

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
MONDAY, JUNE 8, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, June 8, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. May 11, 2026

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

4. New Business:

- a. Discussion/Update: Sec. 15-13 Preliminary Plat Code Information
- b. Discussion/Update: Love's Travel Stops and Country Stores Sign

5. WORKSHOP:

- a. Shipping Containers
- b. Review of Zoning Map and Districts

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

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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 City Clerk

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) April 9, 2026.

Vice-Chairman Buhler: I have one correction, take one word out on page 11, the second big paragraph, something I said, there's two someone's and one of them needs to come out. Strike the first one. Thank you.

Member Hammer: I have one point, was the letter that I brought during the last meeting for reports from the board included in the minutes? I don't see it. And how do you guys do that?

Deputy Clerk Martinez: We'll include it when we upload them to the website. Our minutes are verbatim, so everything you've read is in the minutes.

Member Hammer: So any additional documentation that is brought to the meeting, that wasn't in the original agenda packet, how does that get included on the following meetings?

Deputy Clerk Martinez: The minutes are verbatim, so it's word-for-word. We'll still include it and let it be known that it's included, we will note that it's "attached here" but of course, it's also typed out in the minutes.

Member Hammer: And where would I find that if I were somebody in the public?

Deputy Clerk Martinez: On our website when we upload the minutes.

Member Hammer: Okay, thanks.

Member Hammer made a motion to approve the minutes with the change mentioned by Vice-Chairman Buhler. Member Luchini seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

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

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Request for Vacation of Plats at W. Austin Street.

Chairman Sisney opened the public hearing.

Proponents:

Opponents:

Assistant City Manager Alvarez: The first public hearing we have is for vacation of plats for West Austin Street, the applicant is requesting that the city vacate a section of West Austin street that's adjacent to the following parcels identified within your agenda packet, and those are next To Tractor Supply, Fast Stop, and Cielo Vista RV park. Within my action form, I let you know that we were still in need of some additional information. I sent you guys out a secondary packet, or the clerk's office did, where we received quite a bit of information following up on this. So, the area that's being requested to vacate is a section of roadway that kind of corners in, I think you guys can see that on your map a little bit. It corners in around the corner where you go into Cielo Vista RV park, as well as an edge of Tractor Supply in the backside of Fast Stop. I'll bring the applicant or the representative up shortly, but this really sounds like a cleanup of

paperwork that was done back in the day. I definitely want you guys to hear from the applicant. I want the public hearing to be held and anybody for the opponents or proponents to be able to speak on behalf. And then probably what I would request is, if the P&Z board would like, you could maybe recommend this approval for further review and final concurrence with the City Commission and city attorney.

Member Buhler: I was wondering if the city attorney would be involved.

Assistant City Manager Alvarez: I would like to call Mr. Ashbaugh up. He's the representative, and he could give some more background information.

Chairman Sisney: Before we go any further. Will you show me what we're talking about here?

Josh Ashbaugh Tractor Supply Representative: I have additional paperwork. Do you guys want to look at it and kind of go through together?

Chairman Sisney: I'd like to see what you have.

Josh Ashbaugh Tractor Supply Representative: I'll just give a brief explanation. I think it's going to be easier if I get the overview, and then you all ask the questions, and I can answer your specific questions, but at the end of the day, there's a street that runs between what is now Fast Stop and the parking lot of Tractor Supply that is a platted street. It's in the Palomas Hot Springs subdivision, and we are requesting nothing to do with that street. But back in 1946 the then property owner conveyed an extension of that street outside, completely outside the Palomas Hot Springs subdivision, and it kind of, it doesn't go straight. It kind of turns a little bit to the right, to the north, that street was never built. As far as I can remember. I lived here my entire life. I remember when Turtleback Cafe, I think it was called Stuffies back then. I don't remember a street being there. I remember when Stuffies burned down, and I was, like, four. It's never been built, never been used, serves basically no purpose whatsoever. And then over the years, you'd be surprised how often this happened. Over the years, it just seems that everyone forgot about this tract of land out there. So, when we were doing the title search in 2022 closing, we discovered the issue. The parties did not want to wait. It's a whole long story that I won't go into, and so I said, well, I'll deal with this after closing. It took me four years to get to it. I wanted to get to it a little bit sooner. And so basically, I'm going to say this 10 times. And so, I apologize in advance. My goal is I need to fix title to the Tractor Supply property, and I want to leave everyone in the position the city, the adjacent property owner and Tractor Supply, in the position in which they thought they were, because no one's in the position with regard to the street where they thought they were at the end of the day. That's my goal. Is

we're just going to get it where everyone thought that's it. I mean, so that's basically the overview, and it might be, it's hand drawn in so, you know, it's not 100% accurate. But towards the end of what I just handed you is two copies of a survey. One is the clean copy, and one is my excellent drawing skill copy. And I can, we have to share it, but I actually have a full-size copy of that survey. You know, it's quite a large survey. It's been reduced down to a legal-size piece of paper. And so if you all want to look at that, I do need it back. So, I don't know how that works. I mean, you guys, I do need the original larger size survey back. If we want to look at it, we can, but I don't know how that gets put into the record exactly.

Assistant City Manager Alvarez: The Planning and Zoning Board will just make a recommendation, and so nothing will be approved and cemented until it goes to City Commission.

Josh Ashbaugh Tractor Supply Representative: If you don't want to look at it, you can, because it's, you know, full size. But if you go to the hand drawn version, it's red and blue and take the highlighted proportion. The red is where the extension of the street is, and again, that's 100% outside of the Palomas Hot Springs subdivision. I know that the city attorney kind of had concerns about that alley that runs right there, but it is on the west side of the alley completely outside the subdivision. And then that blue that I highlighted, that's an easement for the RV park. That easement was reserved, I believe in the second document I gave you in that packet, the first document is the 1946 deed to the city, and the second document I stapled them together, that one so that easement was reserved in this deed. At this point in time, in 1998 a portion of the Tractor Supply property and RV park were under common ownership, and they sold out the Tractor Supply portion to Alco, as we all recall back in 1998 and they reserved that easement that I outlined in blue for their benefit to service the RV park. So that easement is likely invalid, because you know, you cannot convey what you don't own, and in this case, you cannot reserve what you don't own. And as far as we can tell, the city owned that piece, because it's in the street that we're asking you to vacate. But like I said, we're going to put everyone back where they thought they were. So, if you go to the document immediately before the surveys. It's an easement. It's unexecuted.

Chairman Sisney: You say you want to get everybody where they think they are. Tell me where we think we are. What's going to happen to that corner of that asphalt that goes up to Cielo Vista?

Josh Ashbaugh Tractor Supply Representative: That's a point I'm making. If you go to the document labeled easement. I spoke weeks ago to Tractor Supply, and they're going to execute this easement, which is going to put that easement that is likely invalid back or into place, and

that way Cielo Vista is going to have their access on that corner, which is that little blue box. They've already agreed to do it. In fact, they already asked if they should do it, and I said, no, we have to wait until everything's done. But they're going to sign that easement, run with the land, and it will go back to the RV park so that they'll get their easement in that blue box on the map.

Assistant City Manager Alvarez: If I could maybe help, and maybe you can help clarify. Just as we've been operating like these easements are in place during the process of your paperwork, you realized we don't have the easements in place, and so we're trying to put those easements in place now.

Josh Ashbaugh Tractor Supply Representative: I mean, we are the easement that we're specifically speaking of, which is, again, the blue box. I mean, in my opinion, it's invalid. The city owns that property. You can't give it. A third party can't give an easement across city property.

Chairman Sisney: What you want to accomplish is that space inside of the blue ink will be City property?

Josh Ashbaugh Tractor Supply Representative: No, the entire red box, which includes the blue box, will be vacated by the city. Then the city is going to do what it does. We'll get clear title to the Tractor Supply portion, which will include some cooperation with the adjoining property. And I've spoken to her about it. I think we're on board. I'm not sure, but I think so, and we'll get clear title. We have to do that first, and then once that's done, then Tractor Supply folks are going to sign the easement to put the blue box in place.

Chairman Sisney: It's going to be Tractor Supply property with an easement to Cielo Vista?

Josh Ashbaugh Tractor Supply Representative: Correct, which is what everyone thought it was. And it wasn't.

Chairman Sisney: Ok, thank you.

Josh Ashbaugh Tractor Supply Representative: And then, you know, going to the city, the city has an express easement, it's that number one I highlighted, just the number one. But it is not just in that area. It's a pretty big, that whole dotted line deal. So the city does have an electric and telephone line express easement. And that is one of the documents I gave to you all. It's the third document, the 1998 easement agreement. Again, it covers more than just what we're talking about. But you know, the city is going to want to reserve that easement unto itself, the

parts that overlap the street and then overlap the express easement. And, you know, again, I'm talking with the Tractor Supply folks about all this, and they're on board with doing whatever needs to be done to just get to where we thought we were. So, you know, I'm willing to work with the city and the city attorney so that we can all make sure we're all on the same page and that we're being fair to everyone.

Vice-chairman Buhler: So you basically like, quiet the title on this?

Josh Ashbaugh Tractor Supply Representative: You can say that in a way, I'm fairly certain the state, the federal government and the county, have sovereign immunity, and you cannot list them as a defendant in quiet title. And I believe the city is the same. So basically, we're clearing title. We can't do a quiet title, but we can, you know, work with the city to get it clear, and work with everyone, all the adjoining property owners.

Vice-Chairman Buhler: You feel like everyone is on board with this?

Josh Ashbaugh Tractor Supply Representative: Yes, that is my impression. I won't go into details, but, you know, I'm paying for this because I was told by my underwriter to ignore it, and you know, I'm a bit of a perfectionist, and it's bothered me that it has not been fixed. I just want to fix it at the end of the day.

Vice-Chairman Buhler: They will be able to use the road?

Josh Ashbaugh Tractor Supply Representative: It'll be exactly as they thought it was.

Member Hammer: From your drawing, it looks like the Tractor Supply the building is built on property it doesn't own. Is there an updated survey? I'm seeing a lot of surveys here, but they're like for 95.

Josh Ashbaugh Tractor Supply Representative: That's the most recent one. Again, I can give you the full-size survey to look at. I do just need it back. The exact survey you're looking at, I can give you the full size. It's much bigger. It might be clearer to look at.

Member Hammer: And this will be re-surveyed for the record?

Josh Ashbaugh Tractor Supply Representative: It doesn't need to.

Vice-Chairman Buhler: And Jay Rubin is on board with this too?

Josh Ashbaugh Tractor Supply Representative: We're working with him.

Chairman Sisney: Where is Tractor Supply?

Josh Ashbaugh Tractor Supply Representative: They appointed me to represent them.

Member Luchini: The part of the Tractor Supply building or business inside the city property. Does that get rectified?

Josh Ashbaugh Tractor Supply Representative: That's why we're asking for the vacation. That's the major issue. Is that this, you know, the major issue is not that this is a street to nowhere. It's a street to nowhere underneath a building, and that's the major issue. So, we ask that it's vacated, basically to clear title for Tractor Supply. And it really serves no purpose to the city, except for the easement. The city didn't even know. So, they, in 1998 asked for easement. They said, oh yeah, here you go. Here's an easement, and then part of it crosses the street anyway, so that, again, stays in place. And that was in the application. We are not asking that easement be disturbed or vacated. You know, a little bit of language is going to be inserted into vacation instruments. But I definitely think that Mr. Rubin and I can get to the terminology that's going to, again, put everyone where we thought we were.

Member Hammer: Is one of those speakers the owners of Cielo Vista?

Chairman Sisney: I don't remember.

Assistant City Manager Alvarez: I think it's important the first thing that we have to do is open for proponents and opponents.

Member Hammer: We can do that but I would really like to hear from the adjacent property owners.

Deputy Clerk Martinez: They'll have to state their name and address for the record.

Member Hammer: You tell me when and how, and we can get them up here. I just would like to hear from them.

Deputy Clerk Martinez: We'll go down the list. If they're not signed up to speak.

Assistant City Manager Alvarez: Then they will have the opportunity at the end.

Chairman Sisney: First on the list is Ray downs, Mr. Downs, please step up to the microphone.

Assistant City Manager Alvarez: Are they signed up as an opponent or proponent?

Chairman Sisney: They're all no opponent.

Member Hammer: Are you here for your own property? Are you here for your own property, or are you speaking about this vacation?

Deputy Clerk Martinez: There is a sign in sheet for each address.

Chairman Sisney: Okay, so this says Austin Street. I've got three people on here, right?

Assistant City Manager Alvarez: He's he signed up on the wrong one.

Chairman Sisney: Okay.

Chairman Sisney opened the public hearing.

Proponents: No Proponents

Opponents: No Opponents

Deputy Clerk Martinez: Are you guys here for Austin? Did you want to speak?

Cielo Vista RV Park Owner: No.

Member Hammer: Can he stand up?

Chairman Sisney: Well they don't want to speak.

Member Hammer: What I want to know as a member of the Planning and Zoning board, I want to make sure that the property owners on the adjacent property are ok with this plan.

Assistant City Manager Alavarez: I can tell you that the property owners on the adjacent property at Cielo Vista RV Park did come in and speak with me. We went over a lot of paper work and it's my understanding that they also spoke with Mr. Ashbaugh. It's their choice weather they want to get up and speak or not.

Member Hammer: I'm not forcing anybody to get up and speak. I just would like to understand their perspective as this directly impacts their business. If this was shut off, they wouldn't be able to have traffic come up to their property. So I feel like that's an important part that we need.

Josh Ashbaugh Tractor Supply Representative: I agree with that. If they want to speak, they certainly can. But to reiterate, they're not going to be shut off. I've already spoken to Tractor Supply. They're going to execute the easement.

Vice-Chairman Buhler: I personally believe it's a good idea what is happening here. And you know, these properties have been in place for a long time, and I do know that when a road or something is used, or a building is somewhere, if it's if it's not made to move, and it stays there for years and years and years, that gives it a right too. I think this is a very good idea what's happening. And then you'll be working with the city attorney as well.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Request for Vacation of Plats at W. Austin Street. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Discussion/Action: Request for Vacation of Plats at 418 Locust Street.

Assistant City Manager Alvarez: The applicant is requesting that the city vacate the alleyway that's adjacent to 418 Locust Street. Within your agenda packet, I identified that area. They have a parcel. They have two parcels, one on either side of the alleyway, as well as a third parcel in there, I've identified as well. And then there's three other additional parcels that are owned by two different property owners, all property owners with were notified within 300 feet of the public hearing. We did receive an email letter that's included in your agenda packet. The property owners, the other property owners that are adjacent to that area did email that they oppose the vacation of that plot. The applicant is here and available to speak. You would like to hear from the applicant, or if you have any questions.

Ray Downs, Applicant: I like to pass this around to you. The stuff that penciled in.

Assistant City Manager Alvarez: On your agenda Action form, I tried to identify the parcel numbers so that you could match them up with them now.

Chairman Sisney: I see that, and I appreciate that.

Member Hammer: Where is 415 Locust is that directly across the street, 415 Locust?

Assistant City Manager Alvarez: He's at 418.

Member Hammer: I know. The person who is opposing to it lives at 415 so I wanted to see what he was.

Assistant City Manager Alvarez: Oh, they're, they're the property owner down one.

Chairman Sisney: They don't live there. It's an empty lot.

Ray Downs, Applicant: According to my information 410 is the actual address of the lots next to me.

Member Hammer: 415 Locust is across the street in a double wide on the corner. I'm fairly certain I would have to double check that the New York developer owns the parcel next to it, next to Ray. Not that that matters, but just wondering if they had any input, I'm sure they were mailed a letter. I guess my only question is, if we vacate, we allow the vacation of this alley, then there's no alley in between or in the next property. But I've seen this up close, and half of this property south of this is like a huge hill. It's unbuildable.

Assistant City Manager Alvarez: It would essentially landlock the one path parcel.

Member Hammer: It would.

Vice-Chairman Buhler: Well, and alleys are put in for reasons. They're put in for safety. So, I would mention that to you as well.

Ray Downs, Applicant: I'm going to pass this picture around. There was no alley way there. There was no way to put poles. The city actually got a ramp about 8-foot beside my building and my power pole was on top of that 8-foot embankment. Whenever I purchased the property

behind it and I leveled all the property around there. The city came and set a new pole up there. I told them if they vacate it I will have my service changed to the main pole next to the road. Which is 5th street and would take it from there to the shop building. The main reason I want to vacate it. I have had a portable welder stolen off of that lot. I have had several people drive onto the lot to look around. I went out there one time and asked a man what he was doing there and he said he was looking to see what size ball he needed so he could back up and steal a trailer. Molly, I think you have walked behind that before I got there so you can attest that it's almost impossible to walk back there before it was leveled off. That is my main reason to try and secure the property. If they are worried about power there is still power available at 4th and Locust. There's a street line there on the street that could be run across. The Fourth Street has actually been vacated quite a while back. It no longer goes into the subdivision because there's no place for it to go anyway. Everything's pretty much straight up and down all the way around.

Member Hammer: Are there any utilities down this?

Ray Downs, Applicant: The only utility is my power pole.

Member Hammer: No gas or anything?

Ray Downs, Applicant: No gas and everything are on Locust Street.

Chairman Sisney: The letter enclosed from 415 says the reason they oppose is they're afraid you're going to make more dense housing up there. Is that your intention to make more dense housing on your property?

Ray Downs, Applicant: No.

Chairman Sisney: Because it just said, if this actually would permit the Dows to increase home density here on locust, I am against it.

Assistant City Manager Alvarez: Remember that you don't, you don't get to identify whether he can or cannot develop his property. So if you choose to vacate.

Chairman Sisney: That's not what I'm going for.

Assistant City Manager Alvarez: I just am letting you know you don't get to identify whether or not he gets to make dense housing.

Chairman Sisney: Right. My point that I'm trying to make is, if someone's complaining opposing something that pulls a lot of sway with me, but if they're saying if, then they're really not opposing, unless he's planning on it.

Assistant City Manager Alvarez: With that being said, somebody could tell you they are or are not going to do something right walk out of here and do the opposite, and as long as they develop it within the code, they're allowed to do it. So, I don't want your decision to be based on whether or not you think he may or may not do something.

Member Hammer: If he wanted to make it more dense outside of the current zoning, he would have to approach the city so, and that would be a future request that's irrelevant to this topic.

Ray Downs, Applicant: There are several lots on the other subdivided. The only ones I own are the ones right there where I'm at. There's not enough room behind there probably to meet mostly setbacks. There's no water available. There is no sewer available. There only thing that's available at that is electric, gas is on the front, water is in the front, sewers, and it's not my intent to do that. I don't know what Paul's intent across the street is. The property next adjacent to me, just south of that the other 45 by 140 foot piece. That's the only thing you're going to be able to put in. There's a single, wide mobile home, or very, very small house, because of the setback. I've actually tried to buy that property twice for a driveway.

Member Hammer: So right now, I'm just trying to get clear so you own the top three parcels and the other parcel is someone else but he's not Paul.

Ray Downs, Applicant: That's the McKinney Trust.

Member Hammer: But he's not Paul. So, the McKinney trust are they opposed or for this or no response?

Assistant City Manager Alvarez: No response.

Member Hammer: Your parcel does not touch Paul's property?

Ray Downs, Applicant: No he's across the street.

Member Hammer: to be clear who was, who is opposing. If it was this person, we would need to take in a little bit more consideration. But okay, I don't have any more questions.

Chairman Sisney opened the public hearing.

Proponents: Ron Fenn

Opponents: Paul Richardson

Paul Richards: include email.

Ron Fenn: I have known Ray for a long time. Actually, I don't want him to leave, but that's beside the point. I have problem with Mr. Paul Richardson, however, and reading his letter in opposition of this. He mentioned that Mr. Ray Downs is trying to sell his house, but he didn't mention the fact that he is selling his house and has already probably sold it. He's a realtor. He has not moved there with his family or anything else. He was a single man that moved into the house. He didn't even furnish it. I've been in his house, and he was turning around and flipping the property. So, this is very ingenuous, this letter that he wrote because he's selling his property and he won't be there if he's already has. He's taken the signs down. By the way, I don't know whether or not he sold the property or not, but he is not representing that this is a family that's looking for this quiet neighborhood or anything else. And one of the factors that I looked at when I looked at the plat, it's the fact that there's a property owner that with that, without the vacation, has a piece of property that is totally landlocked, that has no access to a public street. And so, there's a benefit to that. Would be the people, I guess, that didn't answer. I don't know what their purpose is in owning the land or anything else. But it would seem to me that by leaving that alleyway there, it land locks a piece of property, making it much less valuable than would be if they had access to a public street, because unless you're a mountain goat, you have no access from Poplar. That is, I mean, it's just very steep, sheer drop off of significant footage. Anyway, that is all I can say is there doesn't seem to be a value in a in an alley that goes nowhere, because, as you can see from the from the plat, it only goes through a couple of pieces of property and then ends. It would not be sufficient for, let's say, a turnaround of trash trucks or anything else. Both of those areas that would be freed up from that alley would have public access on a public street, meaning Locust Street. Therefore there's no need for, let's say, an alley to go down there behind those properties for any reason I can imagine in the future, because that property has been for sale or vacant for as many years as it's been there. But given the fact that variances are my estimation very too regularly, given this one would impact no one negatively, as opposed to variances for, let's say sidewalks and curbs and gutters and all of that, just because other people say, Well, nobody else has got it, so I don't want it either. That's the way the city ends up without sidewalks and curves and

everything else. I am totally in as much as I would hate to see my friend Mr. Downs leave community. I know he's not trying to develop that land into anything.

Member Hammer: I walk by this property almost every day with my dogs. So, I'm very familiar with it. Given the topography of this area, including that really steep, unbuildable hill. No one will ever build on and the area, I don't have any objection to this request.

Chairman Sisney: Let me ask you something. If you bought that property and you had access from an alley when you bought it, how would you feel if someone tried to take your access away from your property?

Member Hammer: They're not here, right? This, this property here are you talking about? This one down below?

Chairman Sisney: I'm talking about the two that are going to lose access to the alley.

Member Hammer: They received a letter, right? This is the property owner.

Assistant City Manager Alvarez: They received certified letter. If ultimately the Commission approves the request to vacate, then the attorney has to go through a legal process, and the vacation legal descriptions are divided up within potential property owners. They'd have to accept that as well.

Member Hammer: Okay, there is a layer and there is a possibility that they can oppose at that time.

Chairman Sisney: They sent an email opposing

Member Hammer: The emails from the neighbor across the street that doesn't have any property adjacent.

Chairman Sisney: The people that own these two lots right here they did not respond.

Assistant City Manager Alvarez: No.

Chairman Sisney: Gotcha. All right. Thank you.

Assistant City Manager Alvarez: I noted my action form stated incorrectly.

Member Hammer: The neighbor who wrote the email is across the street. He doesn't have any property adjacent or touching this or any of these.

Assistant City Manager Alvarez: He is within the 300 feet.

Member Hammer: He is within the 300 feet so. But physically, his property doesn't touch it.

Chairman Sisney: Gotcha.

Member Luchini: But he still says no. My concern is the safety. I know there is emergency access on Locust. But I mean, the alleys were put there for a reason, and obviously, you know, it doesn't go completely south nor completely north.

Chairman Sisney: Who owns the rest of the lots?

Member Hammer: Pre Real.

Assistant City Manager Alvarez: They were also notified.

Chairman Sisney: No comment from them?

Assistant City Manager Alvarez: No nothing, except for the one email that we received. Actually, they gave me a phone call, and I asked them if they wanted it as part of the record, to email me the information. So they followed up with an email. That's the only response I got from anybody.

Chairman Sisney: Excuse me, Miss Alvarez, Pre Real did not wish to comment on the fact that, well, so they don't care if there's an alley there or not?

Assistant City Manager Alvarez: I received no response, except for the one email that you have.

Member Luchini: My concern was just the alley and access to alley for the other accessible lots south of Mr. Downs.

Member Hammer made a motion to recommend approval to the City Commission for a Request for Vacation of Plats at 418 Locust Street. Vice-Chairman Buhler seconded the motion. Roll call vote was taken.

Member Hammer – Aye
Member Luchini – Nay
Chairman Sisney – Nay
Vice-Chairman Buhler – Aye

Motion was 2-2.

Chairman Sisney: I know, so it's a push, and therefore it will advance to City Commission. So I'll let you know what's up. So, you understand that nothing really happened today, move on and they'll make a decision. So thanks for coming. Thanks for the time.

c) Discussion/Action: Request for Plat Amendment at 2300 Veater.

Assistant City Manager Alvarez: The applicant is requesting to split two separate parcels that they have into four parcels, because you can see from the items in your agenda packet, they are two very large parcels. The property is located in the T-1 district. All parcels meet the lot size requirements, and they'll have either direct access or legal easement access to all city-maintained utilities and streets. All documents have been submitted and certified letters to property owners is required. The applicant is out of state right now. He's a resident of town. He just travels, and he just happens to be out of state. He did request that I read his letter. "Dear P & Z board members, thank you for considering this re-plot. I'm sorry not to be present, but I'm out of state and unable to attend. The farm is currently in 2 20+ acre parcels, and I would like to divide it into 4 10+ acres. Listed below are the reasons I'm asking for this re-plot. One, I desire to have one parcel for myself and my other two family members, one for each, and have a small Farm and Home site. Two, as water becomes more and more scarce, it's difficult to keep this much acreage alive and well-managed. It's my intent to keep farming the total acreage if I'm able to get an approved supplemental well. I do not wish to burden on the city and will not require any utility extensions other than service lines or taps. There's currently power on all four sides, water and sewer and Veater street, I have allowed for a 50-foot easement for private utility lines, privately maintained roadway. This with roadway would be adequate for future growth, should the city need and desire it. Should my family or I ever decide to sell, we would be giving the owners of the two homes in the northeast corner of the original farm an opportunity to purchase and add the 9.8+ acres to their place. Again, I wish I could be there in person. Thank you for considering this request. With regards, Walt Martin" who is our applicant, and with that, I stand for any questions.

Member Hammer: So between the quadrant before the sub-plat map, there is a road that's 30-feet wide that runs down the middle.

Assistant City Manager Alvarez: Yeah, that's an easement he'll put in.

Member Hammer: Okay, so these won't be stranded from the street.

Assistant City Manager Alvarez: Correct. They will not be landlocked, and it'll be a utility and roadway easement.

Chairman Sisney made a motion to recommend approval to the City Commission for a Request for Plat Amendment at 2300 Veater. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

d) Discussion/Action: Request for a Variance at 1199 E. Riverside.

Assistant City Manager Alvarez: Thank you, the applicant is requesting a variance for the minimum dwelling size of 1199 East Riverside. The property is in the RR-1 district. Existing structure on the property is 510 square feet, and the applicant would like to remodel that existing structure for livable dwelling purposes. RR-1 does require a minimum dwelling size of 800 square feet. Looks like, from what I could go back into from past history that the existing structure was maybe originally an accessory building prior to a lot split in maybe 2022. The structure does have unobstructed access to city maintained utilities and street and all required documents and fees have been submitted certified letters mailed To all property owners within the 100 square feet, and from a planning and zoning standpoint, if this was something that planning and zoning did recommend, and ultimately, City Commission did approve, the way we would look at this as it does improve a property that's just got a building sitting on it right now. They're not asking to bring in something smaller. They're asking to rehab an existing structure. And I don't know what the structure was prior.

Vice-Chairman Buhler: You know, they're not here to take questions, correct?

Assistant City Manager Alvarez: They are, yes, Ma'am.

Chairman Sisney: These lines are not correct.

Assistant City Manager Alvarez: Yeah, please don't look at the lines. The lines are not correct. That's an overlay.

Chairman Sisney: And these two pieces of property are not the same owner.

Assistant City Manager Alvarez: No.

Chairman Sisney: Where's the fence? I can't see it. You know, I can usually see the fence, and I don't see a fence. Is there a fence between the two properties down the middle?

Member Hammer: So the main structure next to it, like, if you're standing on Riverside and you're looking to the left, there is a house there. Is in an adjacent property, or is that on the same property?

Chairman Sisney: Those are two different lots, and there's a fence between the two properties. But the red lines are off. You can see where they should be.

Member Hammer: How big is the lot?

Assistant City Manager Alvarez: For this one, we did not have any obvious proponents or opponents, and I will say I did not receive any emails or phone calls from any opponents or proponents.

Member Hammer: I can't read this, it's how many acres?

Rocky Mondello, Applicant: I'm Rocky Mondello, I own the property on 1199 East Riverside. And just for the record, the city allowed it to be split up several years ago before I bought it. This is kind of a real dwelling. It was a livable dwelling at one point. It's stuccoed –

Vice-Chairman Buhler: Now, are you talking about the little blue house?

Rocky Mondello, Applicant: No, it's brown. It's really ugly.

Member Hammer: Can I show you on maps?

Vice-Chairman Buhler: Yeah.

Chairman Sisney: That was Bill Wood's house.

Vice-Chairman Buhler: There was a fire there.

Chairman Sisney: Right I remember that.

Rocky Mondello, Applicant: Anyway, the city allowed it to be split up a few years back, and we bought it, I guess, in the '22 with it with the building on there. And now we're trying to remodel it, and I guess at some point, you know, change the size requirement after we bought it, but we just want to clean it up and make it a really nice little place.

Chairman Sisney: Have you considered adding another 300 square feet?

Rocky Mondello, Applicant: I have, I own the Morning Star building, and I just put \$15,000 more into it. And so I'm just trying to do things in phases. So yeah, and I would like to in the future, absolutely.

Vice-Chairman Buhler: Yeah, you're kind of, this is kind of venturing into the tiny home aspect, and the city doesn't really have a good – we don't have a structure to work with that just yet. We're in the process of working on that. Setting a precedent, and having a bunch of tiny homes all along the river will put a lot of pressure on that area, for one, and I don't know that I'm, you know –

Rocky Mondello, Applicant: Well, this isn't a tiny home. It's a dwelling that exists already.

Vice-Chairman Buhler: Well, it's not livable.

Rocky Mondello, Applicant: Yeah, well.

Member Luchini: Do you live in it now?

Rocky Mondello, Applicant: Oh no, I live next door to it.

Vice-Chairman Buhler: This a shell. It's basically a shell, correct?

Rocky Mondello, Applicant: Well, it's more than a shell. It's got electric. You know, it was electric. It had some plumbing in it at one point, but it was livable.

Vice-Chairman Buhler: It was part of the other house.

Rocky Mondello, Applicant: It was part of a trailer that used to -

Chairman Sisney: Well, I thought they were two different owners. So you do own the property next to it.

Rocky Mondello, Applicant: I own the property next to it, yeah.

Member Hammer: To the right or the left? If you're standing on the street.

Chairman Sisney: The original property, you own that piece too, that this was connected to?

Rocky Mondello, Applicant: No, not the original.

Member Hammer: So if you're standing on the street and looking at the property in question, is your house to the right?

Rocky Mondello, Applicant: Yes, right.

Member Hammer: Thank you.

Member Luchini: The one with the slanted roof and the boat?

Member Hammer: No, that's the one we're talking about. That's 510 square feet. And then he owns the property to the right down here.

Vice-Chairman Buhler: Now, would it meet, like, base flood elevation and all of that for being on the river? Because it's on the river.

Assistant City Manager Alvarez: Any development or remodel that they go through has to go through Travis Atwell, flood manager, all of that stuff gets submitted to him, as well as through CID for permitting and electrical.

Vice-Chairman Buhler: So he would have to have a permit.

Assistant City Manager Alvarez: They would have to go through everything –

Rocky Mondello, Applicant: I would like to say that all the houses there are ground level already, so I'm not sure what you're saying. And this house actually is about three feet off the ground.

Vice-Chairman Buhler: Well, it should meet whatever the code requires.

Member Hammer: I'm sorry, were there proponents or opponents to this particular variance request?

Assistant City Manager Alvarez: I've not received anything from anyone.

Member Hammer: I, personally, like the idea of having smaller homes on properties. We've had this discussion many times in many, many of our discussions here, I just don't know if we're ready yet to stipulate what that means, because we haven't really come to an agreement in our own discussions, or, you know, giving that to the commission, and I think it's something we want to do. I just think we need to be careful about setting a precedent that we don't have guidance for yet. But I like the idea. I'm just, I'm conflicted on how to move forward, given we don't have specific code for smaller homes or ADUs.

Rocky Mondello, Applicant: I'd like to ask you, this really be a precedence if the house already is there and has been there for a very long time?

Chairman Sisney: It used to be twice the size of this now.

Rocky Mondello, Applicant: No, not the house. There was a mobile home, a trailer, attached to it. That was a drug trailer that my son, who owns the other property, got rid of. It was terrible.

Chairman Sisney: Is your son? I remember that. I remember when this, when this property was all, together, that was your son?

Rocky Mondello, Applicant: Yeah.

Chairman Sisney: How long ago was that?

Rocky Mondello, Applicant: I'm going to guess four or five years ago.

Chairman Sisney: Okay, I'm talking about before that, when this was all one. This was all connected.

Rocky Mondello, Applicant: Yeah.

Assistant City Manager Alvarez: It was 2022 that you guys approved the summary plat. 2022 is when it was approved to split that lot.

Member Hammer: And what was it a part of again? The left or the right, if you're standing on the street.

Chairman Sisney: This used to be – this house here to the left, and this, they were connected. This property was twice as large. It caught on fire, and they tore down half of it. They closed in this part of it. I remember this property.

Rocky Mondello, Applicant: And that and that was attached to a trailer. The little house that exists, the other house was never attached to that house. There was a trailer there, and like I said, it was a drug trailer.

Vice-Chairman Buhler: And there's 10 feet between the other structure.

Assistant City Manager Alvarez: Yes, it meets all of the required setbacks other than the dwelling size.

Vice-Chairman Buhler: So the total inside, the total square foot is 510. Could you make that a little bigger?

Rocky Mondello, Applicant: I can't this week, I'm putting so much money into 421, my building downtown, I just spent \$9,000 redoing the electric. I'm going to put a roof on.

Vice-Chairman Buhler: Well, it's in shameful condition right now. It's been in shameful condition for a long time.

Rocky Mondello, Applicant: I agree, that's why I'm here.

Rocky Mondello, Applicant: I'd like to, you know, at least get it prettier, and then, you know, I would like to remodel and make it bigger and better. But right now, you know, I'm going to have to put a new roof on, and I'm going to do a lot of re-stucco, just a lot of things, just to make it what it is. And then, you know, as business of life goes on, you know, I have limited funds, so you know. Yeah, and it really is an eyesore. I'd love to, you know, get what I need for utilities to get a remodel. I already talked to a contractor to come in and do some things to it.

Vice-Chairman Buhler: You could almost call it like a mother in law house, but I know it's not in the backyard. Well, I'm serious. You could call it a granny house, and that's what you might want to, when you go before the city, you might want to express that.

Member Hammer: So when we're considering the request, we should be going back to our findings of fact sheet as well.

Chairman Sisney: I don't think we should. I don't think we should make a variance.

Rocky Mondello, Applicant: Because of the size?

Chairman Sisney: Because of the size.

Rocky Mondello, Applicant: So you just want it to stay there looking just as ugly as it is? It's pretty ugly.

Chairman Sisney: If you're going to do it, add 300 square feet to it.

Chairman Sisney: You don't have to pour a slab. You already said it's off the ground.

Rocky Mondello, Applicant: Right.

Chairman Sisney: Then we don't have to set a precedence, and we don't have to make a variance, because this is something that we've been working on for, for quite a while, to establish.

Rocky Mondello, Applicant: Let me ask you something, how long have you been working on it?

Chairman Sisney: On this?

Rocky Mondello, Applicant: On the size requirements.

Chairman Sisney: We've been, this has been, how long have you been here, Molly?

Member Hammer: A year. So the city has a priority list of what they need to do in general, but then also I know that the Mr. Whitehead, who is not here to speak for this, but he wants to look at all the ordinances, like we're doing a review, because there's some language that might be not clear, so on and so forth. And so he wants to tackle all of the changes kind of at once.

Rocky Mondello, Applicant: I can understand that. What about the fact that I bought it before all this?

Member Hammer: You're bringing up a good point, which is more people want to do this, and I think that's important for us to consider. And I think maybe this will push this topic, this ordinance, kind of to the top of the list, because it does keep coming up. We need to make some decisions.

Chairman Sisney: When you bought it, it was not a residence. It was a shed.

Rocky Mondello, Applicant: No, that's not true. It's got plumbing and electric. It was a residence.

Member Hammer: Because it was attached to a mobile home.

Chairman Sisney: Yeah, it was.

Rocky Mondello, Applicant: It was a residence. That's why I bought it, figured that, you know, I don't know how it works, but you let it get subdivided. Had that little house, I'm going to call it a little house because it has plumbing and electric to it and water, you know, has everything, all the utilities at one point. And so I bought it, figured I'd remodel it. And that was four years ago. So seems a little unfair that I bought it with intend to do that, and now I can't. And again, I will expand it in the future, but I can't do it this week, there's only limited things I can do. And my downtown building takes some priority, some precedence, and I feel bad how this place looks. It's really not.

Vice-Chairman Buhler: You know, Riverside used to be the most beautiful street in the whole town.

Rocky Mondello, Applicant: I know.

Vice-Chairman Buhler: And there's problems there now, yeah. So now I know you would do it. I know you would do a nice job, Rocky. I know you would, your store is very nice. You bring a lot to our community, and that counts in my book.

Rocky Mondello, Applicant: Thank you.

Lynette Mondello, Applicant: I just wonder on expanding the size. First of all, I gave the variance to split the property. It's not a big piece of property, so that proportionately, that little building is actually a nice size. Our one plan is to put a deck. We were just looking at it today, so it will look over the river. It'll have a little more space, but it's not a big piece of property to make a bigger house on it. That would be one comment I would say, just what that would look like.

Member Luchini: Is there room on the lot to increase it to 800 feet?

Lynette Mondello, Applicant: I mean, there is room.

Chairman Sisney: It'd be 10 feet by 3 feet. You'd have to make it 3 feet longer.

Vice-Chairman Buhler: Are you going to change the roof line, or are you going to leave that roof like that is?

Chairman Sisney: You'd have to make the house three feet longer.

Lynette Mondello, Applicant: The only thing that we considered is adding, like a carport to the other side so it'll give it the peak.

Vice-Chairman Buhler: Right, so more symmetrical look to it.

Rocky Mondello, Applicant: It needs to be respected. Like you said, it got burned down, and right to have the house.

Lynette Mondello, Applicant: The problem is, one of the complaints that I have is, you know, we went to go get utilities, and whomever agreed to give the variance to split it, never considered that this place has no utilities. So for us to get started, it would be nice to have water. It would be nice to have electric, but we can't do it because it's not 800 square feet. So that's been a frustration for us, just to get started. To be honest, I can't get utilities for that, and I can't do utilities for the other property I own. Both I want to work on, but because of these codes or whatever, I can't even get started. So it's been a little frustrating. And we do want to, even the house that we own, we would like to fix up things and have a nice – we want to be a part of the good changes to Riverside Drive for sure.

Member Hammer: I just want to see us, in working with the city, bring this, the tiny home and ADU topic, to the forefront. I think we need to set a precedent. The fact that this building is already here, they're not asking for a new build, and they can't get utilities to it because of the

size constraint. I think it's a reasonable size, 550, it's not 200 that we're trying to put into a home, and because of those facts, I would vote for it.

Member Hammer made a motion to recommend approval to the City Commission for a Request for a Variance at 1199 E. Riverside. Vice-Chairman Buhler seconded the motion. Roll call vote was taken. Roll call vote was taken.

Member Hammer – Aye

Member Luchini – Nay

Chairman Sisney – Nay

Vice-Chairman Buhler – Aye

Motion was 2-2.

Member Hammer: Thank you.

Chairman Sisney: Nothing personal either, you guys.

Vice-Chairman Buhler: You know, ours is only a recommendation, so you'll go before the city, and you'll have a, this is a practice, kind of a practice thing for you, too. So, you will hone in on the things you're going to do that you're going to make it a really nice place.

Rocky Mondello, Applicant: I've got blueprints. I want to make it pretty. I can't, like I said, I'm not crying, but I put a lot of money on my building down there, and business always comes first before. I mean, these are the little things.

Member Hammer: I overheard you say you have blueprints and a design for this new build. Bring that to the City Commission, I think that'll help your case.

Vice-Chairman Buhler: But you can understand where we're coming from, too.

Rocky Mondello, Applicant: Well, I can understand. But you know, it's a little frustrating, because if you said to go up and down Riverside.

Vice-Chairman Buhler: We're going to address some of those things too.

Rocky Mondello, Applicant: What about the lighting on Riverside?

Chairman Sisney: That'll have to be another time.

Vice-Chairman Buhler: Yeah, talk to the city manager about that, talk to Gary.

Rocky Mondello, Applicant: Because it used to be pretty amber lights, and now it's like daylight at night.

Vice-Chairman Buhler: We have no regulations on it. I don't know what they are.

Chairman Sisney: Those are down, firing lights in their LED now, and that's why they're offensive. It's because of the color of the light.

Rocky Mondello, Applicant: I hear what you're saying. But we sit out in our backyard, and we can see that light shining on the trees across the river.

Chairman Sisney: Let me say something. I have had this problem in the past, on a light out in front of my house, and they came and shielded that light.

Vice-Chairman Buhler: Yeah, you know that house on Magnolia and Riverside, there's a man living in there, and it's a tuff shed. It's sitting on an old –

Assistant City Manager Alvarez: I know, I'm sorry. I would love to do something about it, but it was approved back in 2018, we have the documents. Whomever was in – wasn't,

Vice-Chairman Buhler: You know, that house has only been there for a couple of years.

Assistant City Manager Alvarez: I'll look farther back, but it looks like they were approved. And they may not have put it there until recently.

Vice-Chairman Buhler: There was a barn, but that was all that was there.

Assistant City Manager Alvarez: What I'm saying is they may not have put it in place until 2020 or 2022, but we have signed approval in 2018 from past. I think it might have been Susanna or –

Vice-Chairman Buhler: You know, there was a trailer there at one time. You can see the runner.

Assistant City Manager Alvarez: Correct. I can go back in history on Google, and I can see exactly what was there.

Vice-Chairman Buhler: I mean, I'm telling you, it's not, it's not in line with the base flood elevation, none of that. It's not legal –

Deputy Clerk Martinez: The only thing I can suggest, Vice-Chairman Buhler, it's not an agenda item. If you want it, we could put it on the agenda for next meeting.

Assistant City Manager Alvarez: I can shorten that, if I can, please, Katy. If it does not meet floodplain, contact the floodplain manager, Travis Atwell. If you're concerned about structural, contact CID. As far as the building sitting on the lot approved, it was signed off by was signed off by, I think it was Susanna's signature, maybe Robbie's. It's hard to see what signature, but it's dated 2018, I reviewed that and looked it up last time you brought it to me. It was approved as a smaller dwelling.

Vice-Chairman Buhler: It's a shed.

Chairman Sisney: It wasn't there. That was brought on.

Vice-Chairman Buhler: It's not there in 2000, that's something else that they're using for that, because I have to tell you, this is a new thing that's come in here, and it's, you know, I mean, I would say maybe it's been there for two years, two, three years.

Assistant City Manager Alvarez: I'll go look it up again.

5. WORKSHOP:

a) Shipping Containers:

Chairman Sisney: Would we like to table item five?

Vice-Chairman Buhler: Oh, talking about the Conex boxes. I think we should until the next meeting.

Member Hammer: I just want to make a comment about this. I did submit a position paper back in October, it was appended to the ADU, and I put some shipping container info there. I should have resent it to you, I've been really busy this last month, but I can resend it.

Assistant City Manager Alvarez: We should be able to pull if you submitted it.

Deputy Clerk Martinez: Yeah, it'll be in that last packet that we sent for the last meeting that had all the position papers and all the minutes.

Member Hammer: Okay, I just see two here.

Assistant City Manager Alvarez: So is somebody going to make a motion to table item five?

Chairman Sisney made a motion to table item 5, Shipping Container Workshop. Vice-Chairman Buhler and Member Hammer seconded the motion. Roll call vote was taken. Roll call vote was taken.

Item Tabled.

Chairman Sisney: I'd like to close the meeting in 10 minutes. Would you like to discuss Item six for 10 minutes?

Member Hammer: I could discuss it for five.

6. DISCUSSION:

a) Sign Hights:

Member Hammer: I'd really like feedback from the city. I brought this up at the last meeting. I also sent up a follow up email, and I never received a response. So I'm just trying to understand what the communication loop is here.

Assistant City Manager Alvarez: And I do apologize, part of that's on me. I had forwarded it off to Gary, and Gary was going to review and get back, and it's just been – please understand we have a lot of projects and literally, I didn't follow up with him, I'll own that.

Member Hammer: Yeah, I understand. Just an acknowledgement saying, "Hey, this is on our radar. Thank you for your response." would be great.

Assistant City Manager Alvarez: And if a reply was received, then I'd let Gary know. It's probably sitting in my drafts, and I apologize for that as well.

Member Hammer: It's alright. Yeah, I didn't receive that. I just wanted to point out a couple things, because I did a deep dive on our code after the last meeting, because I was trying to figure out what was legal and in our ordinance and what isn't. And I did go back to the agenda

on August 11, there were two items for variances, two requests. One was for the two signs to three. And the other was the square footage of the sign from 200 to 975 or whatever it is now. The height of that sign was never brought up. And so I had to go back and review and like, where do we see that? What were we voting on, you know, etc. And I also wanted to mention, and please correct me if I'm wrong, I have not studied the entire ordinance website, but I did look at number two. So the allowed height in our ordinance for a highway freestanding sign is 26 feet. There is a section in the code that allows the P & Z board and/or the city to allow a maximum increase in area, the sign area and the height. But we can't go above and beyond that.

Vice-Chairman Buhler: Well, part of the problem with that sign is it's on a big mountain, and so it makes it even bigger than it would be normally be. From my house, I can see it. It's like a glowing ember.

Member Hammer: I can see it in my backyard.

Vice-Chairman Buhler: Yeah, it's not great.

Member Hammer: When they turned all the lights on the other day, I sent another email because I was like, This is ridiculous. I can see this in my yard, a lit-up sign two miles away. And besides the subjective irritation, it shouldn't have been allowed, and we are only able to approve an increase of 20% in both the height and in the square footage of the sign. And so I'm not sure why it got permitted. In addition, when an applicant wants to come and ask for an increase in size, they have to ask for a special use permit, not a variance. So a variance is permanent. A special use permit has to be renewed. And so that did not come to our desk in that way. And Traci, I'm relying on you, because you have a lot of more tribal knowledge and a lot more experience with our code, but those are the things that I kind of discovered. I was like, Oh, we, we couldn't even approve this, even if we wanted to, because it was outside of that.

Assistant City Manager Alvarez: I'll take your information and go back to review.

Vice-Chairman Buhler: What were the city's findings with this? You know, when they ultimately went to them, what did the city find out? What did they ask? Yeah, we need to know that too.

Member Hammer: So I'm asking, I'll read this out loud, "Confirm that no height variance was properly noticed or approved on August 11, determine whether any lawful mechanism exists to authorize these dimensions that's not currently in code" I mean the sign's already up, so we

can't defer further action. It's already up and lit. And "what is our recourse with the company at this point?" because we're setting a dangerous precedent that we're willing to allow signs –

Vice-Chairman Buhler: Could they lower it?

Member Hammer: Yes.

Chairman Sisney: Molly, if you're reading the minutes, didn't I ask a question about them complying with dark skies?

Member Hammer: There's that, in addition.

Chairman Sisney: There is no way that is going to meet – And they assured us that they were going to observe all the dark sky rules.

Vice-Chairman Buhler: I remember that. And you know, that light is on all night long.

Member Hammer: I can see it from my bedroom window. So the other thing, I drove to Belen, drove to Albuquerque a couple weeks ago for a business trip. And there's a Love's in Belen that I often stop at, and that sign was like a third of the size of this one. Also all the renderings that they showed us, all the photos, that sign was really, really short. It was never very long, except for the freeway kind of captures, you know, went from one mile to a half a mile to a 10th of a mile, they captured that, but obviously we didn't see that in town. So I just, I would like for the city to review this and make a recommendation that they take down or shorten their sign.

Member Luchini: I see your point, and I see that the sign is big and on a hill. So wasn't that part of the questions; the signage from the visibility from the highway, because it was on the terrain approaching it?

Member Hammer: It was in the packet. It was not a specific variance request on that agenda for the sign height, so it was implied, and I feel like that really should have been outlined and presented to the public. And regardless, we weren't even allowed to approve anything over 20% of 26 feet.

Vice-Chairman Buhler: It's higher than our skyline. You know, our skyline is white lights, nice. And this thing is like, it's just humungous.

Member Hammer: It's 265% over the allowed size. And 391% over the allowed square footage of its face. So we need to look at it to stay within our code. Otherwise, why have a code when future commercial projects want to come here, they just can put up a sign of whatever size they want. So thank you for listening to my follow up on that.

Assistant City Manager Alvarez: And I'll follow up with the city manager on your other emails. Again, I know it was received, and we've discussed it a couple times. It's just –

Member Hammer: All good. I know these things take time.

Vice-Chairman Buhler: Now, maybe talk to Jay too.

Member Hammer: Yeah, I feel like legal needs to look at this. At this point, we've permitted a sign that is completely out of bounds of our code. Bottom line.

Assistant City Manager Alvarez: When you pulled the minutes for P & Z, did you by chance pull the follow up minutes to the City Commission at all?

Member Hammer: I didn't, and I should.

Assistant City Manager Alvarez: Because usually that's those are the meetings that Jay does review. So I don't know if he made any comments in there or not, and definitely I'll follow up with him.

Member Hammer: Yeah, good idea. I'll look at the city after that, or two meetings after that, maybe I'll find it so August 11 was the P & Z meeting, and I'll look at the minutes on the city.

7. REPORTS FROM THE BOARD:

No Comments from the Board.

8. REPORTS FROM STAFF:

Assistant City Manager Alvarez: Wednesday, City Commission meeting, the day after tomorrow, is the last public hearing for our infrastructure capital improvement plan. So if anybody wants to attend, we'll do the presentation for public hearing for public comment, and then later on in the agenda, we'll do a presentation to the City Commission discussing last year's capital improvement plan, as well as any and all public comment we've received through to date, and have the commission potentially recommend any projects that they want to add or remove or

adjust on our ICIP plan. At the following meeting in June, because the first meeting in June is when the commission will do their final ranking and identify the five projects for the capital improvement.

Member Luchini: What time is the meeting on Wednesday?

Assistant City Manager Alvarez: 9am Wednesday.

Member Hammer: So you guys had a first meeting?

Assistant City Manager Alvarez: We had two public meetings, yeah.

Member Hammer: Okay, and then this is –

Assistant City Manager Alvarez: A third public meeting.

Member Hammer: I'll have to look at the minutes. I am gainfully employed full time, so I won't be able to attend.

Assistant City Manager Alvarez: We didn't receive a whole lot of turnout of the two public meetings. We received a little bit of input via, we have a QR code. I'm not technologically savvy, but people could do a QR code and submit; we received a couple of comments that way, as well as anybody could submit via Facebook, email, or phone call. We didn't have a whole lot of submission. I'm hoping that that means that's because we're addressing everybody's concerns. We are starting WSPI-1 construction, we had our pre-con meeting today. WSPI-1 is our USDA water line replacement project that's going to address a lot of pressure reducing valves around town, which will help with the pressure. They're going to be starting first on the water line replacement along new school road and Smith and they're doing that first because they want to try and get it all complete and done while summer and school's out. And then it'll also include a new water line that'll go, kind of from Smith road over towards the rodeo arena, kind of across that hill. That'll improve fire suppression. So that should be starting. They'll start surveying around the 18th of this month, and I think we'll be officially in construction first part of June.

Member Hammer: So good things happening. Thanks for the update.

Deputy Clerk Martinez: I have one report. I don't know if you got the email, but Lisa did email us to let us know that she will be out until September. She just has a lot of stuff going on.

Vice-Chairman Buhler: Okay, well we'll be here.

Member Hammer: How does that affect voting?

Deputy Clerk Martinez: As long as we have three, we have a quorum. But she did want to let us know that of course, if you guys wanted to try to put in another member – I think she's great. She did say she would be back in September because of her travelling and doing the meetings via phone is kind of hard, but she did say she will be out until September.

Chairman Sisney: And five is the maximum on the board?

Deputy Clerk Martinez: Correct.

Vice-Chairman Buhler: If somebody has to do something or go somewhere, you can always call in too, and be on that way. We'll just do our best to be here. And three, one more person could be absent.

9. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:32 p.m.

PASSED AND APPROVED ON THIS 8th DAY OF JUNE, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 6-8-2026

ITEM: Discussion/Update – Sec. 15-13 Preliminary Plat Code Information

BACKGROUND:

Discussion only – Update Commission pertaining to the referenced section of the code

SUPPORT INFORMATION:

Code Reference

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	

Sec. 15-13. Submitting a preliminary plat.

- A. *When a preliminary plat is required:* A preliminary plat shall be required for all subdivisions except those processed through the replat or alternate summary subdivision process.
- B. *Elective pre-application procedure:*
1. Prior to filing an application for approval of a preliminary plat, the subdivider may submit to the City a conceptual plan of the proposed development. This elective process allows a developer to work with the City to resolve potential problems prior to incurring the costs of full subdivision application. The conceptual plan shall consist of all proposed restrictive covenants that will be applied within the subdivision as well as a plat describing the major elements of the subdivision and containing at least the following information:
 - a. Name of the potential subdivision;
 - b. Name and address of subdivider;
 - c. Variance request and justification (if applicable);
 - d. Total acreage within the subdivision;
 - e. All lots, blocks and phases of the subdivision;
 - f. Roads within and adjacent to the subdivision;
 - g. Major easements, labeled by use;
 - h. Open spaces, labeled by use;
 - i. Flood control areas, labeled by use;
 - j. Existing and proposed zoning within the area proposed for subdivision;
 - k. Proof of adequacy of the water supply for existing uses and the additional use that would be caused by the proposed subdivision, and a description of what provisions will be made for liquid waste disposal;
 - l. The availability of other required utilities, and the points of connection to those utilities;
 - m. The proposed schedule of construction; and,
 - n. Other information the subdivider believes will assist the Zoning Administrator in understanding the proposal.
 2. The Zoning Administrator shall review the conceptual plan with the subdivider and, based on the information presented to it, shall indicate any areas of concern associated with the proposed site or layout of the potential subdivision.
- C. *Submittal requirements for preliminary plats:* The subdivider shall submit the following information.
1. *Preliminary plat:* Seven copies of the preliminary plat, conforming to the standards of section 15-19 shall be submitted to the City.
 2. *Supplemental plans:* Conforming in all respects to the standards set in section 15-20 of this Code.
 3. *Application:* The application shall be signed by all property owners, including all parties having an equitable interest, trustees of an estate, or all persons having a specific "power of attorney" for the subject property as recorded in the Sierra County Clerk's records. Any pending litigation of any Final Order entered by any Court of Law regarding the subject property shall be disclosed by the subdivider.

-
4. *Application fee:* As established by the City.
 5. *Variance requests:* (If applicable).
- D. *Submittal and review procedures:*
1. Incomplete submittals will not be accepted for review.
 2. The subdivider shall submit all required materials to the City's Zoning Administrator.
 3. The City's Zoning Administrator shall review all materials, and shall request a review and response from applicable City departments, other governmental agencies and utility companies within two working days from the date the application is determined to be complete. All reviewing agencies shall have a minimum of 15 working days to review and comment on the subdivision. Within three working days of receiving a written report, comment or recommendation from any City department, governmental agency, or utility company, the Zoning Administrator shall make a copy of such materials available to the subdivider.
 4. The Zoning Administrator shall have the right to require that the subdivider provide additional information or to make amendments to the plat and supporting information if the Zoning Administrator determines by a review of the materials or from comments received from reviewing entities that the submittal is incomplete, incorrect or invalid.
 5. The subdivider shall have ten working days in which to make any corrections or additions required by the Zoning Administrator, or to request a postponement of action by the Zoning Administrator for up to 135 days.
 6. If a subdivision application does not meet the requirements of this Code within 365 days of its original submittal, the Zoning Administrator shall summarily reject the application and notify the applicant in writing of the reasons for the rejection.
 7. If a submittal meets all requirements of this Code within 365 days of its submission to the City, the Zoning Administrator shall inform the subdivider of the status of the submittal, and within three days of notifying the subdivider, place the proposed subdivision on the agenda of the next Planning and Zoning Commission with a recommendation of approval or conditional approval.
 8. The Zoning Administrator shall maintain custody of the plats.
- E. *Planning and Zoning Commission review, and action:*
1. The Planning and Zoning Commission shall recommend approval of a subdivision if it determines that the proposed subdivision's plat and supporting information conform with the requirements of this Code and that the subdivider will be able to fulfill the requirements of this Code. In making this determination, the Planning and Zoning Commission shall consult the official record of communications regarding the proposal for comments by offices of any and all local, state and federal entities charged with responsibility for monitoring and administration of any of the facets of development which the subdivision may impact, and shall consult with and receive a written opinion from the City's Public Utilities Advisory Board. The Planning and Zoning Commission shall not recommend approval if the PUAB recommends against such approval.
 2. The Planning and Zoning Commission shall recommend disapproval of a subdivision if it determines that the subdivision submittal was incomplete or did not comply with the requirements of this Code and that the subdivider is unable or unwilling to bring the submission into compliance with this Code. In making this determination, the Planning and Zoning Commission shall consult the official record of communications regarding the proposal for comments by offices of any and all local, state and federal entities charged with responsibility for monitoring and administration of any of the facets of

development which the subdivision may impact, and shall consult with and receive a written opinion from the City's Public Utilities Advisory Board.

3. The Planning and Zoning Commission may give Conditional Approval if the subdivision is substantially in compliance with the requirements of this Code, and if the subdivider is able and willing to bring the submittal into complete compliance with this Code prior to approval of the final map.

F. *Action on preliminary plat:*

1. A subdivision which receives a recommendation of approval, conditional approval or disapproval shall be acted on by the City Commission.
2. An approved preliminary plat shall remain in effect for not more than three years from the date of the City Commission meeting approving said plat. The subdivider may request an extension of not more than two years. The Planning and Zoning Commission may grant the extension in one or two year increments if it finds that conditions leading to the original approval have not changed substantially.

(Ord. No. 555, 5-23-06)

Sec. 15-14. Submitting a final plat.

- A. *Submittal of final plat:* Upon receiving a recommendation of approval from the Planning and Zoning Commission, the subdivider shall prepare a final plat that is consistent with the standards of section 15-14 of this Code for submission to the City Commission and which is in conformance with any conditions placed upon it via the conditional approval of the preliminary plat. The final plat shall be submitted prior to the expiration date of the preliminary plat. The final plat shall contain all information contained in the preliminary plat and shall be accompanied by all supporting information required for review of the preliminary plat. Both plat and supporting documentation shall contain all changes required by the Planning and Zoning Commission in its decision to recommend approval or conditional approval. Such final plat shall be submitted to the City Commission within 15 working days of the Planning and Zoning Commission's vote on the final plat.
- B. *Action required:* The City Commission shall approve or disapprove a final plat within 35 days of the final plat being submitted.
- C. *Notice of meeting:* Notice of the time and place of a meeting on a final plat shall be sent by mail to the subdivider's address as shown on the plat not less than five days before the day of the meeting.
- D. *Taxes and fees to be paid:* Before final approval of a final plat, the subdivider shall have provided to the City certification from the Office of the County Treasurer of Sierra County that all due and delinquent taxes against the land included in the preliminary plat are fully paid. Additionally, the subdivider shall pay the necessary filing fee to the City Clerk.
- E. *Limit on City's liability:* Approval of the final plat by the City Commission shall not be deemed to constitute acceptance by the City or any of its officers or officials of any liability for the development of any street or other improvements within the subdivision.
- F. *Construction of improvements or filing of security:* Upon approval of the final plat, the subdivider may submit applications for construction permits for required improvements or secure and file a Letter of Credit and Guarantees of Performance and Indemnity Agreement for the subdivision. The subdivision shall not be filed with the County Clerk, and lots may not be advertised or conveyed until all required improvements have been completed and approved by the City, or, until a Letter of Credit and Guarantees of Performance and Indemnity Agreement for work within the subdivision are approved and filed with the City. The City will not issue any building permits for structures on any lot within the subdivision unless the improvements have been built or the bond has been posted.

-
- G. *City control of signed plats and support document:* Following approval of a final plat, the City's Zoning Administrator shall retain an original signed copy of the final plat, and all other documents required for approval of the final plat. The subdivider shall also provide the City with a digital copy of the final plat as well as as-built drawings of the subdivision.
 - H. *Filing of plat:* Upon the completion and acceptance of all improvements, or the filing of a Letter of Credit and Guarantees of Performance and Indemnity Agreement for the subdivision, the subdivider shall file a signed copy of the final plat in the records of the County Clerk of Sierra County, shall provide the City with one of the signed copies. The subdivider shall pay all filing fees for the subdivision.
 - I. *One year life of final plat:* If the subdivision's improvements have not been completed within one year of the filing with the County Clerk of the final plat, the City will cause the improvements to be made via the use of the security bond posted by the subdivider.

(Ord. No. 555, 5-23-06)



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 6-8-2026

ITEM: Discussion/Update – Love’s Travel Stops and Country Stores Sign

BACKGROUND:

On August 11, 2025, the Planning & Zoning Commission conducted a duly noticed public hearing regarding a variance request submitted by Love's Travel Stops and Country Stores for signage associated with the proposed development. The applicant publicly presented the requested sign dimensions and explained the operational and safety reasons for the requested variances. The Planning & Zoning Commission discussed the request, received public comment opportunities, and unanimously recommended approval to the City Commission.

On August 27, 2025, the City Commission considered the recommendation during a public meeting and unanimously approved the variance request.

P & Z Board member has submitted concerns regarding the sign height, sign area, applicability of variance provisions, and interpretation of certain sections of the City's Sign Code.

City Staff will discuss the review of the concerns. Representative from Love’s may also be in attendance.

SUPPORT INFORMATION:

Variance request packet and minutes from applicable board meetings

Name of Drafter: Traci Alvarez	: Assistant City Manager	
E-mail: talvarez@torcnm.gov	Phone: 575-952-0565	



CITY OF TRUTH OR CONSEQUENCES

AGENDA REQUEST FORM

MEETING DATE: August 27, 2025

Agenda Item #: G.1

SUBJECT: Discussion/Action – P & Z Board recommendation of Approval for a Variance Request pertaining to proposed Love's Travel Stops and Country Stores Sign Application Permit

DEPARTMENT: Community Development

DATE SUBMITTED: August 21, 2025

SUBMITTED BY: Traci Alvarez

WHO WILL PRESENT THE ITEM: Traci Alvarez – Assistant City Manager

Summary/Background:

Public Hearing was heard at the P & Z Meeting on 8-11-25. No opponents or proponents – P & Z Board recommends approval. Applicant is requesting allowance of 3 free standing signs (located within the property) – code allows for 2. Applicant is also requesting a height variance for the sign located near the interstate.

Recommendation:

Consider the recommendation of the P & Z Board

Attachments:

- P & Z Agenda Packet
- Draft P & Z Minutes

Fiscal Impact (Finance): N/A

[Click here to enter text.](#)

Legal Review (City Attorney): Choose an item.

[Click here to enter text.](#)

Approved For Submittal By: ☐ Department Director

Reviewed by: ☐ City Clerk ☐ Finance ☐ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☐ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. -

Continued To: - Referred To: -

☐ Approved ☐ Denied ☐ Other: -

File Name: [Click here to enter text.](#)



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 8-11-2025

ITEM:

Public Hearing/Discussion/Action: Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728 Article XIII Sec. 11-13-2.4 subsections 2F and 2D

BACKGROUND:

ARTICLE XIII. - SIGN, WALL, AND FENCE REQUIREMENTS DIVISION 1. – SIGNS

Sec. 11-13-2.4. - On-Premises Signs - C. Commercial and Industrial Zones:

2. Freestanding Signage: f - Applicant is allowed 2 signs and is requesting 3 signs

2. Freestanding Signage: d – Applicant is requesting additional signage sf area

All required documents have been received and fees paid. All property owners within 100Ft have been notified

SUPPORT INFORMATION:

Applicants email variance requested

Applicants Supporting documents

Notice of Public Hearing

Applicable section of Municipal Code

Findings and Facts Checklist

Name of Drafter: Traci Alvarez	: Assistant City Manager	Meeting date 8-11-2025
E-mail: talvarez@torcnm.org	Phone: 575-952-0565	

From: [Barbara Peck](#)
To: [Alvarez, Traci](#); [Munoz, Johanna](#)
Cc: [REDACTED]
Subject: Sign Height, and Variance Request
Date: Thursday, July 17, 2025 9:09:18 AM
Attachments: [image001.png](#)
[Truth or Consequences, NM #1045 Sign Package - 6.25.25 - Preliminary.pdf](#)
[Semi to Directional sign ratio 3-8" scale - 6 SQ. FT. 4" OAH..pdf](#)
[TorC NM Love's Survey.pdf](#)
Importance: High

Traci, I don't have the form from you but attached is our sign package, survey and example document and below is the description of what we understand we need to ask for:

Decision on sign heights:

We understand that Planning Commission approves all sign heights. With that in mind, we are requesting the following heights: * also indicates a part of Variance Request.

*Interstate High Rise Sign – 95' height needed for interstate visibility (see survey attached for clarity)

Cemetery Road Freestanding Street Sign – 30' due to road topography to ensure visibility

*On site Freestanding Cat Scale Sign – 21.5' it's designed use is to help drivers navigate onto the scale to ensure highway safety compliance.

*On site Directional Sign – 8' - to ensure they can safely see the sign from the truck (see attached rendering of viewpoint).

Variances requested:

Freestanding Sign Quantity:

3 freestanding signs which is one more than what is allowed. These would be the interstate High rise sign, the Cemetery Road sign, and the on-site Cat Scale Sign.

Sign area increases requested to ensure visibility by professional truck drivers both timely and safely:

Interstate High Rise Sign - additional area of 782.63 above the 200sf for Hwy Visibility

On site Directional Sign added area of 32 sf for truck visibility

Let me know if there is a form I need to complete. You mentioned that I needed all this to you today.

Barbara Peck

Real Estate Project Manager

May 1st, 2023

Re: Sign Survey – Truth or Consequences, NM

Property Location: Southwest quadrant of I-25 and Cemetery Road Intersection; Exit 79

Survey Date: April 18th, 2023

Blimp Information: Located on the Southeast corner of the property, 105' OAH
Latitude: 33.154469 / Longitude: 107.255111 / Google Earth Elevation: 4507'

The blimp used in this survey was at 105' OAH located at the Southeast corner of the property. The Hi-Rise sign superimposed in this survey reflects a structure that is 95' OAH located at the spot of the property.

Northbound traffic will have their initial full read on the sign 1.0 mile from the exit. They will continue to have a full read on the sign until they reach 0.3 and 0.2 miles from the exit where the food franchise sign and lower portion of the price sign will be partially hidden by the natural topography of the land. Traffic will have a full read on the sign again as they proceed to the off-ramp exit.

Southbound traffic will have their initial read on the Hi-Rise sign beyond 1.0 mile from the exit, but I included photos that start at 1.0 mile where traffic will have a full read on the sign and will continue to have a full read on the sign until they reach the exit.

The property is located within the City and their sign code is as follows:

Freeway Sign: Must be located within 300' of a freeway ROW. **Height:** The OAH is determined by the City Commission upon recommendation by the PLZ Commission. It's the applicant's responsibility to propose the need for the height of the sign based on visibility from the freeway. **Area:** 200 sq. ft. is permitted.

Freestanding Signs: **Height:** 18' OAH. **Area:** 200 sq. ft. Limited to one per parcel, except where the frontage of the parcel exceeds 600 linear feet. For those, two freestanding signs are permitted, provided 200 feet between signs is maintained.

Wall Signs: 1.5 sq. ft. per lineal foot of wall. No sign may extend more than 12" out from the wall. Buildings with more than one street frontage, only one street frontage shall be used to determine the permitted sign size, height and number of signs. Poster grip panels and Digital displays are considered wall signs.

Directional Signs: 4' OAH and 6 sq. ft. Do not require a permit.

Lighting Provisions: **Distance:** Signs which face residentially zoned parcels having a linear distance of 75' or less from the zone shall not be illuminated. **Dark Sky:** The State of New Mexico Dark Sky Legislation requires that all lighting be shielded in order to prevent the escape of light into the sky. This not only requires the use of shields but also does not allow the use of "up-lighting" or the use of lights in any manner that will cause light to be emitted in an upward direction - will require Planning and Zoning approval.

Exempt: Architectural aspects and painted exterior signs.

The city has a variance process. A variance would be required for the Hi-Rise overall height and total sq. ft. A variance may be required for other signage once the final sign package has been determined.

A preliminary filing with the FAA was submitted and we were given a no-hazard determination for the proposed sign structure's height and location. No additional follow-up will be required, however, any height and/or location change of the structure would require a new filing to confirm compliance with the FAA requirements.

Once you have had a chance to review the information, please let us know if you have any questions.

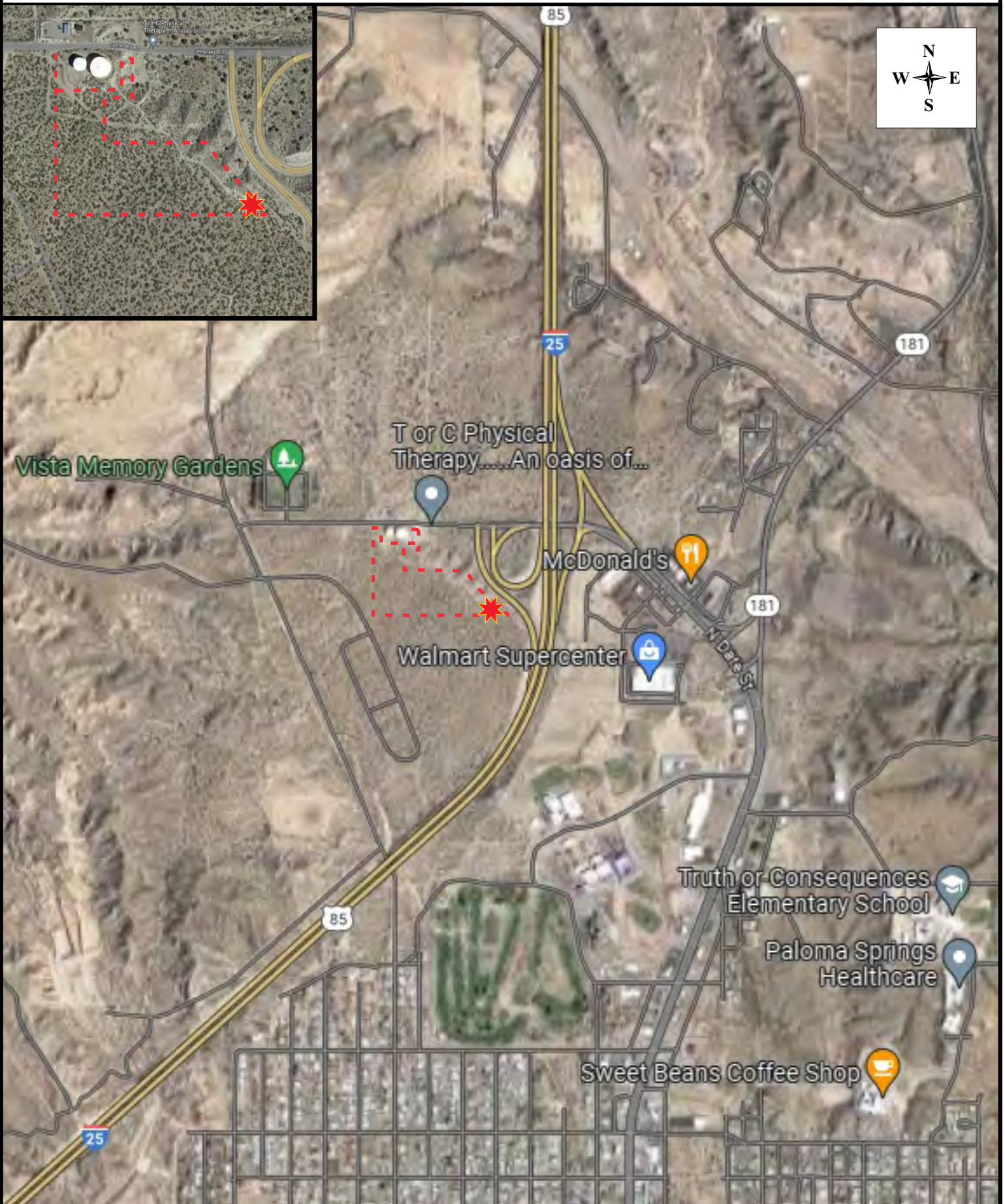
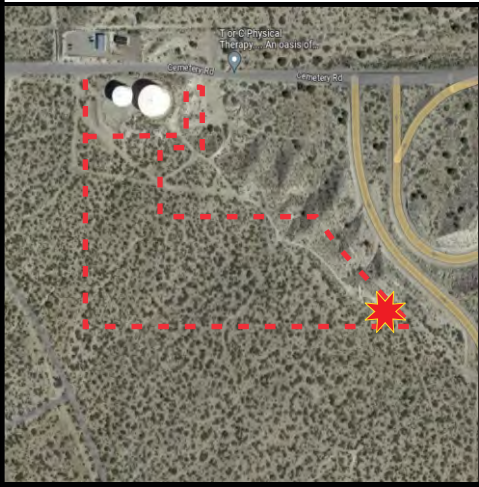
Thank You,

A handwritten signature in black ink, appearing to read "Kevin Keup".

Kevin Keup
Effective Images, Inc.

Emailed: Greg Love, Chad Bruner, Frank Ille, Barbara Peck, Kari Keup, Betty Torstenson

TRUTH or CONSEQUENCES, NM



★ = BLIMP & RECOMMENDED SIGN LOCATION

**NORTHBOUND
1.0 MILE FROM EXIT**



**NORTHBOUND
0.9 MILES FROM EXIT**



**NORTHBOUND
0.8 MILES FROM EXIT**



**NORTHBOUND
0.7 MILES FROM EXIT**



**NORTHBOUND
0.6 MILES FROM EXIT**



**NORTHBOUND
0.5 MILES FROM EXIT**



**NORTHBOUND
0.4 MILES FROM EXIT**



**NORTHBOUND
0.3 MILES FROM EXIT**



**NORTHBOUND
0.2 MILES FROM EXIT**



**NORTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
1.0 MILE FROM EXIT**



**SOUTHBOUND
0.9 MILES FROM EXIT**



**SOUTHBOUND
0.8 MILES FROM EXIT**



**SOUTHBOUND
0.7 MILES FROM EXIT**



**SOUTHBOUND
0.6 MILES FROM EXIT**



**SOUTHBOUND
0.5 MILES FROM EXIT**



**SOUTHBOUND
0.4 MILES FROM EXIT**



**SOUTHBOUND
0.3 MILES FROM EXIT**



**SOUTHBOUND
0.2 MILES FROM EXIT**



**SOUTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
AT EXIT**



Overall Height: 95'
Total Square Feet: 930.5

Love's Hi Rise

effective
images, inc.
Phone: 605.753.9700

Client:
Love's

Location:
Truth or Consequences, NM

Drawing #:
E22750

Date:
5/02/23

Revision:
1 (05/05/23) MP

Drawn By:
TB

Scale:
3/32" = 1'

Sales Order #:
.

8' x 10' Led Heart
(80 Sq. Ft)

1' Separation

9' x 22' Love's
(198 Sq. Ft)

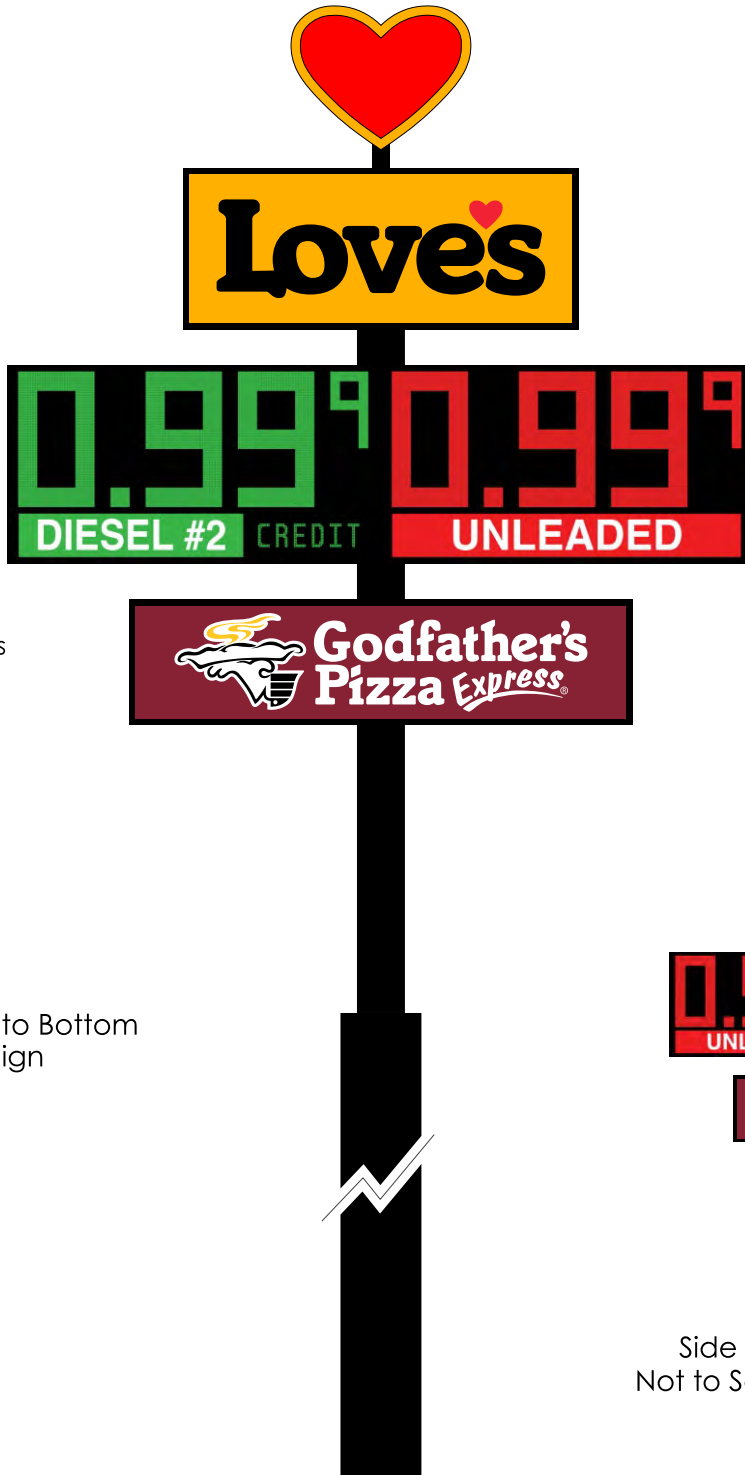
2' Separation

11' x 41' 6" Price
Sign By Sunshine
89" Numerals
(456.5 Sq. Ft)

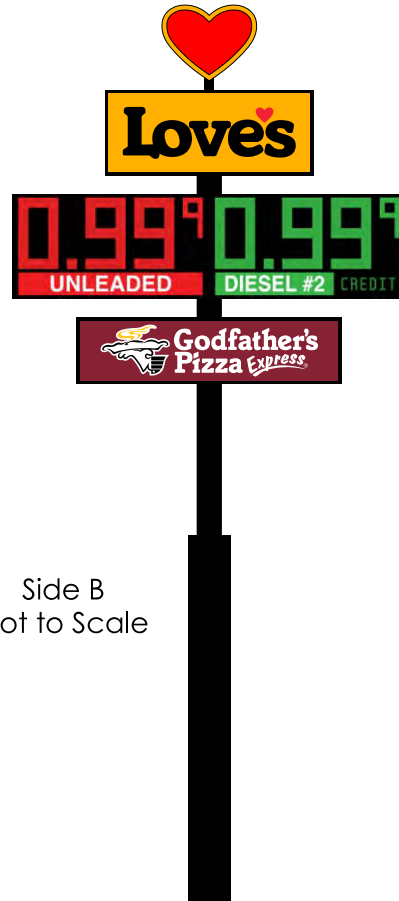
2' Separation

7' x 28' Godfather's
(196 Sq. Ft)

60' From Grade to Bottom
of Godfather's Sign



Side B
Not to Scale



Diesel to be Installed Toward Interstate/Highway

APPROVAL: _____ **Date:** _____

Computer generated colors in this artwork are not an exact match to the finished sign colors. Material samples are available upon request. This drawing is the property of Effective Images. Any reproduction is prohibited.



Love's

Revisions / Submissions	
ID	Description

Working Title:
CONCEPT PLAN
- OPTION 1

3 OF 3



GRAPHIC SCALE (IN FEET)

 = RECOMMENDED SIGN LOCATION

LOVE'S SIGN PACKAGE - TRUTH OR CONSEQUENCES, NM #1045

		SIGN SQ. FT.
HI-RISE SIGN:	95' OAH	
	8' x 10' Heart - LED	80.00
	9' x 22' Love's	198.00
	15' x 16' 6½" Arby's (B-18)	248.13
	11' x 41' 6" Price Sign - 89" Numeral	456.50
TOTAL HI-RISE SQUARE FEET:		982.63
STREET SIGN:	30' OAH	
	19' 8" x 10' Loves / Price Sign / Arby's / Enter	196.67
TOTAL STREET SIGN SQUARE FEET:		196.67
DIRECTIONAL SIGNS:	8' OAH	
	4' x 8' Love's Directional	32.00
		32.00
BUILDING SIGNS:	NORTH ELEVATION:	
	5' x 6' 3½" Heart	31.46
	3' 6" x 11' 8" Love's	40.84
	10" It's the love that drives us.	12.08
	58" x 64" Arby's logo	25.78
	TOTAL NORTH ELEVATION SQUARE FEET:	110.16
	WEST ELEVATION:	
	2' 7-5/8" x 9' 10¾" Arby's Letters	35.67
	TOTAL WEST ELEVATION SQUARE FEET:	35.67
	EAST ELEVATION:	
	5' x 6' 3½" Heart	31.46
	3' 6" x 11' 8" Love's	40.84
	5' 11½" x 7' 6" Heart	44.69
	12-5/8" Driven by love, fueled by you.	17.45
	TOTAL EAST ELEVATION SQUARE FEET:	134.44
TOTAL BUILDING SIGN SQUARE FEET:		280.27
FUEL CANOPIES:	GAS CANOPY LOGOS:	
	2' 3½" x 10' 2½" Vinyl Logo - North Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - East Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - South Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - West Elevation	23.39
	DIESEL CANOPY LOGOS:	
	2' 3½" x 10' 2½" Vinyl Logo - North Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - East Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - South Elevation	23.39
	2' 3½" x 10' 2½" Vinyl Logo - West Elevation	23.39
	TOTAL FUEL CANOPY LOGO SQUARE FEET:	187.12
CAT SCALE SIGNS:	5' 4½" x 20' Cat Scale Sign	107.50
	2' 5 ½ x 3' ½ Cat Scale Sign	7.48
	TOTAL CAT SCALE SQUARE FEET:	114.98
	TOTAL SQUARE FOOTAGE:	1793.67



DATE:		DATE:	BY:		DATE:	BY:
**9/4/24	REV. #1	**9/25/24	JLW	REV. #5:		
DRAWN BY:	REV. #2	*3/24/25	JLW	REV. #6:		
JLW	REV. #3	*4/30/25	JLW	REV. #7:		
	REV. #4	*6/25/25	JLW	REV. #8:		

LOVE'S HI-RISE SIGN ~ TRUTH OR CONSEQUENCES, NM #1045

OVERALL HEIGHT: 95'

TOTAL SQ. FT.: 982.63

8' X 10' LED HEART = 80 SQ. FT.

9' X 22' LOVE'S = 198 SQ. FT.

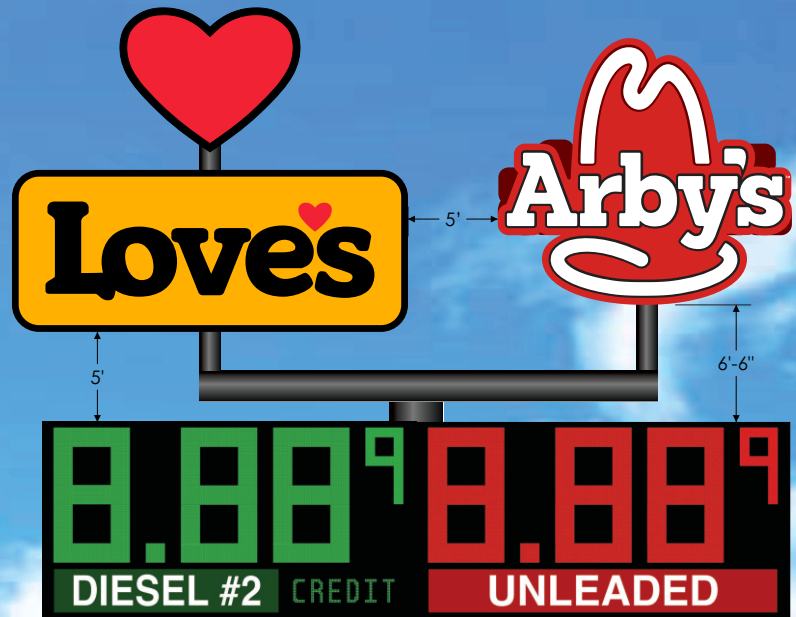
11' X 41' 6" PRICE SIGN = 456.5 SQ. FT.

- 89" NUMERALS

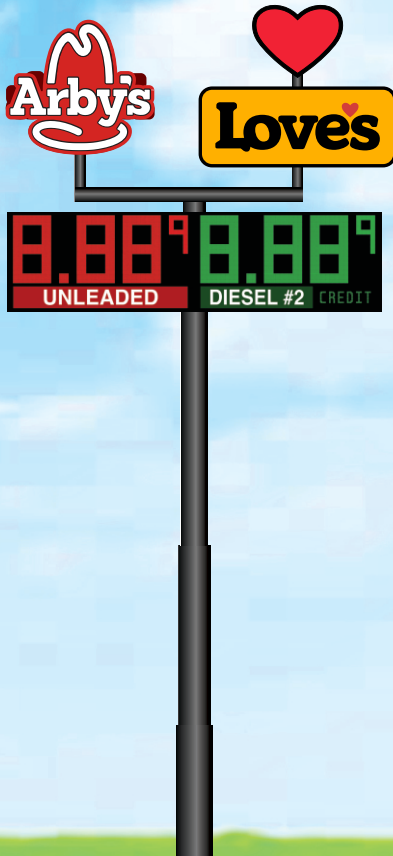
15' x 16' 6½" ARBY'S B-18 = 248.13 SQ. FT.

61' FROM BOTTOM OF PRICE SIGN TO GRADE

LOVE'S & DIESEL INSTALLED TOWARDS
INTERSTATE / HIGHWAY



SIDE B
* NOT TO SCALE



** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0401	1 - 4/30/25	3/32" = 1'	JLW	
			JLW			

LOVE'S STREET SIGN ~ TRUTH OR CONSEQUENCES, NM #1045

OVERALL HEIGHT: 30'

TOTAL SQ. FT.: 196.67

19' 8" X 10' LOVE'S / PRICE SIGN / ENTER / ARBY'S

5' 10" X 10' LOVE'S

4' X 10' PRICE SIGN - 24" NUMERALS

5' X 10' ENTER

4' X 10' ARBY'S

10' 4" FROM BOTTOM OF DUNKIN' TO GRADE

UNLEADED INSTALLED TOWARDS ROAD

EAST SIDE

WEST SIDE
* SCALE: 1/8" = 1'

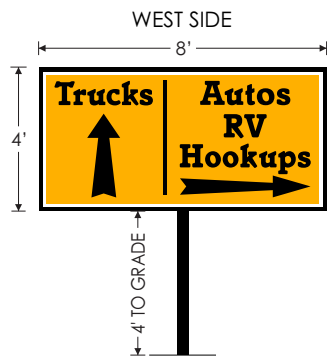


** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.

ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0402	3 - 4/30/25	1/4" = 1'	JLW	
			JLW			

DIRECTIONAL SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



EAST SIDE

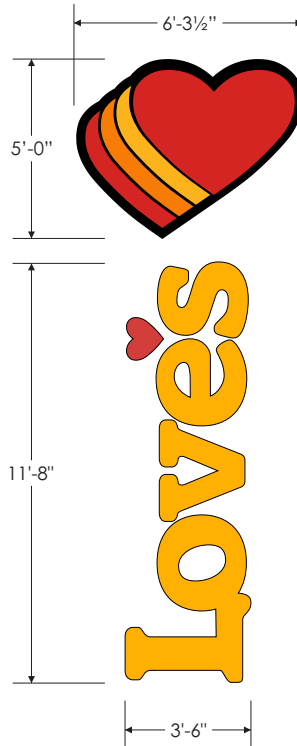


Love's Directional Sign #1
at Auto Entrance
(copy may vary)
LED Illuminated
(32 Sq. ft./sign)

** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

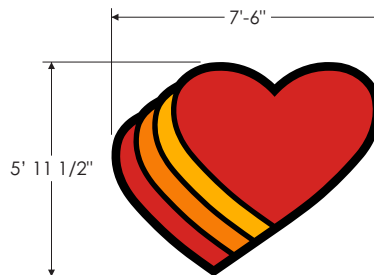
LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0403	1 - 6/25/25	3/16" = 1'	JLW	
			JLW			

BUILDING SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



Qty (1) North elevation
Qty (1) East elevation
LED Illuminated
(31.46 Sq. ft./sign)

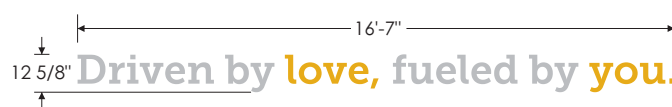
Qty (1) North elevation
Qty (1) East elevation
LED Illuminated
(40.84 Sq. ft./sign)



Qty (1) East elevation
LED Illuminated
(44.69 Sq. ft./sign)



Qty (1) North elevation
(12.08 Sq. ft./sign)



Qty (1) East elevation
(17.45 Sq. ft./sign)

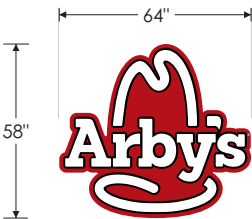
** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0405	1 - 4/30/25 JLW	3/16" = 1'	JLW	

BUILDING SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045



Qty (1) West elevation
LED Illuminated
(35.67 Sq. ft./sign)

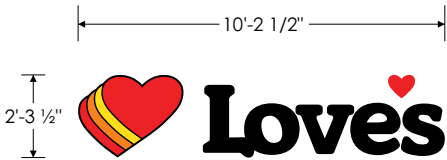


Qty (1) North elevation
LED Illuminated
(25.78 sq. ft./sign)

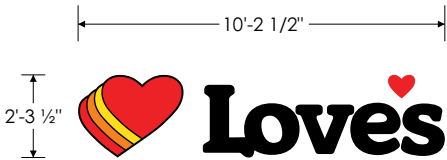
** ALL SIGN GRAPHICS ARE FOR REPRESENTATION PURPOSES ONLY. MANUFACTURER IS RESPONSIBLE FOR WRITTEN FRANCHISE APPROVAL TO VERIFY SIGN LAYOUTS AND MANUFACTURE SPECIFICATIONS.

LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0406	1 - 4/30/25	3/16" = 1'	JLW	
			JLW			

FUEL CANOPY LOGOS ~ TRUTH OR CONSEQUENCES, NM #1045

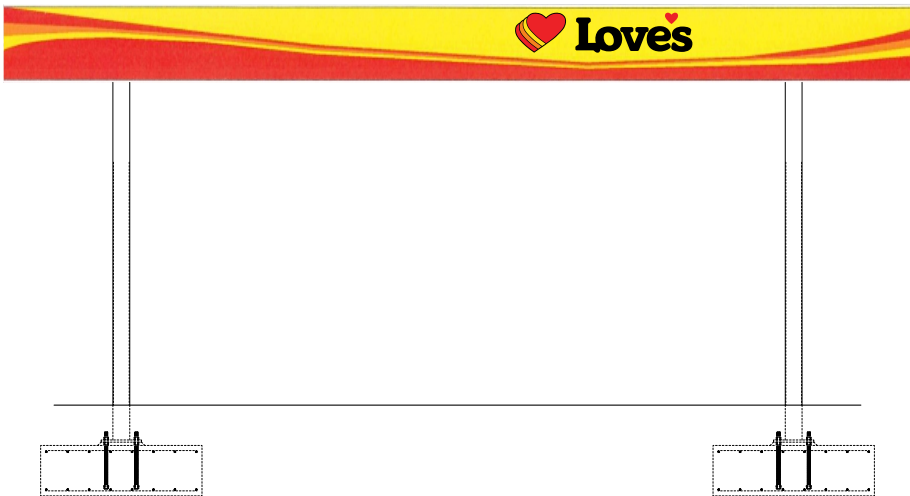


Qty (4) Gas Canopy Logos
(23.39 Sq. ft./sign)



Qty (4) Diesel Canopy Logos
(23.39 Sq. ft./sign)

Gas / Diesel Canopy illustration



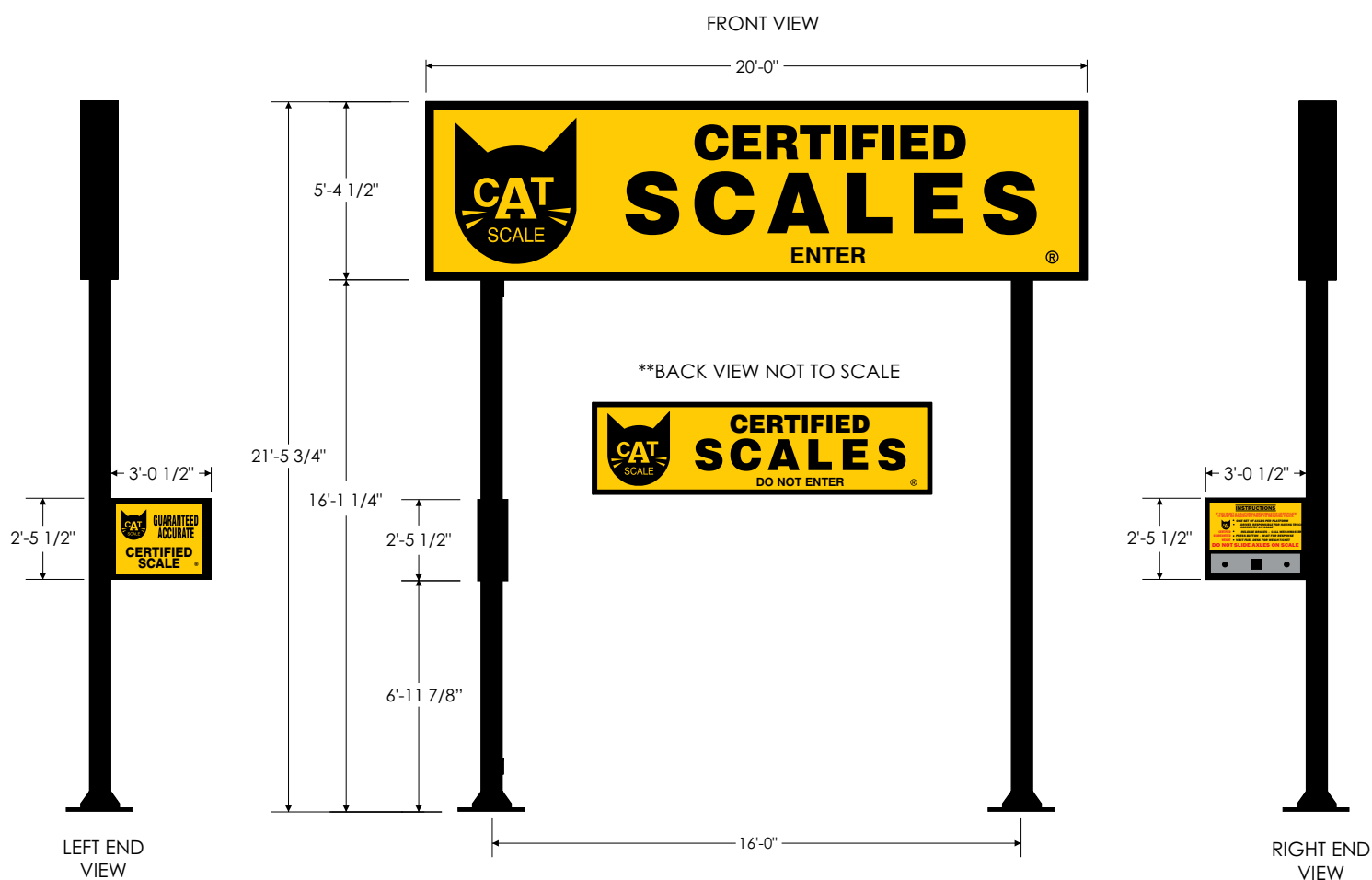
LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0407	0	3/16" = 1'	JLW	
			.			

CAT SCALE SIGNS ~ TRUTH OR CONSEQUENCES, NM #1045

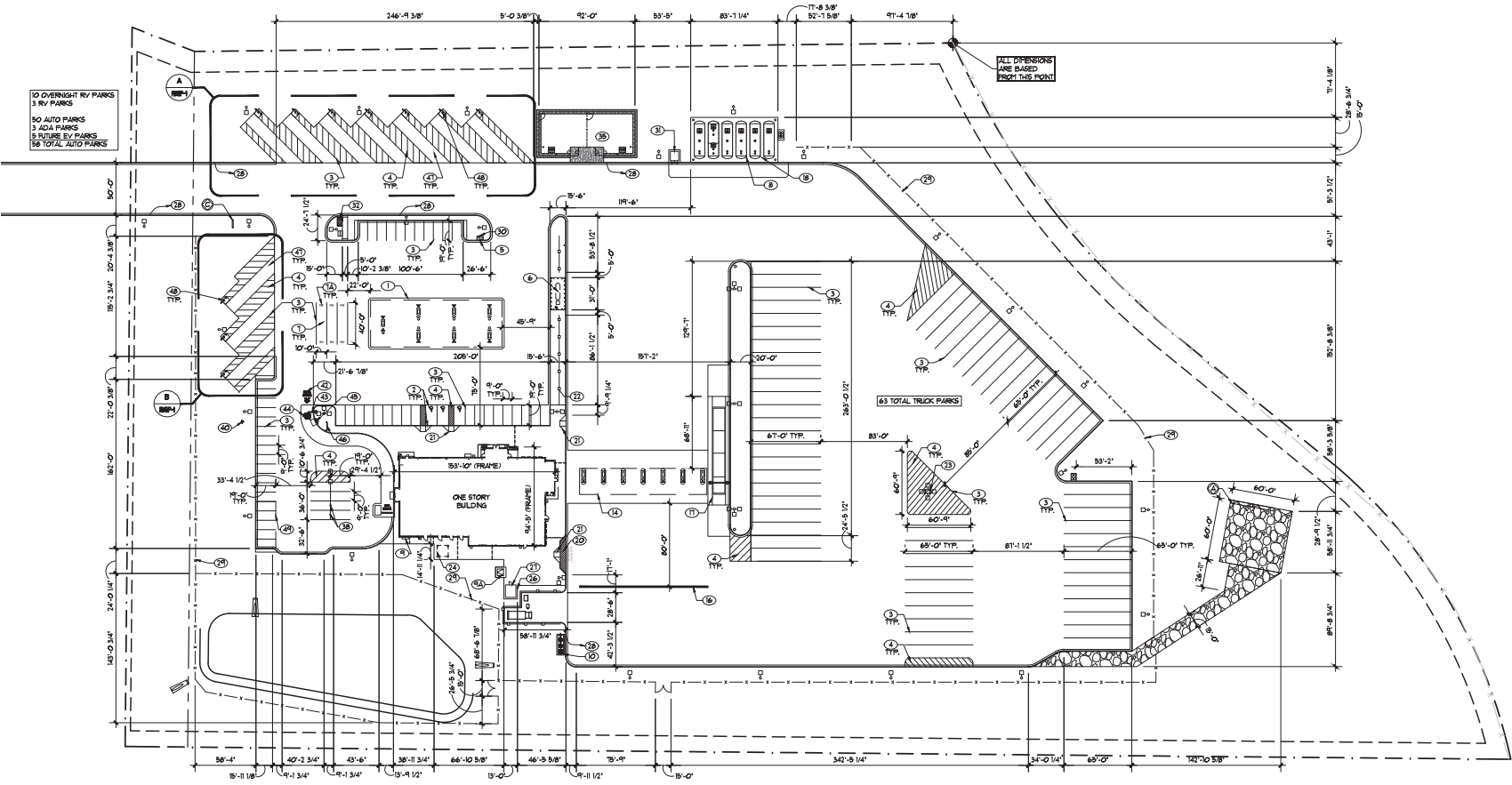
TOTAL SQ. FT.: 114.98

2' 5 1/2" X 3' 1/2" SPEAKER POST SIGN = 7.48 SQ. FT.

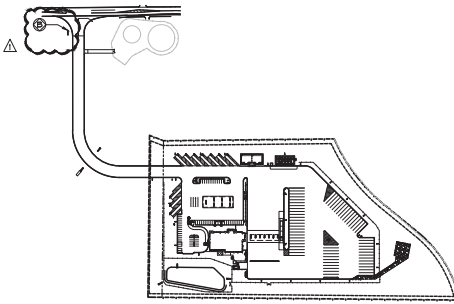
16' 1¼" FROM GRADE TO BOTTOM OF CAT SCALE



LOCATION:	DATE:	DRAWING #:	REVISION # / DATE:	SCALE:	DRAWN BY:	 PHONE: 605.753.9700
TRUTH OR CONSEQUENCES, NM #1045	9/4/24	EI82409-0408	0	NOT TO SCALE	JLW	
			.			



A SITE PLAN
SCALE 1" = 50'-0"



B OVERALL SITE PLAN
SCALE: NOT TO SCALE

- NOTES:
- ALL IMPROVEMENTS ARE PARALLEL OR PERPENDICULAR TO NORTH PROPERTY LINE
 - THE OWNER'S SIGN CONTRACTOR WILL INSTALL THE FOLLOWING SIGNS AND FOUNDATIONS:
H RISE SIGN, STREET SIGN, LOVE'S DIRECTIONAL SIGN, BUILDING HALL MOUNTED SIGN, DRIVE THRU DIRECTIONAL SIGNS, THE ELECTRICAL, HOOK UP IS BY G.C.
 - G.C. & SIGN CONTRACTOR TO FIELD VERIFY LOCATIONS & ORIENTATIONS OF FREE-STANDING SITE SIGNS WITH OWNER PRIOR TO INSTALLATION.
 - REFER TO CIVIL DRAWINGS FOR PAVING TYPES.
 - ALL PAINTED PARKING LOT SIGNAGE/STRIPING TO BE VERIFIED WITH LOVE'S FIELD CONSTRUCTION MANAGER PRIOR TO INSTALLATION

KEYED NOTES- SITE SIGNAGE		BY OWNER
1	W-RISE SIGN	
2	STREET SIGN	
3	4' x 8' DIRECTIONAL	
4	HALL BOARD	
5	R.V. OVERNIGHT PARKING SPACES	
6	R.V. UTILITIES HOOK-UPS	
7	FUTURE E.V. CHARGING STATION	
8	NOT USED	

KEYED NOTES:	DETAIL
1	AUTO ISLANDS AND CANOPY RE: SP-2 & SP-2.1
2	HANDICAP PARKING SPACES AND RAMP RE: SP-5/A
3	4' WIDE PAINTED PARKING STRIPES (YELLOW) (TYP.)
4	PAINTED DIAGONAL STRIPING AT 40' O.C.
5	AIR-WATER ISLAND RE: SP-5/E
6	LP GAS TANK PAD RE: SP-4/F
7	R.V. PARKING SPACES 40' x 10' (TYP.) AUTO PARKING SPACES 10' x 9' (TYP.) UNLESS NOTED
1A	R.V. PAINTED LETTERING RE: SP-5/K
8	FUEL UNDERGROUND STORAGE TANKS, RE: FUEL DRAWINGS
9	MDP CABINET RE: ELECTRICAL
10	ELECTRICAL TRANSFORMER RE: ELECTRICAL
11	OIL-WATER SEPARATOR DISBURS BAYS RE: SP-6
12	NOT USED
13	NOT USED
14	NOT USED
15	NOT USED
16	TRUCK ISLANDS AND CANOPY RE: SP-3
17	NOT USED
18	12' WIDE PAINTED FULL-UP STRIPE (WHITE)
19	TRUCK SCALE BY OWNER
20	POWER FOR TANKER TRUCK RE: SP-4/E
21	NOT USED
22	A.D.A. LOADING ZONE RE: SP-5/I
23	8' WIDE RECESSED 3-WAY FLARED A.D.A. RAMP RE: SP-5/C
24	TRUCK SCALE BY OWNER
25	12' BOLLARDS - CITY PER PLAN RE: SP-8/C.1
26	SHOCKERS LOUNGE RE: SP-9
27	NOT USED
28	CONCRETE PAD FOR PRE-MANUFACTURED SHED RE: SP-4/A
29	YARD BUILDING RE: SP-4/A
30	NO PARKING SIGN ON GALVANIZED METAL POST 10'-0" O.C. PAINT 'NO PARKING' ON CURB FACE 20'-0" O.C.
31	5'-0" TALL BLACK VINYL CHAIN LINK FENCE
32	AIR-WATER SIGN RE: SP-4/D
33	FUEL ADDITIVE SHED
34	TRASH CAN ENCLOSURE RE: SP-5/G
35	SIDEWALK DRAINS RE: SP-5/F
36	NOT USED
37	DOG PARK RE: SP-10
38	NOT USED
39	RESTAURANT RESERVED PARKING RE: SP-5/D
40	NOT USED
41	FIRE HYDRANT RE: CIVIL
42	NOT USED
43	PAINTED DRIVE-THRU DIRECTIONAL ARROW RE: SP-1/LC
44	'HEADONKNOCK' CLEARANCE BAR RE: SP-1/LA
45	PAINTED FLYING ARROWS RE: SP-1/LD
46	DRIVE THRU CANOPY & ORDER POST RE: SP-1/LH
47	'MENU BOARD' RE: SP-1/C
48	R.V. OVERNIGHT PARKING SPACES RE: RVSP-1
49	R.V. UTILITIES HOOK-UPS RE: RVSP-2/A
50	NOT USED

Pascal Aughtry & Associates, PC

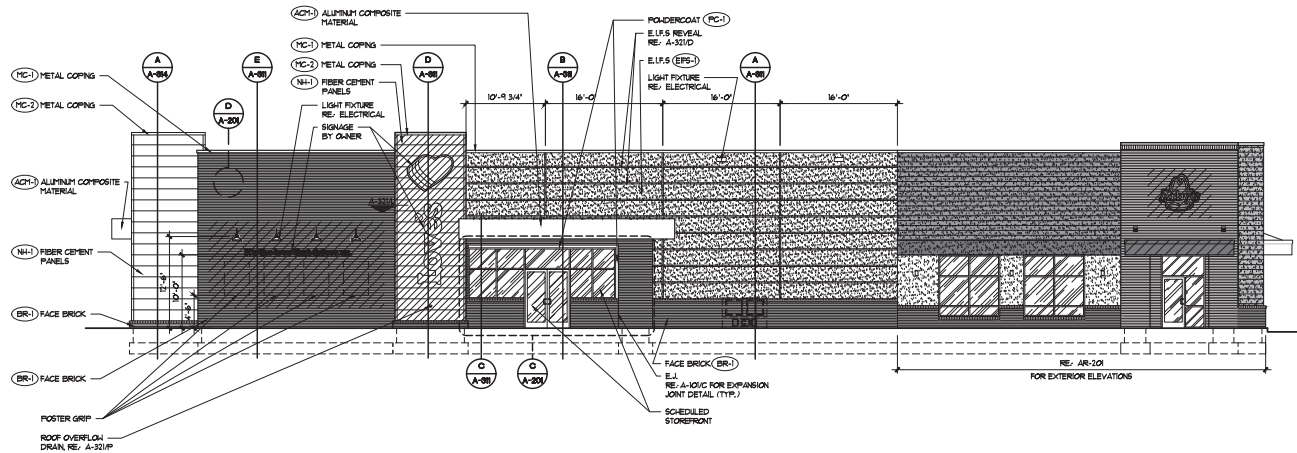
405.463.3450
Fax 405.463.3453
107 East Britton Road
Chickasha, OK 73014
pascal@rah.com

STATE OF NEW MEXICO
PASCAL AUGHTRY
REGISTERED
ENGINEER
04255

A NEW TRAVEL STOP
STORE NO. 1045
TRUTH OR
CONSEQUENCES, NM

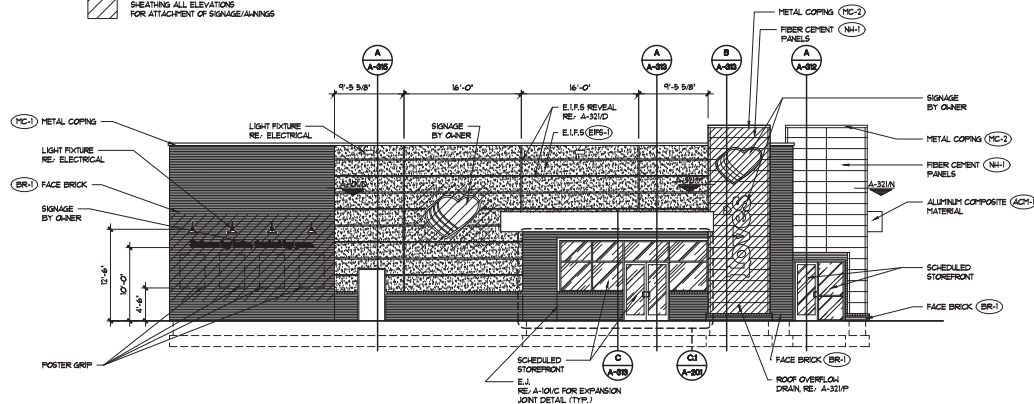
Revisions:
No. Date
1 05-23-25

Project No.: LVS-251045
Date: 05-23-25
Sheet No.:
SP-1
OF 13



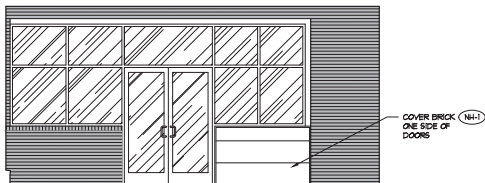
A NORTH ELEVATION
SCALE: 1/8\" = 1'-0"

PROVIDE 3/8\" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/AWINGS

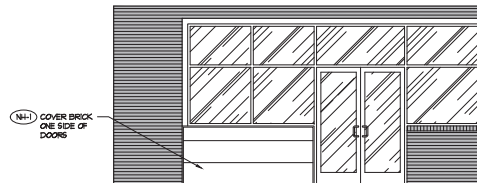


B EAST ELEVATION
SCALE: 1/8\" = 1'-0"

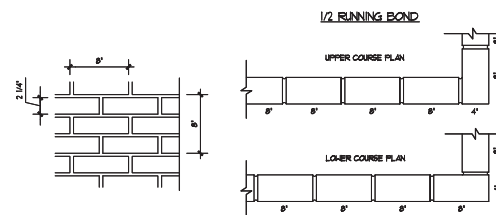
PROVIDE 3/8\" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/AWINGS



C PARTIAL ELEVATION
SCALE: 1/4\" = 1'-0"

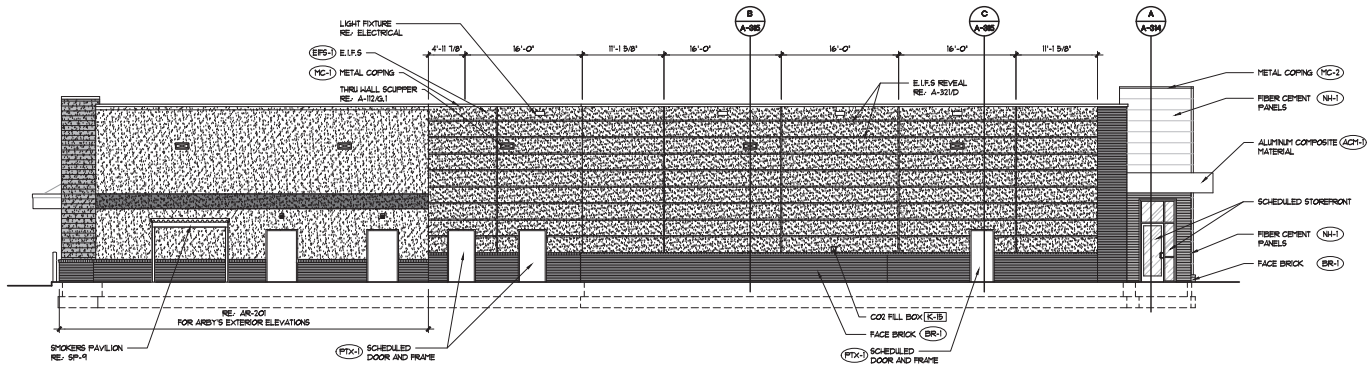


C.1 PARTIAL ELEVATION
SCALE: 1/4\" = 1'-0"



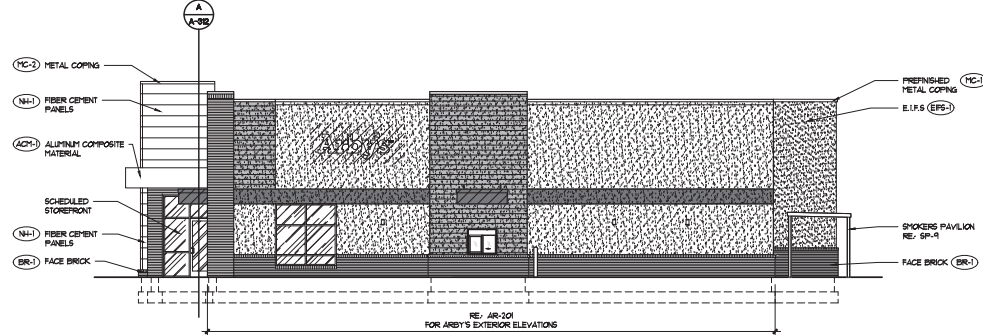
D BRICK COURSING DETAILS
SCALE: 1/2\" = 1'-0"

EXTERIOR FINISH SCHEDULE							
CODE	MATERIAL	MANUFACTURER	DESCRIPTION			MANUFACTURER REPRESENTATIVE CONTACT INFO	NOTES
			PRODUCT	FINISH/COLOR	DIMENSION		
ACH-1	ALUMINUM COMPOSITE MATERIAL	ALPOLIC	4"X11" H/LZ ALUMINUM	H/LZ HAZELINE ALUMINUM	REF CONSTRUCTION DOCUMENTS	MTG/BS&J-ALPOLIC TOP RAILWAY P. 751-286-0301 E. TOPRAILWAY@MTG-CHEM.COM	
BR-1	BRICK	ENDICOTT	MODULAR SIZE FACE BRICK	COLOR: MANGANESE IRONSPOT TEXTURE: SMOOTH	FILL: 3 3/8" X 2 1/4" X 1 5/8"	TRINITY BRICK SALES SEAN HOLT P. 408-490-5487 E. SBRICK@TODD.NET	MORTAR TO MATCH BR-1/ FAIRBORN MATCHCOLOR COLOR: CHARCOAL BLACK 25-A
BR-3	THIN BRICK			ENDICOTT MODULAR SIZE THIN BRICK MANGANESE IRONSPOT SMOOTH 1/2" X 2 1/4" X 1 5/8"			REF: INTERIOR ELEVATIONS
EPS-1	EXTERIOR INSULATION FINISHING SYSTEM	DRYVIT	CONTINUOUS INSULATION SYSTEMS	COLOR: TO MATCH SHERMAN HILLIAMS S4 910 ACER FINISH: L'YESTONE DPMR	N/A	DRYVIT BOB DAZEL P. 734-738-0404 E. BOB.DAZEL@DRYVIT.COM	
NA-1	FIBER CEMENT PANELS	NCH&A	VINTAGE-000 SPRUCE		18" X 18 5/8" PLANKS 18" X 3 1/8" OUTSIDE CORNER	NCH&A FIBER CEMENT CARBIE SHATTUCK P. 678-388-8584 E. LOVES@NCH&A.COM	
MC-1	METAL COPING	TO BE DETERMINED BY CONTRACTOR	22 GAUGE PREFINISHED METAL COPING	COLOR: TO MATCH SHERMAN HILLIAMS S4 1016 CYBERSPACE MATTE	REF CONSTRUCTION DOCUMENTS	N/A	
MC-2	METAL COPING	TO BE DETERMINED BY CONTRACTOR	22 GAUGE PREFINISHED METAL COPING	COLOR: TO MATCH SHERMAN HILLIAMS S4 119 PRESCO CREAM MATTE	REF CONSTRUCTION DOCUMENTS	N/A	
PTX-1	PAINT	SHERMAN HILLIAMS	RESILIENCE EXTERIOR ACRYLIC LATEX PAINT	COLOR: S4 1016 CYBERSPACE FINISH: EGGSHELL	N/A	SHERMAN HILLIAMS BRETT C. HUCKLEBURY P. 214-893-3540 E. SHUCKLEBURY@SHERMAN.COM	EXTERIOR MTL DOORS & FRAMES
PTX-2	PAINT	SHERMAN HILLIAMS	RESILIENCE EXTERIOR ACRYLIC LATEX PAINT	COLOR: S4 4101 FORSYTHIA FINISH: EGGSHELL	N/A		ENTRY SOFFIT REF: REFLECTED CEILING PLAN
PC-1	POWDERCOAT	TIGER DRYLAC	EXTERIOR/INTERIOR GRADE POWDERCOAT	COLOR: TO MATCH FMS 101 C FINISH: HIGH GLOSS	N/A	TIGER DRYLAC CUSTOMER SERVICE P. 866-878-4437 E. CUSTOMERSERVICE@TIGER-COATINGS	WINDOW FRAME ACCENT COLOR



A SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

PROVIDE 5/8" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/ANNINGS



B WEST ELEVATION
SCALE: 1/8" = 1'-0"

PROVIDE 5/8" CDX PLYWOOD SHEATHING ALL ELEVATIONS FOR ATTACHMENT OF SIGNAGE/ANNINGS



Pascal Aughtry & Associates, PC
405.463.3450
Fax 405.463.3493
107 East Britton Road
Chickasha, OK 73014
pascal@arb.com



A NEW TRAVEL STOP
STORE NO. 1045
TRUTH OR
CONSEQUENCES, NM



Revisions:
No. Date
1 05-28-25

Project No.: LVS-251045
Date: 05-28-25
Sheet No.:

A-202

OF: T OR C LVS

14' - STANDARD SEMI HEIGHT



OAH = 4'

2' x 3'
6 SQ. FT.



OAH = 8'

4' x 8'
32 SQ. FT.



*Rolf Hechler
Mayor*

*Amanda Forrister
Mayor Pro-Tem*

*Merry Jo Fahl
Commissioner*



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

*Destiny Mitchell
Commissioner*

*Ingo Hoepfner
Commissioner*

*Gary Whitehead
City Manager*

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, August 11, 2025, to receive input regarding the following:

Public Hearing/Discussion/Action: Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728:

*ARTICLE XIII. - SIGN, WALL, AND FENCE REQUIREMENTS DIVISION 1. – SIGNS
Sec. 11-13-2.4. - On-Premises Signs - C. Commercial and Industrial Zones:
2.Freestanding Signage: f - Applicant is allowed 2 signs and is requesting 3 signs
2.Freestanding Signage: d – Applicant is requesting additional signage sf area*

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, August 8, 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– Friday, July 24, 2025

DIVISION 1. SIGNS

Sec. 11-13-2.1. Title.

This Division shall be entitled The Truth Or Consequences Sign Code hereinafter referred to as "this Article".

Sec. 11-13-2.2. Purpose and Scope.

- A. *Purpose:* The purpose of this Article is to permit signs that will not, by their size, location, or construction endanger the public health and safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this Article to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty, historic amenities, and natural environment of Truth or Consequences, by preventing the over-concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business and tourism community, is a vital element of the free enterprise system.
- B. *Scope:* The provisions of this Article shall apply to all "signs", as the term is defined in Section 11-13-2.3 of this Article, within the City limits.

Sec. 11-13-2.3. Definitions.

[The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:]

ABANDONED SIGN: An on- or off-premises sign which no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted, or product or service available on the premises where such sign(s) is displayed.

ADVERTISING: The action of calling something to the attention of the public by verbal or visual presentation.

ATTACHED SIGN: Any sign which is fastened to, connected to, or painted on, and wholly or partially supported by a building.

AWNING: A hood or cover which projects from the wall of a building and is composed of rigid or non-rigid materials.

AWNING SIGN: A sign which is fastened to or painted on an awning.

BANNER: A sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

BENCH SIGN: Any sign affixed to or printed on a functional bench.

BILLBOARD: Any off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

BONUS: An allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove non-conforming signs.

BUSINESS/SERVICE CENTER: A group of two (2) or more businesses planned, constructed, owned and managed independently or as a total entity, which share access, parking, or landscaping.

CANOPY (OR MARQUEE): A permanent roof-like shelter extending from part or all of a building or independent of a building. It is usually constructed of the same material as the roof on the building; however it may also be constructed of flexible canvas type material with rigid backing.

CANOPY SIGN: A sign attached to or painted on a canopy.

CITY: The City of Truth or Consequences, New Mexico.

CLEAR-SIGHT TRIANGLE: A triangular area of unobstructed vision at street intersections, alleys and at curb cut entrances and exits. A full definition is found in the City Zoning Code.

CODES: Any other applicable City, State, or Federal Codes.

COLLECTOR STREET: A street which collects traffic from local streets and connects with major and minor arterials.

CONSTRUCTION/RENOVATION SIGN: Any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

COPY: The verbal, visual or pictorial portion of any sign.

CORPORATE: Pertaining to any organization incorporated pursuant to a law.

DECORATIONS: Any display which calls attention to a community organized event or to a State or national holiday.

DEVELOPMENT IDENTIFICATION SIGN: A permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

DIRECTIONAL SIGN: Any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and/or other similar features or facilities, and bearing no advertising message (excluding those erected by the United States Department of Transportation and the New Mexico Department of Transportation).

DOWNTOWN: The area generally described as lying between Main Street, Austin Street, and the two intersections of Broadway and Main Streets.

FLAG/DECORATIVE: Any rectangular display constructed of lightweight material having no logo or advertising message printed or printed on it.

FREESTANDING SIGN: Any sign attached to, or supported from the ground, and not attached to a building.

GARAGE SALE SIGN: See definition of Private Sale or Event Sign.

GATE ENTRANCE SIGN: Any sign installed or constructed over the entrance to the premises in specific zoning districts as described herein.

GOVERNMENT SIGN: Any sign erected by any City, County, State or Federal agency or its designee, setting forth information pursuant to law.

GROUND SIGN: Any sign which is attached to either the ground or to a footing set flush with the ground.

HOUSE OR BUILDING SIGN OR NAMEPLATE: A sign limited to identifying the street name, building or property number, and/or the name of the owner or occupant of the building or property and pertinent historical information.

ILLUMINATED SIGN: Any sign which is lighted internally, externally (including neon) or by lights directed towards the sign by any light source.

INFORMATION SIGN: Any sign whose purpose is to indicate a business, hours of operation or similar identification information.

LEGAL NOTICES: Any sign required by law or pursuant to a court order.

LOCAL STREET: A street designed to provide access to abutting property and local streets, and to discourage through traffic.

LOGO: An identifying symbol used for advertising purposes.

LOT: A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said lot may be joined with other lots to create a parcel.

MAINTENANCE: The total upkeep of a sign; structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

MAJOR ARTERIAL: A street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterial streets.

MARQUEE (OR CANOPY): See definition of Canopy.

MARQUEE SIGN: A sign attached to, mounted on or painted on a marquee.

MINOR ARTERIAL: A street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

MODEL COMPLEX SIGN: Any sign located on a complex site, limited in time until the complex ceases to be a model complex.

MURAL: A picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

NATIONAL, STATE AND CORPORATE FLAGS: Any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

NON-CONFORMING SIGN: Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to correct codes or this Article.

OFF-PREMISES SIGN: Sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

ON-PREMISES SIGN: Sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

PARCEL: A unit of land that is recognized by the City and the County Assessor's Office as having been legally created or having a legal status as unit of land. Said parcel may consist of one or more lots but is recognized as a single unit of land.

PENNANT: A display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

PERSON: An individual, company, corporation, partnership, association or any other entity.

POINT-OF-SALE SIGN: Any sign which is located or attached directly to the product to be sold.

POLE SIGN: Also known as Pylon Sign. Any freestanding sign whose primary means of support is one or more poles set into a concrete footing, located at ground level.

POLITICAL SIGN: A sign pertaining to any national, State or local election.

PORTABLE SIGN: A freestanding sign not permanently affixed, anchored or secured to the ground or the building, which may be rolled or moved about.

PRIVATE SALE OR EVENT SIGN: A temporary sign advertising private sales of personal property at garage, yard or estate sales and the like, private fundraising events, such as nonprofit carwash, or food/clothing drive, etc.

PRODUCT IDENTIFICATION SIGN: Any sign used to identify the supplier/contractor of the construction product being used.

PROHIBITED SIGN: Any sign not expressly permitted within this Article, or any sign which is specifically prohibited in this Article (see Section 11-13-2.8 of this Article).

PROJECTION SIGN: Any attached sign that is placed perpendicular to a wall of a building.

PROMOTIONAL DISPLAY (COMMERCIAL): Special advertising for grand openings, anniversaries, special or seasonal events, and which is for a limited time, in addition to the legal signage permitted.

PROMOTIONAL DISPLAY (RESIDENTIAL): Special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, for the duration of an open house or similar showing.

REAL ESTATE DIRECTIONAL SIGN: A sign which advertises or directs attention to real property or properties not available on the premises where the sign is located.

REAL ESTATE SIGN: A sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property or properties.

ROOF SIGN: Any sign which is attached to the roof of a building or structure.

ROOF LINE: The physical edge of a building's roof, this is to include the parapet in the case of a flat roof.

SETBACKS: The distances required from the property line or from other buildings/structures or businesses.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SIGN: Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

STREAMERS: A display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on them.

STRUCTURAL REQUIREMENTS: The safety standards which apply to those signs which are governed by the requirements in the International Building Code and other companion documents.

TEMPERATURE/TIME/DATE SIGN: Any sign with the purpose of displaying the temperature, time, date and/or logo/name.

TEMPORARY SIGN: Any sign intended for a limited period of display. Said limited period shall not exceed 30 consecutive calendar days and shall not be allowed more than 4 times per calendar year.

TOTAL FRONT FOOTAGE: The total length of a building which fronts on a public street.

TRADEMARK/LABEL/NAME: Identification applied or attached to each permitted sign to designate the manufacturer and installer.

UNLAWFUL SIGN: Any sign ever erected which does not have a valid permit, or after erection, did not comply with all the applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which did not meet the necessary requirements to be considered non-conforming.

UNLICENSED COMMERCIAL SIGN: Any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

UNSAFE SIGN: Any sign identified by the Zoning Administrator or his/her designee as being improperly constructed and installed, erected or secured, thereby subject to falling and creating a safety hazard, with supported findings.

VARIANCE: An authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, the sign regulations).

VEHICLE SIGN: A sign painted on or attached to either a vehicle, or a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

WALL SIGN: Any sign affixed to or painted upon the wall of any building.

WINDOW SIGN: Any sign that is applied or attached to the exterior or interior of a window or a window frame.

Sec. 11-13-2.4. On-Premises Signs.

A. General Conditions:

1. **Attached Sign:** An attached sign may extend five (5) feet beyond the highest point of a roof line. No attached sign may project beyond the edge of a vertical wall.
2. **Decorations:** Any display shall be removed no later than five (5) days after the event/holiday.
3. **Development Identification Sign (Permanent):**
 - a. Maximum sign area shall not exceed thirty-two (32) square feet.
 - b. Maximum height shall not exceed ten feet (10').
 - c. This sign may be used in addition to any other freestanding sign allowed pursuant to this Article.
4. **Directional Sign:** Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six (6) square feet in sign area and four feet (4') in height.
5. **Flags:**
 - a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per parcel.
 - b. Displays used to serve as decoration (exclusive of decorations used in fiestas, community-wide festivals or national holidays) shall have no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.
6. **Freestanding Sign:** All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this Article.
7. **Gate Entrance Sign:**

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- a. Said sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).
 - b. Total sign height (including poles) shall not exceed twenty feet (20'). The sign face itself shall not exceed three feet (3') in height and thirty feet (30') in width.
 8. *Information Sign*: Signs visible from the public right-of-way shall have a maximum size of four (4) square feet in sign area.
 9. *Legal Notices*: The signs are exempt from the requirements of this Article; however, they must comply with provisions of the clear-sight triangle.
 10. *Pennant*: These displays may be used in addition to the regular signage allowed per business.
 11. *Point-Of-Sale Sign*:
 - a. This sign shall limit its advertisement to the product, its price, and/or its manufacturer.
 - b. The cumulative sign area for these signs shall not exceed twenty (20) square feet.
 - c. Each sign shall be no larger than two (2) square feet in sign area.
 12. *Portable Sign*:
 - a. Portable signs, although not incorporating a permanent footing in their design, shall be temporarily securely anchored to the ground to prevent overturning in high winds.
 - b. Portable signs shall be placed on level ground only or leveled during setup.
 - c. Portable signs shall for purposes of this Article be subject to all on-premises provisions governing freestanding signs.
 13. *Product Identification Sign*: Sign shall be placed on the structure and shall not exceed one-third ($\frac{1}{3}$) square foot in sign area.
 14. *Projection Sign*: A Projection Sign may not extend beyond the property line of the building upon which it is attached without an encroachment permit. The sign may be of any size that is allowed for that building, however it may not project more than five (5) feet from the building and it must maintain clearance to the ground greater than eight (8) feet. The method of attachment must conform to requirements of the City's Building Codes.
 15. *Streamers*: These displays may be used in addition to the regular signage allowed per business.
 16. *Wall Sign*: No wall sign may extend more than twelve inches (12") (depth) out from the wall to which it is attached.
 17. *Window Sign*:
 - a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.
 - b. A window sign does not include merchandise or models of products or services incorporated in a window display.
 - B. *Residential Zones*: The following sign types are permitted: development identification sign, directional sign, garage sale sign, government sign, house or building sign or nameplate, legal notices, model complex sign, national, State and corporate flags, political sign, private sale or event sign, historic designation plaques, real estate sign, and Home Occupation Signs as follows:
 1. One single face sign that identifies trade or services conducted within a residence.
 2. The sign shall not exceed the area specified in Article 11-5-4.

3. The sign shall not be illuminated.
4. the sign shall be attached and parallel with the dwelling.
5. only one sign shall be allowed per dwelling unit.

C. *Commercial and Industrial Zones:*

1. *Attached Sign:* One and one-half (1½) square feet of signage for each linear foot of exterior wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning/canopy/marquee (with signage on them) signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.
2. *Freestanding Signage:* These signs must comply with the following conditions:
 - a. Locations which permit freestanding signs are determined by zoning districts along specific segments of streets (see Development Standards).
 - b. Maximum height and minimum setbacks for freestanding signs are determined by street classification. See Appendix 1, Development Standards, Section 11-13-2.11 of this Article.
 - c. Individual freestanding signs shall be limited to those businesses which own direct, unobstructed (on-site) access to the public street.
 - d. Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.
 - e. Size of freestanding signs are determined as follows:

Linear Street Frontage	Size Allowed
0—100 feet	100 square feet
101—300 feet	150 square feet
301—600 feet	200 square feet
>600 feet	200 square feet

On buildings with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height, and number of signs.

- f. Number of freestanding signs is limited to one per parcel, except where the frontage of the parcel exceeds six hundred (600) linear feet. For those parcel, two (2) freestanding signs are permitted, provided there is a minimum distance of two hundred feet (200') between the signs.

Sec. 11-13-2.5. Off-Premises Signs.

- A. *Attached Signs:* Attached sign may be permitted on a building under the following provisions:
1. *Location:* The off-premise sign may only be located on a commercially zoned building.
 2. *Size:* The cumulative square feet of allowable signage for the host building may not be exceeded. The square footage of the off-premise sign shall be added to all other signs on the building in order to ascertain that the total allowable square footage is not being violated.
 3. *Distance:* The content of the off-premise sign may be goods, services, or another business that is located within the corporate limits of the City of Truth or Consequences.

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- B. *Bench Signs:* With the approval the City Commission, bench signs may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. Bench signs are exempt from the location provisions for freestanding.
- C. *Billboards:*
1. *General Location:*
 - a. All billboards shall be located only in areas zoned Commercial or Industrial and only along streets designated as major arterials or interstate highways, billboards shall not be located within any other zoning district.
 - b. Billboards must be located along street segments having a minimum of five (5) percent office, commercial and/or industrial zoning.
 - c. No billboards will be erected within the downtown area as defined in Section 11-13-2.3 of this Article.
 2. *Total Sign Area, Spacing, Height, Location, And Setbacks:* Billboards shall be subject to the following requirements:
 - a. Billboards located along interstate highways (also known as "Freeway Billboards") shall not exceed four hundred (400) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed forty feet (40') in height measured from ground level.
 - b. Billboards located along major arterials (also known as "Street Billboards") shall not exceed three hundred (300) square feet of total sign area, shall be spaced a minimum of one thousand feet (1,000') apart measured radially and shall not exceed thirty feet (30') in height measured from ground level. There shall be a minimum clearance of fifteen feet (15') measured from the ground level to the bottom of the billboard face.
 - i. Street billboards may only be located within one (1) mile of the end (as defined by the State Department of Transportation) of an Interstate 25 off-ramp.
 - c. A maximum of two (2) faces, parallel back-to-back is permitted, provided both faces are of the same size and attached to the same pole(s) for support.
 - d. Billboards shall be supported by a maximum of two (2) upright poles.
 - e. Vertical or horizontal stacking of billboards is prohibited.
 - f. Billboards shall be setback a minimum of Five feet (5') from the property line fronting along major arterials and thirty feet (30') from the property line fronting along interstate highways. In each case there shall be a minimum of five feet (5') setback from all other property lines measured from said property lines to any portion of the billboard structure.
 - g. Billboards shall have a minimum sign area of seventy-two (72) square feet.
- D. *Garage, Private Sale Or Event Sign:*
1. Signs may be used to advertise any event listed above provided that the signs are not over three (3) square feet in sign area, and are used only during the duration of the event.
 2. The person erecting the sign and/or the property owner at the sign location shall be responsible for the sign removal and all other requirements concerning signs.
- E. *Government Signs:*
1. Traffic-control and similar signs are exempt from all requirements of this Article.

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2. Building identification signs and similar signs do not require permits; however they must meet the numerical requirements of this Article.

F. *Political Signs:*

1. No individual sign shall exceed thirty-two (32) square feet in sign area.
2. All political signs may be erected no sooner than ninety (90) days before the election to which they pertain and shall be removed within ten (10) days following same election.
3. Advertising on a duly permitted billboard shall be exempt from the size and time limits herein stated.

G. *Vehicle Signs:*

1. A vehicle may have a sign placed upon it if the vehicle is for sale and the purpose of the sign relates to its sale; or
2. A vehicle may have a sign placed upon it if the vehicle is contributing to the legitimate purposes of the business for which it is used; and
3. A vehicle with a vehicle sign may not be parked on or within thirty (30) feet of a public right-of-way for longer than one hour, except if the vehicle is for sale.

Sec. 11-13-2.6. Temporary Signs.

- A. *Construction/Renovation Signs:* The signage shall not exceed sixty-four (64) square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed no later than fourteen (14) days after the issuance of a certificate of occupancy or the building permit expires.

1. Signs less than sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
2. Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

B. *Real Estate Signs:*

1. *Residentially-Zoned Lots Or Parcel:*

- a. *Less than 1 (one) acre:* one sign per street frontage not to exceed four (4) square feet in per sign. Sign(s) shall not exceed seven feet (7') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- d. *Greater than 10.00 acres:* three (3) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.

2. *All Other Zoned Lots Or Parcels:*

- a. *Less than 1.00 acre:* one sign per street frontage not to exceed sixteen (16) square feet in sign area per sign. Sign(s) shall not exceed eight feet (8') in height.
- b. *1.01 to 5.00 acres:* one sign per street frontage not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed ten feet (10') in height.
- c. *5.01 to 10.00 acres:* two (2) signs not to exceed thirty-two (32) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.

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- d. *Greater than 10.00 acres:* three (3) signs not to exceed sixty-four (64) square feet in sign area per sign or two (2) signs not to exceed one hundred twenty-eight (128) square feet in sign area per sign. Sign(s) shall not exceed fifteen feet (15') in height.
 3. *Real Estate Directional Signs:* These signs shall not exceed six (6) square feet in sign area.
 4. *Model Complex Signs:* These signs shall be located on the project site and conform to the following requirements:
 - a. One sign per complex not to exceed thirty-two (32) square feet in sign area.
 - b. One sign per model not to exceed four (4) square feet in sign area.
 - c. Signs are to be removed when the complex ceases to be a model home complex.
 5. *Removal Of Signs:* Signs shall be removed within 14 (fourteen) days after closing of sale or lease of property.
 6. *Placement Near Public Ways:* No real estate signs shall be erected in the public rights-of-way or in clear-sight triangles.
 7. *Exception To Permit and Fee Requirements:* Signs which do not exceed sixteen (16) square feet in sign area do not require a sign permit and shall not be assessed a permit fee.
 8. *Permit and Fee Required:* Signs which exceed sixteen (16) square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
- C. *Promotional Displays:*
1. *Commercial:* In addition to authorized attached and freestanding signs, occasional events requiring special advertising shall be subject to the following conditions:
 - a. Each business shall be limited to one freestanding and three (3) attached signs. Each sign shall not exceed ten (10) square feet in size.
 - b. Displays incorporating balloons, banners, streamers, flags and pennants will be permitted and are not limited to size and number.
 - c. Each business shall be allowed one permit for a grand opening display during its first six (6) months of operation. The permit for this display shall be for twenty (20) consecutive days.
 - d. Each business shall be allowed six (6) promotional displays during each calendar year. The permit for each of these displays shall be for ten (10) consecutive days.
 - e. Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for sixty (60) consecutive days.
 - f. The applicant shall provide to the Sign Administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit.
 2. *Residential:* In the event of an open house or other similar showing, the following displays and conditions shall apply:
 - a. Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.
 - b. The sign display may be erected any time on the day prior to the event and must be removed within twenty-four (24) hours following the event.

Sec. 11-13-2.7. Signs Not Requiring Permits.

Accessory use signs:

Change of copy on legally established signs.

Construction/renovation signs (those not exceeding sixteen (16) square feet in sign area).

Decorations for national holidays or community-wide festivals and fiestas.

Directional signs.

Flags/decorations.

Garage sale signs.

Government signs.

House or building signs or nameplates.

Information signs.

Legal notices.

Model complex signs (those not exceeding sixteen (16) square feet in sign area).

National, State and corporate flags following accepted flag protocol.

Pennants.

Point-of-sale signs.

Political signs (except billboards).

Private sale or event signs.

Product identification signs.

Promotional displays—Residential.

Railroad signs.

Real estate broker identification signs.

Real estate directional signs.

Real estate signs (those not exceeding sixteen (16) square feet in sign area).

Streamers.

Vehicle signs.

Sec. 11-13-2.8. Prohibited Signs.

- A. Any sign not expressly permitted within this Article is prohibited.
- B. Any sign constructed to resemble any official marker or sign normally erected by City, State or Federal Government agency or a sign using words, phrases, movement, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
- C. A sign advertising activities that are illegal according to Federal or State laws, rules or regulations and County or City ordinances or resolutions.

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- D. Any sign erected on, attached to or painted on retaining walls, fences, rocks of natural features. This prohibition shall not include development identification signs placed on walls used for landscaping purposes.

Sec. 11-13-2.9. General provisions.

A. *Calculation of Sign Area:*

1. The cumulative area of all attached signs shall be used to determine that the total cumulative sign area does not exceed the total sign area allowed for that building.
2. The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five degrees (45) or less. If the two (2) sides are not of equal size, the larger side shall be measured.

B. *Variances:*

1. *Administrative Variance:* There shall be no administrative variances issued for any provision addressed in this Article.
2. *Variance allowed:* Any sign variance request must be reviewed and acted upon by the Planning and Zoning Commission in the manner established by the City Comprehensive Planning and Zoning Code.
3. *Design Excellence:* Since it is the goal of the City to promote excellence in design, in addition to the established requirements for the issuance of a Variance, the Planning and Zoning Commission may allow signs that exceed the requirements of this Code if the proposed sign is considered to have a quality of architecture, design or construction that far exceeds normal sign standards. If a sign exhibits an excellence in design and construction the Commission may allow a twenty (20) percent increase in sign area and/or height.

C. *Structural Requirements:*

1. All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.
2. Sign permit applications for freestanding signs must conform to the City Building Code requirements.

D. *Sign Maintenance And Removal:*

1. *Damaged Signs:* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this Article.
2. *Unsafe Signs:* If, in the opinion of a Sign Administrator or designee, any sign becomes unsecured, unsafe or subject to fall, the Sign Administrator upon supported findings shall give written notice of the sign's condition to the person responsible for the sign (owner or lessee). The person so notified, shall correct the unsafe condition of the sign and within seven (7) working days. The repair or replacement of the sign shall be done in conformance with the provisions of this Article.
3. *Maintenance:*
 - a. All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.
 - b. If the message portion of a sign is not maintained or if it is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such

sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. The subsection shall not be construed to alter the prohibition on the replacement of a non-conforming sign. Nor shall this subsection be construed to prevent the changing of the message of the sign.

4. *Repair, Alteration or Removal of Signs:* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the Sign Administrator to the owner, lessee, or person responsible for the sign. If such order is not acted on within seven (7) days, the Sign Administrator may initiate proceedings contained herein to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for the sign.
5. *Unlawful Signs:* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this Article, or the applicable code it was erected under, the City may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation(s) and order the designated responsible party to bring the sign into compliance with this Article and any other applicable codes within fourteen (14) days from the date of the warning. Only one warning per violation will be issued. Said warning shall remain in effect for the duration of the business.
6. *Violations and Penalties:* Any person who shall violate any provision of this Article shall be guilty of an offense and shall, upon conviction thereof, be punished as provided in Section 1-4-1 of the City Code. Each day in which any violation shall occur shall constitute a separate offense. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to ensure compliance with this Article.

E. *Non-conforming Signs:*

1. Subject to the remaining restrictions of this Section, non-conforming signs that were otherwise lawful (i.e. had a lawfully issued permit by the City) on the effective date of this Article may be continued.
2. No person may engage in any activity that causes an increase in the extent of nonconformity of a non-conforming sign. Without limiting the generality of the foregoing, no non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition. Nor may illumination be added to any non-conforming sign.
3. Any change in the use of any building or property on which a non-conforming sign is located, will require that all non-conforming signs on that property be brought into compliance with all applicable provisions of this Article within nine (9) months of said change.
4. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article. For the purpose of this subsection, "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of a sign. An example is replacing wood pole supports with metal I-beam supports.
5. If a non-conforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this Article and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a non-conforming sign is "destroyed" if damaged up to fifty (50) percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.
6. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

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7. If a non-conforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within ninety (90) days after such abandonment by the sign owner, owner of the property where the sign is located or other person having control over such sign.
 8. If a non-conforming billboard remains blank for a continuous period of ninety (90) days, that billboard shall be deemed abandoned and shall be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is "blank" if:
 - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
 - b. The advertising message it displays becomes illegible in whole or substantial part; or
 - c. The advertising copy has been removed.
 9. The City shall reserve the right to remove a non-conforming sign in accordance with State law.
 10. This subsection shall not apply to any benches placed under the terms of any contract in effect on the date of passage of this Article.
- F. *Permits:* Sign permits shall be required for all signs unless otherwise stated in this Article.
- G. *Sign Placement Provisions:*
1. No sign shall be permitted to violate the "clear-sight triangle" as defined in the City Zoning Code.
 2. No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.
 3. Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obscures or interferes with the clear view of any traveler on any street.
 4. No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for elsewhere in this Article.
 5. No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the Sign Administrator. The City shall not be liable for any damages to the owner because of such revocation.
 6. No banner shall be erected across any street or sidewalk in the City unless express (written) consent has been granted by the City Commission.
 7. Any sign extending over an area intended for pedestrian use shall not be less than seven feet four inches (7'4") above the finished grade below it.
 8. No sign shall be placed on any property without written consent of the owner(s) or the owner(s)' authorized agent.
 9. No part of any sign may protrude into the setback except in the following instances:
 - a. If the right-of-way extends fifteen feet (15') beyond the back of curb, a sign may be placed on the property line. A written agreement between the City and the property owner shall be initiated to assure that the said sign will be relocated at the owner's expense in the event that the roadway is ever widened at the sign location.

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- b. Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear-sight triangles.
 - 10. Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this provision.
 - 11. No sign (temporary or permanent) shall be placed on private property with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be summarily removed by the Zoning Administrator or his/her designee.
- H. *Lighting Provisions:*
- 1. *Shading:* Light from any (light) source intended to externally illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
 - 2. *Types of Lighting:* Any type of lighting may be used to either illuminate a sign or may be the sign itself as long as said lighting meets the requirements of this Article.
 - 3. *Distance:* Signs which face residentially zoned parcels having a linear distance of seventy five feet (75') or less from the zone shall not be illuminated.
 - 4. *Residential Zones:* Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
 - 5. *Dark Sky:* The State of New Mexico Dark Sky Legislation requires that all lighting be shielded in order to prevent the escape of light into the sky. This not only requires the use of shields but also does not allow the use of "up-lighting" or the use of lights in any manner that will cause light to be emitted in an upward direction.
 - 6. *Movement:* Signs that simulate movement by use of lighting may be allowed at the discretion of the Planning and Zoning Commission. The Commission must make a finding that stipulates that said movement will not cause an undue distraction to motorists and thereby be classified as a traffic hazard.

Sec. 11-13-2.10. Enforcement.

- A. *Offenses:*
- 1. Every violation of this Article constitutes an offense.
 - 2. Each day a violation of this Article exists constitutes a separate offense.
- B. *Enforcement Authority:*
- 1. The Zoning Administrator is authorized to issue citations for violations of this Article and file criminal complaints in Municipal Court alleging violations of this Article.
 - 2. The Municipal Court may impose a fine for each offense, as provided in the City of Truth or Consequences City Code for each day the violation is found to have occurred. In addition to any fines thus imposed, the Municipal Court is authorized to issue orders for removal or other judgments. Failure to pay fines previously imposed shall constitute contempt of court and may be separately punished at the discretion of the Municipal Court.

Sec. 11-13-2.11. Freestanding Sign Development Standards.

Table 1: Maximum Sign Height By Street Classification (In Feet)

Street Classification	Zone Classification	
	Residential Industrial	Commercial
Local		
12	0	8
Collector		
12	0	12
Minor arterial		
12	0	12
Major arterial		
18	0	18
Freeway*		
26	0	**

* In order for a sign to be considered to be freeway oriented it must be located within 300 feet of a freeway right-of-way and must be visible from said freeway. The maximum square footage per sign shall be the same as that of other signs.

** The maximum height shall be determined by the City Commission upon recommendation by the Planning and Zoning Commission through the Special Use Permit process established by the City Comprehensive Planning and Zoning Code. It shall be the applicant's responsibility to propose the need for the height of the sign based on visibility from the freeway. The City Commission may establish the height of the sign based on information provided by the applicant, recommendation by the Planning and Zoning Commission, public input, or on any other pertinent facts the Commission may deem appropriate.

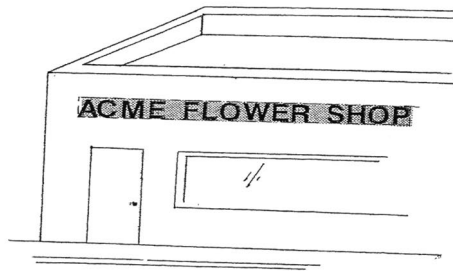
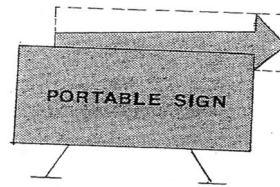
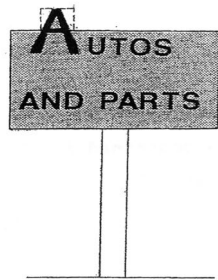
NOTE: Freestanding signs which are allowed by right and erected in the zones listed above shall follow those height requirements enumerated above, unless specific requirements are stated elsewhere in this Article.

Table 2: Minimum Setback By Street Classification

Street Classification Setback	Front Setback	Side
Local		
side yard	10 feet from property line	5 feet
Collector		
side yard	12 feet from property line	5 feet
Minor arterial		
side yard	15 feet from property line	5 feet
Major arterial		
side yard	15 feet from property line	5 feet

The following illustration are to be used only for assistance in applying the regulations contained in this Code, they are for illustrative purposes only.

DETERMINING SIGN AREA

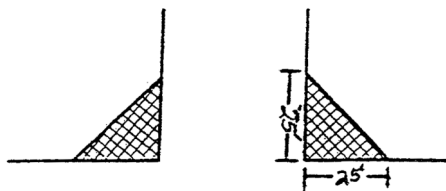


--- Indicates boundary to be used to calculate sign area in the event the applicant does not provide the actual square footage of the sign.



SHADED AREA INDICATES SIGN AREA

DETERMINING SIGN AREA



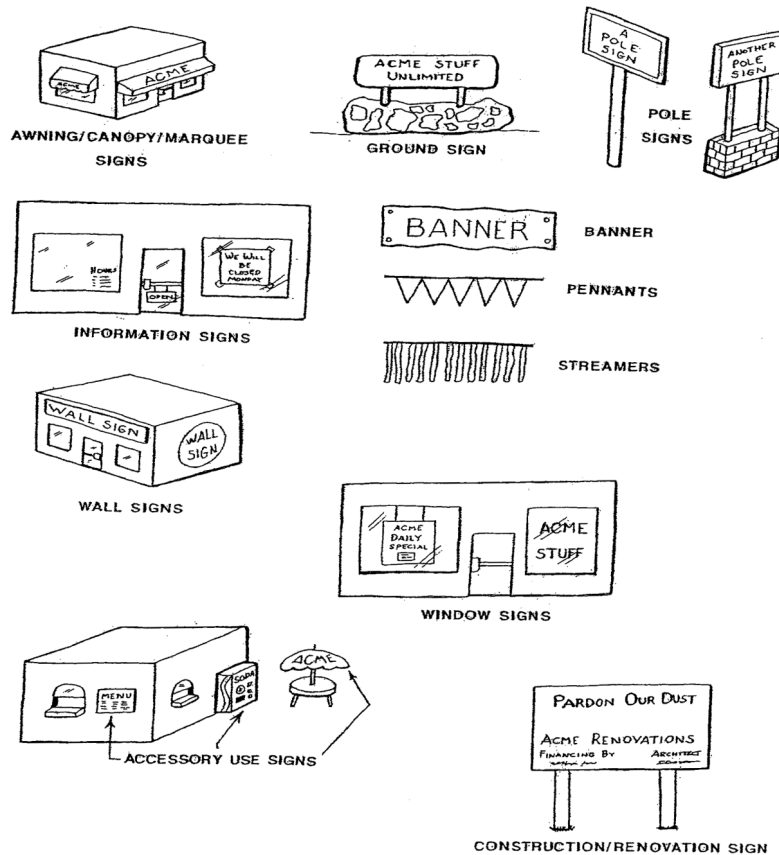
Clear Site Triangle

STREET



CLEAR SIGHT TRIANGLE

ON-PREMISE SIGNS
(FOR ILLUSTRATIVE PURPOSES ONLY)



ON-PREMISE SIGNS

Sec. 11-13-3. Residential Fence and Wall Requirements.

A. HEIGHT.

1. Six (6) foot maximum height above ground surface level shall be permitted on any part of the required front yard, provided such fence is in accord with subparagraph 3 below. A three (3) foot maximum height wall above ground surface shall be permitted on any part of the required front yard.
2. An eight (8) foot maximum height fence or wall above ground surface level shall be permitted on any part of the lot that is to the rear of the required front yard(s), provided such wall is in accord with subparagraph 3 below and is constructed to New Mexico Building Code standards.
3. There shall be no fence, wall or obstruction more than three (3) feet above street curb level within the clear sight triangle, as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear sight triangle for entry and exit or off-street multi-parking area.
4. A wall retaining four (4) or more feet of soil must be designed and stamped (signed) by a Professional Engineer, registered in the State of New Mexico.

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- B. *EXCLUSION FROM PUBLIC RIGHT-OF-WAY.* No wall or fence shall be permitted in a public right-of-way.
 - C. *WALL AND FENCE FOR SWIMMING POOLS.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
 - D. *BARBED WIRE FENCE.*
 - 1. *Security Fences:* Barbed wire is not permitted except when located at least six (6) feet above the highest adjacent ground surface.
 - 2. *Other:* Barbed wire fence other than security fence, described above is permissible only in T-1 District.
 - E. *ELECTRICAL FIELD FENCE.* Electrical field fence is permissible only in T-1 District and shall be only utilized for Livestock fence.
 - F. *EXCEPTIONS.*
 - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from any property line.
 - 2. Walls and fences may be eight (8) feet in height in the rear yard of double-frontage lots, provided all such adjacent yards between the two intersection streets are also rear yards.
 - 3. Fences or walls eight (8) feet or less in height as measured from the highest directly adjacent ground surface may be permitted on any part of a lot that is as far back from streets and lot lines as minimum required setbacks.

Sec. 11-13-4. Commercial and Manufacturing Fence and Wall Requirements.

- A. *HEIGHT:*
 - 1. A six (6) foot maximum height above ground surface level fence or wall shall be permitted on any part of the required front yard, provided it is in accordance with subparagraph 3 below.
 - 2. An eight (8) foot maximum height above ground surface level fence or wall shall be permitted on any part of the lot that is to the rear and the required front yard(s) in commercial District, and in all yards in a manufacturing District, provided such construction is in accord with paragraph #3 below and is constructed to New Mexico Building Code standards.
 - 3. There shall be no fence or wall more than three (3) feet of total height above street-curb level within the clear-sight triangle as defined under "Clear Sight Triangle" in Article 8 of this Code, or in the clear-sight triangle for entry and exit of off-street multi-parking area.
- B. *EXCLUSION FROM PUBLIC RIGHT-OF-WAY.* No wall or fence shall be permitted in public right-of-way.
- C. *WALLS AND FENCES FOR SWIMMING POOLS.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.
- D. *BARBED WIRE FENCES.* Barbed wire is not permitted, except when located above a wall or fence that is at least six (6) feet in height.
- E. *EXCEPTIONS.*
 - 1. Tennis courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from the property line.
 - 2. A six (6) foot height fence shall be permitted in the front yard of any apartment complex over twenty (20) units, and for patios or courtyards in townhouses or condominiums, except as otherwise prohibited in the clear sight triangle.

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3. Walls and fences may be eight (8) feet in height in the rear yard of a double-frontage lot, provided all such adjacent yards between the two (2) intersecting streets are also rear yards.

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date 8-11-2025 Address Location of Proposed Love's Travel Stop

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 & ZONING COMMISSION
MINUTES
MONDAY, AUGUST 11, 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, August 11, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman - Absent
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
Amanda Forrister, Mayor Pro-Tem

1. APPROVAL OF AGENDA:

Member Luchini made a motion to approve the agenda, with the removal of item 4-C. Member Kent seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) July 11, 2025.

Vice Chairman Buhler: I have one correction, on page 16. Actually it's two small corrections. Under my comment, it's the word "for" the people [instead of "in"] and then the one underneath it, and you "have" provided lots of good things.

Member Kent made a motion to approve the minutes. Member Hammer seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

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

4. PUBLIC HEARINGS (5 Minute Rule Applies)

- a) Public Hearing/Discussion/Action: Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728 Article XIII Sec. 11-13-2.4 subsections 2F and 2D.**

Vice Chairman Buhler opened the public hearing.

Proponents: None

Opponents: None

Assistant City Manager Alvarez: Before you today, we have a request for a Variance pertaining to the proposed Love's Travel Truck Stops signs. Per our city ordinance, on freestanding signs, the applicant is allowed two signs and they are requesting three within one area, and another section, the applicant is requesting additional signage square foot of an area in height. Within your documents, you have the sign ordinance as well as a presentation and visuals of the signs that are being proposed. All required documents have been submitted to the city, and we have received all the fees. All property owners within 100-foot radius have been notified. Applicant is in the audience to present as well.

Barbara Peck, Large Developments Engineer: My name is Barbara Peck, I represent Love's Travel Stops on this item. In your packet, there are some visual demonstrations of the various signs, as Assistant City Manager Alvarez mentioned. I was going to talk about each one individually, if you will. I'd like to start with the smallest sign, I think it's going to be the very last page of our item, you will see an image like this one.

Vice Chairman Buhler: What page might that be on?

Barbara Peck, Large Developments Engineer: It looks like it's page 86 of the packet. So, what we're demonstrating here is our request, and [The small sign on the left of page 86 of the packet] is the ordinance for directional signs within the property, and the challenge that our primary customers have with these signs is by the time they get close enough to them where they need to be reading them, they're beneath their level of being able to be read. So, we like to do the 4x8 signs, there is only one of these on the premises that would be required, and if you go back a couple of pages, it looks like this (page 78 of the packet). This is exactly the language that would be on the signs, it directs the trucks to go forward, and the cars where they are to turn so that they don't mingle in the fueling dispensers. So it gives them the safety and directional knowledge of where to go within the site. This is not on a roadway, this is within the driveway confines of the site, so it's actually interior to the site. So that is one of the requests for the Variance there, is in the area of that direction sign. The next one that we'll take a look at is the cat scale sign (page 82 of the packet). So this is the third freestanding sign, the one that would be for the Variance. This is also within the interior of the site, I'd be happy to show you where it is on the site plan, it's at the end of the diesel fueling canopy, and the sign height and breath helps the truck drivers to drive the truck into the scale that they have to

weigh on to be in compliance for DOT standards, before they leave our site. So that's kind of how that sign is designed, is to help them guide their truck into that space in the proper fashion so that they can get weighed in and stay in compliance. You'll see several pages with multiple pictures, it looks like you're driving down the interstate (pages 65-72 of the packet). In those photos you will see, if you look very closely, the rendering of the high-rise sign that we're proposing for the site, the high-rise sign is 95 feet tall, and it is approximately, I believe it says 982 square feet, the ordinance is 200 square feet. As you can see from those renderings, though, because of the distance from the interstate, which we are in compliance with the 300 feet from the interstate, but when they're coming down the interstate, we want them to see it above elevation of the bridge and the hills and that sort of thing, and time to make safe maneuvers to take the exit in time. So that's how those images are rendered, the digital one's probably easier to look at, because you can zoom in on it, but that would be the other Variance that we're asking for, and we're asking for that sign height of the 95 feet, to clear those, the bridge, I believe, and the hills coming from the other direction. I'm happy to answer any questions you might have.

Vice Chairman Buhler: I did have one question, are they all electric? Are they electric, or are any of them solar? The signs.

Barbara Peck, Large Developments Engineer: They are electric.

Member Luchini: Is gas really 99 cents a gallon?

Barbara Peck, Large Developments Engineer: If only, we are all hopeful. And you will see on the high-rise rendering that is in the packet on a different page (page 73 of the packet) that is was still showing the Godfather's that we mentioned many moons ago. So if you look later in the packet, it has the correct high-rise sign that has the Arby's listed on it.

Vice Chairman Buhler: I'll open this up for discussion. Is there any discussion in regards to the signs?

Member Hammer: I know we did have one constituent come to speak at a couple meetings, she was concerned about the dark skies stipulation, and I see that there is a provision here saying that these will have shields to prevent them from uplighting, I guess that's a concern with the dark skies.

Barbara Peck, Large Developments Engineer: Yes, Ma'am.

Member Hammer: And you won't be seeking a Variance on that?

Barbara Peck, Large Developments Engineer: We are not seeking a dark skies Variance.

Member Kent: So this picture (page 76 of the packet) is what it'll look like with the Love's over on the left, and this giant Arby's hat on the right? Not like, down here [under the gas prices]?

Barbara Peck, Large Developments Engineer: That's correct.

Member Luchini: And this price is 88 cents.

Barbara Peck, Large Developments Engineer: We're all still praying.

Member Hammer: Esther is going to hold your feet to the fire on these gas prices.

Barbara Peck, Large Developments Engineer: I don't blame her.

Member Kent: So what, okay, now I'm getting confused. So what's this sign (page 77 of the packet)

Barbara Peck, Large Developments Engineer: So that sign is at the entrance to the property on Cemetery Road.

Member Kent: Ok thank you I just saw that.

Barbara Peck, Large Developments Engineer: Yes. I really appreciate the opportunity to present this to you guys, I think we're really getting close to the finish line and we're very excited to continue to move forward, and we just would respectfully ask for your approval.

Member Hammer: I think most of these signs promote safety for your truck drivers, so they know where to go and they don't pass a sign and they don't know where to turn around, and I see that that would be really confusing and possibly dangerous, especially in the middle of the night if they don't know where they're going. So, I'm for additional signage for that reason. I don't have any further comments I guess, on this.

Member Kent: I'm curious, well, I guess it doesn't really matter, I mean, there are those blue highway signs as you get near places that'll say "Food Available" and there'll be signs of what food, it'll say "Gas Available" and each place can put their thing there, so are you using those in any way, or you're just going with these giant lit up?

Barbara Peck, Large Developments Engineer: We will try to secure the blue signs as well if there's places remaining on them, but that is entirely up to the DOT so we do try to do our own signage, and it is generally, we hope, visible at a distance that gives the drivers time to react, whereas the blue signs are usually very close to the exit most of the time, sometimes far enough out, but sometimes not. So we do try to secure those as well.

Member Luchini: I have no questions.

Member Hammer: I'm finished too.

Vice Chairman Buhler: Can we have a motion?

Assistant City Manager Alvarez: Vice Chair, if I could interrupt for a moment, if we could open up the public hearing, if there's any proponents or opponents first?

Vice Chairman Buhler: Okay, we'd like to open up the public hearing, if there are any proponents or opponents that would like to speak?

Deputy Clerk Martinez: We have nobody signed up.

Assistant City Manager Alvarez: Then you can close it.

Vice Chairman Buhler closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Variance Request pertaining to proposed Love's Travel Stops and Country Stores – Parcel 2894953670728 Article XIII Sec. 11-13-2.4 subsections 2F and 2D. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Public Hearing/Discussion/Action: Request for a Special Use Permit Renewal at 3500-3710 E. 3rd for the purpose of a Kennel Permit.

Vice Chairman Buhler opened the public hearing.

Proponents: None

Opponents: None

Assistant City Manager Alvarez: The applicant is requesting approval for their annual renewal. We did approve this permit a year ago, so she's come back to have it renewed. The property is located in the commercial district, kennels are used for housing of the working dogs, a site inspection has been completed, there has been no violation or complaints, she's in compliance with all permitting requirements, applicant is here, as well as Code Enforcement. Because they're the ones that have been out there on-site, I'm going to let Tyler speak first.

Code Enforcement Officer Knull: Good afternoon, as Traci stated, this is a renewal for a kennel permit. The site is in very good condition, the kennels are very well-built, the dogs all have good housing, the dogs all have access to a great amount of water, the dogs are taken care of, and we see no reason to not renew this, it's in perfect compliance of what we ask.

Assistant City Manager Alvarez: And you'll notice, as part of a kennel permit application, it's Code Enforcement or Animal Control that designates how many animals can be allowed, that they can have up to, by reviewing the site, so this particular kennel permit, Tyler said she could house up to 16 dogs at one time. The applicant is here as well, if you'd like to hear from her.

Keith Whitney, County Assessors Office: And I had to do the same thing for myself, so it does work.

Commissioner Fahl: That's good to know.

City Manager Whitehead: I'll make just one final comment, the addressing is the responsibility of the city, it's our responsibility to make sure, but this is a true partnership between the city and the county, and we rely on the expertise the county can bring. We also met with the county manager as well, so this is being done as a cohesive partnership.

Keith Whitney, County Assessors Office: And we did have the SCRTA director as well, she was at our meeting, she's aware of exactly what we're doing, and she will make her staff aware of what the process is going to be with the city.

City Attorney Rubin: Given the fact that we already have a signed contract, and as you point out, paragraph 3, under the city's obligations, we are required to provide the county's rural addressor updated GIS addressing and MSAG database information on a timely basis, is there anything else we need to do? Actually, we're already required to do what's being requested, I guess.

Mayor Hechler: The contract was signed in 2021.

City Attorney Rubin: Yes.

Mayor Hechler: Okay, good point.

Commissioner Fahl moved to approve the E-911 GIS and GPS Address Database Compliance in Collaboration with Sierra County. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: P & Z Board recommendation of approval for a Variance Request pertaining to proposed Love's Travel Stops and Country Stores Sign Application Permit.

Assistant City Manager Alvarez: The Planning & Zoning board met on August 11th and recommended approval of a Variance request for some signs at the Love's Travel Truck stop. The applicants are requesting an allowance of 3 freestanding signs located within their property boundary, the ordinance allows for 2 so they're requesting to have 3. They're also requesting a height Variance and sign Variance for the sign that's located near the interstate. Within your agenda packet, you do have the P & Z packet that has a lot of the pictures of the signage, and we also have Barbara Peck from Love's available virtually to answer any questions.

Commissioner Fahl: I like the pictures that she sent, so you can see the freeway signs to give us a good conception of what those are going to look like, they are like all the Love's Truck Stop signs, but it shows a way that people can find it from the interstate, and then on the site. Very good ways for safety reasons, for cars to stay out of the way of those 18-wheelers. It seems very upfront to me.

City Attorney Rubin: And that mirrors what was said at the Planning & Zoning meeting. I saw, member Hammer said, "I think most of the signs promote safety for your truck drivers."

Commissioner Fahl: I didn't copy it from that.

City Attorney Rubin: No that's okay, I'm just saying I agree with your observations, and there's no opposition to Planning & Zoning.

Mayor Hechler: Yeah, the only comment I'd make is that it's very comprehensive, very well put together, they addressed the night sky issue, which was a concern for some of our citizens, so that was good. Other than that, I don't see any additional problems unless you guys have anything else to say.

Commissioner Mitchell: My only concern is this one sign is advertising gas at 99 cents a gallon, I was hoping to keep it that way.

Assistant City Manager Alvarez: That came up at the P & Z board too, we couldn't get her to commit.

Commissioner Mitchell moved to approve the P & Z Board recommendation of approval for a Variance Request pertaining to proposed Love's Travel Stops and Country Stores Sign Application Permit. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Update: Loves Utility Improvements discussion.

City Manager Whitehead: We're really getting close to being able to close the door, if you will, on Love's ability to make a decision to finally come here. They're waiting on several steps that have to fall into place to make sure that they're set to be able to make the purchase. They've done their due diligence, they've done a considerable amount of work, so the last piece that has to happen is, they have requested, and we are looking at ways that we can incentivize them based on the influx of the dollars that they are proposing. If you remember, by their proposal, the top number they estimated was somewhere around \$170,000 a year in gross receipts tax. They're also going to be, potentially, one of our larger utility services. There's a water line that has to be extended under the road, so they're going to improve cemetery road leading up to their site, and they've agreed to improve the water line for us, so we've actually taken off a stretch – the length of that is not being designed by us, it's designed by us, but they're actually going to pay to put that

Position Shipping Containers

5-6-26

1. They should meet strict zoning codes.
2. ONE unit permitted on A single lot.
3. The container must not exceed 50% of the main House's Heated square footage.
4. Must be solid in color
no shipping labels on them.
5. Container cannot be stored in the front yard driveway or street. Container must be fenced from public view solid wall or fence 6 foot.
6. City New Rules maybe enforced retroactively with regard to containers.

Just Bechler
Historic Areas.

Possible Review Board for
Certain Areas of town

City or Truth or Consequences

Position Paper from Esther Luchini

City Planning and Zoning committee member Regarding storage containers May 4, 2026

In addition to regulations stated in Sec. 11-10-4 A-C:

1. Storage unit must not be connected to city utilities so . as to be used as a residence or living quarters.
2. Container Unit must be properly painted and be esthetically pleasing.
3. Container unit must be located and set behind the primary dwelling.
4. Conditional Use Permit must be renewed annually through the same process as the initial permitting.
5. Conditional Use Permit must not be transferred to a new property owner. In the case of a property sale, the new property owner must apply for a Conditional Use Permit.
6. Container Unit cannot be renter or leased to another individual other than the property owner, leasee or renter.

Sent from my iPhone