



****FOR THE HEALTH & SAFETY OF ALL PUBLIC,
MASKS ARE REQUIRED TO ENTER THE PUBLIC MEETING****

THE BOARD OF TRUSTEES (BOT) AND THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION WILL HOLD A JOINT WORK SESSION ON MONDAY, DECEMBER 27, 2021, AT 5:00 P.M., AT THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA AND VIA TELECONFERENCE OR ZOOM 1-346-248-7799, MEETING ID 983-7900-0389 PASSWORD 971704.

1. Discussion on ordinance 2021-02 Establishing Zoning and Other Regulations for Cannabis.

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA WILL HOLD A REGULAR MEETING ON MONDAY, DECEMBER 27, 2021, AT 6:00 P.M., AT THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA AND VIA TELECONFERENCE OR ZOOM 1-346-248-7799, MEETING ID 983-7900-0389 PASSWORD 971704.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. PRESENTATIONS:
 - a) Presentation to Trustee Caro and Trustee Arzabal for their many years of dedicated service to the Town of Mesilla. – **Nora L. Barraza, Mayor.**
5. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.
Space is limited and may require persons giving public input IN PERSON to rotate if capacity of the room is exceeded.
6. APPROVAL OF CONSENT AGENDA: (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)
 - a) *BOT MINUTES – Minutes of a work session and regular meeting December 13, 2021.
 - b) *PZHAC CASE #061306 – 2651 Calle de Guadalupe, submitted by Carmen Soltero for the installation of a brick sidewalk at the west side of the house on the Guadalupe Side. **Zoned: Historic Residential (HR).**
 - c) *PZHAC Case #061313 – 2581 Calle de Cura, submitted by Gary and Laura Ramsey, to remove rock wall and replace with corrugated metal/wooden fence with metal posts, landscaping, and new gate. **Zoned: Historic Residential (HR).**
 - d) *PZHAC CASE #061308 – 2385 Calle de Guadalupe #2, Wild West Express-O sign to be updated. **Zoned: Historic Commercial (HC).**
 - e) *PZHAC CASE #061311 – 1937 Calle de Parian, a sign permit for a second location for TruArt of the Earth. **Zoned: Historic Commercial (HC).**
 - f) *PZHAC CASE #061314 w/Conditions – Corner of Avenida de Mesilla and Calle de Alvarez, artwork to be approved for the sign approved by Variance in 2019. **Zoned: Commercial (C).**
7. CLOSED SESSION – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters concerning hiring in the Finance and Public Works Departments. – **Board of Trustees.**
8. STATEMENT REGARDING CLOSED SESSION AND ROLL CALL VOTE – discussion during the closed session was limited to personnel matters in the Finance and Public Works Departments pursuant to NMSA 1978 Chapter 10-15-1(H)(2). – **Board of Trustees.**

9. **ACTION ON ITEMS FROM CLOSED SESSION** – the board may act on items discussed in closed session limited to personnel matters in the Finance and Public Works Departments pursuant to NMSA 1978 Chapter 10-15-1(H)(2). – **Board of Trustees.**
10. **BOARD OF TRUSTEE COMMITTEE REPORTS**
11. **BOARD OF TRUSTEE/STAFF COMMENTS**
12. **ADJOURNMENT**

NOTICE:

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 12/22/2021 online and at the following locations: Town Clerk's Office 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, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.

Ordinance 2021-02: Establishing Zoning and Other Regulations for Cannabis

WHEREAS, New Mexico Governor Michelle Lujan Grisham signed House Bill 2 (HB 2) on April 12, 2021, which passed the House 38-32 and the Senate 22-15 during a special legislative session called by the governor, and contains provisions authorizing the possession, consumption, purchase, processing, manufacturing ~~or and~~ transporting of cannabis ~~by an individuals~~ who ~~is are~~ at least twenty-one (21) years of age; ~~authorizing possession, transport, cultivation or processing of cannabis plants in a primary residence by adults age 21 years and older; allowing a certain medical cannabis plants in a primary residence by adults age 21 years and older; allowing a certain medical cannabis dispensary or other non dispensary applicant to apply to the Department of Health Services (the "Department") to become a licensed cannabis establishment authorized to engage in the retail sale, cultivation, and manufacturing of cannabis; and allowing the Department, or another entity designated by the Department, to become a cannabis testing facility to test the potency of cannabis and detect any harmful contaminants, and~~

WHEREAS, the New Mexico Cannabis Regulation Act (NMCRA) has authorized a variety of uses related to the legalization of medical and recreational commercial cannabis activities, which legalization has the potential to greatly expand the legal cannabis market; and

WHEREAS, Cannabis is an intoxicating substance, making it appropriate to regulate the hours during which cannabis products may be sold and the areas in which cannabis products may be consumed; and

WHEREAS, the smoking of cannabis products may create health risks due to exposure to secondhand smoke and vaporized cannabis concentrates; and

WHEREAS, Cannabis cultivation, production, and manufacturing creates strong odors, can involve the use of significant amounts of energy and water, and requires security and other measures to reduce the risk of theft or other diversion to the illegal cannabis market, including possession and use by persons under the age of twenty-one; and

WHEREAS, the ~~Act~~ NMCRA empowers the Town of Mesilla to adopt time, place and manner rules relating to cannabis use and operations so long as they are not inconsistent with the ~~Act~~ NMCRA or the Dee Johnson Clean Indoor Air Act; and

WHEREAS, this ordinance is subject to change or amendment as the ~~New Mexico Cannabis Regulation Act ("CRA")'s rules and regulations~~ applicable state law and regulations are ~~revised~~, amended, and adopted, and it shall comply with NMCRA and ~~its~~ the regulations adopted by the Cannabis Control Division of the New Mexico Department of Regulation & Licensing.

NOW THEREFORE, BE IT ORDAINED by the Governing body of the Town of Mesilla that:

SECTION 1. Purpose

This Ordinance is adopted to protect the health, safety, and welfare of the community. Except as allowed by NMCRA and its pertinent laws or regulations for personal or private use, the Town of Mesilla enacts reasonable regulations and requires compliance with the NMCRA and its pertinent laws or regulations.

SECTION 2.

1. Definitions

- a) "Adjacent grounds" means all areas that ~~the a cannabis~~ licensee has an exclusive right to possess by virtue of his or her ownership or lease, which are outside the enclosed licensed premises, but adjacent and contiguous to the licensed premises, including but not limited to porches, patios, decks, entryways, lawns, parking lots, and similar areas and all fixed and portable things in those areas, including but not limited to lights, signs, speakers, and security devices.
- ~~b) "Approve a business license" means to find that the requirements for a license have been met but does not give the applicant the right to operate a cannabis establishment in the Town until the license is issued. This standard applies even where the applicant has already obtained a State of New Mexico cannabis license.~~
- ~~e)b)~~ "Character and record" includes all aspects of a person's character and public record, including but not limited to ~~moral character~~, criminal record, serious traffic offenses, record of previous sanctions against liquor licenses, gambling licenses, or cannabis licenses, which the person owned, in whole or in part, or in which the person served as a principal, manager, or employee; education, training, experience, civil judgments, ~~truthfulness, honesty~~, and financial responsibility.
- ~~e)c)~~ "Cannabis" means all parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin; and does not include:
 - i. the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative,

Commented [j1]: I would define what constitutes a "serious" traffic offense to avoid confusion.

Commented [csh2R1]: Defined below now

- mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
- ii. the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink, or another product.

For the purpose of this Ordinance, the term “cannabis” ~~includes both recreational and medical cannabis and all related cannabis derived products, and medical cannabis are interchangeable.~~

~~e)d)~~ “cannabis consumption area” means an area where cannabis products may be served and consumed;

~~f)e)~~ “Cannabis courier” means a person that transports cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.

~~g)f)~~ “Cannabis establishment” means:

- a. A single retail location where the licensee may sell ~~marijuanacannabis~~ and ~~marijuanacannabis~~ infused products to consumers, including edibles. It includes both recreational and medical ~~marijuanacannabis~~.
- b. An offsite manufacturing and production facility at which the licensee may manufacture and produce ~~marijuanacannabis~~ and ~~marijuanacannabis~~ infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical ~~marijuanacannabis~~.
- c. A cultivation facility at which the licensee may grow or cultivate ~~marijuanacannabis~~ and ~~marijuanacannabis~~ infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical ~~marijuanacannabis~~.
- d. A combined retail, production, and manufacturing location where the licensee may produce and manufacture ~~marijuanacannabis~~ and ~~marijuanacannabis~~ infused products, including edibles, and sell these products to consumers at the same location. It includes both recreational and medical ~~marijuanacannabis~~.
- ~~e.) A combined retail, production, manufacturing, and cultivation/growing location, where the licensee may cultivate and grow marijuanacannabis, produce and manufacture marijuanacannabis, including marijuanacannabis infused products and edibles, and also sell these products to consumers at the same location. It includes both recreational and medical marijuanacannabis.~~

~~g)~~ “immature cannabis plant” means a cannabis plant that has no observable flowers or buds.

~~“Cannabis, immature plant” means the germination, seedling, and vegetative stages are~~

~~classified as immature cannabis plants and are excluded from a licensee's approved cannabis plant level.~~

- h) "Cannabis, mature plant" means a female cannabis plant in the flowering stage.
- ~~h) "cannabis manufacturer" means a person that: (1) manufactures cannabis products; (2) packages cannabis products; (3) has cannabis products tested by a cannabis testing laboratory; or (4) purchases, acquires, sells or transports wholesale cannabis products to other cannabis establishments; "Cannabis manufacturer" means a person that:~~
- ~~i. manufactures cannabis products.~~
 - ~~ii. packages cannabis products.~~
 - ~~iii. has cannabis products tested by a cannabis testing laboratory; or purchases, acquires, sells, or transports wholesale cannabis products to other cannabis establishments~~
 - ~~Class I: A licensee that only packages or repackages cannabis products, or labels or relabels the cannabis product container;~~
 - ~~Class II: A licensee that conducts Class I activities, and manufactures edible products or topical products using infusion processes, or other types of cannabis products other than extracts or concentrates, and does not conduct extractions;~~
 - ~~Class III: A licensee that conducts Class I and Class II activities, and extracts using mechanical methods or nonvolatile solvents; and~~
 - ~~Class IV: A licensee that conducts Class I, Class II, and Class III activities, and extracts using volatile solvents or supercritical CO₂.~~
- i) "Cannabis producer" means a person that:
- i. cultivates cannabis plants.
 - ii. has unprocessed cannabis products tested by a cannabis testing laboratory.
 - iii. transports unprocessed cannabis products only to other cannabis establishments; or
 - iv. sells cannabis products wholesale.
- j) "Cannabis producer microbusiness" means a cannabis producer at a single licensed premises that possesses no more than two hundred total mature cannabis plants at any one time.
- k) "Cannabis product" means a product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients.

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- l) “Cannabis research laboratory” means a facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics or uses.
- m) “Cannabis retailer” means a person that sells cannabis products to qualified patients, primary caregivers, or reciprocal participants or directly to consumers.
- n) “Cannabis testing laboratory” means a person that samples, collects, and tests cannabis products and transports cannabis products for the purpose of testing.
- o) “Complaint” means a document filed with the Town seeking sanctions against a cannabis business license.
- p) “Contiguous” means located within the same building as the cannabis establishment, located in a separate building on the same parcel of land as the cannabis establishment, or located in a separate building on a separate parcel of land that is adjacent to and shares at least fifty percent (50%) of a common lot line with the lot on which the cannabis establishment is located.
- q) “Daycare” means a facility required to be licensed by the State of New Mexico that provides care, services, and supervision for less than 24-hours a day to children.
- r) “Employee” means the licensee’s or proposed licensee’s employees, including both part time and full-time employees.
- s) “Harm” or “harmful to public health, safety or welfare” means any matter that adversely affects the health, safety, or welfare of any person or group of persons within the Town ~~or any adjacent community~~, including but not limited to matters related to crime, lighting, security, traffic, graffiti, litter, parking, and noise. ~~A showing of actual harm shall not be required and a showing of potential or threatened harm shall be sufficient.~~ Any violation of any criminal statute or ordinance is per se substantially harmful to public health, safety, and welfare, without any showing of actual or threatened harm. The mere possession, advertising, sale, cultivation, processing, smoking, or ingestion of cannabis or cannabis infused products, when performed lawfully, shall not in itself be considered harmful to public health, safety, and welfare.
- t) “Integrated cannabis microbusiness” means a person that is authorized to conduct one or more of the following:
 - i. production of cannabis at a single licensed premises, provided that the person shall not possess more than two hundred total mature cannabis plants at any one time.

- ii. manufacture of cannabis products at a single licensed premises.
 - iii. sales and transportation of only cannabis products produced or manufactured by that person.
 - iv. operation of only one retail establishment; and
 - v. couriering of cannabis products to qualified patients, primary caregivers, or reciprocal participants or directly to consumers.
- u) "public place" means a place to which the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation ~~"In public" means any area that the public may generally enter, including any business open to the public. The term includes the licensed premises and the adjacent grounds if the cannabis establishment has not also obtained a consumption license from the State of New Mexico. The term includes persons in motor vehicles located in a public place. It also includes property owned or leased by the Town, State or Federal government.~~
- v) "Issue a business license" means to finalize issue the Town's local license upon an applicant after a the applicant successfully obtains a license previous approval of the licenseto operate a cannabis business from the State of New Mexico. Granting of the local license shall be subject to the applicant's satisfactory compliance with the Town's application requirements, so long as such requirements are not inconsistent with applicable State law, and may or may not occur after approval of the license, depending on any completions, inspections, approvals, or conditions that the Town may require to be satisfied before issuance. ~~Issuance gives the licensee the ability to operate a cannabis facility within the Town boundaries, provided that the licensee also obtainsmaintains a proper valid license to operate a cannabis business from the State of New Mexico license.~~
- w) "License" under this Ordinance means a local business license issued by the Town of Mesilla for the sale, production, manufacturing, cultivation, or ~~distribution-transport~~ of cannabis or cannabis infused products.
- x) "Licensee" means the person or entity holding a local Town cannabis business license under this Article.
- y) "Licensed premises" means the area inside a building in which the cultivation, manufacture, processing, infusion, possession, weighing, display, packaging, sale, and exchange of cannabis and cannabis infused products is licensed under this Ordinance.

~~z)~~ “Lynn and Erin Ceompassionate Uuse Aact” means NMSA -26-2B-1 through 26-2B-7an aet to allow the benefieial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.

~~z)aa)~~ “School” means that part of a school district that is a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either an elementary, middle, junior high or high school or any combination of those and includes -private and/or charter schools.

~~aa)bb)~~ “Vertically integrated cannabis establishment” means a person that is authorized to act as any of the following:

- i. a cannabis courier.
- ii. a cannabis manufacturer.
- iii. a cannabis producer; and
- iv. a cannabis retailer.

~~bb)~~ “Operate” or “operation” means the matters described in this Ordinance, as amended.

~~cc)~~ “serious traffic violation” means— (A) excessive speeding, as defined by the Secretary by regulation; (B) reckless driving, as defined under State or local law; (C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality; (D) driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license; (E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver’s license on the date of the citation; (F) driving a commercial motor vehicle when the individual has not met the minimum testing for the specific class of vehicle the individual is operating; or for the type of cargo the vehicle is carrying; and (G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the state designates by regulation as serious.

~~ee)dd)~~ “Person” means any natural person and any entity.

~~dd)ee)~~ “Principal” means:

- a. In the case of any entity, including any general or limited partnership, corporation, limited liability company, or other entity: any person who has a five percent (5%) or greater interest in the ownership of the entity, and any person who has the day-to-day authority to or actually does manage the entity’s finances.

- b. In the case of a corporation: the persons described as a representative or applicant for any entity and the president, vice president, secretary, chief executive officer, chief financial officer, and any person who holds five percent (5%) or more of the capital stock of the corporation.
- c. In the case of a limited liability company: the persons described as a representative or applicant for any entity and any member of the limited liability company.
- d. In the case of a sole proprietorship, the individual owner.

~~ee) "Public property" means property that is occupied, owned, controlled, or operated by the Federal, State, or Town government.~~

2) General Requirements:

- a) It shall be unlawful to use, sell, manufacture, cultivate, produce, or distribute cannabis ~~on public property in a public place located~~ within the Town of Mesilla.
- b) Cannabis establishments shall not allow a person to consume cannabis on site, or on adjacent grounds, ~~except as where~~ with the exception of those establishments authorized by the New Mexico Cannabis Regulation Act, as amended, including which maintain a valid license to operate a cannabis consumption area, as defined by the Cannabis Regulation Act obtaining a consumption license.

~~e) Cannabis establishments shall provide for proper and secure disposal of all cannabis products and byproducts, consistent with the Cannabis Regulation Act, and shall abide comply with by the Town's regulations regarding rubbish and discharges into the municipal wastewater system.~~

~~d) Cannabis establishments shall not emit fumes, dust, odors, or vapors into the environment or disturb adjacent uses.~~

~~e) Cannabis establishments shall not display or keep visible from outside the licensed establishment any must store all cannabis-cannabis and cannabis products in a designated limited access area, as set forth by the rules and regulations adopted by the Cannabis Control Division of the New Mexico Department of Regulation & Licensing, to ensure they are not visible from a public place products or paraphernalia.~~

3) Establishing Business Registration.

The Town of Mesilla, ~~as the local cannabis business licensing authority,~~ shall have the following powers and authority:

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- a) To issue, deny, ~~or revoke, or renew~~ a Town ~~cannabis~~ business license ~~and renewals of the same for cannabis businesses~~, and where necessary, to conduct public hearings related thereto.
- b) To impose any sanctions on a ~~Town~~ cannabis business licensed ~~to operate within Town boundaries~~, including revocation, upon its own authority and initiation, or in response to a complaint by any person for any violation by the licensee after investigation and a public hearing, at which the licensee shall be afforded an opportunity to be heard. Such hearings will allow for the presentation of evidence by the ~~applicant~~ licensee and Town staff, and will be followed by the adoption of formal findings and conclusions.
- c) To adopt application forms, fees, and submission requirements for a Town cannabis business license.
- d) No person or ~~corporate entity~~ business may operate a cannabis establishment within the Town without first obtaining a Town cannabis business license. ~~It is illegal to operate a cannabis establishment in the Town without first obtaining a local Town cannabis business license.~~
- e) All licenses will be administered and approved by the Town provided that the applicant has met all conditions and requirements established herein.
 - ~~f) It is illegal to operate a cannabis establishment in the Town without first obtaining a local Town cannabis business license.~~
 - ~~g) f)~~ Upon issuance, the Town's cannabis business license shall be displayed ~~within-on~~ the ~~licensed~~ premises and be visible to public view.
 - ~~g)~~ Registration shall be renewed by June 30 annually.

4) General Licensing Requirements.

To obtain a Town cannabis business license under this Ordinance, ~~the each successful~~ applicant ~~must shall~~ demonstrate the following:

- a) The proposed licensed premises and adjacent grounds ~~meet-satisfy~~ all requirements for issuance of a State of New Mexico cannabis license and all applicable laws and regulations.
- b) The applicant ~~shows provisional~~ demonstrates proof of ~~submittal for~~ a valid State of New Mexico cannabis license. ~~After licensure is obtained, a copy of the certificate from the State of New Mexico must be submitted as part of the file.~~

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- c) The applicant has met all requirements, including payment of any applicable taxes and fees, both state and local.
- d) The applicant has obtained a separate Town business license for any other business activity that will also be operated on the licensed premises and paid all applicable license fees.
- e) The premises ~~and adjacent grounds~~ are not licensed or operated as an establishment for the sale or service of alcoholic beverages, or as a massage parlor, a dance hall, adult business, ~~firearm retailer gun sales~~ or an amusement facility.
- f) The applicant has applied for a Town cannabis business license on the established forms, that the Community Development Coordinator or designee has determined is complete.
- g) ~~In the case of any retail cannabis establishment, establishments and Class I and/or II manufacturers, as defined in the Cannabis Regulation Act must operate the applicant has demonstrated that the proposed licensed premises is located on or within property zoned or used as Historical Commercial (HC) Zone (MTC 18.35) or General Commercial (GC) Zone (MTC 18.45). A combined retail and production, manufacturing or growing establishment is not. Only combined retail and manufacturing classes I and II shall be allowed in these zones. Cannabis businesses and license holders other than retail and Class I and/or II manufacturers may not operate within these zones.~~
- h) ~~In the case of a cannabis establishment that is manufacturing Classes III and IV manufacturers and; cannabis producing producers, or including those producers who cultivating for medical or commercial use (non-personal use), and even where combined with a retail cannabis establishment distribution either independently or as part of a vertically integrated cannabis license, the applicant has demonstrated that the proposed licensed premises is located must operate on or within property zoned or used as Rural Farm (RF) Zone (MTC 18.20) or Residential/Agricultural (RA) Zone (MTC 18.25) or Single-Family Residential (R-1) Zone (MTC 18.30), or as otherwise specified in the Town's land use and zoning regulations, including those uses subject to a special use permit.~~
- i) ~~In the case of a cannabis establishment that is manufacturing Classes III and Class IV, producing, or cultivating, and even where combined with a retail~~

~~cannabis establishment, the applicant shows~~All applicants must demonstrate adequate water resources and applicable permits, as approved by the Town, or as required under the laws of the State of New Mexico.

j) The applicant must demonstrate that the location of the proposed licensed premises is no less than ~~five three~~ hundred (5300) feet from any other licensed cannabis establishment. Measurements shall be made from any wall of the two (2) proposed or existing licensed premises. Nothing herein prohibits multiple licenses from operating from a single premise.

Commented [CSH3]: Agreed to keep this at work session 10.25.2021 Changed at worksession 11.8.2021

k) ~~If applying for a consumption license, the applicant must demonstrate that the cannabis consumption area is more than 300 feet off from a Residential zone district.~~

~~k)l) Alcohol consumption in a cannabis consumption area is prohibited as per State Law.~~

l)m) The applicant must demonstrate that the proposed licensed premises are not located within three hundred (300) feet of any school or daycare facility. The distances referred to in this paragraph are to be computed by direct measurement from the nearest property line of the land used for a school or campus, to the nearest portion of the lot that is the situs of the building that is proposed for a licensed premises.

~~m)n) The applicant agrees to only sell cannabis products and receive deliveries~~Hours of operation shall be limited to the ~~between~~hours between the hours of 8:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. to 12:00 a.m. on Sundays. ~~Deliveries shall be limited to can only be between the hours between of 8:00 a.m. and 6:00 p.m.~~

Commented [CH4]: Similar to Liquor Serving Hours

Commented [CSH5]: Mr. Jimmy Nevarez suggested changing this from 10 am to 9 pm Monday through Sunday.

n)o) The applicant for a Town cannabis business License, principals, registered manager, and employees must meet all requirements under New Mexico State law.

Commented [CSH6]: Agreed upon at 10.25.2021 work session

o)p) The applicant, principals, registered manager, and employees must be at least twenty-one (21) years of age.

— The applicant, principals, registered manager, and employees all hold valid occupational licenses and registrations as required by the State of New Mexico, including all applicable cannabis licenses.

3)5) Allowable land use zoning:

- a)a. Historic Residential (HR) Zone (MTC 18.35) and Single Family Residential (R-1) zone (MTC 18.30): Private property consumption, and cultivation of up to 6 mature and 6 immature plants per household.
- b)b. Single Family Residential (R-1) Zone (MTC 18.30) (If ancillary to the single-family home): Cannabis Producer Microbusiness.
- c)c. Residential Agricultural (RA) Zone (MTC 18.25) and Rural Farm (RF) zone (MTC 18.20): allows for cultivation, Cannabis testing Laboratory, Cannabis producer, Cannabis testing laboratory, vertically integrated cannabis establishment, Cannabis training and education.
- d. General Commercial (C) Zone (MTC 18.45) and Historic Commercial (HC) Zones (MTC 18.35): Cannabis retail. Cannabis manufacturer ~~– Safe and secure extraction~~Class I and Class II only allowed in this zone. Cannabis Consumption area with a special use permit only.
- e)e. Special Use Permits may be applied for as described in Mesilla Town Code 18.85 Variances and Special Use Permits.

~~Cannabis Consumption area with a special use permit only.~~

4)6) Specific Requirements Regarding the Premises.

- a)a. The proposed licensed premises ~~are must be located within~~ in a fixed, permanent, non-portable building and ~~are not located in~~shall not be within a movable or mobile structure or in a vehicle, nor is it operated as a home occupation under Town regulations.
- b)b. The size of the premises is compatible and compliant with the applicable zoning district limitations regarding square footage for that zone.
- c)c. The applicant must have sole legal control of the proposed licensed premises at the time the application is submitted, under a lease that is presently in effect or through present ownership of the proposed licensed premises as shown by a deed or other instrument of record. The applicant must show proof that the lessor has agreed to use of the premises as a cannabis establishment.
- d)d. All storage, dispensing, manufacture, production, and cultivation activities shall be conducted indoors in a building meeting the requirements of Subsection (a).
- e)e. ~~Plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way~~Cannabis and cannabis products shall not be visible from a public place and shall instead be placed within a designated limited access area.
- f)f. Sign regulations ~~are~~and governed by the zone of which the license shall be issued.

~~g.~~ The proposed licensed premises have a ~~suitable designated~~ limited access area where the cultivation, display, storage, processing, weighing, handling, and packaging of cannabis and cannabis infused products occurs, which is posted “employees only,” and is separated from the areas accessible to the public by a wall, counter, or some other substantial barrier designed to keep the public from entering the area.

~~h.~~ The applicant has submitted a security plan for the proposed licensed premises, which has been inspected and approved by the Town’s ~~Marshal Department or Building~~ ~~designated~~ ~~Official~~, and showing at least the following minimum-security measures:

- i. All doors, windows and other points of entry have secured and functioning locks.
- ii. A locking safe or enclosed secured storage located inside the proposed licensed premises in which any cannabis and cannabis infused products will be secured when the licensed premises are not open to the public.
- iii. If the licensed premises are connected by any passage or entryway to any other premises, there is a door between the two (2) premises that can be locked from the licensee side and cannot be opened from the other side.
- iv. A professionally monitored ~~burglar~~ alarm system that detects unauthorized entry of all doors, windows, and other points of entry to the proposed licensed premises; and
- v. Windows ~~or security camera’s~~ facing the adjacent grounds and lighting of the adjacent grounds sufficient to ensure that customers entering and leaving the licensed premises, entering, and exiting parked cars on the adjacent grounds, and walking across the adjacent grounds can be observed by employees from inside the licensed premises.
- vi. All licensing requirements established by the State of New Mexico must be satisfied.

~~i)a.~~ The proposed licensed premises and adjacent grounds comply with all zoning, health, building, plumbing, mechanical, fire, and other codes, statutes, and ordinances, as shown by completed inspections and approvals from the ~~Town’s Building Official and Town’s Fire Marshal designated official~~.

~~j.)~~ ~~There is sufficient parking available on the proposed adjacent grounds given the size of the licensed premises and the number of employees and customers that can reasonably be expected to be present at any given time, pursuant to applicable provisions of the Town of Mesilla. All businesses operating within the Town~~

boundaries shall comply with Mesilla Town Code 18.60.170 Parking Requirements and Fees.

- k)b) The proposed licensed premises and adjacent grounds of the licensed premises will be operated in a manner that does not cause any substantial harm to public health, safety, and welfare.
- h)c) The proposed licensed premises are equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate or significantly reduce cannabis odors emanating from the interior to the exterior discernible by a reasonable person, including to any public property or right-of-way within the Town. The ventilation system must be inspected and approved by the Town ~~Building Official's designated official.~~ Refer back to (I) Mechanical Code compliance.
- m)d) The proposed licensed premises are located in a building that does not share any doors, windows, air passages, vents, ducts or any heating, ventilation, air conditioning, or air handling equipment or structures with any other building or premises whatsoever.
- n)e) Walls, barriers, locks, signs, and other means are in place to prevent the public from entering the area of the proposed licensed premises utilized for cultivation or production and manufacturing. The Town provides an exception for the perimeter fencing/wall requirements if the fencing materials are required by State Law for the production, manufacturing and cultivation of cannabis in the following zones: Rural Farm (RF) Zone (MTC 18.20) or Residential/Agricultural (RA) Zone (MTC 18.25) or Single-Family Residential (R-1) Zone (MTC 18.30).
- o)f) Customer visits and deliveries are prohibited between the hours of 12:00 a.m. and to 8:00 a.m. for any Cannabis Cultivation Facilities, Cannabis Producers, Cannabis-derived products facilities, located within 300 feet of a Residential zone district.
- p)g) The proposed licensed premises must ensure that the ventilation system, air filtration, building screening requirements, necessary security apparatus and lighting are all compatible with neighboring businesses and adjacent uses.
- q)h) Every licensee and its principals, registered manager, and employees have a continuing duty to ensure that the requirements of this Section continue to be met after the license is issued and at all times that the license remains in effect.
- r)i) The licensee ~~abides shall comply with by~~ all Town ordinances regarding signage, land use and zoning, water service, and wastewater discharge.

Commented [CSH7]: Mr. Jimmy Nevarez suggests changing to 10 p.m.

- ~~s) Commercial on site cannabis consumption is prohibited in all zones until regulations promulgated by the State become effective, in which cases all other Town provisions regarding on site consumption not prohibited by state regulation will be effective.~~
- ~~i. Commercial on site consumption of cannabis is the commercial cannabis activity ingesting of cannabis or cannabis products in a licensed cannabis consumption area. Commercial on site consumption is considered part of Cannabis Relief. Unless license pursuant to the Lynn and Erin compassionate use act, access to the cannabis consumption area is restricted to persons 21 years of age and older.~~
- ~~ii. Commercial on site consumption of cannabis will not be permitted.~~

5)7) Delivery permit restrictions.

The following restrictions shall be placed on cannabis delivery permits:

Only medical or ~~retail-commercial~~ cannabis ~~transporters-couriers who qualify as a social equity applicant as defined in and by the National Cannabis Industry Membership~~ who holds a valid courier license issued by the State of New Mexico and a delivery permit ~~issued by the Town~~ issued may deliver ~~regulated cannabis or cannabis related products~~ to private residences of customers and patients, subject to the provisions the NMRCA and ~~its pertinent regulations and rules~~ all other applicable state and local law and regulations adopted by the Cannabis Control Division of the New Mexico Department of Regulation and Licensing.

6)8) Changes to License.

No licensee shall make any of the following major changes without first obtaining the written approval of the Town:

- a) Any ~~transfer of the license or change in~~ any ownership interest in the ~~licensee entity or licensee~~ licensed cannabis company.
- b) Any change in location of the licensed premises.
- c) Any change in the licensee's principals.
- d) Any change in the structure, walls, doors, windows, ventilation, plumbing, electrical supply, floor plan, footprint, elevation, operation, operational plan, patios, decks, safe or vault, locks, surveillance system, doors, window coverings, or security system at the licensed premises.
- e) ~~Any material changes to the adjacent grounds, including but not limited to lighting, parking, and traffic flow.~~

7)9) Cultivation and Growing for Personal Use.

Individuals may possess, cultivate, and grow cannabis in their residence, including in a residential zoning district, but only for their personal use and subject to the following limitations as established under the New Mexico Cannabis Regulation Act, ~~as amended~~:

- a) An individual must be at least twenty-one (21) years of age.
- b) It is unlawful to grow, cultivate, or process more than the designated number of cannabis plants per person, and per residence set forth in the New Mexico Cannabis Regulation Act, ~~as amended~~, and any other applicable laws or regulations adopted by the State of New Mexico.
- c) ~~A residence shall not emit cannabis odors of any kind~~ Odor mitigation techniques must be used to ensure that cannabis odor does not escape the closed residence.
- d) Any growing or cultivation of cannabis products for personal use shall not be visible to the public.
- e) Any growing, cultivation or production of cannabis or cannabis infused products for personal use shall not be sold or transferred to third parties for future sale.
- f) No cannabis sale, production, distribution, manufacturing or cultivation shall be allowed in the Historic residential zone district, except for personal use and as specifically set forth herein.

~~8)10~~ Establishment of New Fees and renewal fees for all licenses.

~~5) These fees shall be adopted by resolution with automatic annual adjustments by the Board of Trustees, Planning and Building Cannabis application/inspection fee \$500.00~~

~~a.~~

- ~~a) Planning and Building records management fee \$100.00~~
- ~~b) Planning and building site inspection fee \$500.00~~
- ~~c) For Cultivation cottage or nursery initial Planning and Building /inspection fee \$800.00~~
- ~~d) Cannabis Transporter/Courier Permit fee \$250~~
- ~~e) A cannabis waste plan review fee \$50~~

~~9) Renewal annual application fee for all cultivation permit types~~

- ~~a) Planning and Building cannabis application/inspection fee \$500.00~~
- ~~b) Planning and Building records management fee \$100.00~~
- ~~c) Planning and Building site inspection (not charged unless required as part of a change as outlined in Section 8d and 8e).~~

~~10) Renewal annual application fee for all other permit types~~

~~Planning and Building cannabis application/inspection fee \$500.00~~

Ordinance 2021-02:
Establishing Zoning and Other Regulations for Cannabis

~~Planning and Building records Management fee \$100.00~~

~~Town issued Business License \$35.00~~

~~Cannabis Transporter/Courier Permit \$250~~

Licensee shall ensure that all licensed premises are in compliance with Construction Industries Licensing Act and comply with the Occupational Health and Safety Act.

11) Revocation of License.

- a) Any person in violation of a local Town cannabis license as set forth herein is subject to revocation for violations of this Ordinance, other Town ordinances, or New Mexico State or Federal laws.
- b) If the Town finds that there is probable cause that a violation has occurred, it shall immediately investigate the alleged violation.
- c) Upon evidence of a violation, the Town shall notify the licensee in writing of the specific allegations and the date of hearing scheduled for the Town Trustees to consider the revocation or any other appropriate action involving the license.
- d) During the license revocation hearing, the Town Trustees will hear evidence from Town staff and the licensee. Each party will be given an opportunity to be heard, to present witnesses, to cross examine witnesses, and to present evidence and exhibits in support of his or her case. At the conclusion of the hearing, the Town Trustees will make formal findings as to the reasons for revoking the license or allowing it to remain in place with conditions.
- e) If a cannabis license issued under this Ordinance is revoked, the licensee must cease ~~doing business~~~~operation within the Town boundaries~~ immediately, or as ~~otherwise prescribed~~~~directed~~ by the Town.

12) Enforcement. The provisions of this Ordinance shall be enforced by the Town's Code Enforcement Officer, or a law enforcement officer tasked with enforcing the Town's Code.

13) Penalties. Any violation of this Ordinance may be enforced in any court of competent jurisdiction. The maximum penalty per violation of this Ordinance, unless otherwise indicated, shall be ~~up to \$500 and/or up to 90~~ days in jail. Each day during the time in which a violation occurs shall be deemed a separate violation. Nothing herein shall prevent the Town from seeking injunctive relief, if appropriate

SECTION 2. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution.

SECTION 3. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law.

PASSED, ADOPTED AND APPROVED this [MONTH] [DAY], [YEAR].

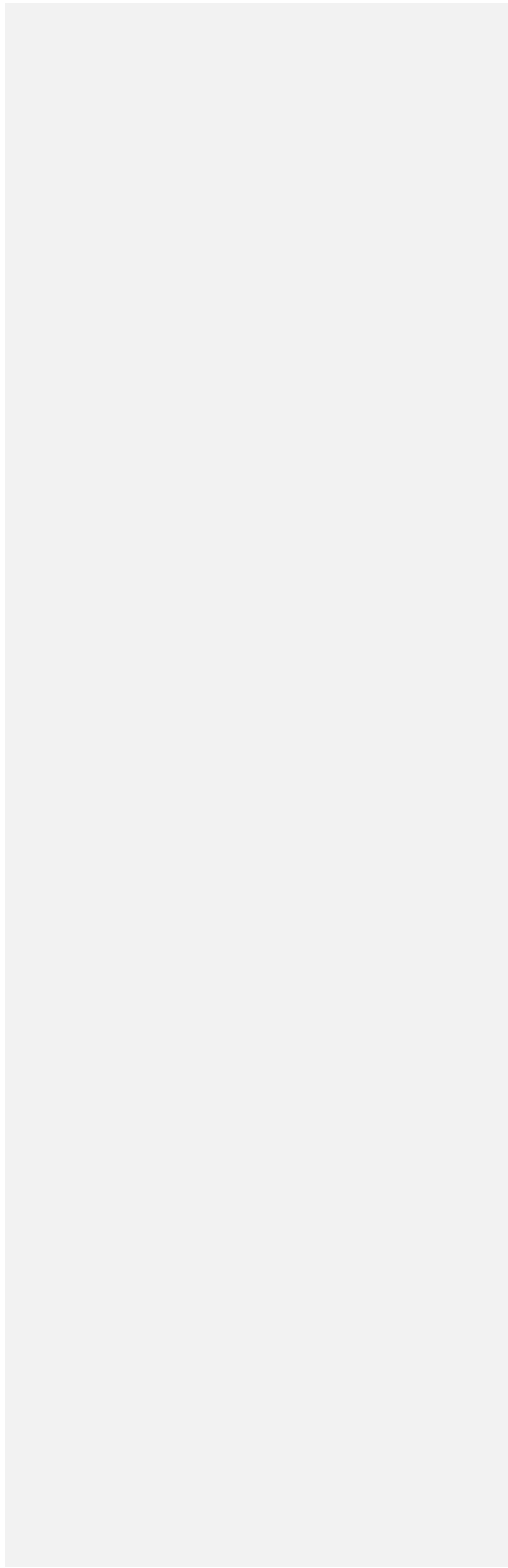
Nora L. Barraza
Mayor
Town of Mesilla

ATTEST:

By: _____
Cynthia Stoehner-Hernandez
Clerk/Treasurer
Town of Mesilla

(seal)

DRAFT





Town of Mesilla, New Mexico

**BOARD OF TRUSTEES (BOT)
TOWN OF MESILLA WILL HOLD
WORK SESSION
MONDAY, DECEMBER 13, 2021
4:00 P.M.**

****FOR THE HEALTH & SAFETY OF ALL PUBLIC, MASKS ARE REQUIRED TO ENTER****

TRUSTEES: Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem (5:25 P.M.)
Carlos Arzabal, Trustee (5:30 P.M.)
Jesus Caro, Trustee
Veronica Garcia, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Rod McGillivray, Public Works Director
Ben Azcarate, Lieutenant
Gloria Maya, Recorder

PUBLIC: Susan Krueger Chris Schaefer

1. Discussion on comments from attorneys on ordinance 2021-02 Establishing Zoning and Other Regulations for Cannabis.

Ms. Stoechner-Hernandez reviewed and discussed comments of ordinance 2021-02 Establishing Zoning and Other Regulations for Cannabis.

Mayor Barraza stated that she would schedule a joint work session with the Planning & Zoning.

2. Discussion on revising Mesilla Town Code 5.20 Special Events Licensing.

Ms. Stoechner-Hernandez reviewed revision of Mesilla town Code 5.20 Special Events Licensing and detailed the changes discussed.

3. Discussion on Mesilla Personnel Rules and Regulations Handbook revisions.

Ms. Stoechner-Hernandez reviewed revisions of the Mesilla Personnel Rules and Regulations Handbook.

Meeting Schedule is as follows for the Ordinance changes:

December 27th 5:00 p.m. – Joint Worksession
6:00 p.m. – Regular Meeting
December 28th 10:00 a.m. – Public Hearing
December 30th 11:00 a.m. – Special Meeting

ADJOURNED 5:38 p.m.

1
2
3
4
5 **BOARD OF TRUSTEES (BOT)**
6 **TOWN OF MESILLA**
7 **REGULAR MEETING**
8 **MONDAY, DECEMBER 13, 2021**
9 **6:00 P.M.**

10 ****FOR THE HEALTH & SAFETY OF ALL PUBLIC, MASKS ARE REQUIRED TO ENTER****

11
12
13 **TRUSTEES:** Nora Barraza, Mayor
14 Stephanie Johnson-Burick, Mayor Pro Tem
15 Carlos Arzabal, Trustee
16 Jesus Caro, Trustee
17 Veronica Garcia, Trustee
18

19 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
20 Kevin Hoban, Fire Chief
21 Rod McGillivray, Public Works Director
22 Ben Azcarate, Lieutenant
23 Gloria Maya, Recorder
24

25 **PUBLIC:** Susan Krueger Chris Schaefer
26

27 **1. PLEDGE OF ALLEGIANCE**

28 Mayor Barraza led the Pledge of Allegiance.
29

30 **2. ROLL CALL & DETERMINATION OF A QUORUM**

31 **Roll Call.**

32 **Present:** Mayor Barraza, Mayor Pro Tem Johnson-Burick, Trustee Arzabal, Trustee Caro, Trustee Garcia
33

34 **3. CHANGES TO THE AGENDA & APPROVAL**

35 **Motion:** To approve agenda, Moved by Trustee Arzabal, Seconded by Trustee Garcia.
36

37 **Roll Call Vote:** Motion passed (summary: Yes =4).

38 Mayor Pro Tem Johnson-Burick Yes

39 Trustee Arzabal Yes

40 Trustee Caro Yes

41 Trustee Garcia Yes
42

43 **4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.**

44 **Space is limited and may require persons giving public input IN PERSON to rotate**
45 **if capacity of the room is exceeded.**

46 Mr. Schaefer thanked the Board of Trustees for taking the time to work on Special Events
47 Licensing ordinance.
48

1 Ms. Krueger thanked Trustee Caro and Trustee Arzabal for their service on the board.

2 **5. APPROVAL OF CONSENT AGENDA: (The Board will be asked to approve by**
3 **one motion the following items of recurring or routine business. The Consent**
4 **Agenda is marked with an asterisk *)**

5

6 **Motion: To approve agenda, Moved by Trustee Arzabal, Seconded by Trustee Garcia.**
7

8 Trustee Caro asked for amendment to the minutes of November 22nd on his comments regarding the bushes
9 on Calle de Arroyo and Calle del Norte.

10

11 **Roll Call Vote:** Motion passed (summary: Yes =4).

12 Mayor Pro Tem Johnson-Burick Yes

13 Trustee Arzabal Yes

14 Trustee Caro Yes

15 Trustee Garcia Yes

16 a) ***BOT MINUTES** – Minutes of a work session and regular meeting November 22, 2021.

17 *Approved by consent agenda*

18 b) ***PZHAC CASE #061310** – 2687-2685 Calle de Parian, submitted by William McIlvaine,

19 to erect a stone wall to match the current design with metal sections installed. *Approved by*
20 *consent agenda*

21 c) ***Resolution 2021-30:** A resolution establishing dates for holiday observance for the Town
22 of Mesilla in 2022. *Approved by consent agenda*

23

24 **6. NEW BUSINESS:**

25 a) For approval: Mesilla Personnel Rules and Regulations Handbook.

26 **Motion: To approve Mesilla Personnel Rules and Regulations Handbook, Moved by Trustee Arzabal,**
27 **Seconded by Trustee Garcia.**

28

29 **Roll Call Vote:** Motion passed (summary: Yes =4).

30 Mayor Pro Tem Johnson-Burick Yes

31 Trustee Arzabal Yes

32 Trustee Caro Yes

33 Trustee Garcia Yes

34

35 b) Discussion on items from Work Session (if needed).

36

37 **7. BOARD OF TRUSTEE COMMITTEE REPORTS**

38 Mayor Pro Tem Johnson-Burick: MPO meeting December 8th, MPO meeting January 12th (DAC
39 Chambers)

40

41 Trustee Garcia: MPO meeting December 8th, MPO meeting January 12th

42

43 Mayor Barraza: COG and RTD meetings cancelled.

44

45 **8. BOARD OF TRUSTEE/STAFF COMMENTS**

46 Fire Chief Hoban wished everyone Happy Holidays.

47

1 Trustee Garcia asked about the fees charged for movie permits. She asked how much was received from
2 the movies (Netflix and The Locksmith). She thought the money would be going to the Marshal's
3 Department.

4 Ms. Stoechner-Hernandez responded the board approved permit fees by resolution.

5
6 Mayor Barraza responded the money goes into the General Fund to pay the deputies.

7
8 Trustee Garcia asked what the deputies were paid an hour.

9
10 Mayor Barraza responded they were paid their regular hourly salary.

11
12 Trustee Garcia stated that the City of Las Cruces was paid \$70 an hour for the officers which was given to
13 their officers.

14
15 Ms. Stoechner-Hernandez stated it is illegal to guarantee overtime.

16
17 Mayor Barraza stated the Tree Lighting and Santa on the Plaza were successful events. Reviewed the
18 correspondence received regarding the Confederate sign on the plaza. In her opinion it is regarding a
19 historical event that occurred on the plaza and not something that is being idolized.

20
21 Trustee Caro stated he feels that it is just about a historical event that took place on the plaza, a historical
22 moment.

23
24 Mayor Pro Tem Johnson-Burick stated we cannot change history. It should serve as to what happened, so
25 we do not go back to that.

26
27 Trustee Garcia stated this should not even be discussed.

28
29 Mayor Barraza stated we cannot erase history.

30
31 Trustee Arzabal stated one person should not be able to dictate what should be removed.

32
33 Mayor Barraza stated Luminarias on the Plaza on Christmas Eve at 5:30 p.m.; Christmas Dinner, Friday
34 December 17th at 4:00 p.m. at the Community Center.

35
36 Board of Trustees wished everyone Happy Holidays.

37 **9. ADJOURNMENT**

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

39
40 **MEETING ADJOURNED AT 6:25 P.M.**

41
42 **APPROVED THIS 27th DAY OF DECEMBER 2021.**

43
44
45
46 _____
47 **Nora L. Barraza**
48 **Mayor**
49
50

1 **ATTEST:**

2

3

4

5 _____

6 **Cynthia Stoeher-Hernandez**
Town Clerk/Treasurer

DRAFT



TOWN OF MESILLA BOARD ACTION FORM

AGENDA DATE:

PZHAC: November 15, 2021(Postponed) PZHAC: December 20, 2021 BOT: 12/27/2021

ITEMS:

- A. **PZHAC CASE #061306** – 2651 Calle de Guadalupe, submitted by Carmen Soltero for the installation of a brick sidewalk at the west side of the house on the Guadalupe side.

BACKGROUND AND ANALYSIS:

This case was reviewed by the Architectural Styles Committee (ASC) on November 10, 2021.

The applicant proposes to install a brick sidewalk, similar to her neighbors, on the west side of the house on the Calle de Guadalupe side (see photos).

IMPACT:

Staff recommends the Planning, Zoning and Historical Appropriateness Commission (PZHAC) approve the application subject to the following findings:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

Specific findings of fact:

- The proposed work meets the requirements of MTC 18.35 Historic Residential.
- The proposed work meets the requirements of MTC 18.33 Historic Preservation.
- The proposed work will not have an impact in the development zone as it is similar in nature to the neighbors.
- The proposed work is on the applicant's property and not in Town right-of-way.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

- 1) Recommend approval of this case with findings stated above.
- 2) Recommend approval of this case with findings stated above and conditions.
- 3) Deny the application.

DEPARTMENT RECOMMENDATION:

Staff recommends the Board approve case 061306 with the specific findings of fact. PZHAC voted 4-0 to approve.

SUPPORTING INFORMATION:

- Application
- Drawing of property location
- Photos of Property x 2
- Plat
- Property Mapp

Cynthia Stoechner-Hernandez

From: Nora L. Barraza <mayor@mesillanm.gov>
Sent: Friday, December 10, 2021 5:17 PM
To: Cynthia Stoechner-Hernandez
Subject: Fwd: Carmen Soltero brick work

FYI for Soltero packet

----- Forwarded message -----

From: Silvia Dater <silviadater@icloud.com>
Date: Wed, Dec 8, 2021, 11:05 PM
Subject: Re: Carmen Soltero brick work
To: Nora L. Barraza <mayor@mesillanm.gov>

Mayor Barraza,

My mother's brickwork isn't a sidewalk but rather something to cover an area between the street and existing original sidewalk that is prone to growing weeds. She thought it would help control them as well as make the house look nicer. She was thinking of using clay bricks in whatever color is allowed on her street because she realizes that she lives in a historical area with special codes we must follow. I will try to send a photo. Thank you!

Silvia (Soltero) Dater

Sent from my iPhone

On Nov 10, 2021, at 4:47 PM, Nora L. Barraza <mayor@mesillanm.gov> wrote:

Silvia:

For your mother's brick sidewalk, is the brick clay or cement and is the brick red?

Mayor Barraza

On Fri, Oct 29, 2021 at 12:56 AM Silvia Dater <silviadater@icloud.com> wrote:

Sent from my iPhone

--

Nora L. Barraza
Mayor, Town of Mesilla
☎ (575) 524-3262
Fax: (575) 541-6327
mayor@mesillanm.gov

Check out our website!
www.mesillanm.gov

TOWN OF MESILLA
ZONING APPROVAL

OFFICIAL USE ONLY:

Case # 01e13de

Fee \$ 50⁰⁰

PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. _____ ZONE: HK CODE: Mis APPLICATION DATE: _____

CARMEN SOTERO _____ 575 523 1925 1903
Name of Property Owner Property Owner's Telephone Number

_____ MES _____
Property Owner's Mailing Address City State Zip Code

NA
Property Owner's E-mail Address

SELF
Contractor's Name & Address (If none, indicate Self)

NA _____ NA _____
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2651 CALLE GUADALUPE

Description of Proposed Work: INSTALL A BRICK SIDEWALK ON THE WEST SIDE OF THE HOUSE ON THE CALLE GUADALUPE SIDE

300⁰⁰ _____
Estimated Cost Signature of Applicant Date

Signature of property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. **Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.**

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: ___ YES ___ NO BOT APPROVAL REQUIRED: ___ YES ___ NO

CID PERMIT/INSPECTION REQUIRED: ___ YES ___ NO ___ SEE CONDITIONS

CONDITIONS: _____

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. _____ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. _____ Site Plan with dimensions and details.
3. _____ Foundation plan with details.
4. _____ Floor plan showing rooms, their uses and dimensions.
5. _____ Cross section of walls
6. _____ Roof and floor framing plan
8. _____ Proof of legal access to the property.
9. _____ Drainage plan.
10. _____ Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
11. _____ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. _____ Proof of legal access to the property.
13. _____ Other information as necessary or required by the City Code or Community Development Department (See other side.)

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

1. Applicant's name
2. Applicant/property owners contact information
3. Physical address of property
4. Description of work to be done, including dimensions of any construction or repairs
5. Value of work to be done
6. Property owner's signature on the application

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

~~ALLE DE CURA~~ 37780

FORIHA
2683

CARMEN
2657

D. M. J.
2641

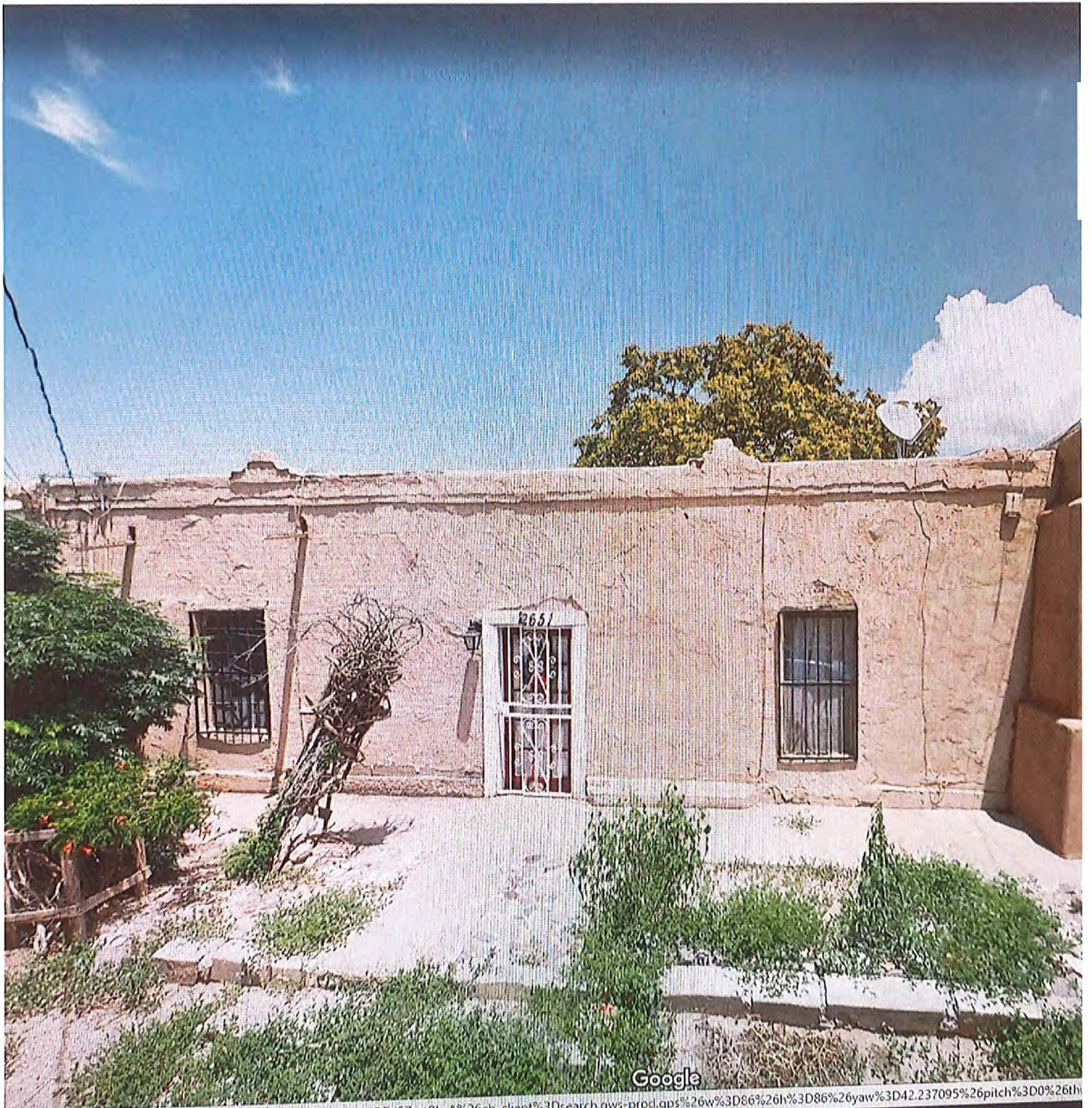
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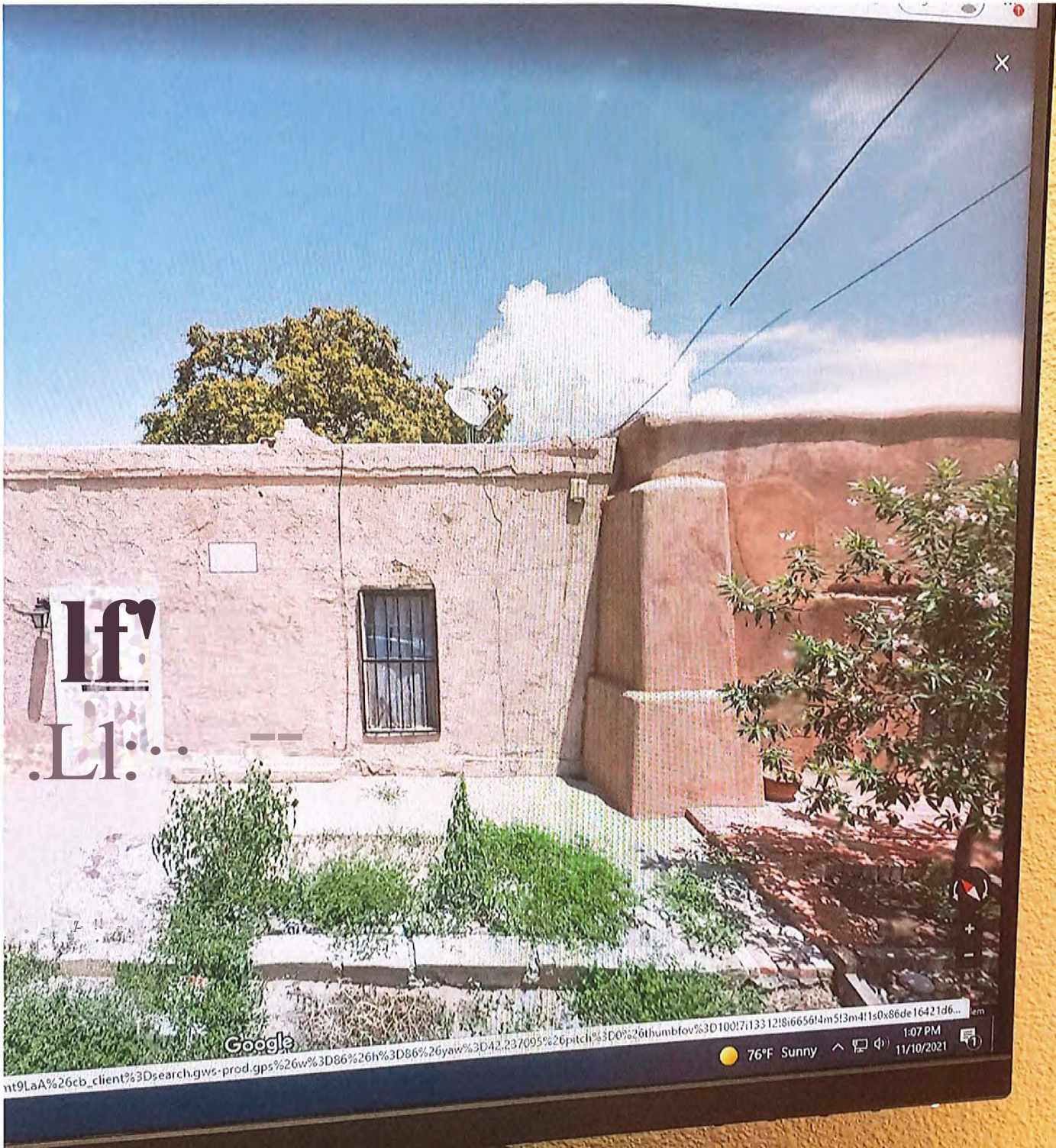
ALLE GUADALUPE

~~COLON~~



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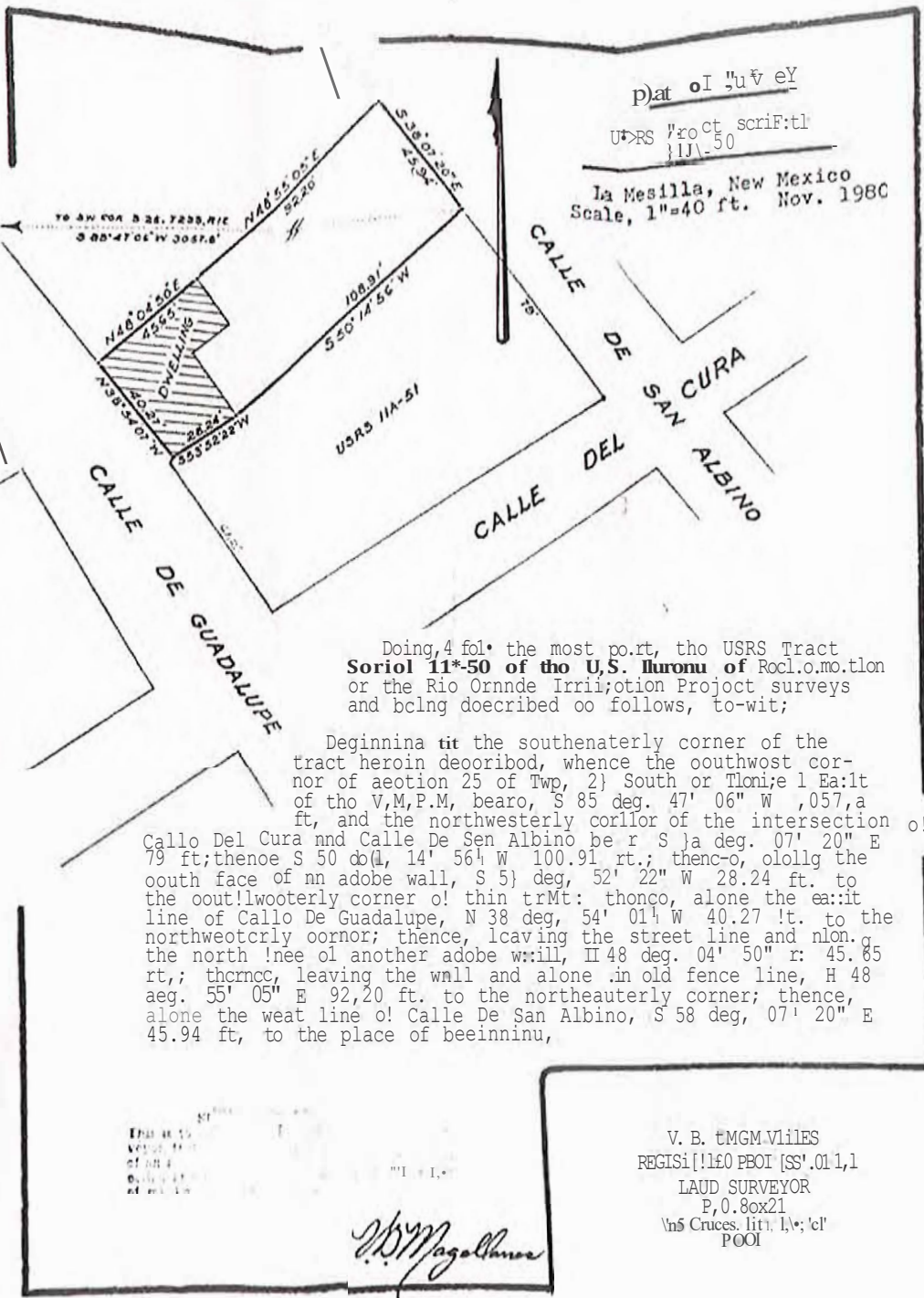
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Google

76°F Sunny

1:07 PM
11/10/2021

DELL



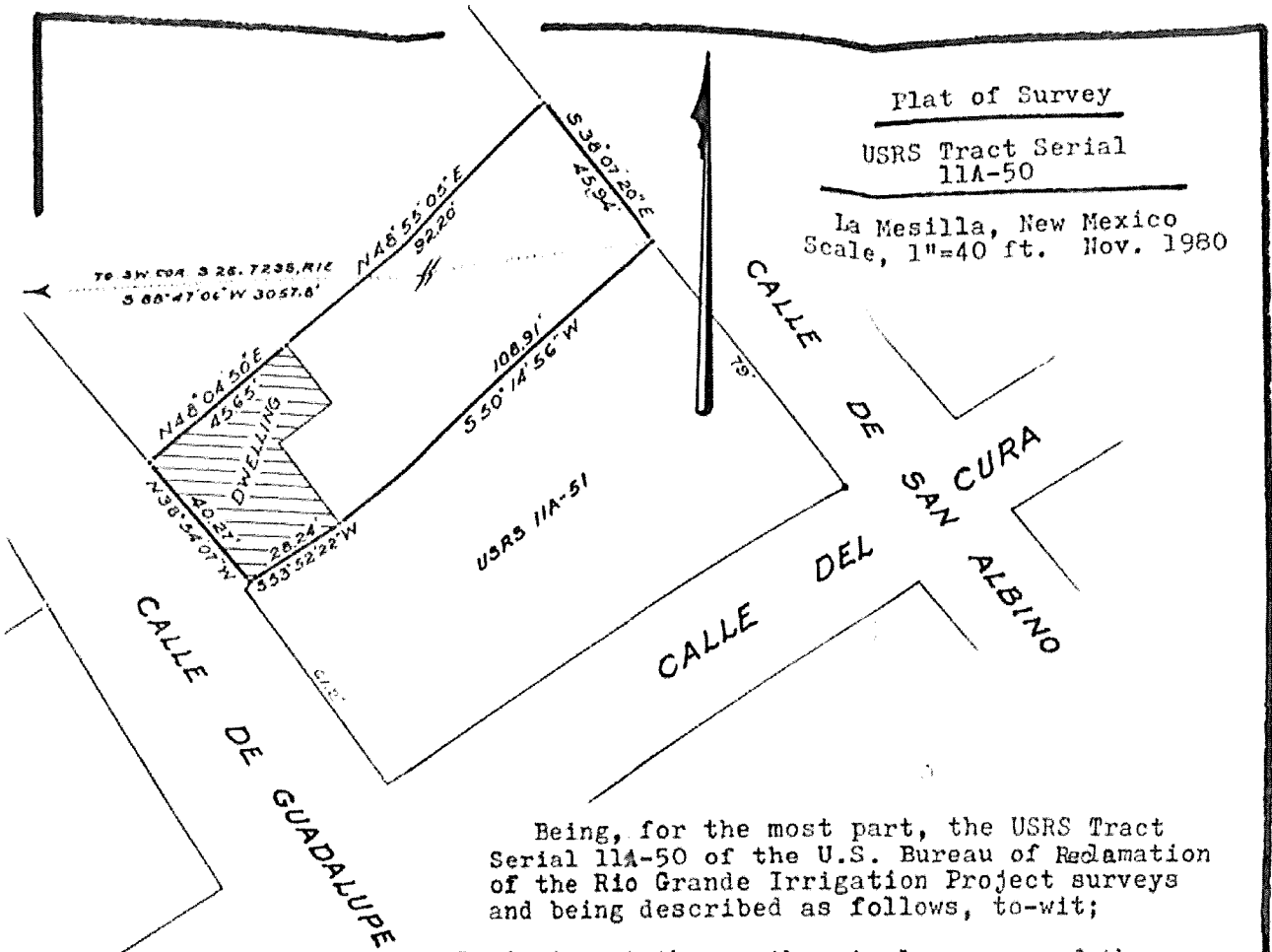
Plat of Survey
 USRS Tract Scrip:tl
 11A-50
 La Mesilla, New Mexico
 Scale, 1"=40 ft. Nov. 1980

Doing, 4 fol. the most part, the USRS Tract Soriol 11A-50 of the U.S. Bureau of Reclamation or the Rio Grande Irrigation Project surveys and being described as follows, to-wit;

Beginning at the southeasterly corner of the tract herein described, whence the southwesterly corner of section 25 of Twp. 2 South or Twp. 1 East of the V.M.P.M. bearing, S 85 deg. 47' 06" W, 1057.6 ft., and the northwesterly corner of the intersection of Calle Del Cura and Calle De San Albino bearing S 34 deg. 07' 20" E 79 ft.; thence S 50 deg. 14' 56" W 100.91 ft.; thence, along the south face of an adobe wall, S 5 deg. 52' 22" W 28.24 ft. to the southwesterly corner of this tract; thence, along the east line of Calle De Guadalupe, N 38 deg. 54' 01" W 40.27 ft. to the northwesterly corner; thence, leaving the street line and along the north line of another adobe wall, N 48 deg. 04' 50" E 45.85 ft.; thence, leaving the wall and along an old fence line, N 48 deg. 55' 05" E 92.20 ft. to the northeasterly corner; thence, along the west line of Calle De San Albino, S 58 deg. 07' 20" E 45.94 ft. to the place of beginning.

V. B. MCMILLAN
 REGISTRAR
 LAUD SURVEYOR
 P. O. Box 21
 San Juan, N.M.

V.B. Magallanes



Plat of Survey
 USRS Tract Serial
 11A-50

La Mesilla, New Mexico
 Scale, 1"=40 ft. Nov. 1980

Being, for the most part, the USRS Tract Serial 11A-50 of the U.S. Bureau of Reclamation of the Rio Grande Irrigation Project surveys and being described as follows, to-wit;

Beginning at the southeasterly corner of the tract herein described, whence the southwest corner of section 25 of Twp. 23 South of Range 1 East of the N.M.P.M. bears, S 85 deg. 47' 06" W 3057.8 ft. and the northwesterly corner of the intersection of Calle Del Cura and Calle De San Albino bears S 38 deg. 07' 20" E 79 ft.; thence S 50 deg. 14' 56" W 108.91 ft.; thence, along the south face of an adobe wall, S 53 deg. 52' 22" W 28.24 ft. to the southwesterly corner of this tract; thence, along the east line of Calle De Guadalupe, N 38 deg. 54' 07" W 40.27 ft. to the northwesterly corner; thence, leaving the street line and along the north face of another adobe wall, N 48 deg. 04' 50" E 45.65 ft.; thence, leaving the wall and along an old fence line, N 48 deg. 55' 05" E 92.20 ft. to the northeasterly corner; thence, along the west line of Calle De San Albino, S 38 deg. 07' 20" E 45.94 ft. to the place of beginning.

This plat was prepared by me from the original survey records of the USRS Tract Serial 11A-50, and is a true and correct copy of the same.

V. B. Magallanes

V. B. MAGALLANES
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 P. O. Box 21
 Las Cruces, New Mexico
 88001

Doña Ana County, NM Parcel Map

Leticia Duarte Benavidez, County Assessor

Map

Legend

Map Layers

Layer Visibility:

- Roads
- Buildings
- City Limits
- MLS Zones
- Address Labels
- 2014 Aerial Photo
- Parcels

Select Search Type:

Account Number ▼

Enter Value:

Search



Parcel ID

[R0400956](#)

Map Code

4005137300450

Name

DALLMAN JEFFREY J & MARI



**TOWN OF MESILLA
BOARD ACTION FORM**

AGENDA DATE:

PZHAC: December 20, 2021

BOT: December 27, 2021

ITEMS:

PZHAC Case #061313 – 2581 Calle de Cura, submitted by Gary and Laura Ramsey, to remove rock wall and replace with corrugated metal/wooden fence with metal posts, landscaping, and new gate. Zoned: Historic Residential (HR).

BACKGROUND AND ANALYSIS:

The applicant proposes to remove a deteriorating rock wall and replace with corrugated tin/wood fence with petal posts. Work will also include freshening up the landscape around the house and a wooden gate in the front part of the fence being replaced.

This case was reviewed by Architectural Styles Committee (ASC) on December 14, 2021, with recommendations for items. Staff emailed the applicant for answers (see attached).

“Q 1. Yes, the front fence that the gate will be attached to is 12 feet from the Property line.

Q 2. The gate will match the height of the fencing - 6 feet. See attached example corrugated tin with a wood gate (photo).

Q 3. Post will be 8 feet apart. One section will be Corrugated Tin 8 feet long 6 feet high. One section will be 1X6 Cedar wood 8 feet long 6 feet high. this pattern will alternate the entire distance of the fence.”

IMPACT:

Staff recommends the Planning, Zoning and Historical Appropriateness Commission (PZHAC) approve the application subject to the following findings:

- The PZHAC has jurisdiction to recommend approval of the applicant’s request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

Specific findings of fact:

- The proposed work meets the requirements of MTC 18.33 Historic Preservation.
- The proposed work meets the requirements of MTC 18.35 Historic Residential Zone.
- The proposed work meets the requirements of MTC 18.60.340 Wall, Fence, or Hedge.

ALTERNATIVES FOR PZHAC:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

- 1) Recommend approval of this case with findings stated above.
- 2) Recommend approval of this case with findings stated above and conditions.
- 3) Deny the application.

DEPARTMENT RECOMMENDATION: Staff recommends the Board approve this case as to the specific findings of fact. PZHAC voted 4-0 for approval of this case.

SUPPORTING INFORMATION:

- Application
- ROE agreement
- Photos of wall to be replaced

- Examples of fencing they want to do.
- Site Plan
- Plan with proposed work
- Footing Detail
- Email from Mr. Ramsey
- Photo of proposed gate

**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # 061313
Fee \$ _____

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. _____ ZONE: _____ CODE: _____ APPLICATION DATE: _____

GARY & LAURA RAMSEY _____ 575-649-1489 _____
Name of Property Owner Property Owner's Telephone Number

PO BOX 394 MESILLA NM 88046 _____
Property Owner's Mailing Address City State Zip Code

gary.ramsey2@yahoo.com _____
Property Owner's E-mail Address

RUDY ACOSTA _____
Contractor's Name & Address (If none, indicate Self)

575 642 8686 _____
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2581 CALLE DE CURA _____

Description of Proposed Work: REMOVE DETERIORATING ROCK WALL ON EAST PROPERTY LINE AND REPLACE IT WITH A 6 FOOT CORRUGATED TIN/WOOD FENCE WITH METAL POST. WORK WILL ALSO INCLUDE FRESHENING UP THE LANDSCAPE AROUND THE HOUSE. SEE ALL ATTACHED PAPERWORK.

\$18,000 _____ [Signature] _____ 12/13/2021 _____
Estimated Cost Signature of Applicant Date

Signature of property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval **BOT** Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: ___ YES ___ NO BOT APPROVAL REQUIRED: ___ YES ___ NO

CID PERMIT/INSPECTION REQUIRED: ___ YES ___ NO ___ SEE CONDITIONS

CONDITIONS: _____

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. _____ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **LEGALLY** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. _____ Site Plan with dimensions and details.
3. _____ Foundation plan with details.
4. _____ Floor plan showing rooms, their uses and dimensions.
5. _____ Cross section of walls
6. _____ Roof and floor framing plan
8. _____ Proof of legal access to the property.
9. _____ Drainage plan.
10. _____ Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
11. _____ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. _____ Proof of legal access to the property.
13. _____ Other information as necessary or required by the City Code or Community Development Department (See other side.)

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

1. Applicant's name
2. Applicant/property owners contact information
3. Physical address of property
4. Description of work to be done, including dimensions of any construction or repairs
5. Value of work to be done
6. Property owner's signature on the application

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

Town of Mesilla, New Mexico

Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046



RIGHT OF ENTRY AGREEMENT

Applicant Name(s): GARY RAMSEY

Property Address: 2581 CALLE DE CURA

Adjacent property address: 2714 Calle Cuarta Mesilla, N.M.

Adjacent property owner(s): Reynia Palacios

Right-of-Entry – Permission is hereby granted to the applicant, or its authorized agents, to enter upon the adjacent property for the sole purpose of construction and/or maintenance of the structure(s).

Gary Ramsey 12/12/21
Applicant/Owner (original signature) Date

Reynia Palacios 12/13/21
Adjacent Owner (original signature) Date

DEMO: Deteriorating Rock Wall and Sidewalk

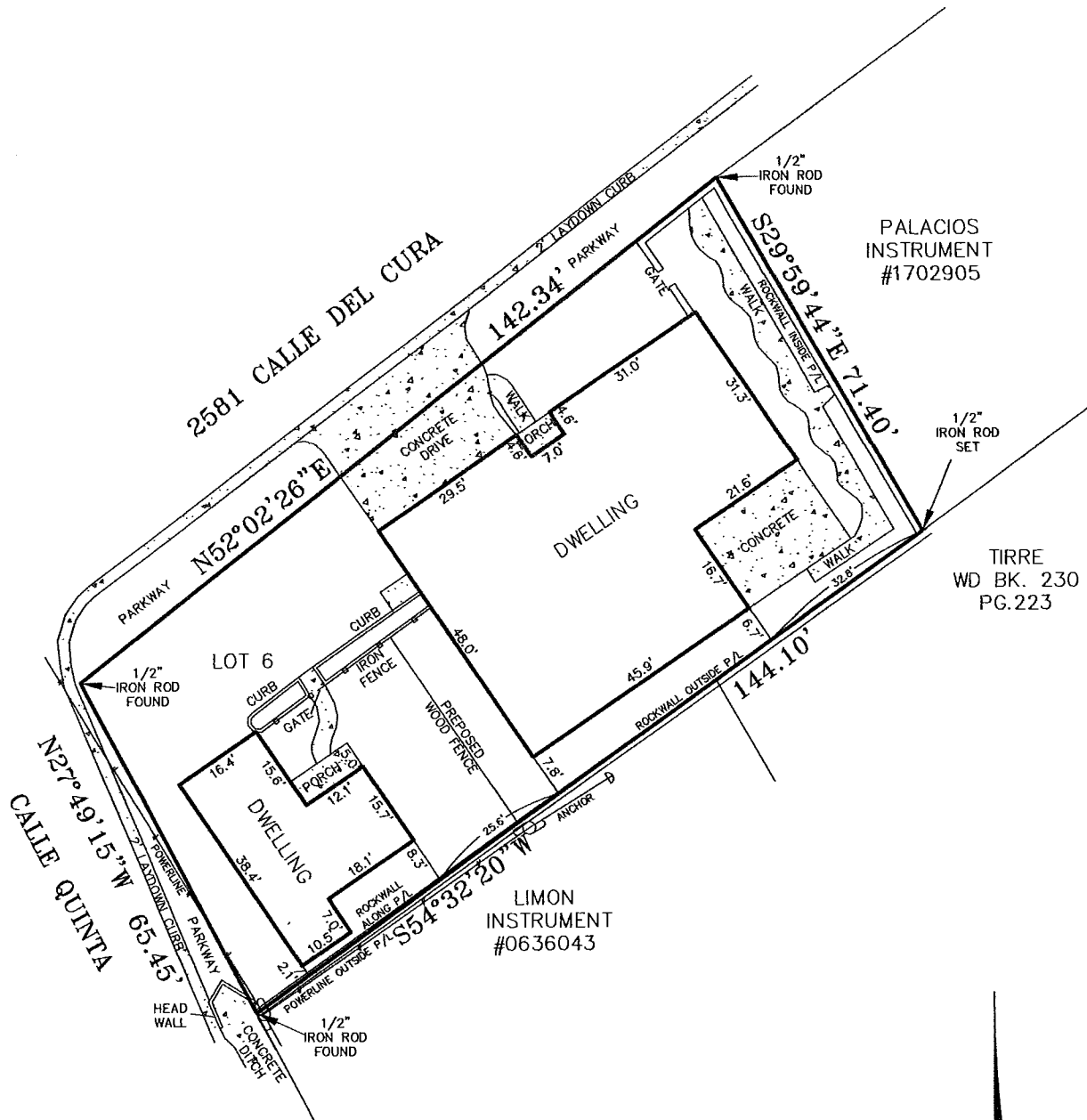


DEMO: Deteriorating Rock Wall and Sidewalk



Examples





PALACIOS
INSTRUMENT
#1702905

TIRRE
WD BK. 230
PG.223

LIMON
INSTRUMENT
#0636043



SCALE: 1"=30'



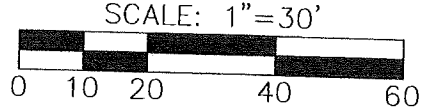
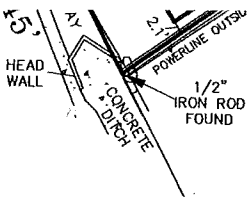
NOTE:

FLOOD ZONE "X" AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. AS PER MAP NUMBER 35013C1093 G, EFFECTIVE JULY 6, 2016.

FIELD NOTES BY MOY SURVEYING INC., LICENSE #18078.
ALL CORNERS SET ARE 1/2" IRON RODS WITH 1" PLASTIC CAPS STAMPED #18078. ALL IRON RODS OR MONUMENTS

"INDEXING INFORMATION FOR COUNTY CLERK"

PROPERTY OWNER: LIMON-RAMSEY
PROPERTY LOCATION: TOWN OF MESILLA
ACCOUNT NUMBER: R0400504



NOTE:
FLOOD ZONE "X" AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. AS PER MAP NUMBER 35013C1093 G, EFFECTIVE JULY 6, 2016.

"INDEXING INFORMATION FOR COUNTY CLERK"
PROPERTY OWNER: LIMON-RAMSEY
PROPERTY LOCATION: TOWN OF MESILLA
ACCOUNT NUMBER: R0400504
PARCEL NUMBER: 4006138157107

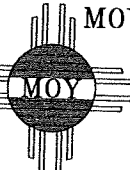
FIELD NOTES BY MOY SURVEYING INC., LICENSE #18078. ALL CORNERS SET ARE 1/2" IRON RODS WITH 1" PLASTIC CAPS STAMPED #18078. ALL IRON RODS OR MONUMENTS FOUND, TAGGED, STAMPED #18078. UNLESS OTHERWISE NOTED DEED BEARINGS AND DISTANCES AND FIELD BEARING AND DISTANCES ARE THE SAME.



PLAT OF SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON LOT 6, BLOCK N
SOUTHWEST ADDITION TO THE TOWN OF MESILLA
FILED FEBRUARY 4, 1943, IN PLAT RECORD 9
PAGE 76, ALSO BEING U.S.R.S. TRACT 11A-186A
TOWN OF MESILLA
DONA ANA COUNTY, NEW MEXICO

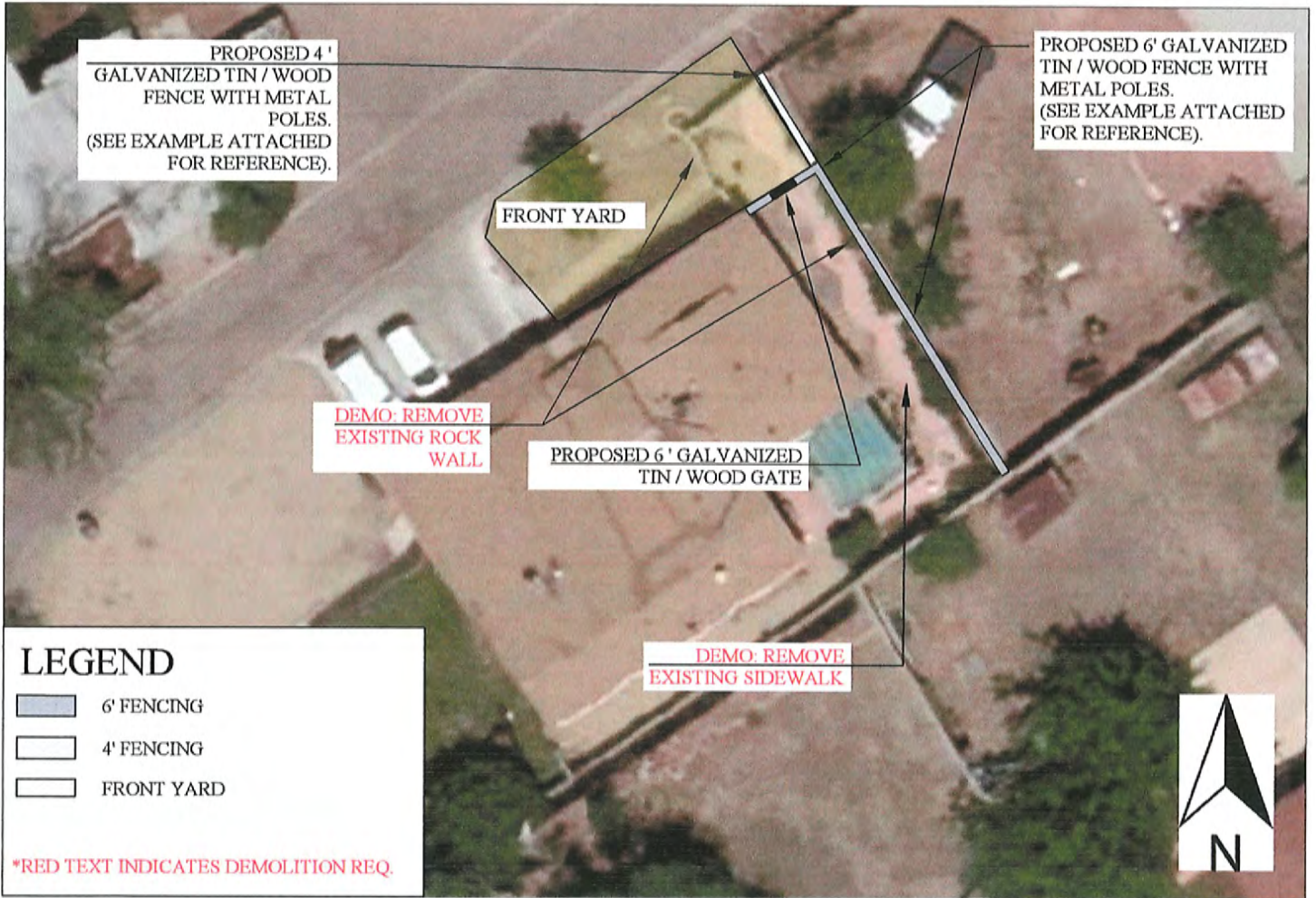
THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AND ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Henry Magallanez 18078
DATE: 10/13/21
HENRY MAGALLANEZ LICENSE NO. 18078
414 N. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO 88001

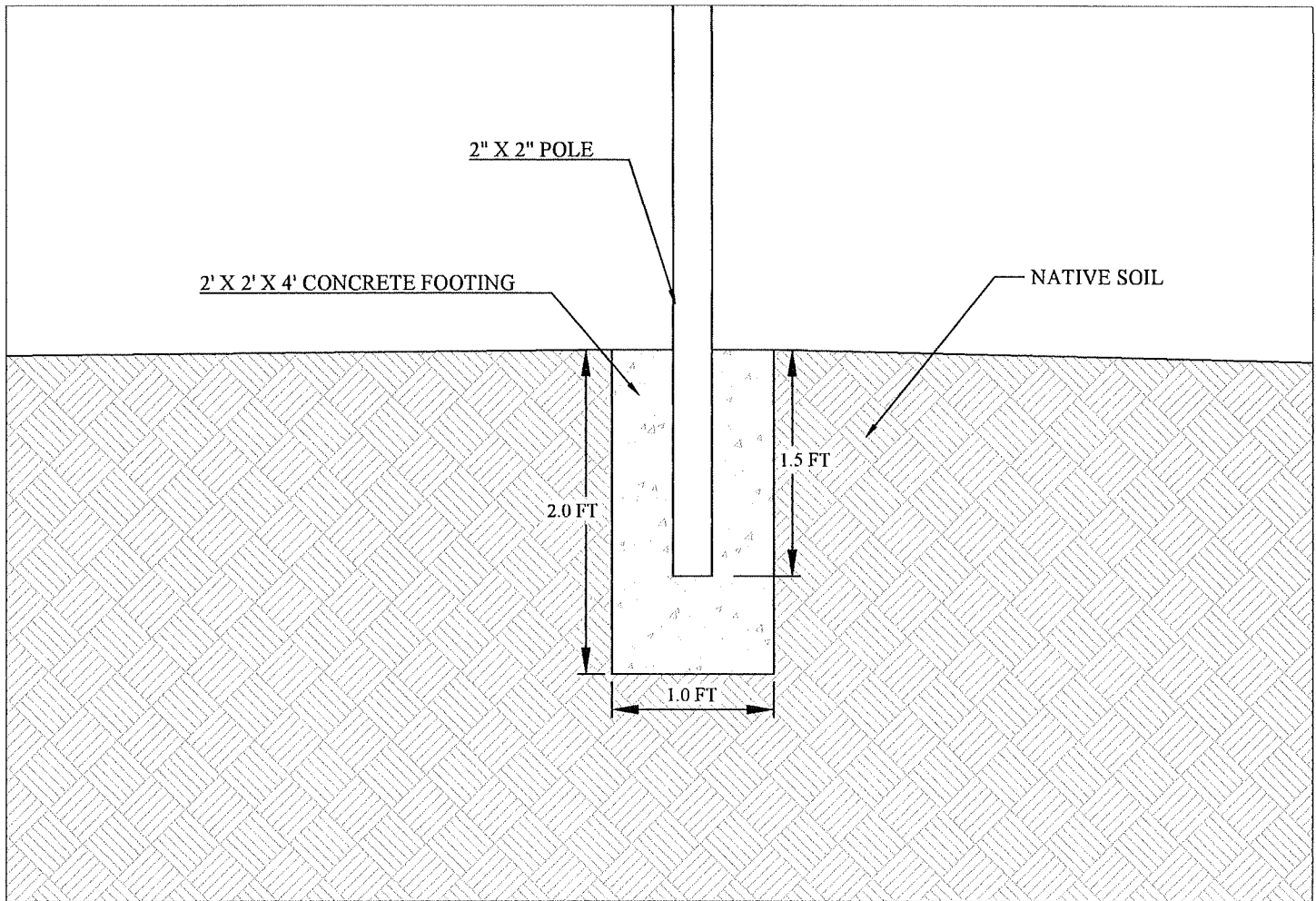
MOY SURVEYING INC.

1985 CALLE DE COLON
MESILLA, N.M. 88046
P.O. BOX 1570
MESILLA, N.M. 88046
info@moysurveying.com
PHONE: (575) 525-9683

JOB NO. 21-0706
DRAWN BY ROBERT E. LAWS
FIELD BY KENNY & VICTOR
DATE 10/13/21 SCALE: 1"=30'

2581 CALLE DE CURA



2581 CALLE DE CURA- FOOTING DETAIL



Cynthia Stoechner-Hernandez

From: Gary Ramsey <gary.ramsey2@yahoo.com>
Sent: Wednesday, December 15, 2021 5:51 PM
To: Cynthia Stoechner-Hernandez
Cc: Nora L. Barraza
Subject: Re: Application for 2581 cura
Attachments: Gate Sample.docx

Q 1. Yes the front fence that the gate will be attached to is 12 feet from the Property line.

Q 2. The gate will match the height of the fencing 6 feet. See attached example corrugated tin with a wood gate.

Q 3. Post will be 8 foot apart. One section will be Corrugated Tin 8 feet long 6 feet high. One section will be 1X6 Cedar wood 8 feet long 6 feet high. this pattern will alternate the entire distance of the fence.

Thanks,

If you have any more questions give me a call
575-649-1489

Gary Ramsey

On Wednesday, December 15, 2021, 10:04:14 AM MST, Cynthia Stoechner-Hernandez <cynthias-h@mesillanm.gov> wrote:

Hi Mr. Ramsey:

In order to complete your application I need to know the following:

- 1) Is the front fence 7 ft or more from the front property line?
- 2) I need a photo sample and the height of the gate to be installed on that side fence.
- 3) Which sample fence are you leaning more towards? Or is it a mix of both samples?

If you can get this information to me by 2pm today I can move this application forward. If not, it'll have to wait until the next meeting.

Thank you,

Cynthia Stoechner-Hernandez
Clerk/Treasurer

TOWN OF MESILLA

PO Box 10 | Mesilla, NM 88046
t 575.524.3262 direct 575.800.4948
CynthiaS-H@mesillanm.gov | mesillanm.gov

Follow us: [Facebook.com/OldMesilla](https://www.facebook.com/OldMesilla)
| twitter.com/OldMesilla





**TOWN OF MESILLA
BOARD ACTION FORM**

AGENDA DATE:

PZHAC: December 20, 2021

BOT: December 27, 2021

ITEMS:

PZHAC CASE #061308 – 2385 Calle de Guadalupe #2, Wild West Express-O sign to be updated. **Zoned: Historic Commercial (HC).**

BACKGROUND AND ANALYSIS:

The applicant proposes to install an updated 12 sq. ft. sign for the Wild Express-O.

This case was reviewed by Architectural Styles Committee (ASC) on December 14, 2021 with no recommendations.

IMPACT:

Staff recommends the Planning, Zoning and Historical Appropriateness Commission (PZHAC) approve the application subject to the following findings:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

Specific findings of fact:

- The proposed work meets the requirements of MTC 18.33 Historic Preservation.
- The proposed work meets the requirements of MTC 18.45 Historic Commercial Zone.
- The proposed work meets the requirements of MTC 18.65 Signs.

ALTERNATIVES FOR PZHAC:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

- 1) Recommend approval of this case with findings stated above.
- 2) Recommend approval of this case with findings stated above and conditions.
- 3) Deny the application.

DEPARTMENT RECOMMENDATION: Staff recommends the Board approve this case with the specific findings of fact. PZHAC approved this case 4-0.

SUPPORTING INFORMATION:

- Application
- Sample drawing of the sign



061308

Town of Mesilla
P.O. BOX 10
MESILLA, NM 88046
PHONE: (575) 524-3262 FAX (575) 541-6327

SIGN PERMIT

Application Date: 11/17/2001

The Silversmith Inc. dba Wild West Express-o
Name of Business

Charles Rogers
Name of Applicant

2385 Calle de Guadalupe # 2
Address of Business

PO Box 531
Address of Applicant

Mesilla NM 88046
City State Zip

Mesilla NM 88046
City State Zip

575-523-5561
Telephone Number

575-523-5562
Alternate Telephone Number

Location and description of Sign:

(include dimensions, lettering, shape, material, texture, colors, and/or finish to be used. Attach a drawing of the location of the sign, including any other advertising structures on the building or lot.)

3' x 4' Sign to Replace in
Same location. Using similar fonts.

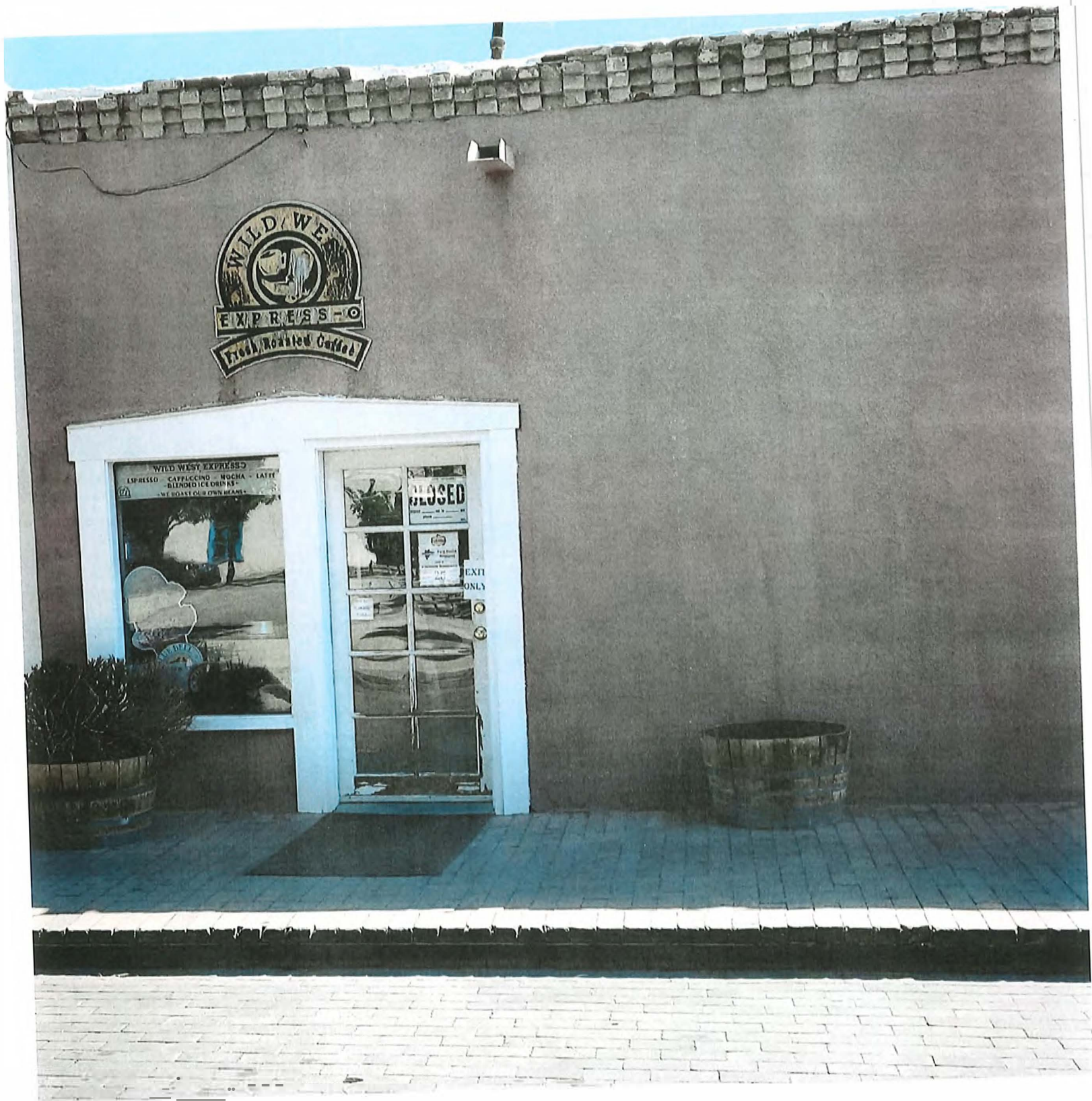
12 SQ FT.

For Office Use Only

Administrative Approval: _____
PZHAC Approval: _____
BOT Approval: _____

Permit Fee: 24⁰⁰
Date of Payment: _____
CASE NUMBER: _____







**TOWN OF MESILLA
BOARD ACTION FORM**

AGENDA DATE:

PZHAC: December 20, 2021

BOT: December 27, 2021

ITEMS:

PZHAC CASE #061311 – 1937 Calle de Parian, a sign permit for a second location for TruArt of the Earth. **Zoned: Historic Commercial (HC).**

BACKGROUND AND ANALYSIS:

The applicant proposes to install a 38” X 30” sign where “My Rich Sister’s Closet” sign used to be on the front of the building. They are adding this as a second location. P&Z will also consider their registration for this location today. The sign will be wood grain with the logo on it.

This case was reviewed by Architectural Styles Committee (ASC) on December 14, 2021 with no recommendations.

IMPACT:

Staff recommends the Planning, Zoning and Historical Appropriateness Commission (PZHAC) approve the application subject to the following findings:

- The PZHAC has jurisdiction to recommend approval of the applicant’s request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

Specific findings of fact:

- The proposed work meets the requirements of MTC 18.33 Historic Preservation.
- The proposed work meets the requirements of MTC 18.45 Historic Commercial Zone.
- The proposed work meets the requirements of MTC 18.65 Signs.

ALTERNATIVES FOR PZHAC:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

- 1) Recommend approval of this case with findings stated above.
- 2) Recommend approval of this case with findings stated above and conditions.
- 3) Deny the application.

DEPARTMENT RECOMMENDATION: Staff recommends the Board approve this case with the specific findings of fact. The PZHAC approved this case 4-0.

SUPPORTING INFORMATION:

- Application
- Sample drawing of the sign



Town of Mesilla
 P.O. BOX 10
 MESILLA, NM 88046
 PHONE: (575) 524-3262 FAX (575) 541-6327

061311

SIGN PERMIT

Application Date: 12/10/2021

TruArt of the Earth
 Name of Business

TruArt of the Earth
 Name of Applicant

1937 Calle de Paciam
 Address of Business

2411 Calle de San Albino
 Address of Applicant

Mesilla
 City State Zip

Mesilla
 City State Zip

505-720-4288
 Telephone Number

505-620-5129
 Alternate Telephone Number

Location and description of Sign:

(include dimensions, lettering, shape, material, texture, colors, and/or finish to be used. Attach a drawing of the location of the sign, including any other advertising structures on the building or lot.)

Front of building, to the left of the door. Replacing existing sign, same dimensions. Sign will appear same as on Calle de San Albino
38" x 30"

For Office Use Only

Administrative Approval: _____
 PZHAC Approval: _____
 BOT Approval: _____

Permit Fee: 10⁰⁰
 Date of Payment: 12.13.21
 CASE NUMBER: 061311



TruVAirt of the Earth Crystals Minerals & Gifts

*Wood Grain
Background*



**TOWN OF MESILLA
BOARD ACTION FORM**

AGENDA DATE:

PZHAC: December 20, 2021

BOT: December 27, 2021

ITEMS:

PZHAC CASE #061314 – Corner of Avenida de Mesilla and Calle de Alvarez, artwork to be approved for the sign approved by Variance 2019-02. **Zoned: Commercial (C).**

BACKGROUND AND ANALYSIS:

The applicant proposes to add artwork to a sign that was approved by Board of Adjustments followed by Board of Trustees in 2019 (minutes attached).

The letter from the applicant states that the colors will be yellow, orange, red and black. The metal signs that are currently there for Dry Point and Health Care Solutions. In conversations with Chris Schaefer, they are still trying to get the other businesses in that plaza to add their name, but the metal is too expensive, so they are looking at other alternatives.

This case was reviewed by Architectural Styles Committee (ASC) on December 14, 2021, with discussions on what type of artwork was approved at the time and discussions that took place, thus the reasoning as to why the minutes are attached.

IMPACT:

Staff recommends the Planning, Zoning and Historical Appropriateness Commission (PZHAC) approve the application subject to the following findings:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

Specific findings of fact:

- The proposed work meets the requirements of MTC 18.33 Historic Preservation.
- The proposed work meets the requirements of MTC 18.45 Historic Commercial Zone.
- The proposed work meets the requirements of MTC 18.65 Signs.

ALTERNATIVES FOR PZHAC:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

- 1) Recommend approval of this case with findings stated above.
- 2) Recommend approval of this case with findings stated above and conditions.
- 3) Deny the application.

DEPARTMENT RECOMMENDATION:

We have allowed murals and artwork at several locations within the Commercial and Historical Commercial zones in the past. Does the board want the whole sign wrapped or just the front façade painted? Other signs in the area have been limited in area with artwork (example: Hacienda de Mesilla).

PZHAC approved with the condition that the artwork be on the front facade only as demonstrated on the exhibit from the original approval labeled Exhibit A. The painting of words as demonstrated is not allowed. Vote 4-0.

SUPPORTING INFORMATION:

- Application
- Sample drawing of the sign

- Letter from Chris Schaefer
- Minutes from BOT Meeting
- Resolution from Board of Adjustments



OFFICIAL USE ONLY:

Case # 061314

Fee \$ _____

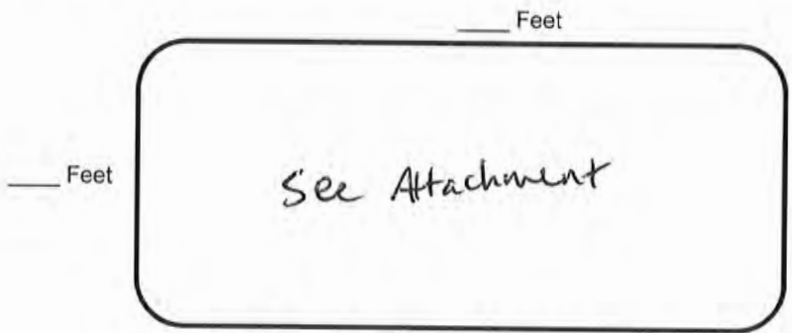
CASE NO. _____ ZONE: _____ APPLICATION DATE: _____

Dry Point Distillers
Business Name
1680 Calle de Alvarez Las Cruces
Business Address City
575 636 3856
Business Telephone Number
NM 88005
State Zip Code

Chris Schaefer
Applicant Name
704 Carver RD Las Cruces NM 88005
Mailing Address City State Zip Code
575 636 3856
Applicant Telephone/Cell Number

Description of sign: Existing sign, requesting permission for Ray Archuleta to paint a mural on it.

Please include dimensions, lettering, shape, material, texture, colors, and/or finish to be used on the diagram below.



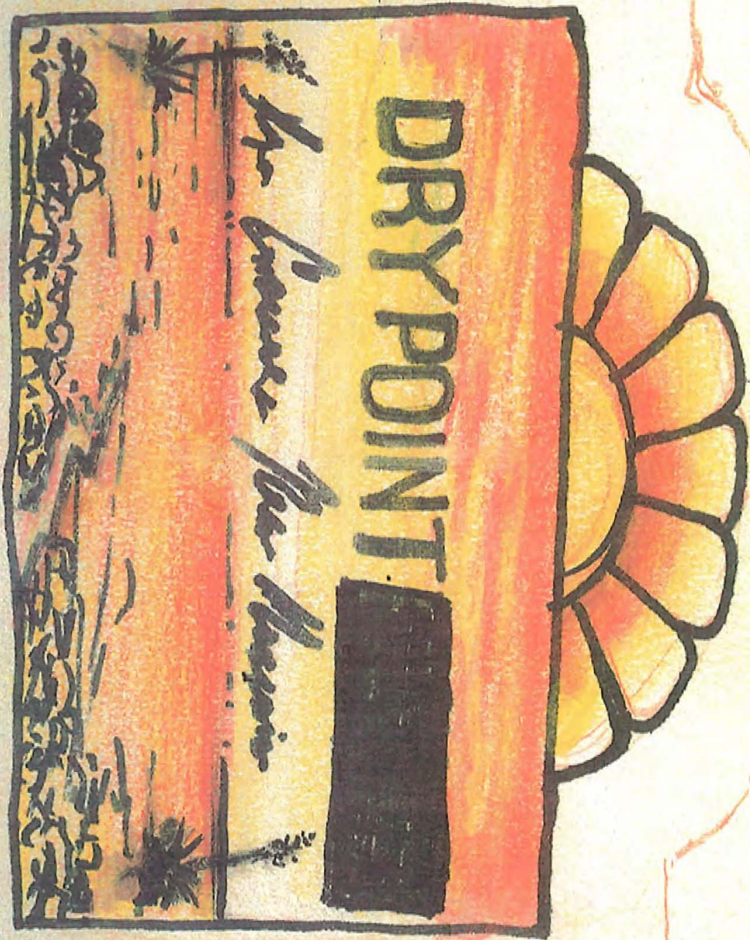
Colors: yellow, orange, red, black

FOR OFFICIAL USE ONLY

- PZHAC Administrative Approval Approved Date: _____
- Approved Date: _____ Disapproved Date: _____
- Disapproved Date: _____ Approved with Conditions
- Approved with conditions

CONDITIONS: _____

PERMIT ISSUED BY: _____ ISSUE DATE: _____

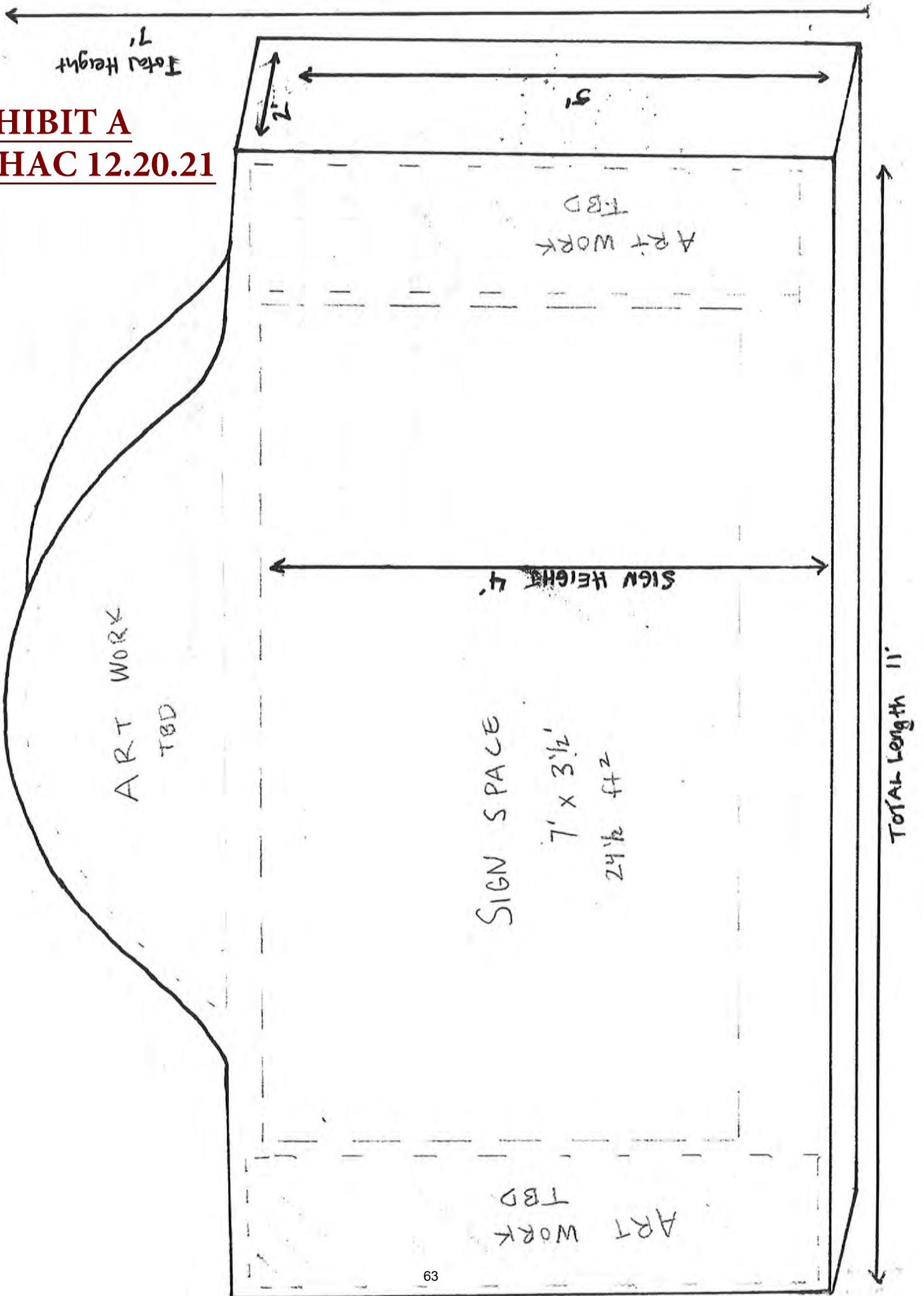


To whom it may concern,

This is a artist sketch of a mural proposed on the existing monument sign for the Mesilla Mercado business area on the corner of Calle de Alvarez and Avenida de Mesilla. The artist, Ray Archuleta, has designed a mural to include a flower pattern at the top of the sign with fading colors of red, yellow, orange. At bottom of the sign there will be a desert scene to include yuccas, rocks and a river. The artist sketch shows actual signage (Business name) that is not to scale but simply shows the area where actual signage will appear. The proposed mural will appear on the front of the monument sign only but ultimately we would like the mural to cover all sides of the monument sign. Additional artwork will be submitted for Town approval before the mural will be expanded beyond what is currently proposed.

Sincerely
Chris Schaefer

EXHIBIT A
PZHAC 12.20.21



* See Back

Total height 7 feet
Total length 11 feet
Total width 2 feet
Sign height 4 feet

Sign space $7 \times 3\frac{1}{2}$ feet = $24\frac{1}{2}$ feet squared

- Tan stucco finish
- Rounded adobe-like construction
- All art work to be determined and approved by Town of Mesilla

BOARD OF ADJUSTMENTS RESOLUTION NO. 2019-02

A RESOLUTION RECOMMENDING TO THE BOARD OF TRUSTEES APPROVAL OF A VARIANCE PER ORDINANCE REGULATIONS OF THE MESILLA TOWN CODE.

WHEREAS, the BOARD OF ADJUSTMENTS held a Public Hearing on July 2, 2019, to receive public input on a proposed Variance to Chapter 18.65 (Signs) of the Mesilla Town Code to allow an off premises directory sign on a commercial property at the SE corner of Calle de Alvarez and Avenida de Mesilla (address to be assigned); and

WHEREAS, staff sent certified notifications of the Variance request to the property owners within 100 feet of the property; and

WHEREAS, staff posted an orange public notice sign for the Variance request on the property as required per MTC Section 18.85.160; and

WHEREAS, the BOARD OF ADJUSTMENTS took input from the public about the proposed Variance at the Public Hearing held July 2, 2019; and

WHEREAS, the applicant, Chris Schaefer acting on behalf of Paul D.G. Miller, would like to install an off premises directory sign on the above listed property; and

WHEREAS, Section 18.65.165(C) of the MTC requires that all directory signs shall be located on the premises where the businesses are located; and

WHEREAS, the BOARD OF ADJUSTMENTS found that the strict interpretation of the Sign Code would not be in the best interest of the Town; and


WHEREAS, a member of the public stated that they did not believe that a Variance could be allowed to override the Code; and

WHEREAS, the commercial use of the property, which is currently vacant, will not be changed; and

WHEREAS, the BOARD OF ADJUSTMENTS found that the proposed Variance is not detrimental to the Town of Mesilla;

NOW THEREFORE, BE IT RESOLVED by the BOARD OF ADJUSTMENTS for the Town of Mesilla that the recommendation is made to the Board of Trustees for approval of the requested Variance for an off premises directory sign to be installed on a commercial property at the SE corner of Calle de Alvarez and Avenida de Mesilla in the Town of Mesilla.

PASSED, ADOPTED AND APPROVED on this 2nd day of July 2019.



Carlos Arzabal, Chairman
TOWN OF MESILLA
BOARD OF ADJUSTMENTS

ATTEST:



Larry Shannon
Community Development Coordinator

1 motion the following items of recurring or routine business. The Consent Agenda is
2 marked with an asterisk *):

3 **Original Motion:** To approve consent agenda, **Moved by Trustee Arzabal, Seconded by Mayor Pro**
4 **Tem Johnson-Burick.**

5
6 Mayor Barraza stated Dr. Schaefer needs to provide the artwork being proposed for the directory sign to
7 insure it follows the ordinance.

8
9 **Amended Motion:** To approve consent agenda with the condition placed on Case #060896, **Moved by**
10 **Mayor Pro Tem Johnson-Burick, Seconded by Trustee Arzabal.**

11
12 **Amended Motion Roll Call Vote:** Motion passed (summary: Yes =3).

13 Mayor Pro Tem Johnson-Burick Yes
14 Trustee Arzabal Yes
15 Trustee Caro Yes

16
17 **Original Motion Roll Call Vote:** Motion passed (summary: Yes =3).

18 Mayor Pro Tem Johnson-Burick Yes
19 Trustee Arzabal Yes
20 Trustee Caro Yes

21
22 a) * **BOT Minutes** – Minutes of a Work Session & Regular Meeting on November 25, 2019.
23 *Approved by consent agenda*

24 b) ***PZHAC CASE 060896** – 1680 Calle de Alvarez, submitted by Chris Schaefer; a request
25 for a zoning permit to construct a freestanding directory sign on a commercial property at
26 this address. Zoned: General Commercial (C). *Approved by consent agenda with condition*
27 *that sign graphic is submitted prior to adding to freestanding directory sign and meets the*
28 *ordinance requirements.*

29 Dr. Shaefer stated nothing has been designed yet but would like to build the monument. He will approach
30 the businesses to see who will be advertising on the sign.

31
32 Mayor Barraza responded the monument foundation can be built but he must provide the artwork that will
33 be on the sign for approval.

34
35 Dr. Schaefer stated it will have the names of the businesses. It will depend on the cost of what artwork
36 will be on the directory and will be added later. We will follow the ordinance.

37
38 Mayor Barraza reiterated the monument foundation can be built now; the board will need to approve the
39 final artwork.

40
41 Dr. Schaefer responded he objects to that and is against bring everything to the board.

42
43 Mayor Barraza stated the foundation is approved. The board will need to approve the final artwork and
44 what is being put on the directory sign.

45

1 Dr. Schaefer stated this puts us in jeopardy. This application was approved on May 28th and there have
2 been no changes made.

3
4 Mayor Barraza responded he can move forward with the monument if it is approved by the board tonight.
5 The content of the directory sign still needs to be approved by the board; plans are required to be
6 submitted.

7
8 Dr. Schaefer asked if it is mandated that the artwork be brought for approval.

9
10 Mayor Barraza responded yes; it is mandated that the artwork be brought forth for approval.

11
12 c) * **PZHAC CASE 060987** – 2685 Calle de Parian, submitted by William McIlvaine; a
13 request for a zoning permit to replace or install new posts on an existing porch as part of a
14 renovation of a dwelling at this address. Zoned: Historic Residential (HR). **Approved by**
15 **consent agenda**

16 d) * **PZHAC CASE 060991** – 2214 Calle de Guadalupe, submitted by Pat Taylor; a request
17 for a zoning permit to allow additional renovations on a commercial building this address.
18 Zoned: Historical Commercial (HC). **Approved by consent agenda**

19
20 **8. NEW BUSINESS:**

21 a) **Discussion:** submittal of a Letter of Interest to the Paso del Norte Health Foundation for
22 active living classes at the Community Center.

23 Mayor Barraza stated she would like to move forward in submitting a Letter of Intent to the Paso del
24 North Health Foundation for funding for the living classes held at the Community Center.

25
26 Ms. Stoechner-Hernandez stated deadline for submitting Letter of Intent is December 18th; invitations for
27 full proposals will be sent out afterward and we will see them if we can move forward.

28
29 **9. OLD BUSINESS:**

30 **Motion:** Mayor Barraza requested a 10-minute break for Mr. Cervantes to be present, **Moved by Trustee**
31 **Arzabal, Seconded by Mayor Pro Tem Johnson-Burick.**

32
33 **Roll Call Vote:** Motion passed (**summary:** Yes =3).
34 Mayor Pro Tem Johnson-Burick Yes
35 Trustee Arzabal Yes
36 Trustee Caro Yes

37
38 Break at 6:43 p.m.

39
40 Mayor Barraza reconvened at 7:00 p.m.

41
42 **Motion:** Approval to reconvene regular meeting after break, **Moved by Trustee Arzabal, Seconded by**
43 **Mayor Pro Tem Johnson-Burick.**