

Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL HOLD A WORKSHOP AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY- MAY 6, 2024, AT 5:00 PM

MINUTES

ATTENDEES

Chairperson Yolanda Lucero
Vice-Chair Davie Salas
Commissioner Gallegos

STAFF

Community Development Coordinator (CDC) Eddie Salazar

PUBLIC

Andrea Bryan	Catherine Walkinshaw
Greg Lester	Trina Witter
Kennet Magoon	Lori Miller
Bill Cook	Oscar Luevano
Mary H Ratje	Mary Lucero

SHORT-TERM RENTALS DRAFT ORDINANCE

The commission will be discussing regulations and requirements to propose an ordinance on short-term residential rentals to the Board of Trustees for approval. An ordinance is being drafted and will be reviewed by commissioners during the workshop session.

CDC Salazar

Introduced draft short-term rental (STR) ordinance to the commission. Discussed section of draft regarding creating a Memorandum of Understanding (MOU) with STR platforms such as Airbnb, VRBO and others.

One of the requirements for STR platforms is to collect Lodger's Tax (Occupancy Tax) and distribute tax accordingly. Creating a line item in our budget, will allow platforms to submit tax collected. This will ensure taxes are collected and submitted but also, reduce time for staff to take personal payment, record, and file.

Two purposes in introducing this STR ordinance are to set up the means to collect Lodger's Tax and secondly is to regulate STRs in our community.

Vice-Chair Salas

Asked if we should have section (E)(4) regarding HOA in communities. We do not recognize HOA regulations and recommend this section be omitted.

Also section (E)(7) minimum as of a tenant/renter being 25 years old. Thought the platforms already had an age restriction for rentals. He is in support of having an age restriction.

Chair Lucero

In favor of age regulation being 25 years old. If we don't put an age, owner of STR will have to take responsibility.

CDC Salazar

It will be reviewed by legal after we put this draft together. So the concern for age discrimination will be reviewed.

Chair Lucero

Discussed the total number of STR allowed in the town of Mesilla.

CDC Salazar

Total number of STR should be regulated. How to regulate them to control the density in a particular area should really be the focus. Residence have already expressed concerns about their street/block having numerous STRs. We also need to keep in mind residents that just want to live comfortably in their own home without fear of not knowing their neighbor.

Should we have a distance regulation similar to Cannabis ordinance? Determine max allowable by zone? Total overall allowed in the entire town?

Vice-Chair Salas

Asked to clarify, this ordinance is set for the whole town and not for individual zones or areas. In which CDC Salazar stated, yes, it is for all of Mesilla. Shouldn't be stuck on setting a number right now. It is a living document, and we should make amendments once we have it implemented.

Does not like the idea of percentage per zone. It makes it more complicated.

Chair Lucero

I do think there needs to be a proximity limit. Has gotten complaints from residents with having too many STRs.

Vice-Chair Salas

I understand the concern to protect the way of life for many Mesilla residents, but questions to what extent is Mesilla going to infringe upon property owner's rights.

Chair Lucero

State founding fathers wrote the ordinances this way because they didn't want to look like Santa Fe or any other large municipality. We need to keep in mind our residents that have been living here and their neighborhoods are changing as businesses being proposed in their area. Also, there are STR that owners don't even live in town. There needs to be somebody to be responsible in case of a complaint or emergency.

Vice-Chair Salas

Agree, that is why there needs to be a contact person. Does not support disqualifying someone because they do not live in Mesilla.

Commissioner Gallegos

Asked why we are assuming tenants/renters to STR are bad people. We want to encourage people to come and spend their money here. How many times have we heard renters have gone away?

Vice-Chair Salas

Is in support of notification of neighboring properties a property within 100 feet is being proposed for a STR. Further, he discussed are the Marshalls going to know when called on scene if that house is an STR. If there are too many complaints, that permit needs to be revoked.

CDC Salazar

Suggested ordinance requires an MOU with platforms which does not allow any accounts or listings on their platform unless it has been approved by the town of Mesilla. A registration number should be required to be listed on the listing. If they do get listed on their platforms without approval, then not only is the host in violation but also the platform should be held accountable.

Also, along the line so fees, we should require a business license and registration for a STR unit. If multiple STR in town, they each need a registration number under the same business license.

STR rules also should be available to the renter to advise of not only landlord rules but also relevant Mesilla code, such as non-smoking ordinance, dog leash laws, etc.

Chair Lucero

Advised those rules are already in the amenities when you reserve a STR. Does not support posting rules and regulations in her STR.

CDC Salazar

Amenities/rules listed in the STR accounts are only for that account and not for the municipality. I am referring to if a tenant wants to go for a walk. They should know what is allowed or not in Mesilla. Maybe not posted on a wall but should be available for them even if it's in a drawer and they are aware they are responsible for knowing.

Commissioner Gallegos

Agrees with not needing to have posting of rules on wall but should be available to them. Also stated the minimum age requirement according to Mrs. Walkinshaw email is 18 for Airbnb and VRBO. She recommends 18 not 25 as listed on the draft.

CDC Salazar

Reviewed booklet NATIONAL LEAGUE OF CITIES (NLC), a short-term rental regulation guide. It was submitted by Mrs. Walkinshaw for information purposes and hopefully to educate commission what other municipalities are doing.

NLC is a commission of various municipalities like our NM League of Zoning Officials. This commission gets together to talk about various topics, ideas, and concerns. This booklet on hand is a guide on what to consider when regulating STRs. Recommend we all read it to educate ourselves on this topic.

Should help with writing this ordinance. Like, coming up with a way to regulate how many STRs are allowable. Maybe 200 or 100 overall for Mesilla is a good number. Once you reach 200 then you should be put on a waiting list.

Is not concerned so much about how many STR but where they are going to be at, the density impact in a particular neighborhood.

One concern that was also brought up is an STR sharing a common wall with another residence.

Chair Lucero

Is more than one STR going to be allowed on one property, like for example in the RF zone?

CDC Salazar

Currently the draft states, 1 STR allowed per single family home property unless it is in a zone where two residents are allowed such as Historical Residential or RF/RA where a "casita" is allowed.

Reviewed Las Vegas, NM STR application requirements with commission. Everything on their requirement list seemed ideal for the commission to mirror in Mesilla.

Commissioner Gallegos

Once we start receiving our Lodger's tax, we should be able to use some of that revenue to help monitor or advertise our STRs. Like that we don't have to re-invent the wheel (Las Vegas application requirements).

Vice-Chair Salas

Is the fire department still going to go and do an initial inspection?

CDC Salazar

I think they should do the initial inspection. It should be the final inspection before occupying the STR, so they can give an occupancy certification similar to other structures. Along with that, staff should be doing a final inspection as well to ensure all approved requests are adhered to, especially if the approval is conditional.

No further discussion. End work session.

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL HOLD A REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY- MAY 6, 2024, AT 6:00 PM**

MINUTES

ATTENDEES

Chairperson Yolanda Lucero
Vice-Chair Davie Salas
Commissioner Gallegos

STAFF

Community Development Coordinator (CDC) Eddie Salazar

PUBLIC

Andrea Bryan	Catherine Walkinshaw
Greg Lester	Trina Witter
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Oscar Luevano	Mary H Ratje
Mary Luevano	

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL AND DETERMINATION OF A QUORUM

Chair Lucero	Yes
Vice-Chair Salas	Yes
Commissioner Gallegos	Yes
Commissioner Arzabal	(Absent)

3. CHANGES / APPROVAL OF AGENDA

1st Motion to Approve – Commissioner Gallegos

2nd Motion to Approve – Vice Chair Salas

Discussion: none

Vote: 3-0, approved.

4. PUBLIC INPUT

The public is invited to address the commission regarding items listed on the agenda as allowed by the chair. You can also email your comments to clerktreasurer@mesillanm.gov at least seventy-two (72) hours prior to the meeting.

Mary H Ratje

Commented on the short-term rental draft ordinance. The STR should not be burden and hopefully it will not be looked at that way. Concerned about the definition of a short-term rental being up to 29 days. Lastly commented on section (E)(2), large scale events. Use a local business within the HC has an area for large party events and gatherings. This section prohibits that and needs to be looked at and be adjusted.

Does not have her permit number listed on her listing.

Does not agree with posting the rules inside her STR. Having it in a drawer is probably best like she does and suggested like Eddie said.

Catherine Walkinshaw

Emailed to CDC comments regarding tonight's agenda.
Did a google search and found the minimum age to rent a STR through Airbnb and VRBO is 18. We can as a community be more stringent but feel it is discriminative.
Agrees also with Mary Helen and Yolanda, of posting of rules requirement as listed in the draft should not be considered. Those rules are already listed online listings.
Has 2 units at one address. Would cause a huge red flag if we have 2 CRS numbers for one property.

Trina Witter

Thank Eddie for posting the draft online. Overall impression I got from reading the ordinance was that it seemed negative. Should allow stakeholders to be involved and speak during work sessions and not just during public comments.

Jeff McBride

Property owner in Mesilla and fan of STRs. His block has 6 units. Three are residential and 3 are STRs which is 50%.
Owner occupied STR is a big difference than having a owner not living in Mesilla and only using our structures for business purposes. Does not feel, outside ownership would care more than our own residents in maintaining our buildings.
Suggested considering having individual rules for each, one for home owner occupied and commercial enterprise.

5. APPROVAL OF CONSENT AGENDA

**Note: Items on the Consent Agenda, indicated by an asterisk (*), will be voted on with one motion unless a commissioner requests that a specific item be removed for discussion.*

- a. PZHAC MINUTES: ***APRIL 15, 2024**, Regular Meeting minutes
- b. Special Use Permit #061805 (SUP) ***Facts of Findings and Conclusions**

1st Motion to Approve – Commissioner Gallegos
2nd Motion to Approve – Vice Chair Salas

Discussion: none

Vote: 3-0, Approved.

6. ACTION AND CONSIDERATION

- a. **PZHAC CASE #061818** – 2105 Snow Rd, submitted by Oscar and Mary Ann Luevano. Requesting approval to construct primary residence. ZONE: Rural Farm (RF).

1st Motion to Approve – Vice Chair Salas
2nd Motion to Approve – Commissioner Gallegos

Discussion: Chair Lucero mentioned she looked at the file and everything was good.

Vote: 3-0, approved.

7. COMMISSIONERS / STAFF COMMENTS

Thanked commission and public for coming in early to discuss the draft ordinance. Will look at maybe rewording some parts of the draft ordinance so it doesn't give that impression of STR being a negative impact to the community.

Chair Lucero

Also came back from P&Z training and they touched on charging stations. Permits are required here in the town of Mesilla. There is a property in Mesilla which codes was called on that and the property has to be inspected. Needs to be taken care of.

Thanked the public for being involved with the draft ordinance and encourage everyone to attend those for and also like to hear those opposed.

Concerned about commissioners not showing up to meetings. Needs to be addressed.

8. ADJOURNMENT

1st Motion to Approve – Vice Chair Salas

2nd Motion to Approve – Commissioner Gallegos

Discussion: none

Vote: 3-0, approved.

NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 524-3262 at least 48 hours prior to the meeting.

Posted on 4/26/2024 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office - 2253 Calle de Parian.

Yolanda Lucero
Chairperson

ATTEST:

Gloria Maya
Town Clerk/Treasurer



