

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
AGENDA
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

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

- a. March 9, 2026

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

4. PUBLIC HEARING

- a. **Discussion/Action: Conditional Use Permit at 1107 N Bosque.**

5. WORKSHOP:

- a. **Special Use Permit**
- b. **Variance Request**
- c. **Conditional Use Permit**
- d. **Connex Boxes**
- e. **Review of Zoning Map and Districts**

6. REPORTS FROM THE BOARD

7. REPORTS FROM STAFF

8. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, MARCH 9, 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, March 9, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Gary Whitehead, City Manager Arrived at 4:26pm
Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy City Clerk

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

a) February 9, 2026.

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

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

There were no comments from the public.

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 at 312 N Joffre St

Assistant City Manager Alvarez: The applicant is requesting a variance at 312 N Joffre St. They are wanting to do a remodel on their kitchen and extend it. Extension of the kitchen will put it within an 11ft set back from the front. That district area requires at 20 foot set back. You will see the site plan within your packet showing you the kitchen extension area still is well within their fence line. If you turn to the section in your agenda packet there is one that shows a parcel map of the up-close property but if you look at the one that shows the larger area you will see that even though they are exceeding the 20-foot set back. You will see that is the standard for that district, most areas are out in that area. It's not outside the line in that area.

Chairman Sisney opened the public hearing.

Chairman Sisney: It's not the furthest forward structure on their property anyway.

Assistant City Manager Alvarez: Correct, even with their extension it will be close in line with the other structure that is on there but not as far out.

Vice-Chairman Buhler: Did they have a permit for that other structure?

Assistant City Manager Alvarez: Those are existing dwelling units that have been on the property. He just wants to remodel and extend the kitchen.

Vice-Chairman Buhler: I drove over there and the road is not a road. It is like an alley, and I almost damaged my vehicle trying to get in there. I do not believe that a fire truck could get in there. It's a very condensed area of stuff.

Chairman Sisney: Is that the one that is called City Street?

Vice-Chairman Buhler: No. There is not a marker for the street at all.

Member Hammer: There is on the other side. On the Ash side.

Vice-Chairman Buhler: I didn't see one.

Member Hammer: It was on that side. It was hard to see.

Assistant City Manager Alvarez: Separate from this we just got the funding for a city street sign plan. We will be making sure all city streets have good signs.

Vice-Chairman Buhler: I don't think it's a legal street personally.

Assistant City Manager Alvarez: It is a designated city street.

Vice-Chairman Buhler: Well, I doubt its 10 feet.

Member Hammer: I drove by as well. I don't have an issue with the setback being extended seeing that is well with in the fence line. It is in line with the fronts of the other buildings on that street. There is no one here objecting to it. I don't have a problem with this.

Member Kent: The whole street is in violation of the code. So, it's one of those things do we just let them continue to violate code or do we not.

Assistant City Manager Alvarez: We are just talking about this one property, and it is somebody that is trying to clean up the property, remodel and rehab. He will be addressing his property not any surrounding properties.

Member Kent: I understand that but it's like do we just not care anymore cause the whole street is in violation or not. It's always a fun decision to make. I don't know why they can't remodel in their existing footprint.

Vice-Chairman Buhler: I would also say if the fire chief approved it, I might approve it. But the way it is now with that street the way it is I don't think you can get a fire truck in there.

Member Kent: I guess that doesn't specifically pertain to 312.

Member Hammer: Is that relevant?

Vice-Chairman Buhler: That's why we have setbacks and safety is relevant.

Member Kent: It is.

Member Hammer: But he is not encroaching into the street.

Vice-Chairman Buhler: I'm telling you it's not a street it's an alley.

Member Hammer: I think that's another issue that the city needs to address. I would say that it's irrelevant to the variance request but that's just my opinion.

Member Kent: I see something like this, and I think why can't they just extend out back where they have the proper space. I don't know what the inside of the house looks like. Rather than just add to the existing problems.

Member Hammer: His plumbing and electrical might be right there and if he moved to it the back he would have to move a lot more plumbing with it.

Member Kent: We don't know that.

Member Hammer: I'm assuming if he is extending the kitchen then that's why he is doing it. We don't have the floor plan. If the person is not here to speak on this do we vote anyways?

Assistant City Manager Alvarez: Yes, they can't always make it sometimes they are out of town. In this case I don't have an explanation. I had some major deadlines for grant applications the last few weeks, so I didn't follow up with our executive admin to see if she had reached out to verify their attendance. Most of the time we are really good at follow up but time just got away from us on these ones. But they are not mandated nor required to attend the meeting. I always recommend that they do so.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Member Hammer made a motion to recommend approval to the City Commission for a Variance Request at 312 N. Joffre St. Chairman Sisney seconded the motion. Roll call vote was taken. Motion carried with a tie vote.

Chairman Sisney Yay

Vice-Chairman Buhler Nay

Member Kent Nay

Member Hammer Yay

2-2 vote

b) Public Hearing/Discussion/Action: Conditional Use Permit at 809 Juniper St

Assistant City Manager Alvarez: This is a request for a conditional use permit located in the R-2 district. This is for a shipping container. Shipping container has actually been located on that property since 2020. Our shipping container ordinance didn't go into effect until 2022. This is just bringing this property into compliance. The property owner is in attendance if you do have any questions. I have supplied you with all the information. They submitted their site plan and I

did the parcel plan. They paid all their fees. Everybody was notified in the area by certified mail. I have not heard anything from any of them.

Vice-Chairman Buhler: So, its already there?

Assistant City Manager Alvarez: It's been there since 2020 before we had code in effect.

Chairman Sisney: Is everyone ok with how it sits now?

Member Kent: Its less than 5 feet from the property line so that is a small issue. I realize it's been there for a long time.

Chairman Sisney: It's 5 inches.

Member Kent: I can't tell how far it is. What is that?

Chairman Sisney: Its 5 inches. It's 4 foot. I can't tell if is a 4 or a 9.

Vice-Chairman Buhler: It's a 40-foot container, correct?

Assistant City Manager Alvarez: yes.

Member Kent: It is to close to the property line but it's been there this long.

Chairman Sisney opened the public hearing.

Proponents:

No Proponents

Opponents:

No Opponents

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Conditional Use Permit at 809 Juniper. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

5. DISCUSSION/UPDATE:

a. Review of Zoning Map and Districts

Assistant City Manager Alvarez: In your packet you are going to have our zoning map. If you want a larger one I can print you one otherwise it is available on our website as well. I also included the section of the code that defines the purposes for all of your district's R-1 2, 3, RR1, R-4, T-1 and C-1. Those give you the identification of what they think those districts should be and what the provisions are for allowance of special use permit, conditional use and so forth. There are some areas within the code that you can cross reference to for R-1. I always recommend doing that. If you go to our municipal code online and in the search bar you type in R1 it's going to show you every section in the municipal code that references R1 because you have manufactured housing has specific areas that references R1. You have RV parks and home occupation permits. This is the main part of it. I also provided you guys with a memorandum. I know we talked about the potential of doing some rezoning and redistricting. I did some research to find out what that would entail and whether or not we as a municipality are allowed to do that without having to go to any state provisions. It looks like it is something a municipality can do. It is pretty time extensive and of course when it comes to revisions of the map and then the amount like I said as you cross reference your districts with in the municipal code it's a significant upgrade and revision that would be required with in our municipal code to make sure they are all talking to each other so it is something that would be highly recommended that we would have to hire out for. It's not something internally that the city has the staffing to be able to take all of that on. This is just food for thought for you guys. I wanted to get you guys started on some of the basic information for this and give you guys the opportunity to review it. We can come back and you guys can reach out if you have other stuff, you want me to provide you with. You guys can discuss anything now. Whichever way you want to go this is some starter information.

Vice-Chairman Buhler: Is the RR1 is that basically just are R1?

Assistant City Manager Alvarez: No, it's the Riverside Residential area. I consider R1 to be very strict within our code. RR1 you can actually have horse in and different property sizes.

Vice-Chairman Buhler: C1 where is that at in the paperwork?

Member Kent: Yes, it's in there page 9 of 17.

Chairman Sisney: What is T1 as transition? What happens in a transition zone.

Assistant City Manager Alvarez: I think the intent behind the transition district is a lot of undeveloped property and so there is the potential of maybe zoning certain areas as a T1 weather you want to zone it as a commercial area or sections of it. T1 covers a very large area so it could be incorporated into residential, commercial or industrial. It is exactly what it says it's a transition district.

Chairman Sisney: Ok well I was trying not to make this personal but that's where I live. I just want to know how that affects me. Can I have a horse?

Assistant City Manager Alvarez: In the transitional district yes, you can. I think it's 1 or 2 horses per acre. I'm trying to remember it off the top of my head but there is a section of the code that references. In your packet on page 16, number 6 through 8 it shows what you can have.

Vice-Chairman Buhler: What would be the general point of the redistricting?

Assistant City Manager Alvarez: I think there were some questions. If you look at our current code, there are a lot of areas that are R3. R3 is probably our least strict and so I think at one point you guys were talking about some of the areas did you want to potentially make areas a little bit more strict so that we weren't having smaller dwellings units or did you guys want to redistrict and designate one certain area as an R5 that would allow for tiny home district or something like. It was a question that you guys as a board brought up about the potential of revising some of our zones.

Member Hammer: We on the board will hear some feedback from the community but not all. I feel like a lot of that feedback comes through your office. Are you tracking different requests or inquiries such as can we have a tiny home park over here? Are you seeing certain areas hotter than others for different requests?

Assistant City Manager Alvarez: Yes, probably in the area that we would least want them which is in the Downtown. Realistically it's the hot springs area. People want to convert RV parks into tiny home parks or tiny home areas. I get more of that in the downtown area than I do in any other area. I don't think I have had anything outside of the downtown area. We have some vacant RV parks or areas that where RV parks and functioning as an RV park. I get a lot of calls from people asking if they are still RV parks and if they can still function as RV parks and if they can put park models in there or tiny homes. I'm really vague with my answer because an RV park or recreational vehicle technically can be a tiny home. They are on a chasey and a trailer same with park models. Usually when I tell them especially the ones that haven't operated as an RV park in a while because even though its set up as an RV park it was probably done a) before they had to go through a special use permit or b) because it's been inactive for so long they would probably need to go through a special use permit that way I can bring it to you guys.

There is no action you guys need to take, this was just for informational purposes. We can bring this up at the next meeting or another meeting. I can provide more information.

Member Kent: Should we put this on for the next meeting, so we have some time to look at the map, think about it and come back with thoughts.

Chairman Sisney: Yes.

Assistant City Manager Alvarez: No decisions need to be made right away. You guys review everything and we will put on as a workshop item so you guys can discuss if it's something you want look into doing or given the depth of it is it something that put off while you're fixing some of the others.

Member Hammer: As far as the process goes, if we make a recommendation to change some conditions or requirement in a specific zone would we hold a public hearing?

Assistant City Manager Alvarez: Yes.

Member Hammer: There has to be public input. I would hope so.

Assistant City Manager Alvarez: There will definitely be public hearing. Public meetings just even starting that process there would be public meetings and hearings that we would hold. Anything that you change pursuant to here is going to land in the code and any time you change the code you have the publication that goes in the newspaper that's 30 days. Once you have the revisions that you publish. Then it comes back to city commission for what they call public hearing and final adoption. Once that is approved it has to sit for another 15 to 30 days before it actually becomes effective. Prior to it getting that far we would have public meetings and public input similar to what they did to the animal ordinance. There were lot of public meetings for that.

Member Hammer: I saw that.

Assistant City Manager Alvarez: It's important to get public input.

Vice-Chairman Buhler: What about for the Conex Boxes the same thing?

Assistant City Manager Alvarez: Same thing yes.

Vice-Chairman Buhler: Well, that's very good because I don't believe 40-foot Conex boxes belong in the downtown or in the Foch area. They are too big.

Member Hammer: Maybe that's a topic we need to bring up and maybe drive to completion. That would be maybe the first topic.

Vice-Chairman Buhler: I think so because I turned in a sheet on that on those Conex boxes to you guys and I think they can be a good thing, and they can also be a bad thing.

Member Hammer: I agree they can be an eye sore.

Member Kent: I think in the downtown they shouldn't be allowed but on someone's private property its fine.

Vice-Chairman Buhler: Well, if you have enough land for it that's one thing but putting it in a established older neighborhood.

Member Hammer: Can we put that as an agenda item for the next meeting, so we don't lose sight of it.

6. WORKSHOP:

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

Assistant City Manager Alvarez: This is for you guys to discuss. You guys wanted these items on. I provided you guys with all of the sections of the code at a prior meeting, and you wanted to bring it back for a workshop and discuss them. If you guys need more information or more time, we can always put them on another meeting as well.

Member Hammer: Where there any recommendations from the board to change any of the language for each one of these categories? Did you guys talk about that.

Member Kent: I wasn't here at the last meeting but prior to that we had discussions.

Chairman Sisney: We didn't talk about them at the last meeting.

Member Kent: I think it was that we were going to make sure the wording was clear and understandable for each of the items.

Chairman Sisney: It will all be in the minutes.

Deputy Clerk Martinez: None of the workshop items were discussed at the last meeting. They were all tabled.

Member Kent: I have to admit I would have to go back and read all this in detail because I don't have it in front of me the wording.

Assistant City Manager Alvarez: If you would like we could pull all that information and have it prepared as part of the agenda packet for your next meeting, so you have something to review and reference. We can pull that information from past meetings when you guys have talked about or made reference and get that out to you if that would be helpful.

Chairman Sisney: I think that would be fantastic thank you.

City Manager Whitehead: I would just reengage the group to talk about it. It feels like what we need to be looking at and each of you may want to go read through the code. I think there is a section on special use and each of those things. It's really looking at those things and thinking if that's the right thing for special use. From our side its cleaning up the language to make sure that we know if it fits in the special use category and if your liberal about it you're going to have lots of things you are going to say yes we can do that because you know its going to require that it comes back on an annual basis. It can be taken away. You are going to want to say we want to do something on a special use. If we want to be neighborly we are going to say maybe you can put a barber shop at your home because it's a special use and when you move out it goes away its not permanent and we are kind of open to that and you guys are more comfortable sitting here listing to someone that wants a special use. We want to be neighborly and help. But then what a variance is the part where you want to go let's go look at everything that somebody could be asking for a variance on and make that we know how we would grant it, why would grant it and those kind of conditions. What is the definition that would say if we are going to let somebody get a variance to put a structure in the front of their house how does it look, how does it work and are we comfortable doing that. That is where I kind of think your work is really looking at what we have and then kind of defining those. I also think the variance code needs some kind of a condition trigger that like if the commission says we really don't want to consider any variance we are not going to then you know generally its going to be hard or if you have a commission that says we are open we are going to look at all of them. The you kind of know as a kind of an I don't want to say attitude but kind of a.

Chairman Sisney: A bias.

City Manager Whitehead: It could be. You can have a commission that says we want them all to come to us. You guys look at them, debate them give it a yes or no. We are going to take that recommendation but it's going to come to us and ultimately we are going to have the final say or we are going to accept the recommendation firmly from the planning and zoning that to me seems like what the language would be inside the code and you would have the commission adopt that. It feels like that is the piece that is missing which is to say what does it mean if all 4 residents sent a letter to came in and said no. what does that mean? Does that mean no? You would think it would be. If 1 says no and 3 say yes that might mean something else. You want to kind of have that feeling where that's a big factor on how you would decide weather or not you move forward.

Member Hammer: How much weight each person would have for our recommendation. I think that makes sense.

City Manager Whitehead: I like that. That's the right word. What's the weight?

Member Hammer: A weighted average.

City Manager Whitehead: Of the 7 conditions that you should have to consider that are going to stand up in a court of law. That one should have some weight to it that is significant to everything else.

Vice-Chairman Buhler: Those conditions are very important. They are there for a reason.

Member Hammer: The conditional use permit one example is what we just had with the Conex box. I think this came up before where we had some discussion about is it necessary to have a conditional use permit renewed annually for people who are living there. They are not moving. They are not selling their property. Can we give them a 2-year permit or something like that so its not a burden.

Assistant City Manager Alvarez: So, we can internally approve so it doesn't have to come to you guys every time.

Member Hammer: There is things like that I think we can probably refine a little bit more. On the conditional use permits I'm kind of scanning this. Is there a list of what needs conditional use permits or is in the code for each zone.

Assistant City Manager Alvarez: It's in the code.

Member Hammer: If I typed in conditional use permit it will bring up every where. I think that the level we can look at and then make a recommendation. There is a internal review if it's already been approved once. If the property sells it doesn't transfer with the sale. They will need to come back to the board and notify the neighbors. Maybe there is new neighbors and they are bugged with it or it's causing a nuisance or an issue.

City Manager Whitehead: When I think of those 3 things to me they feel like there are 3 different timelines. There is the special use which is really kind of an annual thing. You are going to do something different and we want to look at that every year. If you are going to have an animal kennel we want to look at it every year. We want to inspect it. A conditional use might be more on the time line your talking about. If they are going to put up a like those car ports in front of my house. I'm going to be 5-foot over the limit but it's a carport I'm not blocking anything and you say ok that's a conditional use and you can have it as long as it stays there but when you are no longer there then it has to go you cant sell it with the property. I don't know if I'm just using that as an example. That the condition of that and then ultimately the variance kind of becomes a permanent change that's in the deed. If I got it. It's always going to be there.

Vice-Chairman Buhler: Wouldn't that be the difference between commercial and residential? When you have commercial you do sell it as a commercial property. But the residential you shouldn't be able to do that.

City Manager Whitehead: But you wouldn't as for a special use in a commercial. Commercial opens up more doors.

Vice-Chairman Buhler: Commercial is different than residential.

City Manager Whitehead: It is. I think the special use goes backwards where somebody says I want to open a day care in my neighborhood. That feels like a special use permit. Where you say ok your going to do that. If you get the license, if the neighbors don't have a problem every year we will make sure your license is up to speed and you can have that special use. But when you move out the day care center goes away. But if I ask for a variance to put a wall up within 4-feet of my property instead of 5 and everybody says it's not problem we don't mind. That's there forever. The next person not is going to come in and be told that they have to take it down and reapply. I don't know how the commercial would be.

Vice-Chairman Buhler: A while back we had someone who wanted to open up a half way house in a neighborhood and we did not recommend it to the city commission because that's something that is hard to get rid of.

Assistant City Manager Alvarez: If I recall right they were actually in commercial but it boarded residential. But per our code they still had to come for a special use even though it was in commercial. It was identified in the C1 that type of a business requires a special use permit probably because of the potential for neighboring properties to have concerns.

Vice-Chairman Buhler: They did. People came and wrote letters. It was a home.

Member Hammer: Thank you for printing all this for us.

Assistant City Manager Alvarez: We will get stuff put together for you and get it sent over. We will put these back on for the next meeting.

City Manager Whitehead: We are really close now we got the animal ordinance done. Now Tyler and Traci met and he is going to start drafting on these. We will give him the position papers and he will start working on it. Hopefully we are going to get active on the ideas that you guys have come and create a document.

7. REPORTS FROM THE BOARD:

No Reports from the Board

8. REPORTS FROM STAFF:

Assistant City Manager Alavarez: I provided you guys all with a spread sheet this is what I call my capital project list spreadsheet. Please note this was updated as of February 5th so a month has past. Some of the notes and progress may have changed. The big thing I think is important to notice is on the very first page if you go down to the very bottom total in the white. Gives you a total of \$68,446,436.51 that is what we currently have funded. We have that money. We have fully executed grant agreements. Those projects are all in progress weather it be in a form

of getting ready to go out for proposal to get engineering, construction, in design or it's actually physically being done out on the streets right now. You will see I divide those up with a lot of information that maybe isn't relevant but I always have my grant numbers, my award dates, expiration dates, the funding source where we got the money from, the project that it's for and then I separate that as grant, match, loan and total cost. Its really important to see. It sounds like a lot of money but sometimes it comes with a pretty hefty loan component and match component. Those do tax our departments especially if you look at the amount just for the water department alone. I have pretty much expended the availability to make loan payments and cash match payments. We have been very successful but with grants come a lot of responsibility on those departments. Page 2 of this the top half is projects that we completed over the last 2 fiscal years. We have put 17 million dollars into the city already. Those projects are completed and closed with the funding agency as well. All in good standing. The second half of that is applications that the city is currently in process of applying for. Like I said a month has passed so some of these might have already been submitted or we might have recently gotten award on them. The last page is going to be the Main Street and Foch Street grants as well as SJOA or senior center. We are the fiscal agent for those as well so I help manage all of those projects and funding grant agreements. I know you guys just got this at the beginning of the meeting if you have any questions on any of the projects I am happy to answer them. If you have any question on any of those projects after you have had time to look at this I am happy to answer them at any time.

Member Hammer: It's really nice to have visibility into the road map and what has been completed and what's pending. I think this is awesome work and I know it takes a lot of work to get this summarized.

Assistant City Manager Alvarez: Our public information officer takes care of our city website and you can go on there under blueprints and she keeps those updated even more so then where I am at because she attends a lot of our project meetings. She will have plan design photos and more information then what I put on the spreadsheet.

Vice-Chairman Buhler: Who is the grant writer?

Assistant City Manager Alvarez: Me.

Vice-Chairman Buhler: You have done an excellent job.

Assistant City Manager Alvarez: Thank you. I do in collaboration with every department. There is no one person that can do this job. I have to collaborate with city management, city

commission, our individual departments it is essential that they are there and part of the process on what we are applying for and our finance department making sure we get the financials. I just do the paper pushing, support and make sure everything gets submitted that's my main role.

Vice-Chairman Buhler: Those grants are very important to us also.

Assistant City Manager Alvarez: They are. We have a lot of engineering support as well. If you don't have good cost estimates and good technical documents to submit with those documents to submit with those grant applications, you are less likely to get funded. We get good support with our various engineers. We use quite a few depending on what we are applying for.

Member Hammer: What is this Feasibility Study River surf wave project?

City Manager Whitehead: We went to see the one in Farmington. The concept of it is it collects water in the middle so it slows the river and then it has a baffle so the higher the river is the higher it holds and then it dumps the water over this thing. It keeps the water flowing but then it becomes a wave and if you can surf you can get on that wave. We watched it work.

Member Hammer: That will only be in the summer though while irrigation is happening?

City Manager Whitehead: Yes, the river would have to be flowing. The reason the concept came up is the individual Mr. Colonias, who does outdoor rec grants, came down and they gave him a tour. He also does the trails and those kinds of things. He saw the dirt dam that we put in the river, and he said we shouldn't be putting dirt in the river, it's not good. He told us Farmington was getting ready to do a wake surf thing and that we should go see it cause that would be the structure to put in the river so that it could hold back water in the winter it could be that structure and in the summer it could be this.

Member Hammer: So, it would be permanent.

City Manager Whitehead: It would be permanent yes.

Member Hammer: So, you wouldn't have to do the dirt dam. So much cost savings there.

City Manager Whitehead: That is correct.

Vice-Chairman Buhler: I definitely think we should improve Rotary Park.

City Manager Whitehead: That's where it would go is the Rotary Park area.

Vice-Chairman Buhler: A bathroom would be nice over there also.

City Manager Whitehead: We just received the land. We just did a quiet title on because there was a piece of land that looks like it had come into existence off of the river, off the borrow. The city kind of has the wet lands and all those. We are working with a new developer that is in town. They own a piece kind of a triangle so we visited with them about trading them that so that we could end up having the whole are. We want to do somethings there. That's the concept and we would just apply for planning grant to see if it works. The BOR may not. We have a lot of hurdles. The EBID may say absolutely not you can't put anything. The Feasibility study will tell us whether or not it could happen.

Member Hammer: The requirements are already there they exist it's just a different structure.

Member Kent: That would be a huge thing for our river and our town.

Chairman Sisney: Would you tell me the city's position on motorized vehicles on the river? It's suppose to be a wake zone.

City Manager Whitehead: I think we maintain that.

Chairman Sisney: I have people by my house that do it.

City Manager Whitehead: Then you need to call the police department.

Vice-Chairman Buhler: Do we have signs?

City Manager Whitehead: I don't know if there are signs. I can't say that I have seen them.

Vice-Chairman Buhler: It would be good to have a sign.

Chairman Sisney: So, if you have a boat or a jet ski can you use it on the river?

Assistant City Manager Alvarez: I don't believe anything motorized is allowed on the river.

City Manager Whithead: I'll be honest I have not gone to look at that particular code. I will.

Chairman Sisney: I hate to bring myself into it, but it really erodes my property when those boats go by and the worse one is that park and rec fan boat. I understand that is search and rescue but.

Member Hammer: Is it BOR or city property?

City Manager Whitehead: The river belongs to the Bruere of Reclamation and the Boundary Commission. I has to 2 federal structures. Its an international water way but because it's inside the city limits we can pass codes for it. When we were doing the boat ramp we got some questions about are you putting in a boat ramp for motorized and we responded no.

Chairman Sisney: You know they guy that's on top of third that has the boat.

City Manager Whitehead: I have heard about him.

Chairman Sisney: He was renting motorized stuff for people to use on the river.

Member Hammer: I don't think that is happening anymore. I looks like he cleaning up that property.

Vice-Chairman Buhler: We us to keep a small boat on the riverbank. We would put in and we would never disturb anybody. We would fish off of it. I do think there needs to be no wake signs and thing like that. I don't know about gas in the river I don't know about all that. It's not like a lake.

Member Kent: In my opinion a river like that shouldn't have any motorized things. You can take a raft, kayak, a paddle board. There is a lot of thing you can take on the river and enjoy the river with out tearing up the bottom with props, propellers and gas getting every where.

Vice-Chairman Buhler: I'm curious to see what the rules are.

City Manager Whitehead: We will look into that.

Member Kent: There is plenty of gas floating on top of Elephant Butte. We don't need more.

City Manager Whitehead: I was going to add to Traci's comments about the grants. Coming in one of the things I wanted to change because I had heard some of the rumblings about everything is engineers. The first meeting I had was with Wilson & Company to talk about the

water system. I really wanted to get my hands around it. I left that meeting feeling very lucky that we have Wilson & Company. The engineer that is running that really cares about us. He has a passion for us he has a good handle on it. I felt confident. We are getting good engineering. The really I have to share with everybody it's next to impossible to receive a grant if you don't have some engineering on it. Every federal or state agency they want to see a preliminary engineering report. They want to see your engineers estimates. I almost messed us up. Traci is going to save us. We needed to do a road deal and they needed traffic count and I didn't catch. I thought we will get it put together this week we will get it done but then you go read it and it needs traffic count and it wants to know what the pavement design is going to be. Those are things that we say we can't go do that. I guess we could buy a counter and go do it but I think the message I give to people now is we are going to try our best to do as much as we can. We have support we can get help filling out grants. Putting in all of our stuff is ok but we are not going to be covered if we don't have an engineer that says here is what it's going to be. Another angle we have taken now is engineering cost should be somewhere between 8 and 15 percent. We have studied that. I have meet with other communities. I have talked with engineers. That is kind of the area where we have to go and I have to really work hard now when I look over a contract to have them justify why they want more than 15 percent. If I can keep them in that zone then we should always feel if we got a 10 million dollar grant we are going to spend 1.5 million of that with the engineers and that's the way it is. That is what we have to do to get more in the ground. That's more important to us and I think are both getting a little more comfortable kind of assessing it. Which is to say we need you but we are going to push back and make sure we get a few more dollars in the ground then we get into the engineer side.

Vice-Chairman Buhler: I think that's smart business.

Member Hammer: When you apply for a grant are you including that pre engineer work as your cost for the grant? Can you get reimbursed for that?

Assistant City Manager Alvarez: Sometimes. Some of the places they want you to apply separately. You have to apply maybe for planning and design for one cycle and the next time you go and you get construction. Cantrel Dam is a good example of that. We applied for Water Trust Board we got the funding to do plan and design. That was all done completed and approved. We then applied and received funding for almost 9 million dollars for construction. I kind of depends on the grant but most of them want it separate they don't want you to apply all as one.

City Manager Whitehead: There is a real push in Santa Fe to stop letting communities to go up and say can we get \$300,000.00 to do this project. If they don't see a design and its cost they don't want to give it to you anymore. I think they said this last you there is 8 billion dollars in the state coffers that all of the communities all across New Mexico can't spend because they received 100 this year and 100 next year and by the time they got ready to start the project it was a 400 thousand dollar bill just the cost. They are just behind so it's really moving to if you are going to ask for money ask for design money. This year I received \$375,000.00 to do the design for Marie Street and they were all comfortable so now I can go and do all the design work get the plans and then we can go ask for construction money. That's going to be the wave of the future I think for us.

Member Kent: On planning future what's the community multipurpose center?

Assistant City Manager Alvarez: That's my dream.

Member Kent: Why is the electric car charging station so expensive? How many cars are we going to be able to charge?

Assistant City Manager Alvarez: That has been approved. It should be constructed and installed they would like to shoot for before Fiesta. It will be close.

Member Kent: It just seems like a lot of money for an EV Station.

City Manager Whitehead: It seems like a lot.

Assistant City Manager Alvarez: The good news is that it's 100 grant. I have secondary application on top of that. I just applied for a solar canopy. I submitted that last week. That will put a solar canopy over the Ev charging station in that empty area by our office but also potential solar canopies at our new police department. Those would go over the top of the gated area for the units as well as employee and public parking along the side.

Member Hammer: 2 thumbs up for solar.

Member Kent: The electric car charging station that's a deterrent right now. A lot of people can't come here because they can't charge their car.

Member Hammer: They can use the Tesla ones up at the Holiday Inn.

Member Kent: Only if you have a Tesla or a converter.

City Manager Whitehead: There is another charger behind the old Denny's it just got here in the last 6 months it up and running. It's the same thing. There is this federal money, and they figured it out and broke it down. That's what the cost of the projects is and that's what you apply for and the DOT they are approved vendors and that's the model and design. We pushed them a little bit I think we are going to get a canopy over ours and a couple of things.

Vice-Chairman Buhler: Is there something in the works for the old Denny's building.

City Manager Whitehead: Not that I am aware of.

9. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:01 p.m.

PASSED AND APPROVED ON THIS 13th DAY OF APRIL, 2026.

Chris Sisney, Chairman
Planning & Zoning Board



CITY OF TRUTH OR CONSEQUENCES
PLANNING AND ZONING COMMISSION ACTION FORM
DATE: 4-13-2026

ITEM: Public Hearing/Discussion/Action – Conditional Use Permit at 1107 N Bosque

BACKGROUND:

Conditional Use Permit is required for placement of shipping containers as storage units within the R-3 District and must be a subordinate building located on the same lot as a principal building.

Applicant placed the container on their empty lot prior to implementation of the shipping container code, and no existing principle building is on the property. Applicant owns the property directly across the street and uses the empty lot as storage.

Applicant is requesting a Conditional Use Permit to allow for a shipping container to be used as a storage unit on a lot without a principle building. Approval of this permit will bring them into compliance with planning and zoning as well as code enforcement violations pertaining to use of an empty lot for storage.

All required documents and fees have been submitted and certified letters mailed to property owners as required.

SUPPORT INFORMATION:

Site Plan
Parcel Maps
Public Hearing Notice
Applicable Code

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

Holden St

32'

13'

40'

8'

15'

40'

8'

125'

mims 3rd Sub Replat
Block 1-A Lot 19
3020078521014

53'

25'

North Bosque

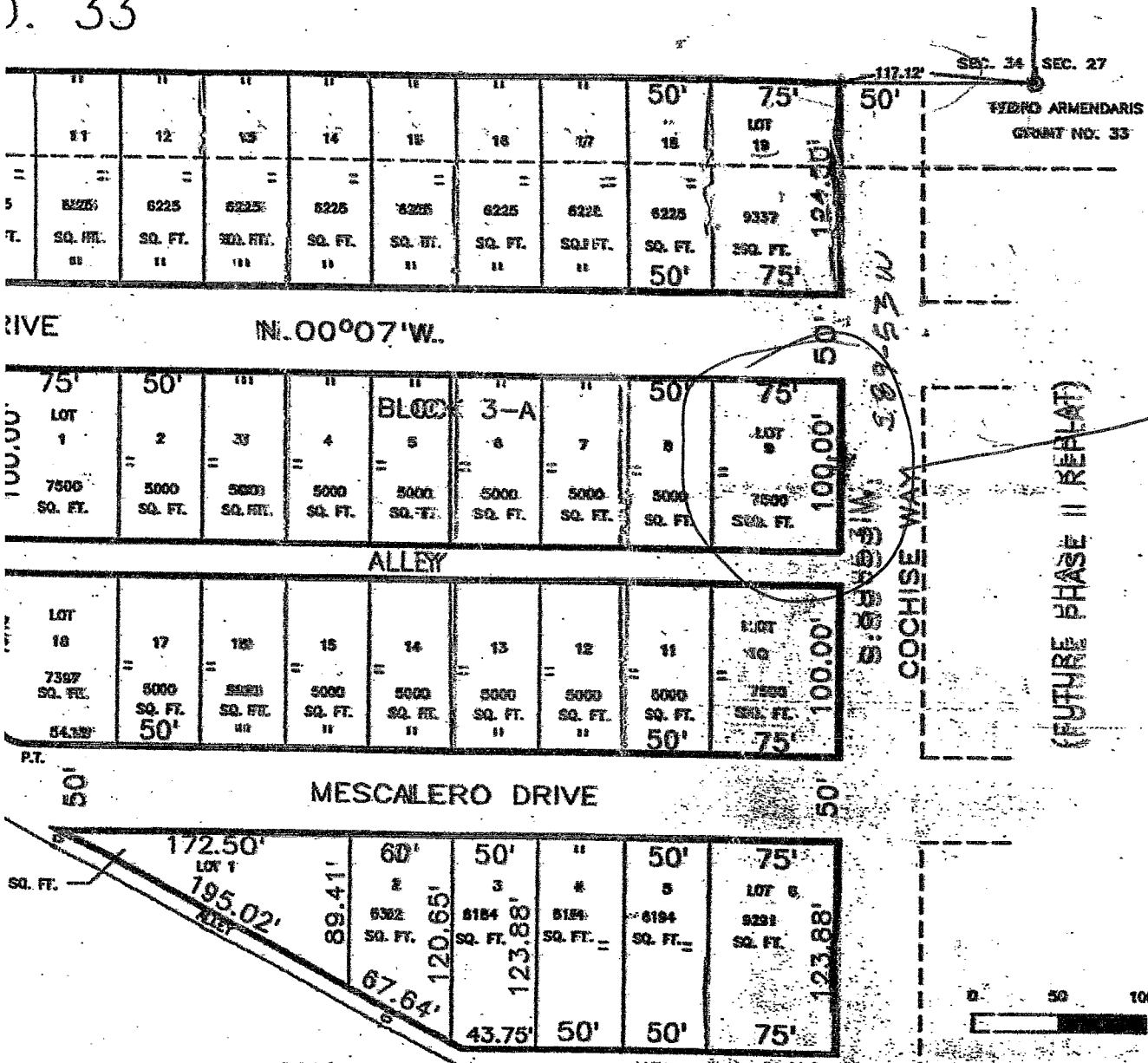
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CERTIFICATION

LOFTUS, a Registered Land Surveyor in the State of hereby certify that this plat was prepared from taken by me or under my direct supervision and correct to the best of my knowledge and belief. I survey conform to the Minimum Standards as set Mexico Board for Professional Engineers and

[Signature]

RLS #8473

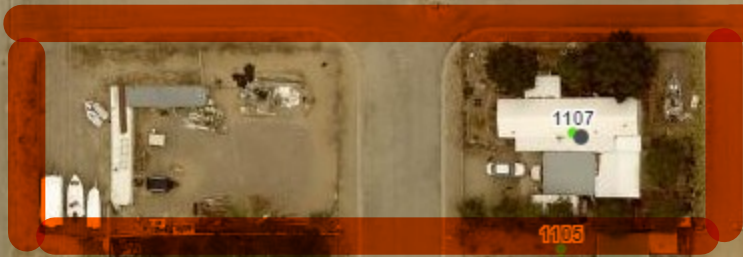
REPLAT OF MIMS III

LOFTUS & CO. LAND SURVEYORS
311 E. 3rd 505-894-2924
TRUTH OR CONSEQUENCES, NM

DRAWN BY	WGH	1"=100'
CHECKED BY	EGL	MAY 91
		107-01

REVISED 11-20-91





Rolf Hechler
Mayor

Destiny Mitchell
Mayor Pro-Tem

Amanda Forrister
Commissioner



505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673
www.torcnm.gov

Ingo Hoeppner
Commissioner

Chaz M. Glines
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, April 13, 2026, to receive input regarding the following:

Public Hearing/Discussion/Action: Conditional Use Permit at 1107 N Bosque.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-4. - Storage Units/Shipping Containers. - B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions: 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.

ARTICLE X. - ACCESSORY BUILDINGS - Sec. 11-10-1. - Accessory Building. – A subordinate building, the use of which is incidental to and located on the same lot with the principle building. An accessory building shall not exceed one-fourth ($\frac{1}{4}$) of the use or area of the main business or building. There is no existing principle building on the property.

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, April 10, 2026 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.gov.

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

Publish on the following date:

- Sentinel— Thursday, March 12, 2026

Sec. 11-10-1. Accessory Building.

A subordinate building, the use of which is incidental to and located on the same lot with the principle building. An accessory building shall not exceed one-fourth (¼) of the use or area of the main business or building.

Sec. 11-10-4. Storage Units/Shipping Containers.

The regulation of storage units/shipping containers within the city limits of the City of Truth or Consequences shall be controlled by and shall conform to the regulations prescribed in this section. A storage unit/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, commercial trucks, or other types of transportation.

- A. Placement of storage units/shipping containers within C-1, M-1 and T-1 districts are permitted as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the boundaries of the Metropolitan Redevelopment Area (MRA) and Historic MainStreet District Area defined in the Downtown Master Plan.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.
- B. Placement of storage units/shipping containers within Residential Districts is allowed as accessory storage units as long as they are not used for dwelling purposes and with the following exceptions:
 - 1. Conditional Use Permit is required for placement of all storage units/shipping containers within the following districts: R-1, R-2, R-3, R-4 and RR-1.
 - 2. Containers may not exceed 46 feet in length and 10 feet in height
 - 3. Must be a subordinate use or structure customarily incidental to and located on the same lot with the principal use or building
 - 4. Interior lot: No less than ten (10) feet from main use or structure and in conformance with the front setback for that district and no less than five (5) feet from the property lines of side and rear yards
 - 5. Lots with more than one street frontage: No less than ten (10) feet from main use or structure, and no less than five (5) feet from the property line of yards without street frontage.
 - 6. May not encroach in the clear-sight triangle.
 - 7. Shall not create unsanitary or hazardous premises as outlined in Sec 6-74 and 6-75.

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- C. Temporary placement of storage containers within Conditional Use Areas are allowed through written approval of the Designated Zoning Official as long as they are not used for dwelling purposes for:
1. The purpose of moving household contents in to or out of a house are allowed for up to 30 days in any 12-month period and can only be on the property or driveway.
 2. The purpose of construction projects are allowed up to 3 months in any 12-month period from the time it's put on the construction site. The designated zoning official or designee may grant an extension but only if it is determined that:
 - a. The storage unit/shipping container is located on a site with an active building permit
 - b. The storage container is necessary part of the construction process
 - c. Not be allowed in public right-of-way
 - d. Construction is moving forward in a timely manner and in accordance with generally accepted industry standards.

(Ord. No. 731, § 1, 8-10-22)

PLANNING AND ZONING COMMISSION

FINDINGS OF FACTS CHECKLIST

Request Date_____ Address_____

Findings of facts for recommendations and decisions.

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

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

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

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