



# Town of Mesilla, New Mexico

**THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS  
COMMISSION (PZHAC) SCHEDULED A WORK SESSION AT MESILLA  
TOWN HALL, 2231 AVENIDA DE MESILLA. WEDNESDAY  
- NOVEMBER 6, 2024 @ 5PM.**

## **REVIEW SHORT-TERM RENTAL DRAFT ORDINANCE BEING PROPOSED TO ADOPT INTO MESILLA TOWN CODE.**

**COMMISSIONERS – Chairperson Yolanda Lucero  
Vice-Chair Eric Walkinshaw  
Secretary Lori Miller  
Commissioner Gallegos  
Commissioner Alba**

**STAFF - Community & Economic Development - Eddie Salazar**

**PUBLIC - Catherine Walkinshaw  
Trina Witter  
Dasa Bausova  
Andrea Bryan  
Greg Lester  
Mary F Lucero  
Mary H Ratje**

Work session was scheduled to discuss some comments and concerns during our PZHAC short-term rental draft ordinance hearing, October 21<sup>st</sup>, 2024.

CED Salazar – wrote down all comments mentioned during the hearing and addressed them one at a time.

Clarification for 200 ft is to try to control the density of STR in a particular area. The 200 ft is being proposed to be measured from the edge of the property line.

State of NM has very little laws governing STRs. It is pretty much up to each municipality to regulate them. A concern for setting distance requirements or caps on STRs is a violation of owner's property rights.

Other municipalities throughout NM regulate STR permit amounts. Whether by max amount of permits allowed to distance requirements. Mesilla's attorney will review our ordinance before it is codified.

All unregistered STR owners will have an opportunity to come into compliance when the ordinance is adopted, 45 days is typically the standard days give. A certified letter will be sent to each unregistered owner.

Rural Farm guest house section of the code should change to reflect use as a rental short or long.

Letter read during public comment from the president of a short-term rental association could be considered to be a bias opinion promoting STRs.

There was a comment by a resident to increase the distance requirement of 200 ft.

NM Appeals court had a ruling operating a STR on your property is residential use of the property.

Concern there are no caps on commercial or historical commercial zones for STRs. There are no caps for any other businesses, putting one on an STR would discriminate against the business.

Comment on STR fees too high. Fees should be just as any other businesses, \$35. Fees will be going into general funds.

Fire department doing inspections. Every business should have fire inspections.

Resident concern homeless and people not from the area, are being mistaken with STR tenants.

STRs assist homeowners to restore and repair their homes and structures.

HOA does not supersede Mesilla ordinances. HOA can be more stringent but not less.

Commissioner Walkinshaw – would like to amend section “A” under purpose to read; STRs provide a community benefit by expanding the number and type of lodging facilities available to visitors and provides financial support to the Town via lodger's tax, GRT, as well as income to the businesses that serve STR guests.

Page 2, item 2 under C Total Allowable STR Permits, please have it read as: Existing short-term rentals that are currently permitted, their location will not be affected by the distance requirement after the adoption of this section and a 45-day grace period will be given for non-permitted STR owners to become compliant.

Also, in RF., RA, and R-1 that addresses Guest houses that all can be used for either long or short term rental.

Proposed to include STR permit with business license and only pay one fee.

**THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS  
COMMISSION (PZHAC) SCHEDULED A SPECIAL MEETING AT  
MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA. WEDNESDAY  
- NOVEMBER 6, 2024, FOLLOWING WORK SESSION  
APPROXIMATELY 6PM.**

COMMISSIONERS – Chairperson Yolanda Lucero  
Vice-Chair Eric Walkinshaw  
Secretary Lori Miller  
Commissioner Gallegos  
Commissioner Alba

STAFF - Community & Economic Development - Eddie Salazar

PUBLIC - Catherine Walkinshaw  
Trina Witter  
Terry Melendez  
Andrea Bryan  
Greg Lester  
Mary F Lucero  
Mary H Ratje  
Susan Krueger

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

Chairperson Yolanda Lucero	present
Vice-Chair Eric Walkinshaw	present
Secretary Lori Miller	present
Commissioner Gallegos	present
Commissioner Alba	present

Quorum 5 – 0.

**3. 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](mailto:clerktreasurer@mesillanm.gov) at least seventy-two (72) hours prior to the meeting.*

CED Salazar- two Mesilla Residents sent emails commenting on our STR draft, Catherine Walkinshaw and Mary F Lucero. (see attached for details)

Terry Melendez – are STR permits only for private owner or can businesses own them as well? Are there fire inspections prior to granting an STR permit? Is the ordinance going to be attached to the STR permit application and what changes will happen on the permit application?

Catherine Walkinshaw – concern about the 200 ft not allowing some of her neighbors to obtain a STR permit. Is glad to hear the 45-day grace period that will be implemented after adoption of the ordinance.

Albuquerque city council removed the distant requirement on STRs because it prohibited owners from making use of their properties.

Trina Witter – member of the ad hoc committee, approximately 50/50 in members. Support of 45 days grace periods. Opposes extra fees for having an STRs, no other businesses have this cost. Confusion on how to use your property on what zone you are in. It all depends on what zone but it all boils down to making use of your property.

Mary Lucero – STRs are in residential areas and should be required to pay extra for having a business in our neighborhood.

#### 4. ACTIONS AND CONSIDERATIONS

a. **SHORT-TERM RENTAL DRAFT ORDINANCE-** Commission consideration to recommend STR draft ordinance to the Board of Trustees. Understanding Board of Trustees will also schedule a work session(s) before hearing on 11/25/2024.

CED Salazar – answered some of the comments/questions from public comment. STR permits are available for anyone that owns property and wishes to make use of their property. Not allowing businesses or STR businesses to would be discriminating.

The application will have language of the changes and list requirements for operating an STR.

Fire department will be required to inspect before the new permit is issued. If STR is existing, it would be every 3 years.

1<sup>st</sup> motion to approve removing \$100 permit fee from STR licensing made by Commissioner Miller  
2<sup>nd</sup> motion made by Commissioner Walkinshaw

Chairperson Yolanda Lucero -	no
Vice-Chair Eric Walkinshaw -	yes
Secretary Lori Miller -	yes
Commissioner Gallegos -	no
Commissioner Alba -	no

Motion does not pass 2-3.

1<sup>st</sup> motion to remove \$10 fee for updating STR licensing made by Chairperson Lucero.  
2<sup>nd</sup> motion by Commissioner Gallegos

Chairperson Yolanda Lucero -	yes
Vice-Chair Eric Walkinshaw -	yes
Secretary Lori Miller -	yes
Commissioner Gallegos -	yes
Commissioner Alba -	yes

Approved 5 – 0.

1<sup>st</sup> motion to approve STR draft with the removal of license update fee and to include the additional language proposed during the work session.

- Chairperson Yolanda Lucero - yes
- Vice-Chair Eric Walkinshaw - yes
- Secretary Lori Miller - yes
- Commissioner Gallegos - yes
- Commissioner Alba - yes

Approved 5 – 0.

Meeting adjourned at 7:25pm

  
Yolanda Lucero  
Chairperson

  
Gloria Maya  
Town Clerk/Treasurer



