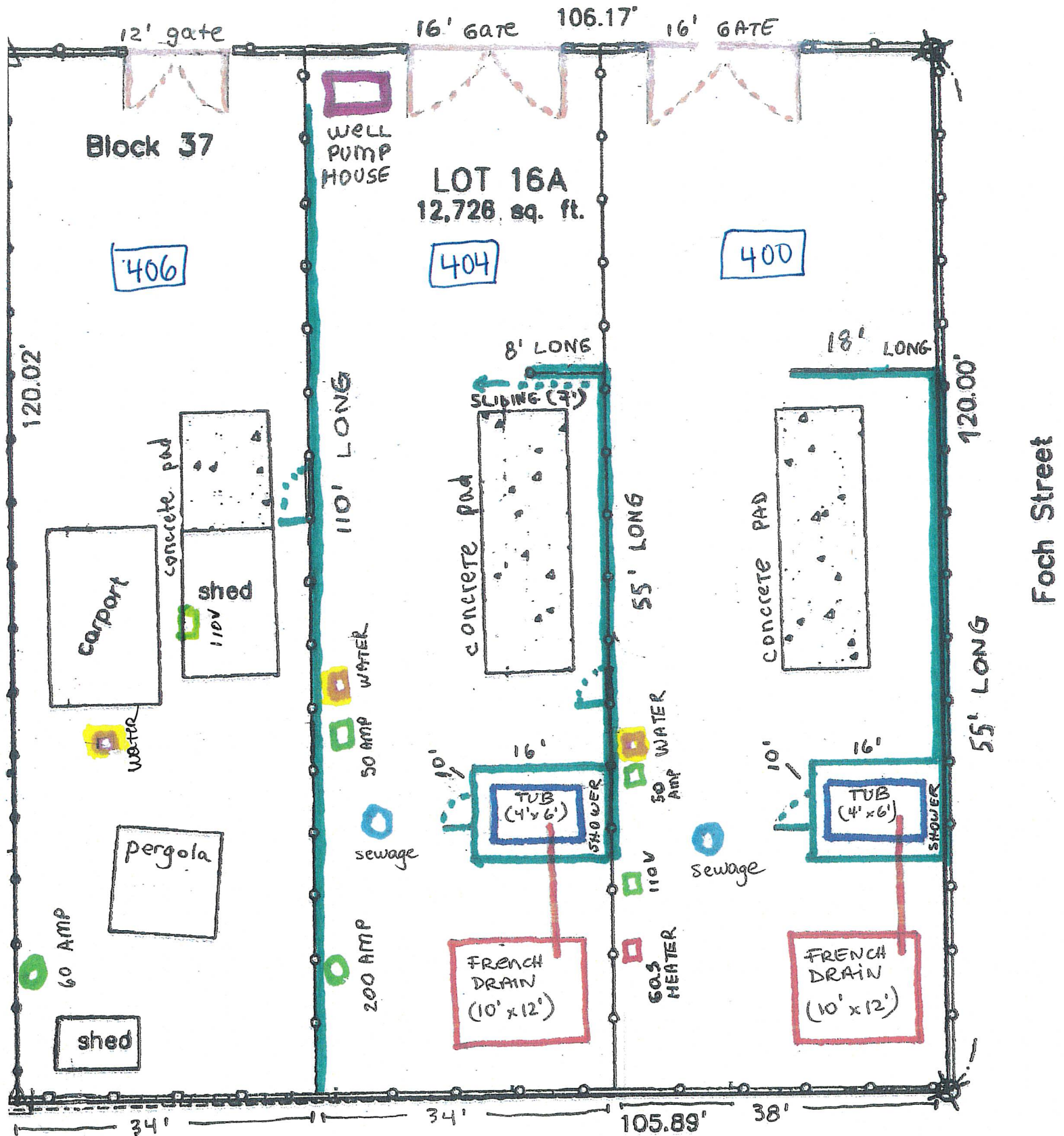
Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

VAN PATTEN AVE.

SITE PLAN

- 6' Metal Fence
- Electrical
- 4' chain link fence

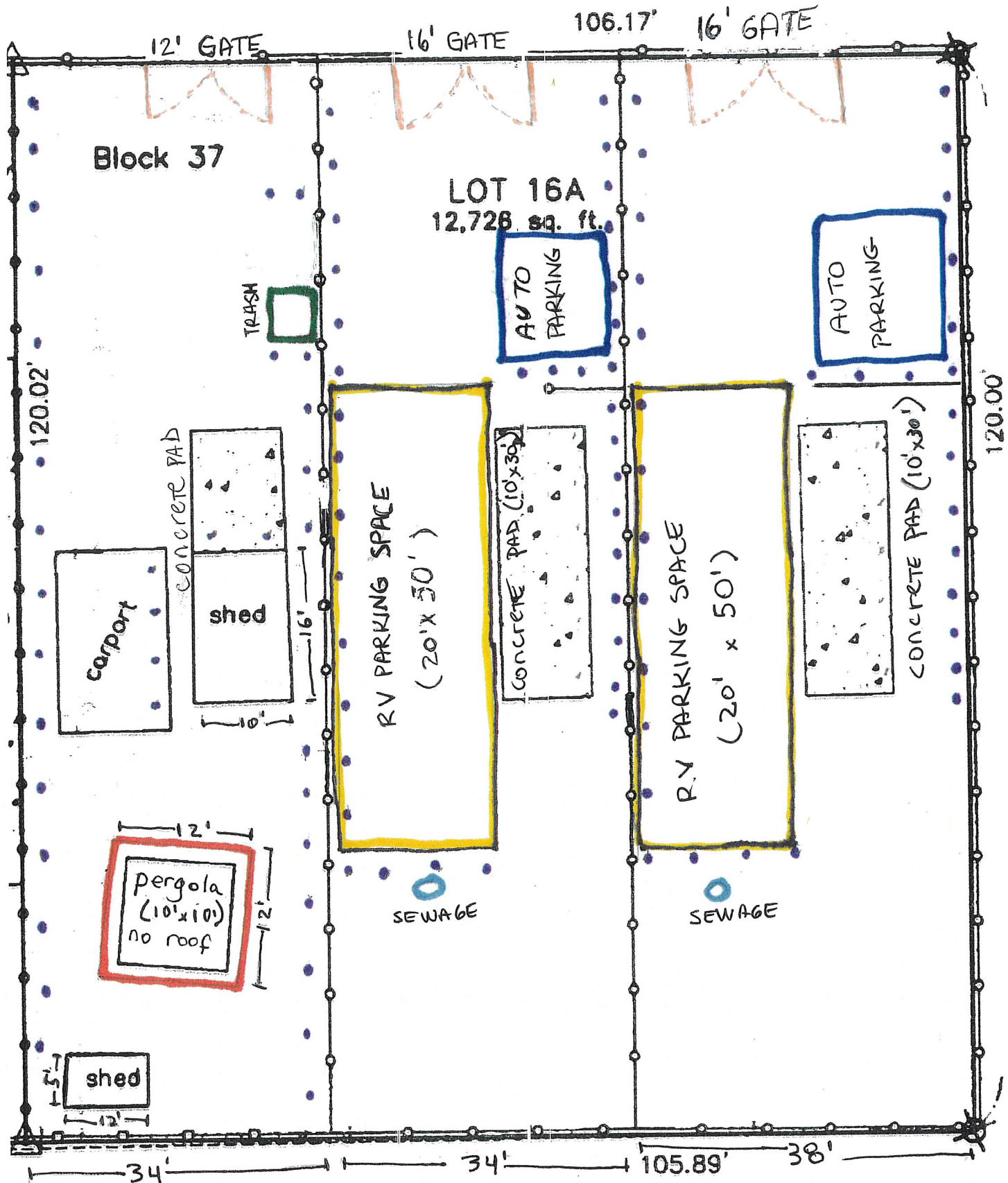
ALL ITEMS SHOWN ARE CURRENTLY EXISTING EXCEPT SHOWERS, GAS HEATER AND 16' GATES. UTILITIES IN 400 AND 404 PENDING HOOK UP.



SOLAR LIGHTS

CODE PLAN
ALL ITEMS SHOWN
ARE CURRENTLY EXISTING.

Van Patten

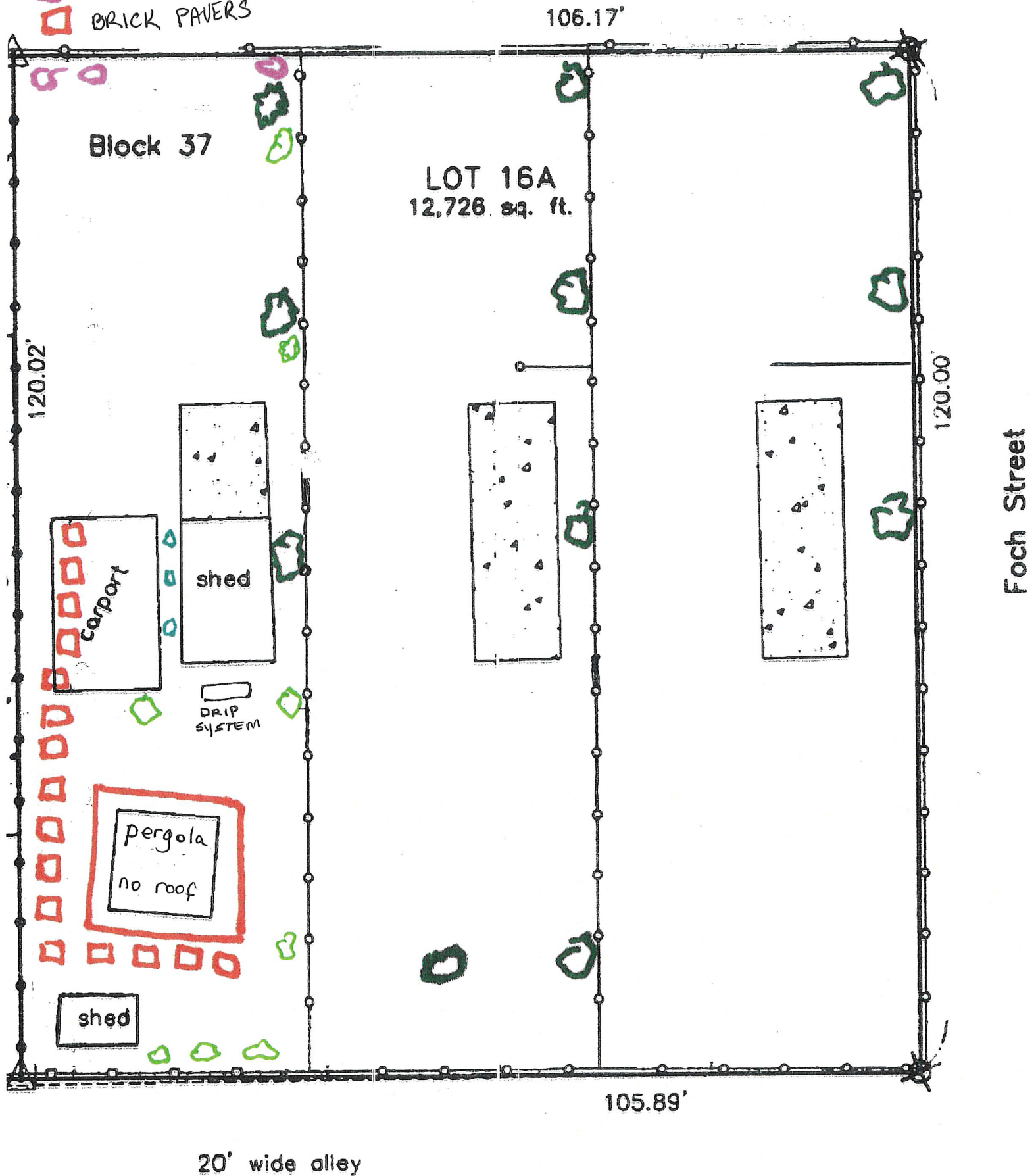


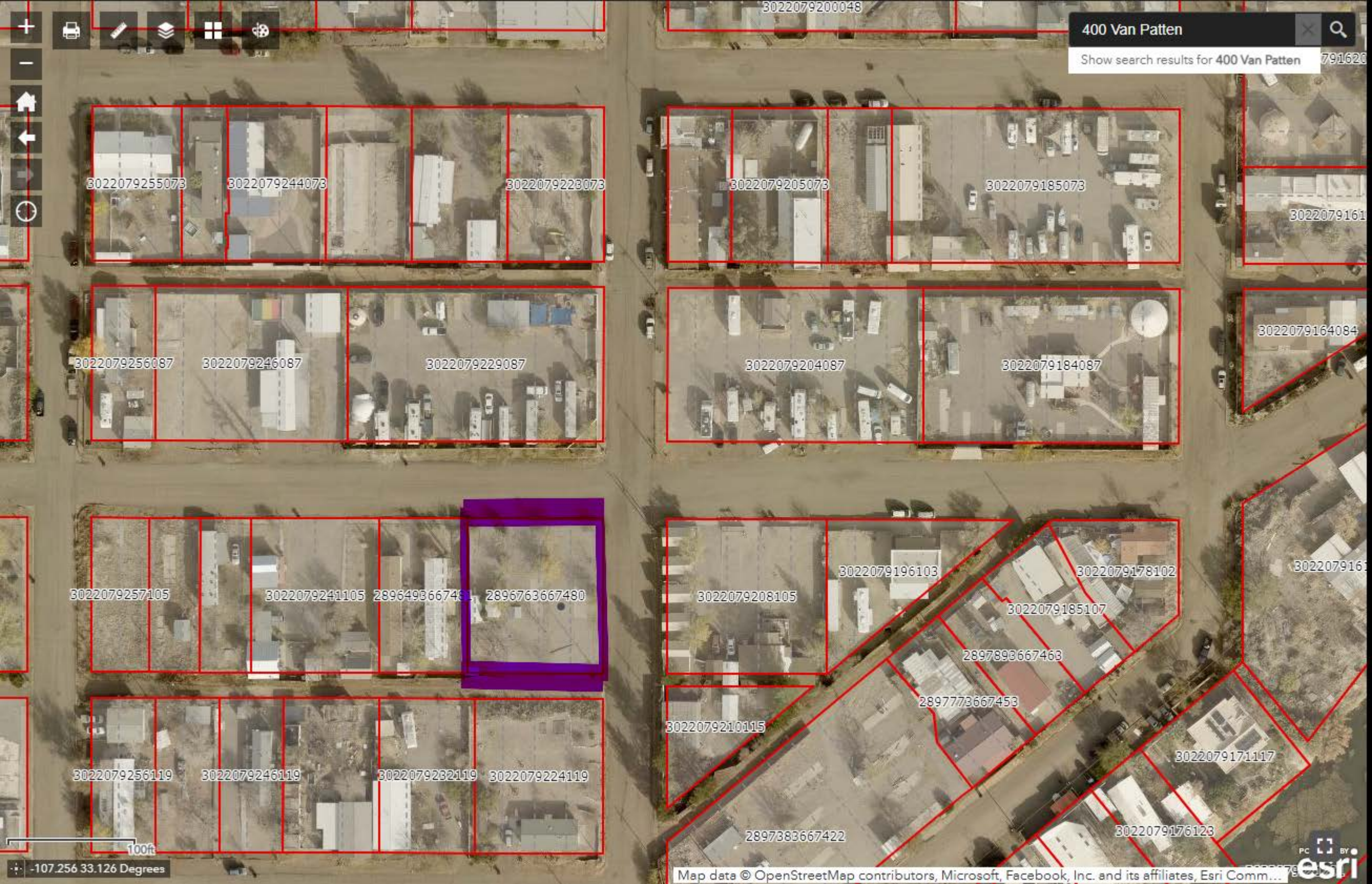
20' wide alley

- MULBERRY TREES
- SAGE BRUSH
- JUNIPER
- OLEANDER
- BRICK PAVERS

EXISTING LANDSCAPE

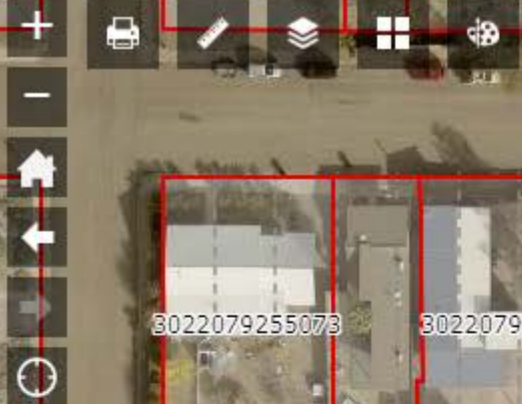
Van Patten





400 Van Patten

Show search results for 400 Van Patten



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Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates

*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



*Destiny Mitchell
Commissioner*

*Ingo Hoepfner
Commissioner*

*Gary Whitehead
City Manager*

**505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org**

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the City of Truth or Consequences Planning & Zoning Commission will hold a Public Hearing during their regular scheduled meeting on Monday, July 14, 2025, to receive input regarding the following:

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

Special Use Permit:

- Sec. 11-9-4. R-3 High Density Residential District
- (D) R-3 Special Uses

Section 11. Residential Vehicle Park:

- Sec. 11-11-5. - Recreational Vehicle Parks (RVP'S)
- (A) Purpose

Variance Request:

- Sec. 11-11-5. - Recreational Vehicle Parks (RVP'S)
- © Design Standards

Section 5. There shall be a community building or buildings, which shall provide for the recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers, and a laundry.

The meeting will be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico starting at 4:00 p.m.

Should you have any questions regarding this Public Hearing, please contact Traci Alvarez at (575) 952-0565 or by email at talvarez@torcnm.org.

The agenda may be obtained on Friday, July 11, 2025, on the city website calendar at www.torcnm.org; by contacting the City Clerk's Office at 575-894-6673; or by email to: torcclerk@torcnm.org.

/s/ Angela A. Torres, CMC, City Clerk

Publish on the following date:

- Sentinel– Thursday, June 19, 2025

Sec. 11-9-4. R-3 High Density Residential District.

- A. *PURPOSE.* The R-3 District is intended to accommodate multiple family dwelling units and accessory structures and uses. The District is intended to maintain and protect high density residential development that is characteristic of apartment, townhouses, condominiums and manufactured home subdivisions. This District also permits one and two family homes, modular homes, and manufactured homes.
- B. *DEVELOPMENT STANDARDS.* Development standards and other requirements are provided in Articles X through XIV.
- C. *R-3 PERMITTED USES:* The following uses are permitted by right in R-3 Districts:
1. Accessory Buildings.
 2. Apartments.
 3. Boarding House.
 4. Condominiums (Residential and Professional).
 5. Child Care Center, Nursery or Similar Use: Play areas shall be in accord with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
 6. Construction Yard or Building (Temporary Use): Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a sight-obscuring fence at least six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb located within the clear sight-triangle of a street intersection as defined in this Code.
 7. Dwellings: Single or multi-family units, apartments, townhouses and condominiums.
 8. Garage or Yard Sale or Similar Use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
 9. Greenhouses (Non-Commercial), Garden Sheds, and Tool Sheds: When detached from the main dwelling, such structures are subject to the provisions of Accessory Buildings.
 10. Home for Handicapped, Disabled, Retarded or Retired: Subject to state requirements of the New Mexico Statutes, Section 3-21-1, Paragraph C, as amended. A minimum of two (2) parking spaces must be provided, in addition to one space for each five (5) persons.
 11. Home Occupation.
 12. Manufactured Home Subdivision.
 13. Manufactured Home Park.
 14. Manufactured Homes.
 15. Kennel (Private, Residential).
 16. Private Club or Lodge: Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks Lodge, and the like. Building(s) shall not be located within one hundred (100) feet of an R-1 or R-2 District. Private clubhouses and game rooms are also permitted when used as a part of an apartment, condominium, or townhouse complex, provided such building(s) shall not be located within fifty (50) feet of an R-1 or R-2 District.
 17. Public Park, Playground, Ball Field and Tennis Courts.

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18. Real Estate Office (Temporary): Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date of permit, whichever is sooner.
 19. Storage (Recreational Vehicles): Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
 20. Swimming Pool (Private): Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
 21. Tennis Courts (Private for residential use).
 22. Townhouses (Maximum of eight (8) attached units).
- D. **R-3 SPECIAL USES.** The following uses require a public hearing and approval of the City Commission after a recommendation by the Planning and Zoning Commission. Provisions for special use permits are stated in Section 11-5-6 of this Code.
1. Athletic Clubs and Bathhouses.
 2. Barber and Beauty Shops.
 3. Bed and Breakfast Inn.
 4. Church.
 5. Community Building (Public or Private).
 6. Gas Regulating Station (Public or Private Utility).
 7. Golf Course and Country Club.
 8. Halfway House and Quasi-Institutional Houses.
 9. Offices in Historical Structures.
 10. Offices: Offices which provide health services such as medical, chiropractic, or rental and certain professional offices which have a low traffic volume such as attorneys or accountants, provided such offices maintain the residential character of the neighborhood where they are located.
- 11. Residential Vehicle Park.**
12. School (Public, Private, or Parochial).
 13. Swimming Pool (Public or Commercial).
 14. Telephone Exchange Station.
 15. Television and Radio Towers, and all other Free-standing Towers (Private Use): Towers shall have manufacturer's specifications to withstand a 75 mph wind and shall be constructed to meet New Mexico Building Code standards.

Sec. 11-11-5. Recreational Vehicle Parks (RVP'S).

- A. **PURPOSE.** A special use permit is required for all RVP developments and is intended to provide for the development of recreational vehicle parks at standards consistent with health, safety, and welfare of the community. Recreational Vehicle Parks are permitted by Special Use in R-3, RR-1, C-1, M-1 and T-1 Districts.
- B. **DEVELOPMENT REQUIREMENTS.** Development standards and other requirements are provided in Articles X, and XII through XIV. A site plan, landscaping plan and a drainage plan must be approved by the City Commission for any RVP.
- C. **DESIGN STANDARDS.**
1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line home space boundary, and approval from all utilities is required to insure overhead safety. All gates in fences shall be self-closing and equipped with self-latching devices.
 2. A landscaping concept shall be approved by the City Commission for all areas not covered by structures or paved.
 3. Screening the perimeter of a recreational vehicle park by a wall and/or other approved landscaping material shall be required.
 4. There shall be an active, usable recreational area for tenants comprising five percent (5%) of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.
 5. There shall be a community building or buildings, which shall provide for the recreational and service needs of occupants of the recreational vehicle park. It shall include restrooms, showers, and a laundry. No dry-cleaners shall be permitted in the RV Park. The community building or buildings may not be included as part of the required recreational area.
 6. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened and designated to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.
 7. Lighting shall be provided to illuminate access ways and walkways from the safe movement of vehicles and pedestrians at night.
 8. A means for emptying sewage holding tanks shall be provided and approved by the health department.
- D. **STREETS AND ACCESS STANDARDS.**
1. All RVP's shall have vehicular access from an arterial or collector street.
 2. Each RV space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
 3. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of homes in such a manner as to permit the use of solar energy systems.
 4. No street within a recreational vehicle park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.
 5. Private driveways shall be designated to increase ease of access, increase privacy, and provide safety.
 6. All spaces and streets shall be designated to insure proper drainage.

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- 7. One space for automobile parking shall be provided for each RV space.
 - 8. Minimum road width is twenty-four (24) feet.
 - E. *UTILITIES*. All utility placement shall be underground and shall be approved by the City.
 - F. *DESIGNATED ZONING ADMINISTRATOR*. It shall be the right and duty of the designated Zoning Administrator of the City of Truth or Consequences to impose all design standards for Recreational Vehicle Parks in accordance with Standards for Recreational Vehicle Parks and Campgrounds, latest edition, as published by the National Fire Protection Association.

Sec. 11-5-5. Variance.

A Variance may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. The variance shall provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

A. *Provisions for variance.*

1. 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.
2. The applicant shall notify all property owners of his/her intent in a manner specified in Section 11-7-2 and shall be subject to a public hearing as specified therein.
3. Variance shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety.
4. Variances shall not be granted where spot zoning would occur.

B. *Fee.* A non-refundable application fee as set by City Commission Resolution must accompany each application.

C. *Submission requirements.* The application for variance shall be in the format stipulated by the City and shall contain plans and other information as required by the designated Zoning Administrator. The completed application for a variance, shall be submitted to the City Clerk for placement upon the agenda of the Planning and Zoning Commission.

D. *Revocation.* A variance shall be automatically revoked in the event of building permit for the approved Variance has not been obtained within ninety (90) days, or construction has not begun within one hundred eighty (180) days after the building permit has been issued. The Planning and Zoning Commission may grant ninety (90) days extension if deemed appropriate.

E. *Re-application for variance.* In the event of a denial decision by the City Commission, there shall be no re-application for the same variance for a period of one (1) year after the date of the decision of the Commission.

Sec. 11-5-6. Special Use Permit.

A special use permit may be authorized by the City Commission after hearing the recommendation of the Planning and Zoning Commission. A special use permit is required for a special land use, which is not permitted by right within the District wherein it is requested.

A. *Provisions for special use permit.*

1. In making a decision on a Special Use Permit, the Planning and Zoning Commission and the City Commission shall review the following factors and accord each factor the necessary weight on a case-by-case basis.
 - a. The increase in congestion of streets and other rights-of-way;
 - b. Diminishment of safety from fire, panic and other dangers;
 - c. Diminishment to the health and general welfare of the public;
 - d. Degradation of light and air for all properties in the immediate area of the proposed Permit; increases of overcrowding of land and undue concentrations of populations;

-
- e. Adverse affects on provisions for transportation, water, sewer, schools, parks and other public facilities or increases in the effects of natural hazards;
 - f. Increases or facilitation of the unlawful use of structures, buildings or land; and
 - g. Promote the use or waste of energy in the use of structures, buildings, and land.
 - 2. Special Use Permits shall not be granted in such cases where the use will result in negative impacts, which substantially outweigh the positive impacts of the purposed use.
 - B. *Fee.* A non-refundable application fee to be set by City Commission Resolution must accompany each application.
 - C. *Submission requirements.* The application for a special use permit shall be in the format stipulated by the City. There shall be a comprehensive statement included with each application indicating in detail the reason for the request, the purpose and proposed use of the property, all improvements to be made, and a site plan including the following:

- 1. Location of existing and proposed structures including the dimensions of setbacks;
- 2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way;
- 3. Location and treatment of open spaces including landscaping plan and schedule;
- 4. Lighting;
- 5. Signage;

A drainage plan, site plan and grading plan shall be required for all developments exceeding one (1) acre and to all new and all re-development within the C-1 and M-1 Planning and Zoning Districts, to all manufactured home parks, manufactured home subdivisions, recreational vehicle parks, and to all special and conditional uses in other Districts. For lesser developments when the designated Zoning Administrator determines said plans to be necessary, the designated Zoning Administrator shall so inform the applicant prior to accepting an application.

- D. *Public hearing and notice procedure.* A public hearing shall be held by the Planning and Zoning Commission for all special use permits. All property owners shall be notified in accordance with the provisions of Article 7 of this Code.
- E. *Review and approval.* The City Commission may deny special use permits, or may grant final approval in accord with certain conditions, with right of appeal in accordance with Article VII of this Code. Approval may also be granted with additional conditions imposed, which are deemed necessary to insure that the purpose and intent of this Code is met and to protect and provide safeguards for persons and property in the vicinity.
- F. *Time limitation and revocation.* If a special use is not initiated within one (1) year following approval or if a special use is discontinued for a period of one (1) year, said permit shall be automatically revoked. The City Commission may impose a different time limitation on a special use permit. All improvements shall be in accord with the development standards of the District except as otherwise authorized by the special use permit. Significant variation from the approved special use and related improvements shall result in the automatic revocation of the special use permit.
- G. *Re-submittal of application for special use permit.* Application for a special use permit shall not be resubmitted or reconsidered for a period of one (1) year after it has been acted upon by the City Commission except that an application may be made for a different special use permit on the same parcel of land six (6) months after such previous action has been taken.

H. *Special use.* Special uses shall not be considered a District boundary change.

PLANNING AND ZONING COMMISSION FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

In considering all requests, the Planning and Zoning Commission shall review applicable plans and determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property;
2. Unreasonably increase the traffic in public streets;
3. Increase the danger of fire or endanger the public safety;
4. Deter the orderly and phased growth and development of the community;
5. Unreasonably impair established property values within the surrounding area;
6. In any other respect impair the public health, safety and general welfare of the City; or
7. Constitute a spot zone* and therefore adversely affect adjacent property values.

All actions or recommendations by the Planning and Zoning Commission shall be based on Findings of Facts as to the impacts of the proposal, using the criteria listed in numbers 1 through 7, above. The Planning and Zoning Commission shall review each of the above listed factors and accord each factor the necessary weight on a case-by-case basis in making its determination.

***Spot Zoning:** The singling out of a lot or small area for a District change, which is out of harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 7-14-2025

ITEM: Discussion/Action – Request for Extension of Variance 320 Marr

BACKGROUND: Planning and Zoning Commission and City Commission approved a request for a variance at 320 Marr St. to allow for development/placement of dwelling units smaller than the minimum dwelling unit allowance as required by Development Standards in the R-3 District. Section 11-5-5 Variance subsection D allows for the Planning and Zoning Commission to grant an extension.

The applicant has experienced delays and would like to request an extension of time for the development of the property. They have kept in contact with the City and the item was placed on the agenda within a timeframe designated by City Staff.

SUPPORT INFORMATION:

Planning and Zoning and City Commission Agenda documents item is available on request (40 pages) or can be viewed on the City website https://www.torcnm.org/government/agendas_and_minutes.php under the Commission Meeting date of 3-12-2025

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 7-14-2025

ITEM: Discussion/Action – Request for Extension of Variance 1095 E Riverside

BACKGROUND: Public Hearing and request for a variance pertaining to development standards for minimum setbacks was heard by the Planning and Zoning Commission 12-9. The vote was split 2/2 and board recommended to send to City Commission for decision with further information required. Request was submitted to City Commission on 12-18-2024 with all requested documentation. City Commission approved the request for a variance at 1095 E Riverside St. at their meeting on 12-18-2024 to allow for development of the lot as presented. (applicable section of City Commission Meeting Minutes for 12-18-2024 included). Section 11-5-5 Variance subsection D allows for the Planning and Zoning Commission to grant an extension.

The applicant has experienced delays and would like to request an extension of time for the development of the property. They have kept in contact with the City and the item was placed on the agenda within a timeframe designated by City Staff.

SUPPORT INFORMATION:

Planning and Zoning and City Commission Agenda documents item is available on request (52 pages) or can be viewed on the City website https://www.torcnm.org/government/agendas_and_minutes.php under the Commission Meeting date of 12-18-2024

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.org	Phone: 575-894-6673	

Commissioner Mitchell: I was looking at the score sheets and I noticed that one of the companies were only 12 points behind this. Was there a difference in price for each one of those proposals, or was it going by scoring alone?

Assistant City Manager Alvarez: The price was not considered. It is not allowed in CDGB. It's by qualification only.

Commissioner Mitchell made a motion to Award RFP 23/24-009 and execute agreement between City of Truth or Consequences and Wilson & Co. for the City of Truth or Consequences Comprehensive Plan Update funded by CDBG. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Legal Services Agreement between the City of T or C and Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law.

Assistant City Manager Alvarez: This is a standard legal services agreement with Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law. Chris is the one who does all of our bond stuff for USDA. This one is specific to the upcoming WISP 2 project that we are going through the process of. USDA requires a legal services agreement to be executed. The cost for his services are paid for out of the USDA grant/loan.

Commissioner Fahl made a motion to approve the Legal Services Agreement between the City of T or C and Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorney at Law. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Aging and Long-Term Services Department Appropriation Grant Agreements A241-2021 and A241-2022 for SJOA Vehicle Purchases.

Item was removed from the agenda.

5. Discussion/Action: Variance Request at 1095 E. Riverside.

Assistant City Manager Alvarez: This item went before the Planning & Zoning Commission on December 9, 2024. The applicant is requesting a variance for the setbacks for front, rear, and one side setback. The property is located in the riverside residential zone. We did have a public hearing. There were 5 opponents and 1 proponent which was the applicant, who attended the meeting. We had a motion made to deny, but the motion died for the lack of a second. After further discussion ensued, the members

made another motion to deny, and it was seconded. The vote was then split 2-2. At that time, they recommended to send it to the Commission for further discussion and they asked that I update you on services pertaining to our water, sewer, electric, and fire. I reached out to all services and Fire Chief Tooley reviewed the location and the drawing that you have in your packet and he approved it. Water and sewer is available and can be tapped into and electric as well. There were no concerns. Our Code Enforcement Officer had been out there before with some complaints that came in. There was a reference made during the meeting that a neighbor has some concerns pertaining to a fire if additional electric was put in so Bo is here to answer any of those questions.

City Attorney Rubin: The Planning & Zoning Commission already had the Battershell public hearing on this and that meant that every witness was given the opportunity to testify. They were put under oath and the Planning & Zoning Commission did ask them a lot of questions and they got some great information. You really aren't required to take any additional testimony because the process was already done through the Planning & Zoning level.

Mayor Hechler: I think when we all got our packets we should have read the minutes. They were pretty extensive and a lot of good questions were asked so I think everything was covered pretty well, but since we did not allow public comment for these folks to speak, I want to allow it after we hear from our city officials.

Tyler Knull, Code Enforcement Officer: At the start of the complaints that I received at this property months ago, we were called to violations of a noise ordinance for generators, parking, setback requirements for people staying in their RV and the RV being too close to the fence line. On our arrival we didn't see any parking violations. It's a public street and you are allowed to park on the street. There is no requirement saying that you can't park in front of someone's house. Blocking someone's driveway could be a violation, but we didn't see any violations with that. The RV was kind of close to the fence line, but there are no requirements for that. As far as the generator, the Police Officers on the night shift never received any actual violations for the noise. They didn't hear anything that concerned them that was a nuisance.

Mayor Hechler: Ms. Alvarez, would you please discuss some of the setback requirements and what the concerns may be in regards to that.

Assistant City Manager Alvarez: For a little bit of background information, the applicant had this property and comes in from out of town on occasion with his RV and was camping for a weekend. They were not living in it or using it as a dwelling full time. Because our Municipal Code is a little bit vague when it comes to somebody coming in and putting it on their property to camp, it was difficult to find a technical violation because they were not living in it full time. Given the complaints, the applicant opted to instead put a tiny home on the property because he enjoys coming to this town. In order to meet the requirements for the square footage of the house. If you look at the very last site plan in the agenda packet, it is an updated and revised plan that the Planning & Zoning Commission did have in front of them. On front porch section he should be setback 25ft.

so he doesn't quite meet the setbacks from the property line in one corner section and in the main part as well. There is a 5 ft. setback required on the sides. On one side he does meet 5ft. setback and on the other side he doesn't meet the 5 ft. setback, but there is a 10 ft. utility easement on the other side of the property that is a city utility easement so there should not be any permanent structure over on that other side within our city easement. Because he can't meet the front and the side setbacks, he does have to request a variance through the code. We did send out certified letters to everybody within that area, and that also included our Bureau of Reclamation. Brent Tanzy did call me. He was provided all of this information and he didn't have any concerns on the river side.

Mayor Pro-Tem Forrister: So, this is only for putting a tiny home on the property and not regarding the RV that they currently own. They are trying to make it easier for everybody so they are not staying in the RV?

Assistant City Manager Alvarez: Correct.

Mayor Hechler: Does that mean that the neighbor cannot build anything on this utility easement that is permanent in nature? They can store things there but it can't be permanent.

Assistant City Manager Alvarez: Correct.

Mayor Hechler: So, this person's building is not going to interfere with the neighbors being able to build at all.

Assistant City Manager Alvarez: Correct.

The Commission allowed applicant Ambrosio Saiz and opponents Nanetta Landry and Vicki Sorg to give testimony as they did at the December 9, 2024, Planning & Zoning Meeting. (Planning & Zoning testimony reference attached hereto and made a part hereof).

Discussion ensued between the Commission and Opponents and Proponents.

Mayor Pro-Tem Forrister made a motion to approve the Variance Request at 1095 E. Riverside. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Rolf Hechler, Mayor voted aye

Hon. Amanda Forrister, Mayor Pro-Tem voted aye

Hon. Destiny Mitchell, Commissioner voted nay

Hon. Merry Jo Fahl, Commissioner voted aye

Hon. Ingo Hoeppner, Commissioner voted aye

Motion carried with a 4-1 vote.



City of Truth or Consequences

City Boards Application

Name: Lisa Kent **Address:** 700 Charles St, TorC, NM

Phone: 719.221.2762 **Email:** lisakent73@gmail.com

I am interested in serving as a member of one the following Boards:

- ☐ Airport Advisory Board ☐ Public Arts Advisory Board ☐ Recreation/Golf Course Advisory Board
- ☐ Public Utility Advisory Board ☐ Library Advisory Board ☐ Impact Fee Board
- ☐ Lodger's Tax Advisory Board ☒ Planning & Zoning Commission
- ☐ Other: _____

My qualifications are:

This is my application for re-appointment to the P&Z board for TorC, NM. I have served for the last 2 years and
would like to continue as a board member to continue to serve the city and plan for the future.

I hereby certify that my appointment to this board neither creates, nor should create, any conflict of interest for myself or the Board. I further confirm that any possible conflict of interest that may arise will be reported to the Board and the City Clerk.

Signature: _____ **Date:** _____

Follow up on Tiny Homes *from* meeting on 6/9/2024 *for* meeting on 7/14/2025
Molly Hammer, Member

I believe we all agree that any home built must adhere to New Mexico building standards with regards to safety.

Additional requirements that should be further defined:

- 1) On a property with a primary home, how many ADUs are allowed if they fall within setback boundaries and square footage requirements? 1, 2?
- 2) On a vacant lot or property, how many tiny homes are allowed? I recommend we follow the current multi-family zones.
 - a)
- 3) What's the minimum and maximum square footage?
 - a) **After researching tiny homes/ADUs online, most fall into a range of 200-400 square feet. I am recommending to the board and to the city we allow a minimum of 200 sq ft up to 400 sf ft as long as this footprint follows all building, safety and esthetic standards.**
- 4) What constitutes a tiny home - yurts? Airplane fuselage? I don't believe structures like these enhance value to the respective property or surrounding properties, and should not be included. I would recommend that the structure is aesthetically pleasing and blends in with the primary house and surrounding houses in the neighborhood to keep neighborhood property values in line.
- 5) Are short term rentals allowed in tiny homes? Or only rentals longer than 29 days?
- 6) Additional recommendations
 - a) No taller than primary home
 - b) In Hot Water district, must not have windows, deck, etc., looking into neighbors' yards. Perhaps extend this stipulation to other districts as well.

Molly Hammer, Member - AirBnB benefits in small towns for discussion at meeting on 7/14/2025

Here's a list of **benefits and support arguments for allowing or encouraging Airbnbs in small towns**, especially when discussing policy, zoning, or economic development:

Benefits of Airbnbs in Small Towns

1. Economic Development & Diversification

- **New Revenue Streams:** Hosts earn income that is often reinvested locally.
- **Boosts Local Businesses:** Visitors spend money at restaurants, shops, gas stations, markets, and attractions.
- **Increases Sales Tax Revenue:** Local governments can benefit from gross receipts tax and occupancy or lodging taxes (if collected properly).
- **Job Creation:** Stimulates local service industries (cleaning, maintenance, landscaping, trade services such as local contractors, plumbers, electricians, HVAC, etc.).

2. Tourism Without Large Infrastructure

- **Adds Lodging Capacity:** Expands visitor accommodation options without needing to build new hotels.
- **Preserves Rural Charm:** Visitors can stay in homes that reflect the local character rather than generic hotel chains.

3. Property Improvement & Beautification

- **Incentivizes Upkeep:** Short-term rentals often require better upkeep, curb appeal, and property maintenance.
- **Revitalizes Vacant Homes:** Unused or underutilized properties can be brought back to life.

4. Community Resilience & Flexibility

- **Supplemental Income:** Helps residents afford rising costs, especially retirees or low/middle-income homeowners.
- **Temporary Housing:** Can fill gaps for visiting professionals (e.g. traveling nurses, construction workers, festival workers).

5. Civic Engagement and Investment

- **Local Ambassadors:** Hosts often share local history, guide guests to lesser-known attractions, and foster town pride.
 - **Attracts Return Visitors & Relocation:** Some Airbnb guests later buy homes, start businesses, or return regularly.
-

Support for Airbnbs: What Can Towns Do?

1. Reasonable Regulations

- **Allow with Guidelines:** Require registration, safety inspections, or occupancy limits, rather than outright bans.
- **Fair Taxation:** Ensure short-term rentals contribute their fair share through lodgers' tax or business licensing.
 - MISSED OPPORTUNITY: The City of T or C needs to establish a voluntary tax collection agreement with both booking platforms: AirBnB and VRBO. This agreement establishes the process of each platform collecting ALL necessary occupancy taxes: Lodger's Tax (5%) and Convention Tax (1%)
 - Attachment 1: Example VCA with the City of Albuquerque, NM
 - Attachment 2: Table outlining which platform collects and remits which tax

2. Communication & Education

- **Host Support:** Provide information sessions or guides on how to operate legally and responsibly.
- **Public Forums:** Encourage constructive conversations between hosts, neighbors, and officials.

3. Collaboration with Platforms

- **Data Sharing Agreements:** Airbnb and Vrbo can provide anonymized data to help towns monitor and plan.
- **Tax Collection Partnerships:** Platforms can collect and remit taxes automatically on behalf of hosts.

CURRENT T or C LODGER'S and CONVENTION tax ORDINANCE

Discuss the short term and long term exemption with regards to AirBnB and VRBO restrictions for allowing a guest to have a written agreement outside of these platforms for stays longer than 30 days. The issue is AirBnB and VRBO discourage (prohibit) establishing an agreement outside the platform once initial contact is made. VRBO and AirBnB automatically adds lodger's tax to all bookings whether short term or long term. No other municipality has this stipulation in New Mexico and it unnecessarily adds a significant cost to their total monthly rent, thus discouraging Guests/Tenants to follow through with booking.

Sec. 7-201. Exemptions.

The occupancy tax shall not apply:

A. if a vendee:

- (1) has been a permanent resident of the taxable premises for a period of at least 30 consecutive days; or
- (2) enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 30 consecutive days;

Rentals on Zillow (total 12 available) as of 6/7/2025

zillow.com/homes/for-rent/

Buy Rent Sell Get a mortgage Find an Agent

Zillow

Manage Rentals Advertise Help

Truth or Consequences, NM

For Rent Price Beds & Baths Home Type More Save search 500

Schools Remove Boundary

Truth or Consequences NM Rental Listings

13 rentals available Sort: Homes for You

14 days ago Apply instantly \$950/mo 1 bd | 1 ba | 600 sqft - Apartment for rent 476 Morgan St, Truth Or Consequences, NM... Request a tour

18 hours ago Apply instantly \$725/mo Studio | 1 ba | 350 sqft - Apartment for rent 712 Austin St #4, Truth Or Consequences, NM... Request a tour

Ad Updated yesterday 2 available units

Map Tomorrow's high To tie record

Current rentals on Zillow (total 12 available) as of 7/8/2025

Zillow

Manage Rentals Advertise Help

500 Saved Homes

For Rent Price Beds & Baths Home Type More Save search

Schools Remove Boundary

1 bd

Ad Moving? Get BOOMING WIFI! Level up your internet with Xfinity. Visit Website xfinity

5 days ago Apply instantly \$1,200/mo 2 bds | 2 ba | - sqft - House for rent 141 N Ash St, Truth Or Consequences, NM 87901 Request a tour

5 days ago Apply instantly \$1,100/mo 2 bds | 1 ba | - sqft - Apartment for rent 204 Ash St #8, Truth Or Consequences, NM... Request a tour

105 days ago Apply instantly \$750/mo 1 bd | 1 ba | 500 sqft - Apartment for rent 231 W 7th Ave, Truth Or Consequences, NM... Request a tour

12 days ago \$895/mo Studio | 1 ba | 400 sqft - Apartment for rent 801 N Date St, Truth Or Consequences, NM... Request a tour

31 days ago Apply instantly \$895/mo Studio | 1 ba | - sqft - Apartment for rent 1098 E Riverside Dr #3, Truth Or Consequences... Request a tour

17 hours ago Apply instantly \$795/mo Studio | 1 ba | - sqft - Apartment for rent 470 S Foch St APT B, Truth Or Consequences, N... Request a tour

17 hours ago Apply instantly \$1,495/mo 3 bds | 2 ba | 1,326 sqft - Apartment for rent 913 Grape St #1, T Or C, NM 87901 Request a tour

Map

Search

9:29 AM 7/8/2025

**VOLUNTARY COLLECTION AGREEMENT
FOR
THE CITY OF ALBUQUERQUE, NEW MEXICO
LODGERS TAX AND HOSPITALITY FEE**

THIS VOLUNTARY COLLECTION AGREEMENT (the “**Agreement**”) is dated October 3, 2017 and is between **AIRBNB, INC.**, a Delaware corporation (“**Airbnb**”) and the City of Albuquerque, New Mexico, a New Mexico municipal corporation (the “**Taxing Jurisdiction**” or “**City**”). Each party may be referred to individually as a “**Party**” and collectively as the “**Parties**.”

RECITALS:

WHEREAS, Airbnb represents that it provides an Internet-based platform (the “**Platform**”) through which third parties offering accommodations, lodging, lodgings, lodging rooms or sleeping accommodations (“**Hosts**”) and third parties booking such accommodations (“**Guests**”) may communicate, negotiate and consummate a direct booking transaction for accommodations to which Airbnb is not a party (“**Booking Transaction**”);

WHEREAS, the Taxing Jurisdiction and Airbnb enter into this Agreement voluntarily in order to facilitate the reporting, collection and remittance of applicable taxes including the Albuquerque Lodgers Tax and Albuquerque Hospitality Fee (collectively, the “**Taxes**”) imposed under applicable the City of Albuquerque Lodgers Tax Ordinances, Ord. § 4-4-1 et seq., ROA 1994, as amended, and the Hospitality Fee Ordinances, Ord. § 4-8-1 et seq., as amended, ROA 1994 (the applicable “**Code**”), on behalf of Hosts for Booking Transactions completed by Hosts and Guests on the Platform for accommodations located in the City of Albuquerque (the “**Taxable Booking Transactions**”);

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND AGREEMENTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

(A) Solely pursuant to the terms and conditions of this Agreement, including only for periods in which this Agreement is effective (defined below), and solely for Taxable Booking Transactions completed on the Platform, Airbnb agrees contractually to assume the duties of a Tax collector as described in the Code solely for the collection and remittance of Taxes (hereinafter referred to as a “**Collector**”). The assumption of such duties shall not trigger any other registration requirements to which Airbnb is not otherwise subject.

(B) Airbnb agrees to commence collecting and remitting Taxes on behalf of Hosts no later than the first day of the first calendar month that is not less than four (4) weeks after notice of final approval of this Agreement is provided by the Taxing Jurisdiction to Airbnb pursuant to Paragraph (V) below, pursuant to the terms of this Agreement, at the applicable rate, on Taxable Booking Transactions. Except as set forth in Paragraph (L) below, Airbnb shall not assume any obligation or liability to collect Taxes for any period or for any transaction prior to the Effective Date or termination of this Agreement.

AIRBNB REMITTANCE OF TAXES AND REPORTS

(C) Airbnb agrees to report aggregate information on the tax return form prescribed by the Taxing Jurisdiction, including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all Taxes that are subject to the provisions of this Agreement, and it shall remit all Taxes collected from Guests in accordance with this Agreement and Airbnb's Terms of Service (www.airbnb.com) (the "TOS") in the time and manner described in the Code or as otherwise agreed to in writing. Airbnb agrees to submit its Tax payments and a monthly report to the Taxing Jurisdiction by the twenty-fifth (25th) day of the following month.

AIRBNB LIABILITY

(D) Pursuant to the terms of this Agreement, Airbnb agrees contractually to assume liability for any failure to report, collect and/or remit the correct amount of Taxes, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with the Code. Nothing contained herein nor any action taken pursuant to this Agreement shall impair, restrict or prevent Airbnb from asserting that any Taxes and/or penalties, interest, fines or other amounts assessed against it were not due, are the subject of a claim for refund under applicable law or otherwise bar it from enforcing any rights accorded by law. For purposes of complying with this Paragraph (D), the Parties agree that, pursuant to the exemptions to Taxes set forth in Sections 4-4-7(G) and 4-8-5(G) of the Code, Airbnb will be required to collect Taxes on all Booking Transactions regardless of the number of lodging or sleeping rooms offered for rent by the Host.

(E) During any period for which Airbnb is not in breach of its obligations under this Agreement, the Taxing Jurisdiction agrees to audit Airbnb on the basis of Tax returns and supporting documentation, and agrees not to directly or indirectly audit any individual Guest or Host relating to Taxable Booking Transactions unless and until an audit of Airbnb by the Taxing Jurisdiction has been exhausted with the matter unresolved. The Taxing Jurisdiction reserves the

right to audit any individual Airbnb Host for activity that has been brought to the attention of the Taxing Jurisdiction in the form of a complaint or other means independent of this Agreement or independent of data or information provided pursuant to this Agreement.

(F) The Taxing Jurisdiction agrees to audit Airbnb on an anonymized transaction basis for Taxable Booking Transactions. Except as otherwise agreed herein, Airbnb shall not be required to produce any personally identifiable information relating to any Host or Guest or relating to any Booking Transaction without binding legal process served only after completion of an audit by the Taxing Jurisdiction of Airbnb with respect to such users. The Taxing Jurisdiction agrees that it will not audit or issue an assessment against Airbnb more than once per any consecutive forty-eight month period and that such audit or assessment will be limited to a consecutive twelve-month period within the forty-eight month period. (G) Airbnb, Inc. agrees to register as a Collector for the sole purpose of reporting, collection and remittance of Taxes under this Agreement and will be the registered Collector on behalf of any affiliate or subsidiary collecting Taxes. Airbnb agrees to maintain records pertaining to all Taxable Booking Transactions and Taxes within the Taxing Jurisdiction for a period of four (4) years.

GUEST AND HOST LIABILITY

(H) During any period in which this Agreement is effective relating to Taxable Booking Transactions, provided Airbnb is in compliance with its obligations herein, Hosts shall be relieved of any obligation to collect and remit Taxes on Taxable Booking Transactions, and shall be permitted but not required to register individually with the Taxing Jurisdiction to collect, remit and/or report Taxes. Nothing in this Agreement shall relieve Guests or Hosts from any responsibilities with respect to Taxes for transactions completed other than on the Airbnb Platform, or restrict the Taxing Jurisdiction from investigating or enforcing any provision of applicable law against such users for such transactions.

WAIVER OF LOOK-BACK

(I) The Jurisdiction expressly releases, acquits, waives and forever discharges Airbnb, its current or past affiliated parent or subsidiary companies, directors, shareholders investors, employees and other agents, and/or Hosts or Guests from any and all actions, causes of action, indebtedness, suits, damages or claims arising out of or relating to payment of and/or collection of Taxes or other tax indebtedness, including but not limited to penalties, fines, interest or other payments relating to Taxes on any Taxable Booking Transactions prior to the Effective Date.

Nothing contained in this Paragraph of this Agreement will constitute a release or waiver of any claim, cause of action or indebtedness that the Jurisdiction may have or claim to have against any Host or Guest unrelated to Airbnb Taxable Booking Transactions under this Agreement.

NOTIFICATION TO GUESTS AND HOSTS

(J) Airbnb agrees, for the purposes of facilitating this Agreement, and as required by its TOS, that it will notify (i) Hosts that Taxes will be collected and remitted to the Taxing Jurisdiction as of the Effective Date pursuant to the terms of this Agreement; and (ii) Guests and Hosts of the amount of Taxes collected and remitted on each Taxable Booking Transaction.

LIMITATION OF APPLICATION

(K) This Agreement is solely for the purpose of facilitating the administration and collection of the Taxes with respect to Taxable Booking Transactions and, except with respect to the rights and liabilities set forth herein, the execution of or actions taken under this Agreement shall not be considered an admission of law or fact or constitute evidence thereof under the Code or any other provisions of the laws of the United States of America, of any State or subdivision or municipality thereof. Notwithstanding the foregoing, the Parties agree that the executed form of this Agreement may be presented as evidence in a dispute or investigation. Neither Party waives, and expressly preserves, any and all arguments, contentions, claims, causes of action, defenses or assertions relating to the validity or interpretation or applicability of the Code, regulations or application of law.

DURATION/TERMINATION

(L) This Agreement may be terminated by Airbnb or the Taxing Jurisdiction for convenience on thirty (30) day written notification to the other Party. Such termination will be effective on the first day of the calendar month following the thirty (30) day written notification to the other Party. Any termination under this Paragraph shall not affect the duty of Airbnb to remit to the Taxing Jurisdiction any Taxes collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by Airbnb to the Taxing Jurisdiction as of the date of termination.

MISCELLANEOUS

(M) CHOICE OF LAW AND VENUE. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of New Mexico. This Agreement shall be governed by and construed and

enforced in accordance with the laws of the State of New Mexico, and the laws, rules and regulations of the City of Albuquerque. The venue for actions arising out of this Agreement is the U.S. District Court for the District of New Mexico or the 2nd Judicial District Court located in Bernalillo County, New Mexico.

(N) MODIFICATION. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by both Parties.

(O) MERGER AND INTEGRATION. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings with respect thereto.

(P) COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument. The Agreement shall become effective when a counterpart has been signed by each Party and delivered to the other Party, in its original form or by electronic mail, facsimile or other electronic means. The Parties hereby consent to the use of electronic signatures in connection with the execution of this Agreement, and further agree that electronic signatures to this Agreement shall be legally binding with the same force and effect as manually executed signatures.

(Q) RELATIONSHIP OF THE PARTIES. The Parties are entering into an arm's-length transaction and do not have any relationship, employment or otherwise. This Agreement does not create nor is it intended to create a partnership, franchise, joint venture, agency, or employment relationship between the Parties. There are no third-party beneficiaries to this Agreement.

(R) WAIVER AND CUMULATIVE REMEDIES. No failure or delay by either Party in exercising any right under this Agreement shall constitute a waiver of that right or any other right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a Party at law or in equity.

(S) FORCE MAJEURE. Neither Party shall be liable for any failure or delay in performance under this Agreement for causes beyond that Party's reasonable control and occurring without that Party's fault or negligence, including, but not limited to, acts of God, acts of government, flood, fire, civil unrest, acts of terror, strikes or other labor problems (other than those involving Airbnb employees), computer attacks or malicious acts, such as attacks on or

through the Internet, any Internet service provider, telecommunications or hosting facility. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

(T) ASSIGNMENT. Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party (which consent shall not be unreasonably withheld). Notwithstanding the foregoing, Airbnb may assign this Agreement in its entirety without consent of the other Party in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets.

(U) MISCELLANEOUS. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

(V) APPROVAL REQUIRED. This Agreement shall not become binding upon the Taxing Jurisdiction until approved by the highest approval authority of the City of Albuquerque required under this Agreement.

(W) OTHER OVERSIGHT. Airbnb understands and will comply with the City's Accountability in Government Ordinance, §2-10-1 et seq. and Inspector General Ordinance, §2-17-1 et seq. R.O.A. 1994, and also agrees to provide requested information and records and appear as a witness in hearings for the City's Board of Ethics and Campaign Practices pursuant to Article XII, Section 8 of the Albuquerque City Charter within the scope of the City's Board of Ethics and Campaign Practices purview and pursuant to proper legal process.

NOTICES

(Y) All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing postage prepaid; or (iii) the second business day after sending by overnight mail or by facsimile with telephonic confirmation of receipt. Notices shall be addressed to the attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To Airbnb:

Airbnb, Inc.
Attn: General Counsel
888 Brannan Street, 4th Fl.
SF, CA 94103
legal@airbnb.com

Airbnb, Inc.
Attn: Global Head of Tax
888 Brannan Street, 4th Fl.
SF, CA 94103
tax@airbnb.com

To the Taxing Jurisdiction:

City of Albuquerque
Attn: Treasurer
P.O. Box 1293
Albuquerque, NM 87103
Fax: (505) 768-3447
CAgialoro@cabq.gov

(Signatures follow on next page)

IN WITNESS WHEREOF, Airbnb and the Taxing Jurisdiction have executed this Agreement effective on the date set forth in the introductory clause.

AIRBNB, INC., a Delaware corporation

By: 
Signature of Authorized Representative
Mike Liberatore, Acting Global Tax Director
Name and Title of Authorized Representative

CITY OF ALBUQUERQUE, NEW MEXICO

By:  
Signature
 Robert J. Perry, Chief Administrative Officer

ATTACHMENT 2	AirBnB and VRBO tax collection and remittance responsibility T or C			
	AIRBNB			
Collect & Remit?	Taxing authority	Government level	Tax rate	Tax type
AirBnB	NEW MEXICO	State	4.88%	General Sales and Use Tax
AirBnB	SIERRA	County	1.69%	General Sales and Use Tax
AirBnB	TRUTH OR CONSEQUENCES	City	1.81%	General Sales and Use Tax
AirBnB	TRUTH OR CONSEQUENCES	City	5%	Lodger's Tax
HOST/Manual	TRUTH OR CONSEQUENCES	City	1%	Convention Tax
	VRBO			
Collect & Remit?	Taxing authority	Government level	Tax rate	Tax type
VRBO	NEW MEXICO	State	4.88%	General Sales and Use Tax
VRBO	SIERRA	County	1.69%	General Sales and Use Tax
VRBO	TRUTH OR CONSEQUENCES	City	1.81%	General Sales and Use Tax
HOST/Manual	TRUTH OR CONSEQUENCES	City	5%	Lodger's Tax
HOST/Manual	TRUTH OR CONSEQUENCES	City	1%	Convention Tax
As of 7/7/2025				