



Town of Mesilla, New Mexico

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL BE HAVING A REGULAR MEETING AT THE MESILLA
TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY – JULY 6, 2026 @ 6PM
(MINUTES)**

COMMISSIONERS

Chairperson – Eric Walkinshaw
Vice Chair – Eric Gallegos
Secretary – Lori Miller
Commissioner – Rosemary Alvillar
Commissioner – Martha Mulvihill
Alt. Commissioner – Paz
Alt. Commissioner – Mary Lucero

STAFF

Director Community/Economic Development – Eddie Salazar
Mesilla Code Enforcement Officer Ramirez
NM CID – Thomas Maese

PUBLIC

Martha Orta
Isidro Peña
Bill & Janice Cook

Chair Walkinshaw:

This is the Planning and Zoning Historical Appropriateness Commission for the—work session.

We are here at the Mesilla Town Hall. It is **July 6, 2026, at 6:00 p.m.**

We'll start with the **Pledge of Allegiance**. If you could join us.

All:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Chair Walkinshaw:

The next order of business is **Roll Call and Determination of Quorum.**

Mr. Salazar, if you will.

Community & Economic Development Director **Eddie Salazar** called roll.

Present

- Chair Eric Walkinshaw
- Vice Chair Gallegos
- Commissioner Miller
- Commissioner Alvillar
- Commissioner Mulvihill
- Alt. Commissioner Paz
- Alt. Commissioner Lucero

A quorum was declared present.

Chair Walkinshaw:

Yeah, full house.

The next order of business is **Changes to or Approval of the Agenda.**

I need a motion, please.

Motion

Commissioner Miller moved to approve the agenda as presented.

Second: Commissioner Paz.

Mr. Salazar:

I'll go ahead and take the vote, Mr. Chair.

There being no further discussion, a vote was taken.

Vote

- Vice Chair Gallegos — Yes
- Commissioner Miller — Yes
- Commissioner Alvillar — Yes
- Commissioner Mulvihill— Yes

Motion carried unanimously (4-0).

Chair Walkinshaw:

Next is **Public Input** on the two action items, **PZHAC Case No. 062142** and **PZHAC Case No. 062147**, which are the two projects we will be addressing this evening.

This is the time for public input regarding those two agenda items.

If anyone wishes to speak, please come forward, state your name, and provide any comments regarding either of those project proposals.

(No public comments were offered.)

It looks like we're ready to move to the next agenda item, which is the **Consent Agenda**.

The Consent Agenda consists of the **June 15, 2026, Regular Meeting Minutes**.

Are there any comments regarding the Consent Agenda?

Commissioner Miller:

I move to approve.

Commissioner Mulvihill:

Second.

Chair Walkinshaw:

Motion by Commissioner Miller. Second by Commissioner Mulvihill.

Any discussion?

Commissioner Paz:

There's a correction on it. The page where it shows that I was absent. Page 12.

Mr. Salazar:

Okay. I'll see who was the one that did that. There was a question mark there, but I'll fix that, and I'll correct the notation showing you as absent as well.

Commissioner Paz:

Thank you.

Mr. Salazar:

You're welcome.

Like I mentioned, I have started using this new software so I can provide you with more detailed information in writing. It's a training tool, and after a while it begins to recognize names and terminology. It has become a tremendous time saver.

6. ACTION AND CONSIDERATION

A. PZHAC CASE #062142 – 2011 Glass Road

Request for Approval to Re-Roof Residence

Chair Walkinshaw:

We're down to **Action and Consideration**, and as mentioned before, **PZHAC Case No. 062142**.

Mr. Salazar, if you would.

Mr. Eddie Salazar, Director of Community & Economic Development:

Yes, sir.

This is **PZHAC Case No. 062142**, located at **2011 Glass Road**. It was submitted by the **Discalced Carmelite Nuns**, requesting approval to re-roof their residence.

The property is zoned **Rural Farm (RF)**.

Carla Judith Mueriki, listed owner of the property, came to an agreement with **Our Builders, Inc.** to re-roof the residence.

The structure currently has old clay roof tiles that are in dire need of replacement. Many areas of the roof have cracked and contain holes due to poor installation from many years ago.

Our Builders, Inc. will be replacing the clay tile roof with **Mueller PBR Red Metal Roofing**. Please see the attached specifications included in your packet.

The neighboring property at **2013 Glass Road** also has PBR Red metal roofing.

Department Comments

Mesilla Town Code **Section 18.20, Rural Farm District**, does not limit the type of roofing material permitted.

PBR metal roofing is consistent with other farm homes in the surrounding area.

The contractor has an active Town of Mesilla business registration.

The neighboring property also has a metal roof.

The Planning and Zoning Historical Appropriateness Commission has final approval authority for this request.

Supporting documentation includes the PBR roofing specifications, proof of ownership, contract agreement, and street-view photographs of the property.

I stand by for any questions.

Chair Walkinshaw:

Commissioners, do you have any questions?

Vice Chair Gallegos:

I move to approve **PZHAC Case No. 062142.**

Commissioner Miller:

Second.

Chair Walkinshaw:

All right. Motion by Vice Chair Gallegos. Second by Commissioner Miller.

Discussion?

Vice Chair Gallegos:

I just have a very brief comment. It's really minor.

Under the "Impact" section, it's a little confusing. Since this property is zoned Rural Farm, my understanding of the code is that this Commission has final approval authority.

It doesn't go to the Board of Trustees, correct?

Mr. Salazar:

Correct.

That language is simply part of my report template. Whenever an item requires either a recommendation to or final approval by the Board of Trustees, that information is automatically included.

I'll revise the wording so it isn't confusing and clearly identifies when this Commission has final approval authority.

Chair Walkinshaw:

Any other comments?

(No further comments.)

Sounds like we're ready for a vote.

Mr. Salazar:

Vote

- Vice Chair Gallegos — Yes
- Commissioner Miller — Yes
- Commissioner Alvillar — Yes
- Commissioner Mulvihill — Yes

Mr. Chair, the motion passes 4–0.

Chair Walkinshaw:

Thank you.

B. PZHAC CASE #062147 – 2138 Calle del Sur

Request for Approval to Replace One Garage Door with Windows

Chair Walkinshaw:

Now we're going on to the second and final proposal, **PZHAC Case No. 062147**.

Mr. Salazar, if you would give us the background.

Mr. Eddie Salazar:

Yes.

This is **PZHAC Case No. 062147**, located at **2138 Calle del Sur**.

The application was submitted by **Marta Orta**, owner of the property, requesting approval to replace one of the garage doors with two windows.

The property is zoned **Historical Residential (HR)**.

Dispatch received a complaint regarding construction occurring without a permit. Code Enforcement Officer **Edgar Ramirez** responded to the call and made contact with the property owner, Mrs. Marta Orta.

Mrs. Orta advised that she had previously stopped by the Community & Economic Development Department and spoken with me regarding renovations to the property. She did stop by, and she advised me she wanted to make renovations to the property.

At that time, I advised her that **no permit would be required as long as the work was limited to interior renovations**.

I'll continue reading, and then I'll provide some additional explanation.

Mrs. Orta stated she was advised that no permit was required for interior upgrades to the structure. She was unaware that replacing the garage door with windows required a permit.

Mrs. Orta was directed to stop by Town Hall and apply for a permit because the work constituted a violation of the Town Ordinance.

The following day, Mrs. Orta spoke with me and was advised that the matter would need to be considered by the **Planning and Zoning Historical Appropriateness Commission** and the **Board of Trustees**.

Mrs. Orta applied for the permit and paid both the normal permit fee and an additional investigation fee pursuant to **Mesilla Town Code Section 15.15(D)(2)**.

The ordinance states:

"An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. Payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code, nor from any penalty prescribed by law."

The structure involved is located behind the primary residence. It appears to be an accessory garage/storage building.

Department Comments

Planning and Zoning Historical Appropriateness Commission recommendation and Board of Trustees approval are required.

The investigation fee was included with the permit fee.

The Code Enforcement case remains open.

Supporting documents include the application, photographs of the windows and home, proof of ownership, and street-view photographs.

I also sent the Commission an update regarding this case.

I spoke with Officer Ramirez, who is here tonight. The applicant, Mrs. Marta Orta, is also here this evening to answer any questions I may not be able to answer. She has indicated she is willing to do whatever is necessary to resolve this misunderstanding.

I requested Officer Ramirez's report, which is attached to your packet.

After reviewing the report, I realized the issue involves more than just the garage door. I must have misunderstood, or perhaps there was a miscommunication, but the project also involved modifications to the building itself.

Those changes require a building permit.

Officer Ramirez has already contacted Mrs. Orta regarding those requirements, and they are working through what is needed for compliance.

I did not include the building plans in tonight's packet because I was unaware of the extent of the additional windows and other modifications made to the structure.

Tonight, the Commission may approve the request with conditions requiring all CID and Town building requirements to be met, postpone the request for additional information, or deny the request.

Again, Mrs. Orta is here this evening and is willing to cooperate with whatever is necessary so she may continue remodeling the structure.

She also showed me photographs of the property before the improvements. The buildings were in very poor condition, and the lot itself was also in poor condition.

She has made significant aesthetic improvements to the property.

However, the Town also has adopted historic design standards that the Commission must consider during its review.

I stand by for any questions.

Chair Walkinshaw:

Commissioners?

Questions? Concerns?

I need a motion so we can discuss the case.

Commissioner Mulvihill:

I move to approve **PZHAC Case No. 062147.**

Commissioner Alvillar:

Second.

Chair Walkinshaw:

Discussion?

Commissioner Gallegos:

Correct me if I'm wrong.

So, nothing further has been done to the building until tonight, when we're making the decision?

Mr. Salazar:

Correct.

The only thing I advised the applicant after she came into my office and I informed her that a permit was required was to secure the structure.

There were openings where the windows had been installed, and because we're in monsoon season, I didn't want rain entering the building or causing damage to the interior.

I simply allowed her to cover those openings to protect the structure.

Construction has stopped and the project has not been completed.

Chair Walkinshaw:

Officer Ramirez?

Code Enforcement Officer Edgar Ramirez:

Yes.

Chair Walkinshaw:

Would you like to come forward?

Officer Ramirez:

My apologies.

I was just going to mention the same thing Mr. Salazar just explained.

He was allowing preventative measures for the upcoming rain since, you know, New Mexico weather is a little unpredictable.

I did get a call from Ms. Orta, and I advised her of the same thing as well.

Chair Walkinshaw:

Any questions?

Commissioner Mulvihill:

I just want to make a couple of comments.

The other thing is, because it's a violation, is there a violation fee that she was charged?

Also, was there anywhere in the plans that said how many windows were going to be installed? Because this just says "windows."

Mr. Eddie Salazar:

No. Again, it was done without a permit first.

She was not aware that she needed a permit to install the windows. She was simply trying to continue beautifying the property.

Commissioner Mulvihill:

But, in other words, there wasn't any formal submission showing how many windows were going to be installed?

Mr. Salazar:

No.

When I prepared this case packet, I understood that the request was simply to replace a garage door with windows.

That's why, if I had known otherwise, I would have gathered more information. I might not even have placed it on tonight's agenda because it had already been scheduled.

We would have done a little more homework to present the case more completely. I'm sure the building plans and everything else would have been in order before bringing it forward.

Again, I didn't realize the full extent of the work until today.

Mr. Salazar:

If you wish to ask the applicant questions, then yes, we can do that.

She mentioned that it was going to be for her personal use, but I'd like to invite her forward so she can answer some of those questions.

Mrs. Marta Orta (Applicant):

Good afternoon.

My name is **Marta Orta**. I reside at **2138 Calle del Sur**.

Feel free to ask questions.

Commissioner Gallegos:

My question is, do you intend to use that as a supplementary dwelling?

Mrs. Orta:

Yes.

Commissioner Gallegos:

Potentially?

Mrs. Orta:

No, not necessarily.

For me, it was just a dilapidated building. I was trying to restore it.

If I showed you the videos of what I found back there, as I started peeling everything back, it just kept getting worse and worse and worse.

I'm sorry. I did not know I had to obtain a permit. Otherwise, I would have done everything properly.

I apologize for that.

I'll do whatever needs to be done.

Commissioner Gallegos:

We've noticed you've been improving the property.

Mrs. Orta:

Oh, thank you.

I'm trying to make it look typical of the area.

Chair Walkinshaw:

Okay.

Thank you.

Commissioner Gallegos:

I'd like to get a little more clarity regarding the CID requirements.

Again, initially it appeared that the proposal was simply to replace the garage door, which is the picture I saw.

One of my comments here involved the future use because they only showed a window there.

Now I've seen the larger picture showing that the entire garage door opening contains windows.

It also looks like there may be a door there or something similar.

NM Construction Industries Division-Thomas Maese:

Mr. Chair, Commissioners—

Just to go back a little bit as well.

You were asking whether work had stopped on this project.

It has.

Both the Town of Mesilla and I issued a stop-work order.

I visited the site on Thursday of last week and issued the stop-work order at that time.

We are working with the owner, and we are in contact with her.

At this time, I have not seen any building plans.

If the structure is going to be used as a **casita** or living quarters, then we will need to determine whether it has proper emergency egress and all of the required dwelling features.

If it's going to remain as storage, then there are no regulations regarding how many windows or doors it may have.

You could continue using the garage door as the primary entrance for a storage building.

It will all depend on how the plans are submitted and what the intended use of the structure will be.

Then we can determine which direction we need to go.

Commissioner Gallegos:

So, if it's going to be categorized as living quarters rather than storage—

CID Inspector Maese:

Correct.

Then we have to evaluate the interior design.

If there are bedrooms that are separated from the rest of the structure, then each bedroom would have to meet emergency egress requirements.

If it's going to be used—I shouldn't necessarily say "used," because we're not certain yet what the final use will be—but if it becomes something like a small casita or efficiency-type dwelling, then the front door could satisfy the required egress, and additional bedroom egress windows might not be necessary.

Again, it comes back to the intended use and how the plans are designed.

If it's going to function as a casita or other living quarters, even for family members, then we'll need to either provide an operable window that meets the code requirements for emergency egress or install a door that satisfies those same requirements.

Chair Walkinshaw:

I guess, for the Commissioners and myself, our purview is really the exterior.

So, I think what we're addressing is whether the exterior—those windows, whether they're windows or doors—fits within the Historic District.

CID Inspector Maese:

Correct.

A casita can still be considered an accessory building.

Until CID receives and reviews the building plans, we don't know exactly what the interior use will be.

The Commission can review the exterior design and determine whether the appearance complies with the Town of Mesilla's design standards.

The State, however, still has to review the interior construction to determine what code requirements apply.

Chair Walkinshaw:

So, for clarification, what's happening inside doesn't really matter as far as this Commission is concerned?

CID Inspector Maese:

I'm not the zoning officer, so that would ultimately be up to Mr. Salazar to answer.

But, realistically, yes.

As long as the exterior is approved and complies with the Town's design requirements, then it will come to CID for review of the interior use and development to determine what additional requirements must be met.

A perfect example—and I'm not trying to get off track—is another project on **Calle de San Albino** that PZHAC approved.

The owner was issued a permit for exterior renovations and improvements to the house.

When we arrived at the site, we discovered there was additional work occurring inside the structure.

The project has been stopped.

The owner has been informed and is currently preparing the required information for us so we can review the interior work.

It's a give-and-take process.

As long as the exterior meets your requirements, then we'll address the interior construction separately.

Chair Walkinshaw:

I appreciate that.

Some of my concerns are that I like the fact that it's mostly screened from the main road, and I think that's one of our review criteria.

However, I also have to say that I haven't seen any buildings in Mesilla that have that many windows, doors, or that much glass.

So, I'm a little concerned about that.

I appreciate that the windows have already been installed, but it seems like we still have some latitude to require changes to the exterior.

CID Inspector Maese:

So, along with that, Commissioners, you can also look at it from the standpoint of whether the windows meet not only the zoning code but also the building code with regard to how they are installed.

There are building code requirements concerning the placement of windows. For example, there are height requirements. If the windows are installed below a certain height, they must be **tempered glass**.

Those are items that still have to be reviewed.

I have not entered the building, so I don't know how high the windows are above the finished floor. That still needs to be evaluated.

At the same time, glazing can be replaced. The glass itself can be removed and replaced while leaving the existing window frames in place. Again, it comes back to aesthetics and what this Commission determines is appropriate.

The applicant is not adding to the footprint of the building. There are no issues with setbacks, roof modifications, or anything of that nature.

From the State's perspective, the work being done is relatively minimal and is intended to upgrade the structure and bring it to a standard that will be acceptable to the Town of Mesilla.

Chair Walkinshaw:

Thank you.

Any other comments?

Mr. Eddie Salazar:

You know what our code says, and I think what we've considered in other cases and requests is that the project has to meet the development standards of the zone and be compatible with the nearby homes.

Right?

That's what our code says.

Again, each one of us may read and interpret it a little differently. That's why we vote on these matters.

Our code does not specify how many windows a building may or may not have.

Unfortunately, **Ms. Liana Aguirre**, our Historic Preservation Specialist, is not here tonight. She won't be back until Wednesday. That's someone we could ask regarding the number of windows or other historic design considerations.

Again, this is something that was brought to my attention this morning, so it's something we can discuss. But, no, the code itself does not specify how many windows are permitted.

Mr. Eddie Salazar:

Well, that's the condition.

Just like CID, we could consider the request approved **provided it meets the Town's historic preservation standards** after review by our Historic Preservation Specialist.

Or, the Commission can determine that it does not meet those standards.

We're making that determination tonight.

If changes are necessary, then we need to determine what those changes should be.

Can we install some type of screening? Perhaps a wall in front of it? Maybe the windows need to come out. Maybe a different style of window would be more appropriate.

Again, we're trying to work with the applicant, which is what we always try to do.

But eventually, we have to follow the Town Code, and the project has to meet those requirements.

Vice Chair Gallegos:

I'd like to make a motion to allow **Ms. Aguirre** to have her input in the review process.

Mr. Eddie Salazar:

All right, Mr. Chair.

What Mr. Vice Chair Gallegos has suggested would be an **amendment to the original motion**.

Commissioner Mulvihill made the original motion, and Commissioner Alvillar seconded it.

Commissioner Mulvihill, if you agree, you may amend your motion to include those additional conditions.

I'm sorry.

Mr. Salazar:

Otherwise, you would have to vote twice.

You would first need to vote on the amendment to the motion. Once that amendment is acted upon, you would then vote on the original motion as amended.

Vice Chair Gallegos:

The other discussion is for what purpose? Because it's not a historic site.

Correct?

Mr. Salazar:

Correct.

I looked it up.

It's considered a **contributing building** only because it's located within the Historic Residential District.

It is **not** individually designated as a historic site or historic landmark.

Vice Chair Gallegos:

That would be further discussion anyway.

Even if it's not being used for...

Whatever those considerations may be...

I just need clarification on whether we should wait.

Mr. Salazar:

Again, you can postpone the request until the next meeting.

However, if you'd like to consider it tonight, we would need to amend the motion to state that the request is approved **provided it meets all New Mexico CID requirements and receives approval from our Historic Preservation Specialist after her review.**

If the Commission proceeds that way, the request can move forward to the **Board of Trustees**, since they still have final approval authority.

Otherwise, we would need to wait another two weeks to obtain the additional information, submit plans, and bring it back before the Commission.

It really depends on which direction the Commission wants to take.

Commissioner Mulvihill:

I move to amend the motion for approval of **PZHAC Case No. 062147** to approve the construction **with the conditions that it meet the standards established by the Historic Preservation Specialist and the New Mexico Construction Industries Division (CID).**

Chair Walkinshaw:

Do I have a second?

Commissioner Alvillar:

Second.

Mr. Salazar:

All right.

We have a motion to amend the original motion to approve the request **provided it meets all New Mexico CID building code requirements and, after review, receives approval from our Historic Preservation Specialist, Ms. Liana Aguirre.**

If there is no further discussion, I'll take the vote.

Vice Chair Gallegos?

Vice Chair Gallegos:

Yes.

Mr. Salazar:

Commissioner Miller?

Commissioner Miller:

No.

Mr. Salazar:

Commissioner Alvillar?

Commissioner Alvillar: No.

Commissioner Mulvihill?

Commissioner Mulvihill: Yes.

Mr. Chair, the vote is **two to two**, and we need your vote to break the tie.

Chair Walkinshaw:

I would like to proceed with the condition that our Historic Preservation Specialist review the project and make a determination.

So my vote is **yes**.

Mr. Salazar:

All right.

The motion passes 3–2, with the condition that the request is approved **provided it meets all New Mexico Construction Industries Division building code requirements and is reviewed by our Historic Preservation Specialist, Ms. Liana Aguirre.**

Once she completes her review, we'll move forward because the request still has to go before the **Board of Trustees.**

If she does not approve the proposal, I will advise the Board of Trustees accordingly after her review.

We may also need building plans or some type of drawing submitted before next Monday so staff can complete the review.

If those materials cannot be submitted in time, please let me know. I won't place the item on the Board of Trustees agenda because it won't be ready for consideration.

Otherwise, the applicant will have to wait another three weeks.

We're simply trying to expedite the process so there isn't another unnecessary delay. However, if everything cannot be completed before the next Board meeting, I won't place it on the agenda because it won't be ready for approval.

****NOTE****

Commissioner Miller

Confused with the voting and stated she didn't quite understand and should of voted yes. Vote did not change as it was not recalled for a revote. Final approval was 3-2.

7. Discussion Item – R-1 (Mesilla Farms) Lots / Parcel Recognition

Mr. Eddie Salazar, Director of Community & Economic Development:

All right. So, I have a discussion item. This is **Discussion Item No. 7.**

I wanted everyone to see it, but I didn't want to proceed with it as it was.

I don't know.

We talked briefly about this before. This concerns the **R-1 Zone**, commonly referred to as **Mesilla Park.**

This area is south of University Avenue, roughly between **McDowell Avenue** and **Bowman Avenue.**

We previously discussed that there are homeowners wanting to make modifications, additions, and other improvements to their properties.

Under our current code, many of those lots are considered **nonconforming** because they are less than one acre in size.

I remember our previous discussion because there are **four subdivisions** in that area.

Two of those subdivisions were approved by the Town of Mesilla back in the 1970s, and two were annexed from the City of Las Cruces.

That's why some properties receive Town water service and others do not.

One of the reasons those subdivisions were approved by Mesilla in the 1970s, according to the Board of Trustees minutes that I reviewed, was because there was a need for housing—probably much like the need we have today.

So, those subdivisions were approved.

In my interpretation—and I did not specifically find this language in the minutes—but if the Town of Mesilla approved the lot sizes and subdivision layout, then I would think those would be considered legally conforming lots.

I brought this issue to the Board of Trustees.

We didn't have a full discussion on it. It was simply to get some direction because I didn't want staff to spend a great deal of time researching the issue only to discover that the Board wanted to pursue a different direction.

It was about half and half.

Half of the Trustees felt they were legally conforming lots, while the others disagreed.

Again, it wasn't a work session—just a five- or six-minute discussion near the end of the meeting so I could get a sense of where they were headed.

Now we have this potential case—or request—from one of our residents.

The property is **Doña Ana County Account No. R0400058**.

It's a similar situation, although this property is located in the **Rural Farm (RF)** zoning district rather than the R-1 District.

If you look at the second page of your packet, you'll see that the parcel identified by the Doña Ana County account number is shown as one parcel—or what I call one account.

If you've used the Doña Ana County parcel map, which is where the Town obtains much of its property information, you'll notice that when you log in it specifically states that it is **not intended for legal purposes** and is for tax purposes only.

I discussed this matter extensively with the applicant's surveyor from **Moyes Surveying**, who came by my office.

I also spoke with an assessor from Doña Ana County. She sent me an email—**Ms. Andree Gomez**.

Both agreed that these are actually **two separate properties**, and that two separate warranty deeds should exist.

Currently, there are two properties under one account.

The reason is that, running almost through the middle of the property, is the **Mesilla Drain**, one of the drains installed by EBID during the 1930s.

Since that time, the County has assessed the property under one account number for tax purposes.

However, from a property ownership standpoint, this is actually two separate properties.

That was the point I was trying to explain to the Board of Trustees.

But honestly, they're elected officials.

You, as Commissioners, are the experts, and my role is to provide you with the information.

Within reason, I think we can all agree that these are two separate parcels.

The property owner would like Doña Ana County to record them as two parcels because they want to sell the triangular portion.

Our Town Code states that you cannot create a **nonconforming lot** through subdivision.

This parcel is approximately **11.9 acres**, but the triangular piece is not five acres, so separating it would create a nonconforming lot.

I advised them they could not do that unless the adjoining property owner—the **Clayshulte's family farm**—purchased that triangular parcel and absorbed it into their existing property.

If that occurred, it would not create a nonconforming lot.

If they pursue that option, however, the purchase and merger would all have to occur under one case.

We can't simply approve the subdivision with a condition that they sell it later.

I told them that if they intend to sell that triangular parcel to the neighboring property owner and merge it into the adjoining tract, then it would not create a nonconforming lot.

Mr. Salazar:

The reason they want to sell it is because, since the drain was constructed through the property, there is no way to irrigate that portion.

There isn't a well on that side.

Exactly.

Because of that, they really can't use it for much of anything.

The drain creates a hardship, and that hardship could potentially justify approval through the variance process.

However, because the drain has existed since the 1930s, before the Town adopted its zoning code, I don't think they should have to go through a variance process and public hearings.

The condition already existed long before Mesilla adopted its land use regulations.

This is just one example, but there are many other parcels throughout town where these drains create similar situations.

I'd like to find a way for those property owners to make use of land that currently can't really be utilized.

Commissioner Lucero:

Is the silo still there?

Mr. Salazar:

I hope so.

Commissioner Lucero:

Just a quick question.

Last time we discussed this, I brought up the fact that we had previously handled another property where they wanted to divide it.

So, what we're really doing is looking at these requests **case by case** and determining that this particular situation is unique because of these circumstances.

We're not necessarily creating one solution that would apply to everyone.

Mr. Salazar:

Exactly.

Otherwise, someone else could simply say, "Well, you approved theirs."

That's why it's necessary to evaluate these requests individually.

It's a unique request.

The issue is the requirement that they must obtain a variance because they're technically creating a nonconforming lot.

I don't think that's fair when the situation has existed since **1933**.

The County only looks at it for tax purposes.

They don't care whether it's shown as one parcel or two.

What the Town of Mesilla needs to recognize is that these are actually two separate properties.

Commissioner Alvillar:

We're just putting everything under one account.

Mr. Salazar:

Exactly.

That's correct as well. Any questions on this?

Again, this would all be handled **case by case**, right?

The reason I included this example is because I spoke with the assessor from Doña Ana County—I believe her name is **Andrea Gomez**.

I asked her if there had been other situations in the county similar to this one.

She said, "Oh, yes. We deal with situations like this fairly often."

For example, when a drainage ditch, roadway, or railroad track splits a property, they have to go through the process of creating two separate deeds and recognizing two separate properties.

However, the County can't do that on its own because it's outside their jurisdiction.

They need direction from the **Town of Mesilla** before that can happen.

When I mentioned the **R-1 Mesilla Park** area, it's similar to this situation.

The Mayor and I have also been discussing this as part of our Comprehensive Plan update.

We've talked about potentially rezoning some of those properties.

Many of those subdivisions may now be eligible for **Historic Residential zoning**.

An **R-1 Historic Residential** district could be beneficial.

The development requirements wouldn't necessarily have to be the same as those in the Historic District around the Plaza.

They could be entirely different if that's what the Commission feels is appropriate.

That could allow some of these properties to develop.

I have another request from a property owner there who owns more than one acre and wants to subdivide into lots similar in size to the surrounding neighborhood.

She feels it's unfair because she wants to create lots that are actually **larger** than many of the neighboring lots, yet she's been told she can't.

Again, those are all situations we need to consider on a case-by-case basis.

I'm bringing this up for discussion because I'd like to hear what the Commission thinks and what direction you believe we should take.

Chair Walkinshaw:

No, you've already mentioned it.

I think you explained it pretty well.

If anyone else wants to make a comment...

Otherwise, we're just sitting here in uncomfortable silence.

I don't know if I like us all just staring at each other.

Mr. Salazar:

Mr. Chair, if you wish to continue the discussion, we certainly can.

Otherwise, I'm standing by.

Chair Walkinshaw:

No, I think I have my answers.

Mr. Salazar:

Okay.

Very good.

Chair Walkinshaw:

We'll move on to the next item.

Staff Reports

Mr. Eddie Salazar, Director of Community & Economic Development:

The only staff item I have is that we'll discuss it again on Wednesday, but I mentioned almost a month ago that there will be another online training session.

I believe it's going to be conducted through **Zoom**.

Again, it's on **Historic Preservation and Economic Growth**.

It's scheduled for **July 16**, about ten days from now.

I'll send everyone additional information.

I believe it starts around **1:30 p.m.**

Mr. Salazar:

Yes.

We'll meet here in this room, just like we did last time.

Again, I'll send everyone an email, so please watch for that.

The training will focus on **Historic Preservation and Economic Growth**.

Also, you'll notice that our **Code Enforcement Officer** is here tonight.

As of **July 1**, with the start of the new fiscal year, he is officially assigned to the **Community Development Department**.

I probably should have introduced him earlier.

He spent some time working with the Marshals through our internship program, then applied for the position.

Obviously, he was selected from a number of applicants.

He's a sharp young man.

Of course, like anyone starting out, he needs experience, but he's doing very well so far.

I'm glad he's here and part of our department because, in the past, it was sometimes difficult coordinating enforcement when personnel worked under different departments.

Now he's involved in everything.

Anyway, I invited him tonight so he could get an idea of what we deal with during these meetings.

Chair Walkinshaw:

Do you bring him to every meeting?

Mr. Salazar:

It depends.

If I think it's necessary, then yes.

Again, the Commission is responsible for land use—not code enforcement—but if there's a case where his input is needed, I'm more than happy to have him attend and share information.

Another thing is, if there are any code violations or concerns, please bring them forward.

Hopefully we can begin addressing these issues and put an end to some of the rumors that people can simply do whatever they want.

We'll address those matters if necessary, either before this Commission or before the Board of Trustees, and we'll get the job done.

Thank you.

Commissioner Miller:

I have one question.

That house that burned—did that go through the proper process?

Because now it's painted white.

Mr. Salazar:

Yes.

That was the house I was told had been damaged by fire.

About half of it had burned.

The owner came in for a repaint permit.

He told me, "I just want to repaint it because it's an eyesore to the public."

I told him that was fine.

He was going to do the work himself.

I think he had about **\$6,000** available to complete it.

I told him I could approve it administratively, but the color still had to comply with the Town's Historic District standards.

Then, the very next day after it was painted, I looked at it and thought, "What in the world did you do?"

I contacted him immediately and told him, "No, you're way off. This is not acceptable. You need to fix it as soon as possible."

He went back and repainted it again.

Commissioner Gallegos:

Well, thank you for explaining that.

Mr. Salazar:

And that's exactly what I want people to do.

I don't want people assuming, "Oh, they're letting people do whatever they want."

I've always said, if you have questions, call me.

If I don't know the answer, we'll address it.

Again, I'm simply trying to end some of the rumors that we're approving things left and right, because that's not necessarily true.

ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned (6:59pm).

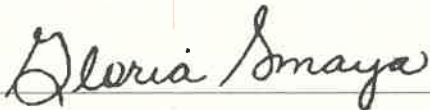
APPROVED:



~~Eric Gallegos, Vice Chairman~~

ERIC WALKINSHAW, CHAIRMAN

ATTEST:



Gloria Maya, Town Clerk/Treasurer



