



VILLAGE OF CORRALES

RESOLUTION NO. 21-003

A RESOLUTION ESTABLISHING A ONE HUNDRED AND EIGHTY (180) DAY MORATORIUM ON THE ACCEPTANCE, CONSIDERATION OR PERMITTING OF ANY NEW LAND USE APPLICATION OR BUILDING PERMIT FOR AN ACCESSORY STRUCTURE BUILT OR MODIFIED TO BE USED FOR HUMAN HABITATION AND ESTABLISHING A ONE HUNDRED AND EIGHTY (180) DAY MORATORIUM ON THE CONSIDERATION OR PERMITTING OF LAND USE APPLICATIONS FOR SHORT-TERM RENTALS IN ACCESSORY STRUCTURES

WHEREAS, the Village's current land use regulations allow for accessory structures in the A-1 and A-2 zones; and

WHEREAS, current land use regulations do not specifically regulate accessory structures that are built or modified to allow for human habitation; and

WHEREAS, current land use regulations do not specifically regulate the use of accessory structures as short-term rentals; and

WHEREAS, the size of accessory structures is virtually unregulated, sometimes resulting in what appears to be two homes on one lot; and

WHEREAS, the Village Council ("Governing Body" and "Village") is informed that accessory structures are being utilized for the commercial purpose of providing Short-term Rental accommodations; and

WHEREAS, the proliferation of loosely regulated accessory structures being used as short and long terms rentals has the potential for far-reaching deleterious effects on the Village including negatively impacting neighborhoods with greater numbers of vehicles and persons not previously present and increasing the effective density above that permitted or intended in the A-1 and A-2 zoning districts; and

WHEREAS, accessory structures used for human habitation are placing a strain on our already over taxed water and liquid waste disposal systems, thereby endangering ground water resources shared by the community; and

WHEREAS, as a consequence of the foregoing circumstances the Governing Body has found it necessary to address the question of whether and under what circumstances accessory structures may be used for human habitation, including short and long term rental accommodations; and

WHEREAS, the Village is in the process of formulating amendments to its land use regulations to address the issues that are the subject of this resolution; and

WHEREAS, the Village has already established committees of the Planning and Zoning Commission and engaged the Middle Rio Grande Council of Governments to propose modifications of the zoning code in part to address the concerns associated with accessory structures and short-term rentals; and

WHEREAS, this moratorium is a valid exercise of the Village's express and implied zoning authority and police power, consistent with NMSA 1978 § 3-21-1 (granting municipalities zoning powers, including the power and authority to "... regulate and restrict within its jurisdiction the location and use of buildings, structures and land for trade, industry, residence or other purposes ...") and NMSA 1978, § 3-17-1 (granting municipalities, among other powers, the power to "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the municipality and its inhabitants"). *Brazos Land Inc. v. Board of County Commissioners of Rio Arriba County*, 1993-NMCA-013, 130, 115 N.M. 168, 848 P.2d 1095 ("Where the Board [of County Commissioners) enacted a moratorium for the purpose of, *inter alia*, promulgating more stringent waste disposal requirements for subdivisions, and where such requirements and restrictions reasonably advanced a legitimate state interest in the safety and health of the inhabitants of Rio Arriba County, we hold that the Board's moratorium was a valid exercise of its police power and its express and implied authority"); and

WHEREAS, a one hundred and eighty (180) day moratorium for issuance of permits for accessory structures to be used for human habitation and permits of Short-Term Rentals in Accessory structures is both necessary, essential, critical and reasonable:

- i. To avoid and deter new applications and/or illegal use of A-1 and A-2 lots for short-or long term rentals of existing accessory structures for habitation during the formulation and public discussion of new regulations governing short-and long term rental of accessory structures for human habitation;
- ii. To deter the building of additional accessory structures built or modified for human habitation;
- iii. To avoid establishment of nonconforming uses or the need to respond in an *ad hoc* fashion to specific problems;
- iv. To eliminate the need to adopt hasty and poorly thought-out regulations;
- v. To permit the planning and implementation process to run its full and natural course with citizen input and involvement, public debate, and full consideration of all issues and points of view; and
- vi. To allow for the creation of a legally sound plan, policies and regulations.

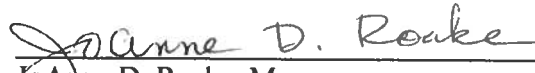
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, that:

1. Beginning on the effective date of this Resolution there shall be in force a one hundred and eighty (180) day moratorium on the acceptance, review, or consideration of any new applications, including but not limited to land use applications, building permit applications, and business registration applications related in any way to the development, erection, or establishment of an accessory structure built or modified to accommodate human habitation.
2. Beginning on the effective date of this Resolution there shall be in force a one hundred and eighty (180) day moratorium on the acceptance, review, or consideration of any new applications, including but not limited to land use applications, building permit applications, and business registration applications related in any way to the development, erection or establishment of Short-Term Rentals in an existing or planned accessory structure.
3. The moratorium imposed by this Resolution shall not be deemed to affect the status of any facilities existing and operational in the Village, nor permits having been properly issued on the date of adoption of this Resolution.
4. During the time that the moratorium described in the foregoing sections of this Resolution is in place, the Village of Corrales will exercise due diligence and work in good faith with the citizens and interested parties to develop and implement balanced and workable public policies relating to these issues.
5. During the time that the moratorium described in the foregoing sections of this Resolution is in place, the provisions of this Resolution shall prevail and have precedence over any contrary or inconsistent provisions of any prior ordinance or resolution of the Village; provided, however, that the provisions of prior ordinances and resolutions are not deemed to have been repealed by this Resolution, and shall remain in full force and effect to the extent not inconsistent with the provisions hereof.
6. The moratorium enacted by this Resolution shall terminate and be deemed repealed in its entirety on the date that is one hundred and eighty (180) days after the effective date of this Resolution, unless otherwise specifically provided by resolution or ordinance duly adopted by the Governing Body subsequent to the effective date of this Resolution.
7. SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Resolution be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. The Governing Body of the Village of Corrales hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections,

subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales this 26th day of January, 2021.

APPROVED:



JoAnne D. Roake, Mayor

ATTEST:



Aaron Gjullin, Village Clerk