



**BOARD OF TRUSTEES
TOWN OF MESILLA
PUBLIC HEARING
THURSDAY, APRIL 23, 2020
10:30 A.M.**

VIA TELECONFERENCE 1-346-248-7799

TRUSTEES: Nora L. Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Jesus Caro, Trustee (absent)
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Larry Shannon, Community Development Coordinator

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Garcia, Trustee Johnson-Burick.

**3. PUBLIC HEARING & FIRST READING: ORDINANCE 2020-02 REVISING
CHAPTER 18.35 HISTORIC RESIDENTIAL ZONE.**

Ms. Stoechner-Hernandez read correspondence submitted; **see attached.**

Closed Public Hearing at 11:35 a.m.

Mr. Shannon recommended changing the verbiage in 18.35.040 to read “a maximum of 40% impervious will be allowed on the property”; that is inclusive all structures.

Trustee Garcia asked if the square footage was changed in 18.35.074 to read 8,000 square feet.

Mayor Barraza responded the trustees did recommend changing it to 8,000 square feet.

Trustee Garcia asked if that should have been a cross-out on the draft.

Ms. Stoechner-Hernandez responded I will show the strikeout on the next version.

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2 Trustee Garcia asked what the next step after the first reading will be.

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4 Mayor Barraza responded she would like the first reading at the April 27th meeting and
5 approval at the May 11th meeting. We would then be able to lift the moratorium and allow
6 applicants to move forward with their permits.

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8 Trustee Garcia asked if we could lift the moratorium so the applicants that have been waiting
9 can proceed and then place the moratorium back until we vote on this.

10
11 Mayor Barraza responded if we lift the moratorium, we are opening the door for anyone to
12 come forth with an application which we cannot deny. We have been working on this ordinance
13 for 6 months. The public has had an opportunity to provide input and we have not received any
14 new input. We need to move forward to allow construction in our community. Revisions can
15 be made if things do not seem right.

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17 Trustee Garcia asked if we are going to consider public input.

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19 Mayor Barraza stated we have taken comments into consideration. The main thing being
20 brought forward is the property that has been in the family for generations; that may change
21 through the years.

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23 Trustee Garcia stated everything is grandfathered in until the property is sold.

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25 Mayor Barraza stated she does not see it written like that. Eventually everything needs to
26 conform to the ordinance.

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28 Mayor Pro Tem Arzabal stated the Cadena's would need to comply to new ordinance.

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30 Mayor Barraza stated her question is the property going to be used for family members or will
31 it be used as a rental property.

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33 Mayor Pro Tem Arzabal asked if the applicants that are on hold gone through Planning and
34 Zoning.

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36 Mayor Barraza responded no.

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38 Trustee Johnson-Burick recommends having something in the ordinance regarding
39 grandfathered in. She would like a draft that shows the strikeouts.

40
41 Mayor Barraza stated has seen casitas become Airbnb. We are destroying how and what
42 Mesilla is. There is no guarantee property will stay in the families. The first reading will be on
43 the agenda for the April 27th meeting and approval at the May 11th meeting.

44
45 Trustee Garcia requested the draft online.

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47 Ms. Stoechner-Hernandez responded it will be online once she completes it.

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1 Mayor Barraza stated public input will be put into record.

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3 **4. ADJOURNMENT**

4 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes=3)**

5 **MEETING ADJOURNED AT 11:29 A.M.**

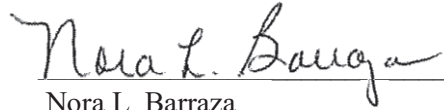
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7 **APPROVED THIS 11TH DAY OF MAY, 2020.**

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Nora L. Barraza
Mayor

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16 **ATTEST:**

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Cynthia Stoechner-Hernandez
Town Clerk/Treasurer

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Cynthia Stoechner-Hernandez

From: Albert Taylor <apataylor@comcast.net>
Sent: Thursday, April 23, 2020 6:38 AM
To: cynthias-h@mesillanm.gov
Cc: Albert Patrick Taylor
Subject: Re: HR ordinance

Cynthia, Thank you

BOT Historical Residential Draft Ordinance 04/22/20
Public Comments

In reference to the public hearing regarding the Historic Residential zone ordinance I wanted to add another point of concern. I would hope that you take into consideration property that has been family owned for decades that would be impacted by the revised ordinance in terms of doubling the square foot area per family unit. Like yourself, I am concerned about those who would buy lots and build out to maximize development creating heavier density than their development zone and the resulting negative impact on their neighbors. I agree with the revised square footage approach in order to minimize this impact but families who have owned property for years looking to leave it to their children or to build on it for their children would obviously be impacted. Does the Town know how many lots there are that would be impacted and their size? Again, I would agree with the draft ordinance intent but would worry about those families impacted. I'm not sure if its still in the ordinance but we have a section called "Area requirements deemed met" that allows for the grandfathering in or continuation of pre existing instances prior to the ordinances or updated ordinances.

If you could clarify another point in 18.35.0740. B., "A 40% impervious and 60% pervious shall be required...". I'm assuming that refers to the whole property? There are some who raise animals or a garden, which are allowed in the ordinance, who would be impacted and would not be able to pursue those given the 40% impervious and 60% pervious requirements depending on their lot layout.

Thank you,

Pat Taylor, Mesilla

Cynthia Stoechner-Hernandez

From: Micaela Cadena <micaela.cadena@gmail.com>
Sent: Thursday, April 23, 2020 9:14 AM
To: Cynthia Stoechner-Hernandez
Cc: Nora L. Barraza; Stephanie Johnson-Burick; veronicag@mesillanm.gov; lucasa@mesillanm.gov; jesuscc@mesillanm.gov
Subject: Public Comment on proposed amendments to 18.35

Good morning-

As a concerned Mesilla resident, I would suggest that you leave the current language in Chapter 18.35.07 Section A (Lot Area) as is, and in Section B (Population Density) only make the following edits:

*B. Population Density. When lots or parcels in the H-R zone are to be developed to **single family** or **multiple single family** ~~mutlifamily~~ dwellings, each lot or parcel shall have sufficient area to provide 4,000 square feet of area for each family unit to be erected.*

By making this compromise, our residents and property owners will retain their current rights to build a unit per 4,000 square feet, while you clarify that these units CANNOT be built as attached apartments. You will need to make sure language is aligned in the 18.35.20 Uses permitted section as well.

On the new language as drafted for 18.35.07 Section C, I'd suggest inserting a line to capture the intention of establishing new development standards for properties purchased AFTER the moratorium, like:

"For all properties purchased in the Historic Residential zone after May 1, 2020"

C. New Construction. "For all properties purchased in the Historic Residential zone after May 1, 2020," new structures and modifications to existing structures may be built in this zone providing the exterior appearance of the structure is approved by the PZHAC for compliance with Chapter 18.33 (Historic Preservation) MTC and the Comprehensive Land Use Ordinance for the Town, with final approval by the BOT. [Ord. 94-06 § 1; prior code § 11-2-11.4.D]1. New structures on properties containing existing structures shall be architecturally similar to the principal dwelling or structure on the property and shall not exceed the height or size of the principal dwelling or structure on the property. 2. If a property is undeveloped, any new structure shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent to the property and shall not exceed 15 feet including parapet, or the height of the highest dwelling or structure on an adjacent property in the development zone, whichever is lower. The height of chimneys is to meet building code, but not be higher than 17 feet.

By making this compromise, our residents and property owners will retain their current rights to build a unit per 4,000 square feet, AND anyone purchasing property in Historic

Residential zone moving forward will know about the new development standards and make their decisions accordingly.

It seems that in both of these compromises you will accomplish what seems to be your goal, eliminating the development of apartments in Mesilla. I support your intentions and the proposed amendments offered in the other sections of 18.35.

Related questions:

How many vacant or partially developed properties within Historic Residential zone would these proposed amendments impact? In the 2004 Comprehensive Plan Zoning Analysis there were approximately 85 vacant lots within the Historic Residential zone, what are the updated figures?

What communication has the Town had with residents and property owners about eliminating their currently held development rights?

If these compromises are not made, is the Town willing to purchase development rights at a fair market value from property owners who will be negatively impacted by these proposed amendments? Purchasing development rights is listed as a potential Agricultural Land Preservation Tool in the 2004 Comprehensive plan.

Much appreciation for your consideration-

Micaela Lara Cadena
575.644.5830

Cynthia Stoechner-Hernandez

From: Davie Salas <daviesalas@comcast.net>
Sent: Thursday, April 23, 2020 9:19 AM
To: cynthias-h@mesillanm.gov
Subject: BOT Comments: Davie Salas

Cynthia,

I would like to re-submit the first two points from my previous comments

1. The BOT should possibly consider case by case new construction while the moratorium is in place (if possible), depending on what is being proposed. If what is being proposed does not have any consequences on items in the ordinance that are possibly going to change, then it makes no sense to hold those projects up.
2. I strongly suggest that you wait on proceeding with the reading regarding the Historical Residential Ordinance change. I feel it is too important not to conduct such an important decision in this manner regarding the issues that so many people care about. I feel the BOT should wait until people can meet in a forum more appropriate.

In the meantime, I might ask the board to reflect on what kind of community Mesilla believes it is trying to maintain or create, especially in regards to the "multi-family" or rental aspect of the ordinances? Many negative comments have been made over the past few years about this issue, but only by a few people in reality. So my question is, what is the true concern:

1. Does Mesilla not like "people" who rent in general? Does Mesilla simply believe all renters are not capable of being good residents of the community? If so, this is a blatant discriminatory position to take.

OR

2. Does Mesilla not want to provide the opportunity for different housing choices to people in general? If so, then this is unfair housing practice in my opinion and provides little diversity for this community. This not only eliminates opportunity for lower income members, but at the same time, eliminates this opportunity for younger middle income individuals or families in our public sector such as teachers, city employees, etc. who may not yet be in a position to buy a home. Additionally, Mesilla will be taking a position to eliminate opportunities for our military personnel who need to rent, students, seasonal residents to name a few.

OR

3. Does Mesilla simply not like structures that give the appearance of a multi-family dwelling or rental structure for example a duplex/triplex, more than one structure in proximity to another. Is this an aesthetic opinion about what looks good or doesn't look good structurally?

OR

4. Does Mesilla have a concrete logistical rationale for its support or non-support for diversity in its housing plan for its community long-term?

Thank You

Davie Salas

Cynthia Stoechner-Hernandez

From: Patrick A. Vigil <vicaoneinc@aol.com>
Sent: Thursday, April 23, 2020 8:32 AM
To: cynthias-h@mesillanm.gov
Cc: johnsonb@outlook.com; johnsonb; lucasarzabal@hotmail.com; lucasarzabal; jesuscaro49@yahoo.com; jesuscaro49; vsg0206@yahoo.com; vsg0206; CcNoraL.Barrazamayor@mesillanm.gov
Subject: HR Amendment 1

Ms. Stoechner-Hernandez,

Good morning.

I am a general contractor. I have two projects that were submitted back in January of this year. I am anxiously waiting for this moratorium to come to an end.

Both my projects pending are single family residences.

1. Calle Pacana--for Charles and Marilyn McMurray
2. 2445 Calle de Santa Ana

I have built 4 new homes in Mesilla from 2017 to present. I am about to complete the fifth one. In the mid 90's to 2000 I built 5 in the area.

All my projects have adhered to or exceeded the set back requirements that are presented in HR Amendment 1.

The height requirements presented in HR Amendment 1 were met in all previous projects except for one that was a two-story built on a five acre lot north of Calle Del Norte.

I feel I have always met the design criteria for building within the historical district. All except for 2 have been "New Mexico Pueblo". The house in 2017 was a "Territorial" and the two story in 1999 was what I would call "Contemporary Mediterranean".

I have drawn and designed all my projects in conjunction with my clients, and have always submitted input and ideas that call for adhering to the Historical Styles of New Mexico-(even outside of historical districts).

At this point I only have one concern or question...**what about existing platted lots?**

The project I have pending on 2445 Calle De Santa Ana--has a front of 69' 5" and total area of 4,172 sq'.. but the proposed single dwelling meets or exceed all setback and design criteria presented in the amendment. It does meet the 40-60 ratio.. with total impervious presented @ 30%.

As a designer and builder, I have no issues with the criteria presented in the amendment. My only question has to do with the smaller lots that exist.

I personally would like to see the moratorium come to a conclusion ASAP. My clients for the Calle Pacana residence are in a situation where it is costing them more than they had planned . They have written to you and the board.

Thank you.

Patrick A. Vigil
ViCa One Inc.

