



# PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM  
106 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO

MONDAY, NOVEMBER 5, 2018 1:00 P.M.

## I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was established. Commission members present: Richard Duffy, Neal King, Susan Nichols, Chris Stagg, and Tom Wittman. Commission Members absent: Henry Caldwell and Jim Woodard. Staff members present: Village Administrator Mark Fratrack, Planning Director Patrick Nicholson, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, and Attorney Dennis Romero.

## II. APPROVAL OF THE AGENDA

**MOTION:** To approve the agenda as presented

**Motion:** Commissioner Nichols      **Second:** Commissioner Stagg      **Passed:** 5-0

## III. APPROVAL OF THE MINUTES OF THE AUGUST 23, 2018 and the OCTOBER 1, 2018 P&Z COMMISSION MEETINGS

**MOTION:** To approve the minutes as presented

**Motion:** Commissioner King      **Second:** Commissioner Duffy      **Passed:** 5-0

## IV. NEW BUSINESS

**A. PUBLIC HEARING:** Consideration to Approve Application for Conditional Use for Wireless Communication Tower Installation near the Fraser Mine Outcropping on the Northside at Taos Ski Valley Property in the Village of Taos Ski Valley, by Pattison Trust, LLC

Director Nicholson explained that the Pattison Trust LLC is requesting approval of a Conditional Use Permit application to install a wireless communication tower near the Fraser Mine Outcropping on the Northside property. The 75-foot tower would be designed to blend into the surrounding landscape and minimize visual impact.

The Planning & Zoning Commission approved the Wireless Communication Master Plan on July 6, 2015 and the Village Council adopted the same on July 16, 2015. The Commission considered a nearly identical application from the Pattison Trust during the fall of 2016. Prior to a determination, the application was withdrawn by the applicant.

Village Zoning Ordinance 2017-30 Section 19, Wireless Communication Towers & Antennas, directly addresses an array of issues and stipulates the conditions which must be met in the granting of a Conditional Use Permit for cell tower installation. The applicant has directly responded to each item in the General Requirements, and more specifically, has provided information to determine compliance with the Village requirements for the granting of a Conditional Use Permit for tower installation, outlined in Section 19.6. This proposal meets the criteria and requirements of the Village Zoning Ordinance, Director Nicholson reported.

Staff recommends approval of the application for Conditional Use Permit subject to certain proposed conditions:

1. The wireless communication tower shall meet or exceed the design, landscape, and aesthetic requirements of Section 19 of the Village Zoning Ordinance.

2. The Village must issue a Building Permit and all applicable permits prior to commencement of any construction or site alteration. All installation documents must be signed and certified by a licensed professional engineer.
3. The Conditional Use Permit (CUP) shall be granted for a period of two years. If a Certificate of Completion is issued by the Village and copies of telecommunication service provider agreements, which show activation dates prior to the two year CUP expiration date, are provided to the Village Planning Officer, then upon receipt, the CUP would be made permanent.
4. A performance bond is required to ensure the proper and timely removal of the tower and any and all associated facilities. The amount of the performance bond will be established administratively by Village staff.
5. Applicant shall improve the roadway to the site sufficiently for emergency vehicle access and to be acceptable to the Village Public Works Director or Village Engineer.
6. A provision to allow a chain link fence sufficiently colored or stained to blend into the surrounding landscape.
7. A signed notarized statement as provided in the applicant submittal packet, which complies with Section 19.6.2.a.8 of the Village Zoning Ordinance.
8. Any substantial changes to the application must be approved by the Planning and Zoning Commission; all other changes must be approved administratively by the Planning Officer and as required by the Zoning Regulations.

Roger Pattison, speaking for the applicant Pattison Trust LLC, said that his intent is to improve cell service for the community. He said that he needed conditional use approval in order to begin to negotiate contracts with wireless communication providers.

**PUBLIC HEARING:** Commission Chair Wittman opened the Public Hearing.

Margaret Walsh, whose family owns a house on Mineslide Road, asked whether the distance requirement had been met for proximity to a residential unit.

Speaking for the approval was Roger Pattison, representative for the applicant, who said that his intent is to involve the community and to provide better cell service.

No one spoke against. The Public Hearing was closed.

**MOTION: To Approve the Application for a Conditional Use Permit for Wireless Communication Tower Installation near the Fraser Mine Outcropping on the Northside at Taos Ski Valley Property in the Village of Taos Ski Valley, by Pattison Trust, LLC**

**Motion: Commissioner King**

**Second: Commissioner Nichols**

Director Nicholson said that the tower placement meets regulations for distance from a living quarters outlined in the Zoning Ordinance, which is 100 feet or 200 percent of the tower height, whichever is greater. Also, the location is relatively close to the area suggested for tower placement in the Wireless Communications Master Plan, he said. Ms. Walsh expressed her concern with possible health issues from living in the proximity of either a Wi-Fi tower or a cell tower. She said that she did not have any concerns with the site designated in the Master Plan, but that this location is different. Mr. Pattison said that the tower height would be determined with the provider, and the height may not be 75 feet.

Commissioner King expressed concern with emergency vehicle access to this site. TSVI representatives said that they already have many cell towers in use, in the Village core area, and in the Kachina area. TSVI expressed concern that the proposed Pattison Trust tower would have exclusive rights for tower placement in the Bull-of-the-Woods area. Commissioner Stagg said that there is no fiber optic or utilities in this area. Mr. Pattison said that if TSVI were to identify a better location and be able to move forward with installing a tower with wireless service, that he would relinquish his conditional use permit.

**AMENDED MOTION: To Approve the Application for a Conditional Use Permit for Wireless Communication Tower Installation near the Fraser Mine Outcropping on the Northside at Taos Ski Valley Property in the Village of Taos Ski Valley, by Pattison Trust, LLC, with the amendment that if another application were to be submitted which could provide better service, and sooner, that this**

**conditional use permit would be withdrawn**

**Motion: Commissioner King**

**Second: Commissioner Nichols**

**Passed: 5-0**

**V. OLD BUSINESS**

**VI. MISCELLANEOUS**

A. Planning Director Nicholson reported that he had administratively approved a variance for a front-yard setback at 23 Zap's Road in order for the owner to build a carport. This request had been approved administratively many years ago but the carport was never built. The carport will not intrude into the roadway any more than several other buildings already do on this road.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:** The next meeting of the Planning & Zoning Commission will take place on Monday, December 3, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this meeting was later cancelled, as was the January meeting. The next meeting was scheduled for Monday, February 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.)

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion: Commissioner King**

**Second: Commissioner Duffy**

**Passed: 5-0**

The meeting adjourned at 3:00 p.m.

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Tom Wittman, Chairperson

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk