

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, APRIL 13, 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, April 13, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk
Tyler Knull, Code Compliance Officer

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) March 9, 2026.

Member Luchini 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: Conditional Use Permit at 1107 N Bosque.

Assistant City Manager Alvarez: Good afternoon, I just want to start off by letting the board know that we are aware of all the violations in this area and working on getting them addressed. Keep in mind that is not what we are here for on this issue. The applicant is here with a conditional use permit request. Per our code you have to have a conditional use permit to have a shipping container on your property. The shipping container has been on the property since before shipping containers were in our code.

Chairman Sisney: Does a conditional use permit transfer with the sale of a property?

Assistant City Manager Alvarez: If their property sales or changes hands then that lot needs to go back into normal compliance.

Member Kent: A conditional use permit does not stay with the property upon sale. It's for whoever it's been issued to which would be the current owner.

Assistant City Manager Alvarez: I would have to review my notes. I think conditional use is only applicable to the specific property owner.

Member Hammer: It is. It's annual and it does not transfer with the sale of the property. Were as a variance is permanent.

Chairman Sisney: It was stated that they were out of compliance. Are the setbacks and everything else is good?

Assistant City Manager Alvarez: Yes.

Chairman Sisney: Ok so the only thing out of compliance was that the shipping container hadn't been permitted yet.

Assistant City Manager Alvarez: It hadn't been approved correct.

Member Hammer: The other odd thing about this conditional use permit and the storage container is that there is not a residence on the property.

Assistant City Manager Alvarez: Correct. There is not a structure which is part of the approval of the conditional use permit. Their action would be if you wanted to recommend approval it would be to recommend the approval of the conditional use permit to allow the storage container on a property without a main dwelling or principal building.

Member Hammer: Did you get any feedback from the public.

Assistant City Manager Alvarez: I have not received any.

Member Kent: It stated that there was a fence around the property. Is it a privacy fence or just a chain linked fence?

Assistant City Manager Alvarez: It's a privacy fence.

Member Kent: The aerial view doesn't show.

Assistant City Manager Alvarez: The aerial view is kind of outdated it's from 2024. Their lot is great though. I was out there today and it's very nice. I will say that as soon as the applicants were notified by code enforcement, they were reactive immediately and in the office to see that they could do.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Vice-Chairman Buhler made a motion to recommend approval to the City Commission for a Conditional Use Permit at 1107 N Bosque on the lot without a principal dwelling. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. WORKSHOP:

Assistant City Manager Alvarez: I'm going to hand out a workbook of chapter 16 planning and zoning where it identifies each subsection. It's pretty simplified and it will say like article 1 is there something in there you guys wish to update yes or no or if you guys want to leave it as is. That will also help us to funnel things for your review. This isn't something you need to do this evening if you want to review it and get it back to us in a couple of weeks, that gives us time to start compiling items for your next planning and zoning meeting.

Member Hammer: This is good, thank you and thank you to Manager Whitehead.

Assistant City Manager Alvarez: We have a big budget meeting for the commission all day tomorrow, so he does send his apologies for not being able to attend.

Vice-Chairman Buhler: At the last meeting he did say he would find out what the rules were for the river.

Assistant City Manager Alvarez: I will follow up with him.

Chairman Sisney: You talking about powered vessels?

Vice-Chairman Buhler: Yes, everything. There should be some type of signs.

Chairman Sisney: Yes, if we don't nip it in the butt there are going to be jet skis and all kinds of that stuff.

Code Enforcement Officer Knull: As far as I know that is the Bureau of Reclamation.

Assistant City Manager Alvarez: The question of it is the enforcement of it. Is there something that the city can do for potential enforcement? Is the County enforcing that?

Vice-Chairman Buhler: A sign.

Assistant City Manager Alvarez: Who do we call if there is an incident? We don't have anything in place so the question with the city manager is that something we can look at putting in place. I know it has come before commission.

Vice-Chairman Buhler: I think signage is really important especially for glass containers in the river and things like that. I personally have known people who have stepped and injured themselves with glass in the river. The use of the gas boats and jet skis.

Assistant City Manager Alvarez: I don't know about putting signage on the riverbank obviously on any riverbank area that is adjacent to city property that is something that we can look at but a lot of the riverbank is on private property or it is BOR property so we will have to find. It's kind of like state DOT I can't just approve a sign that goes out on Broadway, Main or Date those things have to go up at the state level. The state may say no you can't do that. Like the downtown area where everyone has sidewalk signs those are technically not allowed by state. They are good at turning a blind eye unless somebody calls in a complaint.

Member Kent: I think at a minimum for the river the new boat ramp is on city property.

Assistant City Manager Alvarez: That will have signage.

Member Kent: That is going to have a lot of good signage about safety and what is and isn't allowed. There are a couple of put in and take out points on the river that probably we could encourage them.

Assistant City Manager Alvarez: We have the big one at the end of 3rd Street by the bridge area that is all Ted Turner property.

Vice-Chairman Buhler: Rotary Park would be a good place also.

~~Assistant City Manager Alvarez: Rotary Park is a good one. They have signage that they are~~
working on. They just announced at the last commission meeting that OJ received funding of a master plan for Rotary Park as well as a Feasibility study for the surf wave. Those are all things that we can look into. I just don't know, other than Ralph Edwards Park and Rotary Park, where else to put signage without it going into BOR or private property. I will relay that info to the city manager.

Vice-Chairman Buhler: You know where you go across the bridge that's where a lot of people go into the river there.

Member Kent: But that's not city property there.

Vice-Chairman Buhler: I don't know whose property it is. I would think that some residents wouldn't mind maybe having a sign either as long as it wasn't permanent.

Chairman Sisney: The houseboat that's on the riverbank does that guy still own that property?

Assistant City Manager Alvarez: I think that is technically under code right now so it's not something he can talk about.

Chairman Sisney: Does he still own the property?

Code Compliance Office Knull: I can't really discuss this.

Chairman Sisney: That guy use to rent jet skis out of that place.

Member Kent: Nobody lives there anymore and they haven't been doing that for several years.

Code Compliance Office Knull: It does look vacant. I haven't received any further continuation of violation but after taking it to court I haven't heard anything.

Member Luchini: He is under code is that you said.

Code Compliance Office Knull: It's under me right now and I'm going through proper enforcement.

Assistant City Manager Alvarez: I can tell you clear back when it was set up before Tyler even started code enforcement and I had code enforcement we had code issues that even went through our municipal court at that time. Just simply the houseboat there alone is a violation of our code. Like we have said we can take things to court all we want but we can only get so far. That's one of the things that hopefully restricting this and what Tyler and the city manager and his department are working on for a potential different way to handle these properties will help us.

Member Luchini: Is that private property?

Assistant City Manager Alvarez: Yes. It's a really little triangle property.

Member Luchini: Does he have utilities there?

Assistant City Manager Alvarez: No. I can't speak on electric out that way it would be Sierra Electric Coop but there is no sewer and water from the city.

- a. **Special Use Permit**
- b. **Variance Request**

Member Hammer: When we make a recommendation to approve a variance request and the city approves it according to the notes its forever. Is the any point and time where you either get more data or you realize the data that you received wasn't sufficient and then you can review that again.

Assistant City Manager Alvarez: Yes, that comes with property inspection getting out in the field. Which is something I'm not as good at now but that's why I rely on Tyler a little bit more. We have had a couple of instances where we allowed a variance for a mobile home. The pictures they submitted made the mobile home look like it was really nice but when that mobile home got put on the property it was not nice. They were issued a few different letters on bringing it into compliance for the variance they requested. When they didn't meet that compliance, I followed up with the property owner, and when the property owner themselves realized that they were going to be potentially in violation and could incur cost, then the property owner acted. That's where we rely on eyes in the field with our other departments. If they see something that shouldn't be happening out there, those are things to visit. Maybe there is a difference in the way we structure a variance request. Tyler and I had that conversation right before coming here and he has a very different view on a variance request and what he has learned at the planning and zoning conferences, versus the processes we go through that have been just sort of set and play over the years.

Member Hammer: Are you speaking to that today?

Code Compliance Office Knull: If you would like.

Member Hammer: Do you have a brief summonses.

Code Compliance Office Knull: Basically, every city has sort of a different way that they issue variances. What cities are realizing that they are getting themselves into is they have been issuing variances for "I don't want to put a side obstructing fence because that cost too much money". "I don't want to meet that set back because I want more yard space. I want it more over here" whatever that might be, but their lot is conforming to what the code says is a conforming lot. It's a square 100 feet by 100 feet lot you can meet set back requirements pretty easily on that lot. You should be able to not need a variance to meet our code. Now if your property is a triangle, you're not going to be able to meet set-back requirements very easily on another side trying to get it up to another side. That would be where we should be issuing variances rather than just issuing variances because it's hard to meet the standards of the code because that costs too much money or it's too hard. What our current code actually says is that we should only be issuing variances for non-conforming lots, irregular shaped lots or lots that are too small. One example would be the gentleman that wanted to build a house on Riverside

on that small lot that could be something a variance could legally per our code be issued for because it's a non-conforming lot. It's not his fault the lots not conforming. He could get a variance for it but if the lot was big and he could safely put something we shouldn't be going further with that variance request.

Assistant City Manager Alvarez: I think what you guys are seeing is if somebody wants to do something that outside the code then they request a variance. That's kind of the direction the city code has been taken in the past. The recommendation from the city attorney and because isn't even though like he said it says that there is a section somewhere within the code or somewhere in the language that leaves it very open-ended. That said, if it doesn't meet the standards, you take it for a variance. That is something you guys can review - how strict do you guys want to get. That's what City Manager Whitehead said. If it's not in the code, do you guys just want to say we are not going to review or issue variances unless it is non-conforming or unless it meets these certain standards?

Vice-Chairman Buhler: Well, it should meet at least the 7 findings of facts. These are the guidelines in the back of every packet. I think everybody needs to put that to the test. It's important. Safety should be the most important thing.

Member Kent: I think another thing we see is people asking forgiveness rather than permission. They have already done it and then they say they didn't know. Then they come in and ask for a variance. We are then put in a hard position because do you tell them to take it all down. We have had a lot of those also. People need to be more aware of what requires permits. That's more of an education thing. Even fences I don't think people realize you need a permit to put up a fence and we have plenty of fences in violation of many things.

Assistant City Manager Alvarez: There is no permit required to put up a fence.

Member Kent: You have to bring your plans to the city.

Assistant City Manager Alvarez: Any improvements you do, you should bring in a site plan. I actually get a lot of people that come in with fence stuff. I had somebody that was in my office today because they wanted to do an 8-foot fence all the way around their yard, but they can't do an 8-foot fence in the front yard. There are not permit requirements. Our code, there again, is based on back when we had a building inspector and not zoning approval. So, it's very broad and says any improvements need to go through the building inspector. What I tell people if you are building a fence even if you are building the fence exactly what our code says recommendation is for you to bring a site plan in so I can put it in your file so if somebody calls. But there is nothing in our code that says they have to do that.

Member Kent: So, when they don't do that and then they build it against the code then they are going to come in and ask to be forgiven.

Assistant City Manager Alvarez: I think that's where people not only need to educate themselves better, but we are trying to get things out there, especially with our public information officer on our website, social media, and utility bills. Stuff that says don't forget you have to a, b, c, and d. Right now, we are dealing with a lot of sign-ups for Daupler, so if you are without water, you know why. Those are conversations we have had with our public information officer, is getting little things like that out. Watering the April schedule should be in effect for watering. We have not done a good job letting people know.

Member Kent: I have never seen that I didn't know we had a schedule.

Member Hammer: I really like what the public information officer is doing. I love the page I actually went there today. It could be a tip of the month like permitting "did you" without it sounding putative just like this is how our city works.

Assistant City Manager Alvarez: I think Tyler helps with the PD website and Instagram page and they do little things like that. That's a good idea of getting those things out there.

Member Luchini: Those electronic signs seem like a good source of giving out information.

Assistant City Manager Alvarez: Have you guys submitted anything yet on these items or are you guys work shopping and then you will submit your input.

Vice-Chairman Buhler: I did turn in a Connex box paper to Manager Whitehead. This has been several meetings ago, but I did turn one in.

Deputy Clerk Martinez: Anything that was at the previous meetings that was a workshop item, that was the second email that I sent where it stated that I wouldn't be printing it because of the size of the file.

Assistant City Manager Alvarez: If you get a chance review and see if that was in there. If not, I can follow up. I would say if you are going to turn something in, maybe copy the clerk's office also.

Member Hammer: Is the plan to review and revise all the ordinances coming up soon? I know manager Whitehead talked about it a few times but is that coming up on our road map?

Assistant City Manager Alvarez: I think so I know he's got a really good binder. I was talking to Katy about that he was looking for a couple of minutes that he was having trouble finding. I think he is putting together some stuff and then this information as well. I know he has talked to Tyler as well about it because Tyler will be working closely on that. We had to get through all

of the animal ordinance. I think that one is finally finalized. We are looking at getting something to you guys. Keep in mind that the rest of this month and May is a little crazy in all of our schedules because we do have our department budgets we are working on. For me I have grant deadlines, submissions and lots of projects going to bid. Lots of projects have been bid and lots of construction getting ready to start.

Member Kent: I am putting together my position paper on zoning, map and districts. It was more than I thought it would be.

Assistant City Manager Alvarez: It's a lot I was surprised when I started doing some research.

Member Kent: I'm still working on that one.

Member Hammer: It seems like when we start having the conversation about ADU or tiny homes I'm sure that Manager Whitehead is going to bring that into ordinance discussion. We can discuss at that time the zoning, maps and stuff like that because it will duck tail nicely.

Member Kent: Yes, they all kind of intermingle. It's weird because they are all separate but then they all intermingle.

Assistant City Manager Alvarez: They do. I would say really look at those zoning maps and maybe start thinking about areas that you guys have talked about and maybe only having certain areas that are allowed. Maybe start thinking about what areas you would not want to allow those in. If it's a broad area that you want to allow something, then maybe you need to figure out the area that you don't want.

Code Compliance Office Knull: I would add to that, specifically say do not put it here if you don't want to be there. Yes, here and no here please.

Assistant City Manager Alvarez: We say that as we are laughing because that is an issue that we have. I'll bring chickens and roosters into play. Our municipal code identifies areas where you can have animals of that sort. It does not say you cannot have them. People that live in the downtown district don't necessarily expect to hear a rooster in the morning or have chickens.

Member Kent: That opens the door for them. They're not in violation of anything.

Assistant City Manager Alvarez: Right, it doesn't say they can't. So, what we have found is that does not stand up in court. It should be common sense, and we all know that if it says you can have in R4, but it doesn't say you can have R1, 2, and 3, then you shouldn't be allowed to have it, but our code does not say you cannot. Keep that one in mind. Or goats.

Vice-Chairman Buhler: Pigs.

Member Hammer: I have ducks across the street.

Vice-Chairman Buhler: There are people that have had pigs over by the cemetery.

Assistant City Manager Alvarez: I think if you guys are going down the line you look at something like special use permit. I think what I would ask the board to do for special use, variance request and conditional use but especially the special use and variance request is think about what items that come to you guys requesting those and where you have maybe felt like it was a situation where you didn't necessarily want to approve it but our code didn't give you enough guidance on whether or not you should approve it. Those are kind of the things that we want to be able to identify.

Vice-Chairman Buhler: I don't think that we should approve someone to live in a motor home anywhere in the city. They don't have smoke detectors in them. They are not made for permanent-type living situation.

Assistant City Manager Alvarez: Are you including an RV park in that as well because that's private property?

Vice-Chairman Buhler: Well, you know, if someone has an RV park they better have in their main area, laundry facility or restroom they better have some fire extinguishers. They better have something that would help a situation like that because a trailer can burn fast before a fire truck could ever get there.

Assistant City Manager Alvarez: The only thing we have to be careful of when you put certain restrictions on like that. I hear you and I agree with you 100 percent. We have that section of the code that says RV's can not be used as a dwelling unit on any city lot. An RV park is different because it's private property, so once you go into the private property section, we can't mandate like with the Short-Term Rentals, that there is certain items that they have to have on hand and maybe look at what that list is for short term rental and we put that into something that we can enforce on a private property situation. It gets a little bit stickier when you get into private property. Mobile home parks are the same thing. We have conditions that they have to meet, but then if they meet those conditions at the onset we don't have the enforcement to continue to go onto their private property area. Unlike a short-term rental which we do those as annual inspections. Those are the things to think about changing within the code. Give us the ability to enforce and the courts the ability to follow through.

Code Compliance Office Knull: To help you out with that specific section the City of Carlsbad is having a really big problem with that. They presented some stuff at the last Zoning Officials Conference where they talked about revising the code on how they allow people to live in

motor homes, RV's and things of that nature. That might be worth looking into just to at least get some wheels turning.

Member Kent: It's been approved in their code if we of look?

Code Compliance Office Knull: I believe so. They were talking as if it had been.

Vice-Chairman Buhler: Can we get a copy of that.

Code Compliance Office Knull: It should be online I don't specifically have a copy of it. I'm sure you can contact the city themselves and have them email you a copy.

Assistant City Manager Alvarez: The City of Aztec I believe is another one that re-did a lot of their code a while back. I know when I was looking at wanting to tackle some of these codes I downloaded a bunch from the City of Aztec because I like their structure.

Code Compliance Office Knull: I have used the City of Aztec as well to help with revising some of our code as well.

Vice-Chairman Buhler: I see this becoming more of a problem. I really do.

Chairman Sisney: People are living as they can. It's going to get worse also.

Assistant City Manager Alvarez: I will say when you are looking at the potential of RV parks, Short-Term Rentals, tiny homes and ADU's I have had some of the oddest questions come up lately. I have one guy that wanted to know if he can take a boat dig a whole in the ground and sink the majority of the boat in the ground and then rent it out as an ADU. The oddest things are coming across my plate.

Member Kent: That's when we might want to say requires a foundation.

Assistant City Manager Alvarez: Maybe it's because we have the Glamp Camp that went through years ago and it has some really unique places that you can stay in. I don't know if people are wanting to kind of come up with that type of area.

Vice-Chairman Buhler: I think they should definitely be inspected by the fire marshal. I think that would be an important thing.

Assistant City Manager Alvarez: Those things do go through Fire Marshal approval. Every development has to have Fire Marshal signature on it.

Vice-Chairman Buhler: That's good to hear.

Assistant City Manager Alvarez: Even Short-Term Retail inspections are approved through either the fire chief or a designee that he has. That he has designated to review.

Vice-Chairman Buhler: Most RVs are not permanent living.

Member Kent: They are not. If you actually read the definition of an RV and the standards they are built to. They are not meant to year-round. But that's besides the point. Our town is full of RV parks. We can just say no more RV parks, but they also should be required to have some standards. To how they operate them safely and things in place.

Assistant City Manager Alvarez: How do you transition that. Like you said we have a lot of RV parks so if you implement a code that says RV parks can have stays longer than 90 days or something. If you implement something like that how do we transition that to existing.

Member Kent: I don't know if it's something like that. Is it really a 90-day thing or is it that there is safety things.

Vice-Chairman Buhler: I think you have to make the owners.

Member Kent: You give them time to comply.

Assistant City Manager Alvarez: That is what we need from you guys how long of a period of a time.

Vice-Chairman Buhler: You have to make the owner responsible.

Assistant City Manager Alvarez: But also keep in mind that requires follow-up and staffing. We have to prioritize. We would love to do it all. I would love to have Tyler be doing a lot more planning and zoning stuff. Unfortunately, he has one animal control officer, and we have yet to fill that second position that has now been open for almost a year. So, we also have to take that into consideration. I'm not saying don't do it. I'm just saying that we need to take it off in small chunks and prioritize what the priority is so that we have the time to implement something. Otherwise, we are just going to be buried under all this and it's not going to happen.

Vice-Chairman Buhler: It has to be common sense type applications. That people could actually deal with.

Chairman Sisney: Do you have to go to the academy to be an animal control officer?

Code Compliance Office Knull: The state doesn't require any specific training.

Chairman Sisney: You just can't fill that position?

Code Compliance Office Knull: No.

Chairman Sisney: Is it posted?

Assistant City Manager Alvarez: We have a few positions posted in the city. I think it's just a different dynamic now a days. There are things that are allowed and legal that are not allowed or possible to work for municipal government, that poses an issue. We have potentially some great applicants, but they also have to be able to pass a drug test. When you legalize marijuana it's hard.

Chairman Sisney: If its legal substance why do you have to pass a drug test?

Assistant City Manager Alvarez: Because we are a government.

Member Kent: You can't show up drunk and you can't show up high.

Code Compliance Office Knull: We are considered safety-sensitive.

Member Kent: My husband works in a hospital. Yes, it's legal but no he can not show up to work high.

Chairman Sisney: No, you can't show up to work high just like you can't show up to work drunk.

Member Kent: That's why they have to be able to pass a drug test.

Chairman Sisney: Some places don't check you all the time.

Member Kent: You never know when they will. Random drug test.

Assistant City Manager Alvarez: The difference is if you do a random test and you have alcohol in your system the level or volume of alcohol is much more delineated and they can determine potentially did you just drink or was this a carry over from last night. I think you can do hair follicle or saturation test, but the cost is so high right now. They wouldn't be able to tell if someone used marijuana 2 weeks ago and their drug test, it's going to be in their system.

Chairman Sisney: Seems kind of silly to make you fail a test for marijuana when its legal.

Member Kent: Exactly, time to give up a vice, find a new one I don't know.

Assistant City Manager Alvarez: Long conversation, just bite this off in chunks for us so we can make sure we can implement it with the staffing we have. I noticed Conex boxes are on the agenda.

Member Hammer: I think that's carry-over. We did a position paper on Conex boxes.

Member Kent: We haven't really reviewed it or talked about any of that. We probably need to look at the papers and discuss.

Assistant City Manager Alvarez: Is that specific, then, to shipping containers?

Member Kent: Yes.

Chairman Sisney: So, we're done with Conex boxes?

Member Hammer: Yep.

Vice-Chairman Buhler: Maybe.

Assistant City Manager Alvarez: I think at the last meeting, I provided you guys with some information and history on potentially the process of re-zoning. It is a big bite, it's not unheard of and can be done.

Member Kent: When I look at this map, for me, I look at the historic district, and I just think that kind of needs its own special little something, and not be lumped in with everything else, because it is a historic district. That's what I have been mulling over.

Assistant City Manager Alvarez: I think our downtown master plan – I'll take a look, but in one of those plans, it actually identifies the historic district, and there's kind of a boundary. It's kind of weird, because I would have expected that to be identified in the code side of things too, as opposed to commercial. So, it might be something where because it's already identified, that we could identify it in the code, we could say, "Conditional use permit for shipping containers is not allowed" or "Shipping containers are not allowed in the designated historic district." And ~~that might already be designated, so that might be one step less that we have to do. But I'll find~~ that map and send it out to you guys. It's going to be a rough map, because I don't have any original documentation. So, it's just what's been probably scanned multiple times, but I think it'll give you guys a good idea.

Vice-Chairman Buhler: And the T-1's are part of the city limits?

Assistant City Manager Alvarez: Correct, yes. We are currently working on, on your map what you don't see, is where we annexed to go to the airport. Our map was never updated after they annexed in, and it's a really funky – you'll have to look at the map on the parcel thing – it's a very long stretch before it goes up to our airport, annexes in our airport and the properties that all surround the airport. We are doing a lot of review to figure out how they designated that back in the day, and it looks like they identified areas up there, some of them, as an RPUD, residential planned unit development, I think, as well as a commercial planned unit development, as well as potentially industrial area, and then of course, we have airport overlay. I'm just giving you guys a heads-up on that, our code does talk about those items, take a look at that because there is the potential that we may have some development coming in and up that direction. So, I don't know if that's something, once they finalize what they need to finalize on

their plot stuff, if they're going to develop, that might be something that would be coming to the commission.

Member Luchini: What is in this outcropping on the north side in the T-1 transitional zone?

Assistant City Manager Alvarez: That's the cemetery.

Member Hammer: So that's cemetery road right there?

Assistant City Manager Alvarez: That's a good question, its cemetery road, but we've also heard that it was supposed to be Dr. Hubble drive.

Member Kent: So, then that's where the Love's is going, right over there?

Member Hammer: Yeah.

Member Kent: Has anybody seen the sign when you drive up Foch yet?

Member Hammer: That was my comment.

Member Kent: When you're driving up Foch, the hill, the sign just looms front and center, so as soon as they light that up, it's going to be glowing in town all 24/7.

Chairman Sisney: How is that going to meet dark skies or whatever?

Member Hammer: Are we still in workshop?

Member Kent: We just divulged, sorry.

Member Hammer: I have a whole thing on the sign when we're ready.

Member Kent: Well, let's talk about it, because I have a lot of thoughts on signs.

Member Hammer: Chairman, are we finished with the workshop?

- c. **Conditional Use Permit**
- d. **Connex Boxes**
- e. **Review of Zoning Map and Districts**

Assistant City Manager Alvarez: Before we go to reports from the board, just so I do my notes, so you guys are doing position papers on the zoning map?

Member Hammer: I don't think I'm ready, I think it's too big.

Member Kent: Well, if we have something specific about it.

Member Hammer: Maybe the historic district?

Member Kent: Well, that's kind of what I was focusing on, like I can't do the whole thing.

Member Kent: Personally, for me, like I said, the historic district is something of concern to me, so that's where I'm kind of focusing what I'm going to write on. Maybe there will be a couple other little things, but no I'm not doing this entire map and the whole entire city. That's too much at once.

Assistant City Manager Alvarez: And you guys think you already did your position papers for Conex boxes?

Member Kent: I'm not sure I did one.

Member Hammer: I think I did.

Vice-Chairman Buhler: I think I did, I'll revisit mine.

Assistant City Manager Alvarez: Partial yes, partial no.

Member Luchini: I know we've done one.

Deputy Clerk Martinez: Will we be bringing that back at the next meeting?

Assistant City Manager Alvarez: Position papers for shipping containers, we still need to finalize those.

Member Hammer: So, we're putting a lot on our next meeting, I think maybe filling this out?

Assistant City Manager Alvarez: Probably not at the next meeting, I will tell you right now, you have four public hearings coming to your next meeting. Maybe we need to roll this to the June meeting and that will give you guys even more time to do stuff. Unless you want something, unless you want to maybe pick one of these items to discuss, but you do have four public hearings coming to the next meeting.

Vice-Chairman Buhler: I think we should postpone it to June, I think that's a good idea.

Member Kent: Well and that gives us time.

Vice-Chairman Buhler: Gives everybody some time.

Member Hammer: And when do we want to turn this in, next meeting or the following?

Assistant City Manager Alvarez: Gary was hoping maybe you guys could just fill this out individually, and maybe get it to us in the next week or two weeks. That way we can start compiling our information.

Vice Chairman Buhler: And drop it over to The Clerk's Office?

Assistant City Manager Alvarez: Yes, to Katy. You can turn it into the Clerk's Office, and she'll get it over to Gary.

Member Hammer: Is there a digital copy that you might send that we could fill out online? Or do you want us to submit.

Deputy Clerk Martinez: You can scan it in and send it.

Member Hammer: I can edit a PDF.

Assistant City Manager Alvarez: Gary made it, so let me just ask him if he has a digital.

Member Hammer: It looks like it's a PowerPoint.

Assistant City Manager Alvarez: Would everybody like it in digital form?

Vice-Chairman Buhler: This is fine for me.

Member Luchini: No, this is good with me.

Member Kent: I'll take a PDF if you have one.

Assistant City Manager Alvarez: Variance request, special use, and conditional use permit: you guys have submitted info on those, or you're still reviewing?

Member Hammer: I think it was requested, and I don't think anybody turned theirs in. I think it was tightening up some of the language on variance and special use. I think, to your point Traci, is making sure the ordinance says "You can't have this in this zone." That type of thing, and it's not variance request, but, well I guess it is, it's all included, but I don't think we have anything specific about the language in these ordinances.

Member Kent: We were all supposed to review.

Member Hammer: I think just familiarizing ourselves with those.

Assistant City Manager Alvarez: So in each one of our zones, if you look at the R-1, R-2, R-3, it's going to give you a list of what is allowed by right, and then it gives you a list of what is required for special use. I think, if I recall properly, the City Manager was wanting you to take a look and see if that's what we want to use special use for. Then when it comes to a variance request,

how specific or how broad do you want variance requests? Because right now, we're bringing anything that's outside the code. So, do you want to identify somewhere in the code that's very specific on what will be allowed for variance? And then the conditional use, I think there was the question on conditional use, like in the R-3, if you're allowed to have this as a special use. Per our code, special uses are to infinity. Do we want special uses to be conditional uses so that if the property changes hands or something, that that's not specific?

Member Hammer: I thought special use was like, Fiesta, right? So, I did think it had an end date.

Member Kent: That's what I thought too, like a vendor wants to come park, then they get a special use, because it's for Fiesta.

Member Hammer: And they don't get it all year.

Deputy Clerk Martinez: That would be like a special event permit.

Assistant City Manager Alvarez: No, right now, we do special use – I mean, if you look in your code, if somebody wants to have a barbershop in the R-3, that's a special use permit that they have to go through. So, say somebody wants to have an RV park, I use R-3 as an example, but with each zone in town, if you look up R-1, it tells you what's allowed in R-1. Then there's a second part that says, "These are allowed in R-1 but only by special use." We do that for R-2, we do that for R-3. RV parks are one of those things that I do believe, for sure in R-3, I can't remember in R-2, R-4 and T-1 I don't think anybody can build an RV park without coming to Planning & Zoning for a special use.

Vice-Chairman Buhler: You have to have a certain amount of property to have an RV park, correct?

Assistant City Manager Alvarez: Correct.

Vice-Chairman Buhler: So, there are rules that address that too.

Assistant City Manager Alvarez: They still have to come as a special use, even if they meet everything within the development standards, it has to have a special use permit.

Member Kent: Okay.

Member Luchini: Why do you allow them to ask for anything other than what's already listed that's allowed?

Assistant City Manager Alvarez: Because our code is not specific on a variance, because you're talking about a variance, our code is not specific within a variance allowance to make the recommendation from our attorney for us to be able to tell somebody, "No the code does not

allow it, therefore we're not going to take it and request the variance." So, if you guys want to say, "These are the items in our code, and if it doesn't meet a, b, c, and d, then no variance is going to be allowed." Then we need to come up with that proper wording within our code. You could do that specific to zoning sections; R-1 is a very strict area. In R-1, standards have to be met, and no variances will be considered, you know, that's something you guys have to look at changing. Look at the definition of variance, I'm sorry I don't have it in front of me, but within our code, look at the definition of variance, or how it's used multiple times in the code, and then that's where we have to fine-tune it. We have to also make sure that the decisions we make doesn't cause issues in the long-term after. Anybody can sue us, if anybody wants to file a lawsuit, they can file a lawsuit, but it is costly when they file a lawsuit, we do have to go through a process, but we just want to make sure we are definite in the way stuff is worded in our code, and right now it's not. It's not definite enough for our attorney to say "No, they can't do it period."

Member Luchini: Can you just put there's no variance allowed?

Assistant City Manager Alvarez: Within the code?

Member Luchini: Whatever code or whatever zone.

Assistant City Manager Alvarez: I mean, you guys can make that recommendation. I don't think to just say, "No variances at all within our code will ever be allowed." I honestly don't think that would be approved at the Commission level. I think there's always going to be potential special circumstances that they have to consider.

Member Kent: Well especially with the old stuff, like there's so many old buildings where the property lines and stuff are a little out of whack, or the alley is too close, and that is really what a variance would be for. There was one a while ago where a guy bought a property and the way it was marked on the map, it was – I don't remember the specifics – but he didn't have room to put his fence in the alley, so we adjusted the line, that's really what a variance should be. In cases like that, where something was not mapped, you know what I mean. That's kind of what a variance is, it was out of his control, can we adjust it so he can put his fence up properly? Yes or no.

Assistant City Manager Alvarez: Maybe that's a way to identify it in the code; "Variances will be considered for items that are outside the norm or out of your control" something like that. It's just too broad right now.

Member Kent: It's not just "because I feel like it" or "because I don't feel like it."

Deputy Clerk Martinez: And it is state statute.

Member Luchini: To allow a variance?

Deputy Clerk Martinez: A variance is considered to be state statute, and I believe Tyler and I read it, a lot of it has to do with hardship.

Code Enforcement Officer Knull: An extreme hardship, something like that, so having to do with non-conforming lots. And it is very specific that an extreme hardship, or however they word that, is due to plot lines.

Member Kent: That's what I was trying to say.

Assistant City Manager Alvarez: Okay, so you guys are still reviewing special use, variance requests, and conditional use. You're going to work on position papers for the shipping containers, and for maybe the historical identification on the zoning map for now. Did I get that correct? Maybe what we could task Tyler to do is on the special use, variance, and conditional use – you have a planning and zoning conference coming up, correct?

Code Enforcement Officer Knull: Yes, unfortunately I will most likely not be able to attend, I will be out of town.

Assistant City Manager Alvarez: So maybe what you could do is reach out – maybe we won't have those for the June meeting, maybe we could move them to the July meeting, and maybe you could reach out to some of the entities and pull some information that they have, and we can get it over to them?

Code Enforcement Officer Knull: I'm looking to see if I can get that information.

Assistant City Manager Alvarez: So maybe we'll put that on the agenda for the July meeting if the board agrees to that, we'll see if we can gather some better information.

Deputy Clerk Martinez: I have the ordinance pulled up for special use. It just says, "A special use permit is required for a special land use which is not permitted by the right within the district wherein it is requested."

Assistant City Manager Alvarez: So, it's very broad. Basically, anything outside what it says, you can give them a special use for. But also, within that, like I said, it identifies things that are required to have a special use, too. I think that's one of the things the City Manager was maybe talking about in areas where we're giving variance requests, maybe we should be giving them special use permits instead.

Member Hammer: Because they expire too.

Assistant City Manager Alvarez: So, we'll plan special use, variance, and conditional for the July meeting. Between now and July, we'll gather information, "we" as in Tyler, will gather information, and get it over to the clerk's office to get to you prior to our July meeting. Then we'll have some more information for discussion.

Deputy Clerk Martinez: Zoning you want to bring back in June?

Member Hammer: Should we bring one to the next one, like Conex and then spread it out a little bit?

Deputy Clerk Martinez: You can, again, it's up to you guys on the time you have. For me, it really makes no difference, but again, there are four public hearings at the next meeting.

Vice-Chairman Buhler: I'd say we skip the next one.

Assistant City Manager Alvarez: I think the shipping containers for the next meeting would be okay. Like I said, there are four, but two of them are requests to vacate, I'm trying to remember what my other two are. I think that the requests to vacate could potentially go through pretty quickly.

Member Hammer: How about we determine – can we determine at the meeting, if we go too long with the public hearings, then we'd just move it?

Assistant City Manager Alvarez: You could move it to the next meeting, yeah.

Member Hammer: Why don't we decide then?

Member Kent: Well, put it on the agenda, and then if we don't have time, it moves.

Deputy Clerk Martinez: So, we're just putting Conex boxes for the next meeting in May?

Member Hammer: Yeah. Position papers.

Member Luchini: We need a position paper for Conex for May.

Deputy Clerk Martinez: The review and zoning of the districts will be in June?

Member Hammer: Yes. Just in the interest of time.

Assistant City Manager Alvarez: I think so. The only thing I would request is that we definitely reference it as "shipping containers" and not "Conex boxes" only because that's a brand, and I don't want somebody to get caught up in that one.

Member Hammer: I'm fine with shipping containers.

6. REPORTS FROM THE BOARD:

Member Hammer: I have a couple things, I did write a letter to the city and to the board for one of them, which I brought. Before I talk about the sign, I had something before that. I just wanted to thank the city for doing a free trash day the next two weekends, and I hope that that has a great success. Hopefully I'll be in town and I can help out a little bit, so thanks for listening to that and implementing that.

Assistant City Manager Alvarez: Did you say the next few weekends?

Member Hammer: The next two weekends, so it's this Friday and Saturday, and then the following Friday and Saturday.

Assistant City Manager Alvarez: No.

Member Kent: Well, I think one was for T or C and one was for Williamsburg or something like that.

Assistant City Manager Alvarez: We have it on Friday, Saturday, and then Monday, Tuesday. That's for city and village residents only, and they can only bring up to 1 ton.

Vice-Chairman Buhler: And that's for Friday and Saturday?

Deputy Clerk Martinez: It'll be the 17th, 18th, 20th, and 21st during regular business hours, from 8am-3pm.

Vice-Chairman Buhler: April, right?

Deputy Clerk Martinez: Yes. And then it's like she said, it's one-time only up to 1 ton.

Member Hammer: The hours over two days from 8-3?

Assistant City Manager Alvarez: Over four days.

Member Hammer: Okay.

Member Kent: So, it's just skipping Sunday.

Deputy Clerk Martinez: Correct, because they're closed.

Member Hammer: I had to really dig for that today, I could not find it, she posted it a long time ago, because there are a lot of water outage items. Maybe she could re-post it?

Deputy Clerk Martinez: If you just scroll down on our website, it's the third item, so if you look under Featured News, you can see it there.

Member Hammer: I'm just saying, on social media, I think it would be good to have another push, if she wanted to do that.

Vice-Chairman Buhler: On Facebook

Member Hammer: On Facebook, like on the Square, there's 13,000 people on there, everybody's on there.

Vice-Chairman Buhler: They're doing one for the county, too, maybe country.

Assistant City Manager Alvarez: There is a date for the county.

Deputy Clerk Martinez: Theirs is on actual Earth Day.

Vice-Chairman Buhler: Maybe do it on the country square site.

Member Kent: The Sierra County Square.

Assistant City Manager Alvarez: We put it on our city Facebook page, and then whoever owns those sites posts it on theirs.

Deputy Clerk Martinez: It's also on our website, and it's very accessible off the website.

Member Hammer: But not many people go to the website randomly, everybody's on Facebook almost all the time. It would just be nice if she could post it, just get it up there on the top.

Vice-Chairman Buhler: I'll definitely share it.

Member Kent: Yeah, but do it soon, because if you wait until right before, you'll see it two days after. The way their algorithms work, you'd want to post it now.

Assistant City Manager Alvarez: I'll reach out to her tomorrow and ask if she'll bump it up.

Member Hammer: Okay, second topic. I wrote a letter, I have been driving around, as most of us have, and also talking to different residents. We're all in disbelief that we can see the sign all over town, not just from the freeway, but down Foch Street, all over, and the sign's not even on yet, it's not even illuminated yet. I voted to recommend this, and I'm regretting it, because in the packet, they had a survey with signs and photographs saying, "Okay this is 1 mile from the exit, this is half a mile from the exit, this is 1/10th of a mile from the exit. We want our sign to be visible to truckers for safety, and marketing purposes." I was totally okay with that. What I didn't realize is approving the height of 95 feet and the square footage is 1,000 square feet. It's normally 200 in our ordinance. I had no idea the impact that was going to have, and the blight it was going to have on our horizon. I just want to bring this up, it kind of goes along with, if we approve a variance, how can we go back when this information wasn't disclosed? Or if we have a variance request on the signage of this magnitude, we need 360-degree view surveys. I don't want to just see what it looks like from the freeway, I want to see downtown, or in our town, because it kind of goes against the whole commercial signage versus residential districts, if you can see a commercial sign in all the residential districts. I had to go back and read the minutes and their deck because I didn't think I approved that either, and it was the three signs. We were so focused on that during the meeting that we weren't focused on the height and how

incredibly high and big it is. In our ordinance, for a sign that big, it's only approved to 200 square feet for commercial. We approved for 1,000 square feet, with the Love's and Arby's sign, the whole mess.

Chairman Sisney: Did we get a presentation of what it was going to look like? I don't remember.

Member Hammer: We did, but nothing in there looked.

Chairman Sisney: Said it was going to be 1,000 square feet?

Member Hammer: It's on the variance, but all the photographs in her slide deck, that sign is tiny. It's short and tiny, it doesn't give a real good view of what we're seeing today.

Member Kent: And it was only from the highway.

Member Hammer: And it was only from the freeway.

Member Kent: Like the North and the South views, nothing from the view of town. Nobody asked.

Member Hammer: I would have never recommended for that to be approved, that's not what I want to see in my downtown. That's not what I want to see when I'm driving around my neighborhood, is a big truck stop sign. I think it's a blight.

Member Kent: Well, I mean, not the same, but a similar problem was because of what is allowed, Dollar General built that new store, and their big yellow sign now glows over the hot waster district all night long, like a 24-hour sun. Nobody needs to see that 24 hours a day, they're closed at 9pm. So yeah, we need to really think about signage.

Member Hamer: I'm asking the city to do three things, specific in my letter here. One, I think we need to review the dark-skies compliance because there's no way that sign is dark-skies compliant, and she said it would be, per state statute. The second thing, maybe open a dialogue with Love's, and go, "You know what? We didn't think we were going to see this in our town and you guys promised to be good neighbors, we'd like for you to be a good neighbor." Maybe they'll consider it, maybe they can use that sign somewhere else. They're making tons of signs. It's not like it's putting concrete in the ground there. See if there's a possibility of maybe adjusting it. And then, the last and important thing is we need to update our code. If there is a sign that big, and the variance is being requested for that large of a variance, they need to provide a survey from everywhere that it's going to be seen, not just the freeway.

Member Kent: Well, we need to adjust our code even without variances, because we don't need big signs.

Assistant City Manager Alvarez: For the first one, I'll definitely submit this information to the City Manager, for his directive. I don't know what the directive is to review something that has already been approved. But I'll definitely submit this information, and when we come back next

month, we'll hopefully have an answer on the directive. For the nigh sky portion, that's a state law that they have to follow, so I can talk to our electric director and see if he can determine, but ultimately, if it meets the state standard and the sate says, "Yes, it's considered night-sky" then I, personally, wouldn't be able to go out and look at a light and say if it meets state standards, I wouldn't know how many lumens or whatever.

Member Hammer: Right.

Member Kent: You are saying it is compliant?

Member Hammer: She confirmed that it should be.

Code Compliance Office Knull: Yes, so actually, the New Mexico Night Skies Protection Act does have an exception under 77-12-7 of the New Mexico State Statute, where it does provide a list of exceptions with advertisements and signs being exceptions to that rule.

Member Hammer: She conveniently omitted that when we brought that topic up.

Assistant City Manager Alvarez: No, they've specifically said – I agree with you there – they said they're going to meet the nigh-skies standards.

Member Hammer: But she didn't' tell us that there's an exception to the rule.

Assistant City Manager Alvarez: Well and I don't know that theirs falls under the exception.

Code Compliance Office Knull: It does have exceptions, and technically that say advertising signs are listed, but also part of that New Mexico Dark Skies Protection Act says that as long as it can be dimmed to 20% of full power, it could be considered compliant. So that could be where she was coming from. Traci looking into that would definitely be the biggest thing, but there could have been some miscommunication on how that was.

Member Hammer: I still think data was conveniently omitted for us to approve.

Chairman Sisney: Did they say it was 1,000 square feet?

Member Hammer: 900 and x, it's in the meeting notes. It's just under 1,000 it's like 975 or something like that. For comparison, for the size, our city ordinance, for billboards, is 400 square feet. It can't be bigger 400 square feet, and we allowed them to do almost three times that. I wouldn't have an issue with it if I could just see it from the freeway, but I just don't want to see it in town. It's a horrible precedent that we're setting.

Assistant City Manager Alvarez: I'll take this information, for sure, to the City Manager and get his guidance on how we proceed with something that we've already approved.

Member Kent: Even on that note, there's this one that may or may not be changed, there's the Dollar General one, there are other ones, so can something be put in place where at dusk, they have to dim the lights or turn them off if they're not open?

Member Hammer: I think we can write the ordinance, that's our job.

Assistant City Manager Alvarez: I think that's something to review.

Member Kent: So that's something to consider, is like, how do you require them, if they're not open, maybe they're off. And I mean, the lights around the building, the safety lights, that's one thing, but I'm talking about the big signs.

Member Hammer: Or dim to 10%.

Member Kent: Dim down, during the dusk to down or whatever it is, because there's nothing about that right now. That was part of what I was going to write into for the zoning, like downtown is like, how you get rid of that.

Member Hammer: I think that's something we should tackle, sooner than later, before we have a lot more signs. I like our little dark town and being able to walk around without a big corporate sign in my face, or driving down my residential street. I think it's important to preserve our character and not just be a big corporate billboard.

Assistant City Manager Alvarez: You said you read through that.

Member Hammer: I did.

Assistant City Manager Alvarez: I would be very happy to have that revised.

Member Hammer: We went beyond the minimum.

Assistant City Manager Alvarez: That's a tough one, that one definitely needs to be reviewed.

Member Hammer: I think we were focused on safety and visibility from the freeway, and we didn't take into account where else we'd see that sign.

Assistant City Manager Alvarez: I think our sign ordinance is one of our most complicated ordinances to review.

Member Hammer: Yeah, I don't want to see the Wal-Mart sign from my house, for example, you know, stay in the commercial area. Well, I've made my point, thank you for listening.

Code Compliance Office Knull: And just to help you out with that, since you are concerned about dark-skies, one of the few municipalities/local places that have implemented dark-skies ordinances is Taos county, so that's something to look into for framework, they do kind of match the state statute, but then they have their own stuff. If that's something you're wanting to look into.

Member Hammer: I think we need to, sooner rather than later. Because you set a precedent and then people start posting them, signs cost a lot of money, and they don't want to change them, so I think it's something that we should look at. Tyler, what were the other places? Taos had an additional one about it? An additional stipulation about dark skies?

Code Compliance Office Knull: Yeah, they have a county ordinance, and as you guys know, you can be stricter with county or city ordinances, but you can't be less strict than them. So they are a little bit stricter, but they do pretty closely mirror the state statute on it. As you guys are looking through it and wanting to revise things, you guys can always say, "We specifically want to be stricter here." Things like that.

Member Hammer: Yeah, we don't have to recreate it, we can just copy and paste.

Code Compliance Office Knull: Just look at the language and go from there, it's really helpful, and the only reason I'm telling you this is because when I went through the chapter revision for animals, we looked at what everyone else is doing, what they have, so that we're not reinventing the wheel.

Member Hammer: Absolutely, good idea.

Chairman Sisney: Well, I can imagine that people can freak out about roundabouts and road diets, they're going to really watch the signs.

Member Hammer: We're going to hear about it. I was like, wait, did I approve that?

Chairman Sisney: I cannot believe we approved a 1,000 square foot sign 95 feet in the air. I just remember them asking for three signs.

Member Hammer: I've re-read the minutes, I've re-read their deck, and it's in there, but we did not focus on it at all. We focused on the three signs.

Member Kent: She is a good presenter, that was the tactic.

Member Hammer: That was very much a tactic, to avoid getting stuck on.

Assistant City Manager Alvarez: If it was done, I don't feel it was done in a malicious or deliberate manner, I just don't. All the workings that I've done with Love's and everything we've requested of them. They paid to put in a sewer line, extend the sewer line, they paid to put in a huge water line, I mean, every –

Member Hammer: Can they pay to make their sign smaller?

Assistant City Manager Alvarez: Maybe, like I said, it is definitely worth potentially having a conversation. That's why I feel that to sit here and say in a public meeting, that they did something deliberate, I don't know that they did it deliberately.

Member Hammer: For the record, I did not say they said anything malicious, I just think they are a corporation and they want their marketing, and they want to be seen. There's no fault of that in general, I just think we made the mistake of not doing a better deep dive on the request, because we didn't understand the impact. Plus, everything that was before us only focused on highway visibility, we didn't even talk about where else we would see this. And I don't know the topography in town, I don't look at a topography map and go, "Will that be hidden from Foch

Street? Oh, it just peaked up over, oh that's 95 feet." And I wish we had had that visibility, because our discussion would have been way different.

Chairman Sisney: I remember her presenting two points: they were competitive pay scale, and I asked her about that, and she said that she didn't know. She also said they were very active in anti-human trafficking, and I asked, "What are you guys doing about human trafficking?" and she said she didn't know.

Member Kent: She did present the oversized sign, I remember specifically. I did not realize the impact of that on town, because it wasn't presented from that angle.

Assistant City Manager Alvarez: I think the whole idea of the presentation of the sign and what she was presenting had to do with the fact that the requirement, per our code, had to do with the freeway area. Nothing in our code said, "And you can't have it visible within so many miles." So, their pictures that she submitted were relevant to what our code said.

Member Hammer: So, I'm making the recommendation that we change the code and get way more specific.

Assistant City Manager Alvarez: 100%, we live and learn. I think this is the first one in there, maybe that's something we need to put in the code, "And the sign can't be visible within so many miles of a residential area."

Member Hammer: I'm sure the people in R-1 up there are not happy about that at all.

Vice-Chairman Buhler: Well, I had a beautiful view of the mountains, and now I have the sign. When it's lit, it will be big.

Member Hammer: You can see it from Elephant Butte.

Vice-Chairman Buhler: I think the thing that's the most important of all is to have a study before you sign on the dotted line and agree to this type of a business, there needs to be a little bit of a study done. I think it's important.

Member Hammer: And its impact, generally.

Vice-Chairman Buhler: On businesses, community, you know. People make decisions, and then those people are gone in two years. I think it's important. Thank you for bringing this up, and we'll try to do our best to do our best.

7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: Our Infrastructure Capital Improvement Plan coming down the line, we have gotten it posted on our website, on Facebook, we have public meetings, one from 12pm-1pm on the 22nd of this month, and then we will have another one the same day, after our Commission meeting.

Member Kent: I'm sorry, I was confused, I have seen some fliers about this – is there a county one and a city one?

Assistant City Manager Alvarez: Yes, those are separate.

Member Kent: But one of them is on the same day at the same time.

Assistant City Manager Alvarez: The county does their own, we don't have anything to do with the county.

Member Kent: That makes it hard to go to both.

Assistant City Manager Alvarez: So, as a city resident, you wouldn't have input, necessarily, on the county's, because the county's is applicable to the county limits. The city's are only applicable to the city limits.

Member Hammer: I'd like to know what they're doing.

Member Kent: If you can go to the early one for the city, you can go to the later one for the county.

Assistant City Manager Alvarez: I have three public meetings total, I have April 22nd 12pm-1pm here in the Commission chambers, April 22nd from approximately 5:30pm-6:30pm directly after our Commission meeting because it's at the later time on that day, and then, Katy, could you tell me what my last one is? I want to say May 13th. People can do public comment on there, they can email it to me, they can do public comment during the meeting, they can make public comment on our Facebook page, there's also a QR code we put out there with a link to our city webpage for them to put in public comment. I'm looking for the secondary date as well.

Member Kent: So, these meetings, you can attend one. You don't need to go to all three?

Assistant City Manager Alvarez: Yeah, just one.

Member Kent: They're not like follow-ups on? I just want to make sure.

Vice-Chairman Buhler: For the one in May, can [The City Clerk's Office] send it to us?

Deputy Clerk Martinez: Yes.

Member Hammer: What are you expecting from public comment on this?

Assistant City Manager Alvarez: Anybody's recommendation for ICIP, for your infrastructure plan, it's got to be over \$10,000, it has to have a lifespan of over 10 years, and currently we have things like Marie Street, our water lines, wastewater treatment plant improvements, so what does the public want to see over the next 5 years? An ICIP is kind of a 5-year planning document, and we should have well-estimated costs for those. It's not a funding request, but we use the Capital Outlay and usually take the top three to five projects that the Commission ranks, they go up to Santa Fe during the legislative session to advocate for. This year, we got

some money for the repair of the foundation area or planning/design for the foundation area for the Lee Belle center, we also should get some planning funding for Marie Street improvements.

Member Hammer: Like a city pool? Would that be a recommendation? Not just infrastructure.

Assistant City Manager Alvarez: Right, yeah, parks, quality of life, roads, dams, etc. There will be a presentation at the public meetings, that will kind of help identify what those things are. Let's find that other date of the meeting.

Deputy Clerk Martinez: For the ICIP, you can also leave comments on the website for it directly.

Assistant City Manager Alvarez: The third meeting will be during the Commission meeting on May 13th at 9am. So we have the 12pm-1pm on April 22nd, the 5:30pm-6:30pm on April 22nd, and 9am during public comment on May 13th, for anybody who wants to come make comments in-person. Otherwise, like I said, emailing, comments on the Facebook page, or comment submission on the website.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:31 p.m.

PASSED AND APPROVED ON THIS 11th DAY OF MAY, 2026.



Chris Sisney, Chairman
Planning & Zoning Board

Planning and Zoning Board Update - Molly Hammer, 4/13/2026

As a member of the Planning and Zoning Commission who voted to recommend approval of the Love's Travel Stop signage variance on August 11, 2025, I write to express serious reservations about that decision in light of information that was not adequately considered at the time of approval.

The variance request was presented to the Board and subsequently the City Commission primarily as a freeway visibility matter. The supporting documentation from Love's own sign survey focused exclusively on sightlines from I-25, at distances ranging from 0.1 to 1.0 mile from Exit 79. What was not modeled, discussed or disclosed was the sign's visibility from within residential neighborhoods throughout Truth or Consequences. The high-rise sign which is 95 feet tall with nearly 1,000 square feet of illuminated face area, is now visible from over two miles away within the city's residential districts.

Our own sign ordinance states that its purpose is 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." This outcome is directly at odds with that stated purpose. Had the Board and City Commission been presented with a full visibility analysis inclusive of residential sightlines and not just freeway approach angles, I believe the outcome of that vote would have been very different.

Furthermore, the sign has not yet been illuminated. Once lit, its impact on the dark sky character of our community, explicitly protected under state statute, will be substantially greater.

I am also concerned about the precedent we have now set. The next business that wants a 95-foot-sign has a blueprint.

I am requesting that the City consider opening a dialogue with Love's Travel Stop regarding a modification to the sign's permitted height and size, with the explicit goal of reducing its visibility from within the city's residential areas. Love's presented themselves to this Board and the City Commission as a company committed to being good neighbors, to curb appeal and to the wellbeing of the communities where they operate. Those are their words, from their own presentation. A sign that looms over our residential neighborhoods and is visible for more than two miles into the heart of our city is not consistent with that commitment. Being a good neighbor means being willing to have this conversation.

Finally, I respectfully request the City modify its Planning and Zoning signage code to require that future freeway sign variance requests of this magnitude include comprehensive 360-degree visibility analysis from all affected areas, including residential zones, before any vote is taken. The precedent we have set demands a corrective response before the next application arrives. We owe that standard of review to our residents and to the community character we are entrusted to protect.

Respectfully,

Molly Hammer

Member, Planning and Zoning Commission, City of Truth or Consequences, NM