

Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) PUBLIC HEARING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY-OCTOBER 21, 2024, AT 5:00 PM

ATTENDEES

COMMISSIONERS YOLANDA LUCERO – CHAIR
ERIC WALKINSHAW – VICE CHAIR
LORI MILLER – SECRETARY
ERIC GALLEGOS
KRISTINA ALBA

STAFF EDDIE SALAZAR – COMMUNITY & ECONOMIC DIRECTOR (CED)

PUBLIC

DASA BAUSOVA	CATHERINE WALKINSHAW
MARY F LUCERO	NORA L BARRAZA
GREG LESTER	ANDREA BRYAN
CECILIA VIGIL	TERRY MELENDEZ
SUSAN KRUEGER	TRINA WITTER
RADMAN JALLED	VILL KERR
PAT TAYLOR	LES WILLIAMSON
BILL COOK	JANICE COOK
MICHAEL FITZGERALD	

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1. **PLEDGE OF ALLEGIANCE**
 2. **ROLL CALL AND DETERMINATION OF A QUORUM**

Commissioner Gallegos – present
Commissioner Miller – present
Madam Chair Lucero – present
Commissioner Alba - present
Commissioner Walkinshaw – present
Commissioner Mulvihill (alternate) – present

Quorum established – 5 of 5 (+1 ALT).

3.

SHORT-TERM RENTAL (STR) ORDINANCE

A short-term rental ordinance is being proposed for adoption into our municipal code. Ordinance will serve to improve short-term rental regulations, online platforms and Lodger’s Tax accountability.

CED Salazar – Introduced draft short-term rental ordinance being proposed by the STR ad hoc committee. Goal was to establish regulations to operate STR in Mesilla and to set accountability/tracking for Lodger's tax.

The Board of Trustees (BOT) will conduct a public workshop prior to holding a hearing for final consideration of proposed draft STR ordinance.

Madam Chair Lucero opened discussion for public comment.

Terry Melendez – asked about the distance requirements under table one. Wanted clarification on the 200 ft requirement.

CED Salazar -asked who will be giving testimony and/or asking questions during the trial. Everyone giving testimony was sworn in at this time.

Mary Helen Ratje – handed out a form put together and handed out to people to get their input regarding short-term rentals by residence/business owners in Mesilla. Short term rentals are long term value to families, necessary to be able to supplement their household income. Read some reviews and comments of her STR website. Is a VRBO member and pays high fees to use but necessary to screen tenants for her STR. Tourism real important to Mesilla and STRs really help with this.

Catherine Walkinshaw – commented and highlighted on an email she had sent. Part of the ad hoc committee and is thankful to participate in it. She commented on a personal level not as a committee member. Tenants are double vetted by platforms and owners and not likely to commit a crime with such screening before renting. No one is making a lot of money in this business. STR rentals only supplement our income but not enough to live off of.

Concerned about the 200 ft requirement infringing on people's property rights. It should be measured from the center of the property. If it has to stay, would like to see it reduced to 100 ft. The other concern was that current unregistered owners should get a break. Restricting how many STR in HR zone will drive tenants/tourism to Las Cruces.

Greg Lester – read Kris Leslie Curtis letter addressed to the PZHAC (attached).

Susan Krueger – membership of ad hoc committee was mostly by people with STR owners. Members of this committee were making comments and do not know other sections of our code prohibit short-term rentals.

Mary Lucero – also part of the ad hoc committee. Understands that people need supplement income but, doesn't feel there should be a saturation of STR. It is an infringement of her life/safety. The 200 ft being proposed in residential area should be 500 ft, measured from property line.

Nora Barraza – concerns on proposed draft, section A(2) – if STR are not commercial, why are they having to pay GRT? In her opinion, they are commercial. Concern also under section (C), no cap limit on. What does that mean? Also, section 18.20, under permitted uses states guest house should not be rented. Is struck out. Also, 18.30.020(C). needs explanation. Section

18.25.020, again have no idea what that means. Need to be clarified. You can cap STR on any zone.

Trina Witter – are STR are not business as per NM Appeals Court has determined it to be use of residential property. Most STR in Mesilla are owned by local residents and not online platforms as many think. Also misconception that it causes a housing issue. Read an El Paso STR Alliance article stating other factors affecting housing issues not STR. STRs bring tourism into the community, creating jobs, revenue and local jobs such as landscaping companies.

Dasa Bausova – thank ad hoc committee, member. Difficult understanding such stringent ordinance and fees. All local businesses and STR will suffer from this. Why is a permit fee necessary on top of the regular business license \$35. Other comparable communities don't charge nearly close to it, some don't even charge. Updating a business should be encouraged and rewarded and not charged the \$10 listed.

Pat Taylor – area requirement in the HR zone. How does 80 feet requirement for a required lot size fit in with this proposed ordinance distant requirement. Also, stated the town having issues lately with "tweakers" in the area, not to be confused with STR renters. One of alternatives for a property owner to fix up their homes is to have a STR. It takes money to upgrade the properties to meet the standards of historic preservation which everyone is passion about.

Mike Fitzgerald – not a Mesilla resident. Last decade have stayed in the area using STR in Mesilla. Were instrumental in making a decision to build our home here.

Commissioner Mulvihill – asked if this ordinance being proposed going to override our current ordinance in the rural farm and residential agriculture. Also, Mesilla not getting our Lodger's tax money. Lastly, what is going to happen to the unregistered STR right now.

Madam Chair Lucero – proposed a postponement of making a decision by commission. Too many questions to answer.

4. **ADJOURNMENT** – meeting adjourned at 5:53pm.

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY-OCTOBER 21, 2024, FOLLOWING AFTER HEARING
APPROXIMATELY 6PM.**

ATTENDEES

COMMISSIONERS YOLANDA LUCERO – CHAIR
ERIC WALKINSHAW – VICE CHAIR
LORI MILLER – SECRETARY
ERIC GALLEGOS
KRISTINA ALBA

STAFF EDDIE SALAZAR – COMMUNITY & ECONOMIC DIRECTOR (CED)

PUBLIC

NORA BARRAZA
TRINA WITTER
RAFAEL GECK

MARY HELEN RATJE

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL AND DETERMINATION OF A QUORUM**

Commissioner Gallegos – present
Commissioner Miller – present
Madam Chair Lucero – present
Commissioner Alba - present
Commissioner Walkinshaw – present
Commissioner Mulvihill (alternate) – present

3. **CHANGES / APPROVAL OF AGENDA**

CED Salazar – requested case number 061910 be removed from action and consideration of the agenda. Did not receive all the required documentation for submittal.

1st motion to approve agenda w/condition to remove case #061910 made by Commissioner Miller
2nd motion to approve agenda w/condition made by Commissioner Gallegos

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Lucero – yes
Commissioner Alba - yes
Commissioner Walkinshaw – yes

Approved 5 – 0.

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.

Trina Witter – double standards for STR compared to other businesses. The 200 ft requirement, the caps placed in HR and Residential areas and fees. Other businesses do not pay other than the \$35 per year.

Dasa Bausova – reviewed make up of ad hoc committee, 3 STR owners, 1 business owner, and the rest were residents.

Nora Barraza – wondering if the process for new Commissioner Alba was followed and was it approved by the BOT. The other comment was thanking the ad hoc committee on working on the draft but, it seemed there was still a lot of work to do as during the hearing there were a lot of members testify against certain sections of the draft. Confused why they are coming forth now and not during the ad hoc committee. Request it be postponed and have ad hoc committee regroup and hash concerns.

There were questions during the hearing that required a lot of answers and research, and I don't feel those questions could be answered tonight. Another reason why is that I recommend postponement of consideration to approve draft.

Case number 061823 is back on the agenda since the commission has already taken a vote on this. An appeal should be taken to BOT. Questioned if politics are being played. The commission proposed sending it back to the BOT.

Ralph Geck – STR needs to be read very carefully. Case number 061823 needs to be removed from the agenda and not be considered again if possible.

Madam Chair Lucero – requested due to new commissioner on the commission Mr. Gecks explain his position on STR.

Ralph Geck – opposes new structures be build for the purpose of short-term rentals. No issues with having STR in existing buildings.

Pat Taylor – believes if a case is denied, applicant has to wait a year for it to be brought back if it is the same case.

Mary Helen Ratje – is thankful the ad hoc worked good together but came to a consensus. Those people running STR unregistered should not be penalized.

Catherine Walkinshaw – the committee was 50% STR owners and 50% residents and business owners. All came to as close to an agreement as possible but as citizens, we all have the right to voice our concerns.

Mary Lucero – a business is a business, so if there are STR owners unregistered, they need to be held accountable. Anyone having a business should know it is required to have a business license. Like to minimize the amount of STR, don't feel safe in our own home.

Armijo wants to build an STR on a historical site. Don't understand why it is coming back. Possibly favoritism.

Winery in the minutes, being proposed to be in the RF zone. It has nothing to do with a cottage industry.

Jeff McBride – business license 1275 name of construction company is not on agenda. Concern for transparency packets are not being posted online for public to review and know. Is sure it is a mistake but could be construed as hiding something. Recent construction company caused a fire in one our residences, not sure if it is true but heard.

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:** September 16, 2024, Regular Meeting Minutes
- b. ***PZHAC MINUTES:** September 30, 2024, Winery Proposal Minutes (work session).
- c. ***BUSINESS LIC#1274** – 2488 Calle de Guadalupe, submitted by Silver Sol Massage Co. Requesting approval for a business license. ZONE: Historical Commercial (HC).
- d. ***BUSINESS LIC #1275** – 6460 Vista Valley Trail, Las Cruces NM 88007. Requesting approval for a business license to perform construction work in town.

1st motion to approve agenda w/condition to remove case #061910 made by Commissioner Gallegos

2nd motion to approve agenda w/condition made by Commissioner Alba

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0, with changes proposed by Madam Chair on minutes for Sept. 16 minutes.

6. ACTION AND CONSIDERATION

- a. **NEW PZHAC COMMISSIONER** – Introduce Kristina Alba, to fill vacant commission seat after Davie Salas resigning.
- b. **PZHAC VICE-CHAIR & SECRETARY** - vote for one of the commissioners to assume the responsibility of the commission’s vice-chairperson & one to be secretary.
- c.

Commission unanimously voted Commissioner Walkinshaw as vice-chair and Commissioner Miller as secretary.

- d. **SHORT-TERM RENTAL DRAFT ORDINANCE** – commission to discuss and vote on STR ordinance heard during hearing. Approval is for recommendation to the Board of Trustees.

1st motion to approve by Commissioner Walkinshaw

2nd motion to approve made by Commissioner Gallegos

CED Salazar – clarified the 200 ft requirement between short-term rentals, measured from the edge of the property line. Density of STR in one particular area was the concern behind this section. All current STR in operation will not be required to be 200 ft from other existing STR.

After BOT approves and adopts the ordinance, there will be 45 days of grace period for all unregistered STR to come into compliance.

Commissioner Gallegos – how did we come up with the 200 feet requirement.

CED Salazar – HR/R1 lots minimum requirement width is 80 feet of frontage road. Ad hoc committee came to an agreement that 200 feet equates to an STR approximately every 3rd or 4th house.

Commissioner Walkinshaw – agree with some comments that the 200 feet be measured from center of the property.

Commissioner Miller – concerned why STR should pay \$100 more a year and considered to be potential nuisance. A bar would have more potential than an STR. Also, fire inspections, why are STR being singled out. Other businesses are not required to be fire inspected.

Amend first motion to postpone amended by Commissioner Walkinshaw

Second motion to postpone made by Commissioner Gallegos

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0

- e. **PZHAC CASE #061823** – 2450 Calle de Principal, submitted by Feliz Armijo. Requesting approval to construct a 30’ x 36’ structure on the property for the purpose of operating 2 short-term rental units. This case decision by PZHAC appealed to BOT. BOT

decision was to have case reheard by PZHAC and have full commission vote as to avoid having a 2-2 vote. ZONE: Historical Commercial (HC).

Madam Chair Lucero – concerned case back from the BOT after the case had been heard by commissioner. Asked for explanation.

CED Salazar – case was submitted to BOT, where the BOT voted to send back to commission for a revote/review since motion did not pass with a 2-2 vote.

Madam Chair Lucero – stated is sure that the BOT has the right to send it back but wants legal opinion from an attorney or Municipal League. Not once have we had a vote come back for a revote.

1st motion to postpone case for legal review and same commissioner to vote on this case if it does come back to PZHAC made by Chair Lucero

2nd motion to approve made by Commissioner Alba.

Commissioner Gallegos – yes

Commissioner Miller – no

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – no

Approved to postpone case until legal review by an attorney and/or Municipal League. 3 – 2.

- f. **PZHAC CASE #061898** – 1996 Calle de Santiago, submitted by David Ray Rosales. Requesting approval to renovate front ornamental iron entrance gate. ZONE: Historical Commercial (HC).

1st motion to approve made by Commissioner Walkinshaw

2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0.

- g. **PZHAC CASE #061899** – 2196 Calle del Norte, submitted by Fernando Caro. Requesting approval to install solar panels. ZONE: Historical Residential

1st motion to approve made by Commissioner Miller

2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0.

- h. PZHAC SIGN #061900** – 2488 Calle de Guadalupe, submitted by Silver Sol Massage Co. Requesting approval to place a custom sign at the entrance of her business. ZONE: Historical Commercial (HC).

1st motion to approve made by Commissioner Gallegos

2nd motion to approve made by Commissioner Walkinshaw

Commissioner Walkinshaw stated , MTC 18.65.220- each business is permitted to have one sign and a space on a directory sign when there is more than one business per building. The owner of the property would need to be contacted and advised to make a directory sign as needed per code.

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0, with condition only one sign is used for each building on same structure. A directory will need to replace one of two signs already approved for that location.

- i. PZHAC CASE #061901** – 2908 Snow Rd, submitted by Benjamin L Carter. Requesting approval to erect a 40’ x 60’ metal building on property. ZONE: RF

1st motion to approve made by Commissioner Gallegos

2nd motion to approve made by Commissioner Walkinshaw

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0

- j. PZHAC CASE #061903** – 2812 Ermindia St, submitted by Collin & Mindy Leary. Requesting approval to move the bathroom window up by two feet. ZONE: Historical Residential (HR).

1st motion to approve made by Commissioner Miller

2nd motion to approve made by Commissioner Gallegos

Commissioner Gallegos – yes

Commissioner Miller – yes

Madam Chair Lucero – yes

Commissioner Alba - yes

Commissioner Walkinshaw – yes

Approved 5 – 0

- k. PZHAC CASE #061904** – 2315 Calle Jon Guerra, submitted by Reynaldo Garcia. Requesting approval to construct a unattached garage on property. ZONE: Historical Residential (HR).

1st motion to approve made by Commissioner Gallegos
2nd motion to approve made by Commissioner Walkinshaw

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Lucero – yes
Commissioner Alba - yes
Commissioner Walkinshaw – yes

Approved 5 – 0

- i. PZHAC CASE #061905** – 2060 Calle de Parian, submitted by Greene Street Holding NM LLC. Requesting approval of wall sign next to the front entrance of their business. ZONE: Historical Commercial (HC).

1st motion to approve made by Commissioner Miller
2nd motion to approve made by Commissioner Walkinshaw

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Lucero – yes
Commissioner Alba - yes
Commissioner Walkinshaw – yes

Approved 5 – 0

- m. PZHAC SIGN #061906** – 2060 Calle de Parian, submitted by Greene Street Holding NM LLC. Requesting approval of a projection sign next to the front entrance. ZONE: Historical Commercial (HC).

1st motion to approve made by Commissioner Gallegos
2nd motion to approve made by Commissioner Miller

Commissioner Gallegos – yes
Commissioner Miller – yes
Madam Chair Lucero – yes
Commissioner Alba - yes
Commissioner Walkinshaw – yes

Approved 5 – 0

- n. PZHAC CASE #061910** – 1945 Calle Pacana, submitted by Patrick Michael Fitzgerald & Colleen Boyd. Requesting approval to construct their primary residence. ZONE: Historical Residential (HR).

CED Salazar – removed this case from agenda during changes/approval of agenda #3 on agenda.

7. COMMISSIONERS / STAFF COMMENTS

CED Salazar – BOT practice a recommendation by NM Municipal League anyone that recuses themselves from a case or hearing, they will need to step out of the room until case/hearing is done.

Madam Chair Lucero – any new or old commissioners should base their considerations on our current code. Also attendance is important, if we can know what is acceptable. More training is another concern for our commission.

8. ADJOURNMENT - @ 7:44PM


Yolanda Lucero – PZHAC Chair


Gloria Maya – Town Clerk/Treasurer



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 **10/18/2024** 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 – 22e. 53 Calle de Parian; Mesilla website

<https://www.mesillanm.gov/minutes-agendas/>