



7 Firehouse Road
Post Office Box 100
Taos Ski Valley
New Mexico 87525

(575) 776-8220
(575) 776-1145 Fax

E-mail: vtsv@vtsv.org
Web Site: www.vtsv.org

**PLANNING & ZONING
COMMISSION:**

Thomas P. Wittman, Chair
Henry Caldwell
Richard Duffy
Neal King
Susan Nichols
J. Christopher Stagg
Jim Woodard

VILLAGE ADMINISTRATOR:
John Avila

**DIRECTOR OF PLANNING &
COMMUNITY DEVELOPMENT:**
Patrick Nicholson

VILLAGE CLERK:
Ann Marie Wooldridge

**PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA**

MONDAY, OCTOBER 7, 2019 1:00 P.M.
EDELWEISS LODGE, CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO

AGENDA

- I. **CALL TO ORDER & ROLL CALL**
- II. **APPROVAL OF THE AGENDA**
- III. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2019
REGULAR P&Z COMMISSION MEETING**
- IV. **NEW BUSINESS**
 - A. **CONSIDERATION TO RECOMMEND:** Review and Comment on a Revised and Updated VTSV Building and Construction Codes Ordinance
 - B. **WORK SESSION:** Review and Comment on Proposed Firewise Ordinance.
 - C. **INFORMATION PRESENTATION:** Presentation and Consideration to Recommend on a Proposed Land Exchange of Public and Private Properties within the Village of Taos Ski Valley.
 - D. **DISCUSSION:** General discussion on Workforce Housing Options and Solutions proposed by TSVI.
- V. **OLD BUSINESS**
- VI. **MISCELLANEOUS**
- VII. **ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT
MEETING**
- VIII. **ADJOURNMENT**



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
MONDAY, SEPTEMBER 9, 2019 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: Henry Caldwell, Richard Duffy, Neal King, Susan Nichols, Chris Stagg, and Tom Wittman. Commission members absent: Jim Woodard. Staff members present: Village Administrator John Avila, Planning Director Patrick Nicholson, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, Police Chief Sammy Trujillo, Public Works Director Anthony Martinez, and Attorney Susan Baker.

It was noted that a quorum of the Village Council was present: Mayor Brownell, Councilor Kern, Councilor Stagg, and Councilor Wittman.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

Motion: Commissioner King **Second:** Commissioner Duffy **Passed:** 6-0

III. APPROVAL OF THE MINUTES OF THE JULY 1, 2019 P&Z COMMISSION MEETING

MOTION: To approve the minutes with the amendment of changing the wording in the paragraph about the Village acquiring some property along Thunderbird Road for a re-alignment, to say that there had been a sense of some agreement when the Village met with the property owner.

Motion: Commissioner King **Second:** Commissioner Duffy **Passed:** 6-0

IV. NEW BUSINESS

A. Discussion and Decision on Engineering Recommendation to Village Council: Thunderbird Road Engineering and Design Plans Remanded by the Village Council for Additional Review and Consideration
Planning Director Nicholson presented the prior actions on this item:

January 5, 2015 – P&Z Commission approval of Parcel D Conditional Use Permit (CUP). Discussion and approval on potential improvements to Thunderbird Road occurred. The approved alignment sheets were presented.

January 4, 2016 - the P&Z Commission considered various design scenarios for Thunderbird Road, such as changing the road functionality to one-way, or pedestrian-only or limited to local access only. The Commission did not determine or vote upon a preferred realignment, but instead, decided to forward the possible realignment and change in functionality of the roadway to the Village Council. The Council did not act upon the request.

July 3, 2017 - time extension granted to the 2015 CUP

February 5, 2018 - P&Z discussion on sidewalk requirements and the need for roadway improvements to enhance traffic circulation, pedestrian flow, public safety, convenience, and welfare. A motion to recommend that Council require sidewalks on both sides of the road was approved.

February 13, 2018 – Council approves a motion directing staff to work with adjacent property owners to obtain rights of way for sidewalk installation

April 6, 2018 - Village Public Works Director signed acknowledgement that the presented Thunderbird

Road construction documents conformed to Village road standards. Director Nicholson speaking for the Village Administration said that the Public Works Director's signature did not indicate approval or acceptance of the construction design set on behalf of the Village. Only the Village Council is authorized to approve, due to the condemnation of private property anticipated and it being a publicly financed TIDD project.

June 4, 2018 – a new CUP was obtained for Parcel D and Parcel C. Thunderbird Road improvements were not included in the submittals nor discussed by the Commission. This action vacated the former CUP for Parcel D granted in January of 2015.

April 2019 –Village Administration directed the developer to provide the current final engineer design set to the Village Development Review Team and to obtain approval to proceed from the P&Z Commission.

Director Nicholson said that Thunderbird Road was being re-developed as a publicly financed TIDD project and that Village responsibilities, including approvals and project oversight, were guided by the Amended and Restated Master Development Agreement from May 31, 2017. The Thunderbird Road Improvement project is separate from the adjacent private Parcel D and Parcel C Mixed Use re-development project.

The conceptual-level plans approved by the P&Z Commission in January 2015 were 3 pages long, while the construction design 2018 plans presented to the Public Works Director were 30 pages long. According to Director Nicholson, the 2018 plan set shows elevation and grade changes, which now direct drainage toward and onto adjacent private properties. There are horizontal changes as well, which shift the road center line to the east, further altering the design presented in 2015. The sidewalk width and alignment have been revised and narrowed, which deviates from the twelve foot sidewalks proposed in the 2012 TSV Conceptual Plan for the Village Core.

Director Nicholson said that the 2018 deviations were important for multiple reasons, not the least of which involved an increase in the amount of private property to be acquired for construction of the road

Additional concerns by Staff with the 2018 plans include an inherent conflict between pedestrians and vehicle traffic. The plans do not provide any design solutions nor incorporate innovative urban design principles to address this public safety problem. Fire Safety requires more information on the location of fire lanes, the adequacy of emergency vehicle access, and sufficiency of emergency vehicle turn around access. The Village Police Chief and Certified Building Official presented letters expressing their concerns with the 2018 plans.

Director Nicholson said that Village staff had invited TSVI to numerous meetings to discuss clarification of the Thunderbird Road engineering and design plans since the beginning of the year and that TSVI had refused such meetings. He said that the lack of collaboration had delayed the installation of public infrastructure that the Village relied upon, including a natural gas line to be located beneath the road. This delay is injurious to the public's health, safety, and welfare, said Director Nicholson.

Director Nicholson said that Staff recommended a motion to direct the developer to work with the Village Development Review Team to resolve various design issues and afterwards present to the Planning & Zoning Commission a revised design plan and engineered construction documents for its consideration and recommendation to the Village Council.

Drew Chandler with SEH Engineering, formerly Russell Engineering, went over the details of the plans. He explained that the original grant of the road from the Pattison Trust to the Village showed that the Village is responsible for the right-of-way. Some of the drainage extends on to the Brownell property, and some onto the Alpine Village Suites property. With a right-of-way of 30 feet, there would be room for a 22-foot driving surface, two curbs, and one six-foot wide sidewalk. In order to accommodate two sidewalks, the right-of-way would have to be 35 feet. The sidewalk would have to be partially in the right-of-way and partially on private property. Mr. Chandler said that he had been coordinating work with the Village up into early 2019. He said that changes to the road had been designed in accordance with the Village's wishes.

The height of Parcel D had been raised to make it more level for pedestrians going from the skier drop-off to the Plaza. If the road were to be raised by two feet, then in the construction, the Brownell driveway would also be raised by two feet, he said. The drainage would be in the road. Culvert storm inlets would tie into trunk and branch lines which would go into the North Fork. Water from behind the sidewalk would also go into the drainage, from out of the shade and into the sun. The drainage would be away from the Brownell property, not into the property.

Discussion followed. Commission Chair Wittman said that the discussion needed to stay focused on the P&Z Commission's recommendation to the Council on the engineering and design plans, and not on the pedestrian flow.

MOTION: To direct the developer to work with the Village Development Review Team to resolve various design issues and afterwards present to the Planning & Zoning Commission a revised design plan and engineered construction documents for its consideration and recommendation to the Village Council.

Motion: Commissioner King Second: Commissioner Duffy

Further discussion took place. TSVI's Peter Talty said that TSVI had worked in exemplary fashion with land owners along Sutton Place to make a satisfactory outcome for the private land owners as well as to improve the road. He said that TSVI and the engineer would work with the land owners along Thunderbird Road in the same manner.

Commission Chair Wittman called for a vote. Failed: 0-6

MOTION: To recommend to Council that they approve the 2018 Public Works Director signed engineering plans with the condition that the Village and the Developer work with the Brownells on acquisition of the necessary property, and the condition that the Village issue a revocation of the letters which rescinded approval for the Thunderbird Road plans.

Motion: Commissioner King Second: Commissioner Nichols Passed: 6-0

B. Presentation: Proposed Traffic Control Signage Plan for the Village Core

Police Chief Sammy Trujillo presented his concerns for increased safety within the Village Core, and especially on Thunderbird Road. One of his major concerns was the interaction of vehicles and pedestrians on Thunderbird Road. He said that it was difficult to keep skiers on the sidewalk and not in the roadway. Chief Trujillo was also concerned with having adequate handicapped parking at a level area, such as the flat area near Twining Campground. He also said that enforceable traffic and safety signage on Thunderbird Road, Ernie Blake Road, and offshoot roads in the Village Core would be necessary.

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Director Nicholson said that a 30-day notice had been given for a dormitory housing accommodation to submit application for conditional use, the deadline for which was going to be September 10, 2019.

Commissioner King said that the Zoning Ordinance needed revisiting and probably revising concerning this matter.

B. Director Nicholson reported that the 2021-2015 ICIP had been entered onto the DFA LGD web site, with 11 projects submitted in their entirety, of the 44 projects on the list.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting of the Planning & Zoning Commission will take place on Monday, October 7, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

The regular November P&Z meeting is planned for Monday, November 4, 2019, with a potential special P&Z Commission meeting Monday, November 18, 2019 to review the draft Firewise Ordinance. A Firewise Board Community Outreach meeting is planned to take place on Saturday, November 9, 2019.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner King Second: Commissioner Duffy Passed: 6-0

The meeting adjourned at 3:00 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk

DRAFT

ORDINANCE NO. 2019-_____

**VILLAGE OF TAOS SKI VALLEY WILDFIRE PREVENTION
AND PROTECTION ORDINANCE**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING
REGULATIONS TO PREVENT WILDFIRE HAZARDS BY REQUIRING THE
REMOVAL OF HAZARDOUS MATERIALS, DEBRIS, AND FLAMMABLE
VEGETATION FROM PUBLIC AND PRIVATE PROPERTY WITHIN THE VILLAGE**

WHEREAS, the Village of Taos Ski Valley (“Village”) is in a high alpine forest which may be subject to hazardous wildfires;

WHEREAS, the Village of Taos Ski Valley declares uncontained wildfires to be a threat to the health, safety, and welfare of Village residents and their property;

WHEREAS, the Village of Taos Ski Valley believes it essential to adopt regulations to prevent wildfire hazards by requiring the removal of hazardous materials, debris, and flammable vegetation from public and private property within the Village;

WHEREAS, dangerous wildfires are abated through proper management of the forest and through limited clearing and maintenance of private and public properties throughout the Village;

WHEREAS, in order to mitigate the possibility of wildfires, as well as their severity, the Village declares that enactment of these regulations is necessary to promote fire prevention through the oversight and management of flammable vegetation, debris, and hazardous materials that constitute a fire hazard;

WHEREAS, the Village Council further declares that regulation of fire hazards on public and private property within the Village is essential to preserve quality of life within the Village and to protect persons and structures from irreparable harm.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:

SECTION I. DUTY TO ABATE AND CONTROL WILDFIRE FUELS

It shall be the duty of every owner and person in control of any real property, or interest therein, or premises which are located within the jurisdictional limits of the Village, to control and/or abate therefrom all flammable vegetation, hazardous materials, and other debris that constitute a

fire hazard and which may endanger or damage neighboring property, or otherwise threaten the health, safety, welfare of the citizens of the Village of Taos Ski Valley.

SECTION II. STANDARDS FOR ABATEMENT AND CONTROL

The standards for abatement and control of flammable vegetation, hazardous materials, and other debris which increase the risk of wildfire on public and private property within the Village of Taos Ski Valley are as set forth herein.

SECTION III. COLLABORATIVE FIRE MITIGATION PLANS

It is the intention of the Village to work collaboratively with individual property owners to create a Fire Mitigation Plan for all properties within the Village. These Plans will apply standards for abatement and control of flammable vegetation, hazardous materials, and other debris as set forth herein. Each Plan will be implemented in phases to facilitate the long-term mitigation of wild fire hazards. The Village recognizes that large scale mitigation of hazardous vegetation and standing trees may take a period of months or years to fully implement.

SECTION IV. ENFORCEMENT OF ABATEMENT STANDARDS ON PRIVATE AND PUBLIC PROPERTY.

1. Cooperation from all landowners, private and public, will be encouraged through positive communication by mail and through personal contact with neighbors and Village officials and staff.
2. When flammable vegetation and debris control measures are not carried out by an owner or person in control of property, the Village will engage enforcement measures and the imposition of penalties as set forth herein.
3. Abatement and control priorities for flammable vegetation, hazardous materials, and debris are established based upon the location and size of properties and their relative hazard to the community as set forth herein.
4. The Village will coordinate with local entities to procure the expertise of a forestry and wildfire mitigation expert. This expert is referenced throughout this Ordinance as a "Director of Forestry." The Director of Forestry will be appointed by the Village as an expert to aid property owners in assessing the best practices for mitigation of wildfire hazards.
5. The Director of Forestry will aid in the development of Collaborative Fire Mitigation Plans as set forth in Section III above.
6. The Director of Forestry is a professional forester and wildfire expert who will be retained by the Village on a contract or full-time basis to aid in the mitigation of wildfire through collaboration with local property owners.

SECTION V. FUEL MANAGEMENT STANDARDS

1. The Village's Fuel Management Standards are established through the guidance of Designated Zones set forth in Section VI below. These Zones address mitigation based upon the size of a property and the location of its structures in relation to potentially hazardous vegetation and other materials.
2. The intent of these Fuel Management Standards is to reduce the potential for a catastrophic crown fire within the Village while preserving its forested appearance and natural landscape.
3. The Director of Forestry will develop a Fire Mitigation Plan with individual landowner in compliance with Designated Zones.
4. The Fire Mitigation Plan will outline a plan for mitigation of wildfire hazards and will generally involve phased clearing and mitigation, with the understanding that initial thinning will normally last a period of up to ten (10) years before ladder fuels and tree growth meet applicable Fuel Management Standards.
5. The property owner or person in control of the property will be responsible for compliance with the Fire Mitigation Plan.
6. In the case of failure to comply within given timeframes for clearing and mitigation, the property owner or person in control of the property will be given notice of noncompliance and an opportunity to be heard as set forth in this Ordinance
7. Once a property has been mitigated in compliance with a Fire Mitigation Plan, the property owner or person in control of the property is responsible for maintenance thinning. Maintenance activities such as ladder fuel management shall be conducted on a yearly basis.
8. Circumstances such as drought and insect mortality can cause a property to quickly deviate from Fuel Management Standards and become non-compliant. Should a property not be maintained or otherwise become noncompliant, the owner or person in control of the property will be notified to correct the situation and will be given a timeframe for coming back into compliance, as well as an opportunity to be heard.
9. For the purpose of addressing Fuel Management Standards, ladder fuels are defined as materials or vegetation that can carry a fire burning in low-growing vegetation to taller vegetation is called. Examples of ladder fuels include low-lying tree branches and shrubs and trees under the canopy of a large tree

SECTION VI. DESIGNATED ZONES

All properties located within the boundaries of the Village of Taos Ski Valley shall meet the following requirements for each of the following designated Fire Protection Zones 1 through 4. These designated Zones are located within a given lot, although the size and configuration of the lot may vary and therefore require specific abatement and mitigation measures.

The attached Appendix A provides illustrations and schematic diagrams to assist in interpreting the requirements set forth below. Appendix A may be amended by the Village of Taos Ski Valley through Resolution adopted by the Planning Commission and Village Council.

1. Zone 1 /Structure Protection (zero to ten feet (0-10') from structure or deck). Zone 1 should be devoid of flammable vegetation as much as possible. Trees within this Zone shall be considered a part of the structure and the Zone will be extended accordingly. The requirements for Zone 1 are as follows:

- a. All flammable ground materials and activity slash shall be removed.
- b. All ladder fuels (need definition here of ladder fuel) shall be removed, including shrubs beneath the crown of conifers.
- c. Separation between crowns of trees is required as set forth in Appendix A, Section _____, attached hereto.
- d. Where there is a maximum of five similar sized trees with overlapping crowns allowed in a clump, there must be separation between these trees as illustrated in Appendix A, Section _____, attached hereto.
- e. All species of trees and underbrush must be pruned at least one ten (10) feet above ground and, if tree height permits, ten (10) feet above structure eaves.
- f. Ornamental spruce and planted tree-form conifers that can't be trimmed to structure eaves shall be removed or modified through mitigation measures as approved in the Fire Mitigation Plan, such as xeriscaping or vertical and horizontal spacing to reduce ignition risk. Xeriscaping is further explained in Appendix B, attached hereto.
- h. No ornamental wood chips shall be allowed, except in planting beds or designated pathways, and where allowed, shall be limited to a maximum depth of two inches (2).
- i. No firewood shall be stored from May through October due to the proximity of structures.
- j. No flammable construction material shall be stored due to the proximity of structures.
- k. No standing dead trees are allowed due to the proximity of structures.
- l. Grass and common weeds shall be trimmed low to ground or eliminated.
- m. Planted vegetation shall be fire resistant and low growing.

n. There shall be no low growing flammable vegetation such as juniper (including ornamental juniper).

o. Roofs and gutters shall be kept free of pine needles and other debris.

p. No conifers are allowed, less than eave height and within twenty (20) feet of vents, windows, or doors.

2. Zone 2/ Defensible Space (greater than ten (10') feet up to two hundred (200') feet from structure or deck as dictated by the slope of the property in relation to the location of structures. See Appendix A, Section _____), as attached hereto. The intent of Zone 2 is to reduce the threat to a structure from an advancing wildfire. The requirements for Zone 2 are as follows:

a. Remove all non-decomposing flammable ground materials and slash within thirty (30) feet of a structure, unless that distance overlaps with another property or right-of-way.

b. Remove all ladder fuels including brush beneath crowns.

c. Minimum crowns separation of trees or "clumps" (maximum five similar sized trees per clump) is required as set forth in Appendix A, Section _____, attached hereto.

d. Separation of brush species shall be as set forth in Appendix A, Section _____, attached hereto.

e. All species of vegetation shall be pruned a minimum of ten (10) feet from ground within thirty (30) feet of a structure or one third of tree height, whichever is less. Ornamental conifers may be left untrimmed, provided that spacing and adjacent low ground fuels are maintained in order to minimize ignition potential.

f. A minimum of ten (10) feet is recommended between planting beds.

g. No wood chips shall be allowed, except in planting beds within thirty (30) feet of a structure, or designated pathways, at a maximum depth of two inches (2").

h. No firewood shall be stacked within twenty (20) feet of structures, unless stored under winter snow. Firewood must be stacked with no more than two (2) cords per stack, and stacks must be separated by at least twenty feet (20') of clear spacing.

i. No conifers are allowed, less than eave height and within twenty (20) feet of vents, windows, or doors.

j. No standing dead trees are allowed within sixty (60) feet of structures.

3. Zone 3/ Forest Woodlands (from the end of Zone 2 to the edge of the property boundary). Zone 3 includes vacant lots and properties less than five (5) acres in size. Where the property is

within the defensible space of another property, Zone 2 standards shall apply. This Zone shall maintain an open forested appearance with well-spaced trees and openings.

Zone 3 should contain a variety of tree species of various ages. Groups of trees should be of similar ages and heights. Different groups will provide the multiple age structure and size structure. The requirements for Zone 3 are as follows:

- a. Manage all ladder fuels to mitigate fire hazards.
- b. Separation of vegetation and trees shall be as set forth in Appendix A, Section _____, attached hereto.
- c. Every effort shall be made to remove and utilize bole wood over six (6) inches in diameter.
- d. Trim all species to six (6) feet or one-third the height of the tree, whichever is less, measuring from the uphill side of the tree. Insure that shorter tree groups are not upwind of taller tree groups, and remove or trim trees where necessary to meet this standard.
- e. Mastication and chipping of slash are allowed for slash disposal, however, all residue must still be removed. Bole wood over six (6) inches in diameter shall be removed if possible or lopped and laid perpendicular and anchored.
- f. All slash shall be removed, masticated, or chipped. On steep slopes or where access is limited, alternative fuels management slash treatments may be approved by the Director of Forestry, such as lop and scatter with material anchored and lying perpendicular to the slope, or on-site burning with an authorized burn permit. Slash is defined as combustible materials such as leaves, pine needles, downed trees, standing small trees, and thick vegetation that is dry and prone to initiate a wildfire.
- g. Up to three (3), twelve (12) inch diameter or larger non-hazardous standing dead trees may be retained per acre for wildlife habitat. Recent insect killed trees, or any recently dead or diseased tree must be harvested and removed. Diseased trees can be identified by the Director of Forestry but include dying trees that are infested with pine beetle or other insects.
- h. All non-decomposing ground debris greater than five (5) inches in diameter shall be removed, except that up to five (5) downed logs per acre greater than twelve (12) inches in diameter may be retained for wildlife habitat.

4. Zone 4/Large Tracts (more than five acres with or without structures). For Zone 4, a fuels reduction plan shall be prepared and/or approved on a case by case basis by the director of forestry. Where structures are involved, they shall be treated as in Zones 1 and 2.

Zone 4 shall have an open forested appearance. These properties shall be treated with the intent to keep a wildfire on the ground to minimize spotting potential. The goal of treatment is to prevent a stand replacing crown fire. Some untreated areas may remain to meet agreed upon objectives providing there is sufficient treated area surrounding the untreated areas to mitigate crown fire spread. The requirements for Zone 4 are as follows:

- a. Treated areas of the properties shall have no ladder fuels. The cutting of all small diameter vegetation is encouraged.
- b. Many larger trees are mature and ready to be harvested. The older Spruce and Fir are at the end of their life and have rotten cores, even while looking healthy. Therefore, mitigation or removal of these trees is encouraged.
- c. A good mix of tree type and size across the property is desirable.
- d. Separation of trees shall be as set forth in Appendix A, Section, attached hereto. Modification of this separation may be approved by the Director of Forestry to meet specific objectives.
- e. Perimeter thinning shall be of sufficient width to prevent a sustainable crown fire from advancing to an adjacent property.
- f. Every effort shall be made to remove and utilize bole wood over five (5) inches in diameter. Bole wood not removed shall be felled along the contour or otherwise treated upon direction of the Director of Forestry. Except when the property has a fuels management plan approved by the Director of Forestry, removal of any live tree greater than twenty (20) inch DBH requires a permit.
- g. Where possible, slash shall be treated with full removal, shallow mastication, or chipping. Lop and scatter may be used as a less desirable alternative.
- h. If lop and scatter is allowed, slash shall be lopped and scattered to less than two (2) feet in depth to accelerate decomposition. Lopped and scattered slash shall not be placed under the drip line of residual trees. Lopped wood should not be left in piles or leaned against residual trees.
- i. No standing dead trees are allowed within one hundred and fifty (150) feet of the property perimeter due to risks to adjacent properties.
- j. Trees shall be pruned where appropriate to meet objectives but may be left un-pruned if separation is adequate to prevent fire movement from tree to tree, based on the determination of the Director of Forestry.
- i. If a Zone 4 property is used for a commercial purpose, a fuels management plan shall be developed in partnership with the property owner to meet the commercial objectives and manage

fuels on the site. The signed plan will be an agreement between the Village and the property owner.

5. Wildland Urban Interface Zone (WUI)

All properties within the limits of the Village of Taos Ski Valley are designated as within the Wildland Urban Interface Zone.

The wildland-urban interface (WUI) is the area where houses meet or intermingle with undeveloped wildland vegetation. The WUI is thus a focal area for human- environment conflicts, such as the destruction of homes by wildfires.

The Village, in collaboration with property owners, hopes to develop mapping of the Wildland Urban Interface Zone to aid in the prevention of future wildfires.

SECTION VII. FEES IMPOSED

Monthly fees for forest debris collection and disposal shall apply to all properties within the Village of Taos Ski Valley and will be included in the Village's waste management fees as established by the Village Council.

SECTION VIII. RESPONSIBILITY FOR ADMINISTRATION.

This Ordinance shall be administered by the Village of Taos Ski Valley Administrator, or his authorized designee, with assistance from the Director of Forestry, Chief of Police, Fire Chief, Public Safety Department, and Planning Director.

SECTION IX. VIOLATIONS.

1. Violation of any provision of this Ordinance shall be unlawful and subject to the Enforcement/Penalties provisions set forth in this Ordinance.
2. Any person seeking to report a violation of any provision of this Ordinance shall make such report to the Village of Taos Ski Valley.
3. Upon notice of a violation of this Ordinance, the Village Administrator, or his designee, shall issue a written notice of violation to the owner, lessor, occupant, or person in control of the property, as his or her name appears on the Taos County tax rolls and to the address as shown in the records of the County tax assessor. The notice shall be substantially in the form used to notify property owners of code violations. The notice shall include a copy of the standards for abatement and control specified in this Ordinance, the specific violations of this Ordinance, and

the procedure needed to come into compliance. The notice shall be hand delivered or sent via certified mail, return receipt requested.

4. The notice shall give the property owner, lessor, occupant, or person in control of the property thirty (30) days within which to come into compliance with the Ordinance and shall specifically state any deadline in the notice. This time frame may be reduced in cases of an emergency.

SECTION IX. CIVIL ENFORCEMENT/PENALTIES.

1. Where the owner, occupant, lessor, or other person in control of property is violating this Ordinance by failing to abate wildfire hazard as set forth herein, the Village shall notify the owner in writing with a list of corrective measures needed to come into compliance. The notice shall be sent via certified mail, return receipt requested, or hand delivered. The notice will allow for thirty (30) days to come into compliance unless the situation involves an emergency.

2. If the owner, occupant, lessor, or other person in control of the property fails to comply with the notice, the Village Administrator, or his designee, may apply to the Village Council for written authorization to enter the property of the person who is in violation of this Ordinance and take any and all actions necessary to abate the conditions that have resulted in such violation, at the property owner's expense.

3. Such application to the Village Council shall include a copy of this Ordinance; a sworn or affirmed affidavit stating the factual basis for such relief, including evidence that the owner, occupant, lessor, or other person responsible for the property has received notice of violation or that reasonable efforts to serve the notice have been made but to no avail; a general description of the location of the property that is the subject of the action; and a list of the corrective measures needed to come into compliance with this Ordinance. Notice of the full application to the owner, lessor, occupant, or person in control of the property should be sent via certified mail, return receipt requested, or delivered in person and shall include the date scheduled for hearing of the matter before the Village Council.

3. Following a hearing, the Village Council will issue findings and conclusions regarding the application of noncompliance. If a violation is found, these findings and conclusions shall be sent to the owner, occupant, lessor, or other person in control of the property within ten (10) days after the date of their issuance by certified mail, return receipt requested, or hand delivered. If the property is not brought into compliance within thirty (30) days of the mailing or delivery of the Council's findings and conclusions, the Village will enter the property and abate or remedy the condition, at the property owner's expenses.

4. The Village shall create a written inventory of any property impounded by the Village during the abatement process.

5. The Village shall provide a detailed invoice to the person violating this Ordinance, which includes the entire cost of the abatement, plus an additional five (5) percent for inspection and other incidental costs to the Village in connection therewith. The invoice shall be hand delivered or sent via certified mail, return receipt requested.

6. The person violating this Ordinance shall pay the outstanding invoice to the Village within thirty (30) days of the date of the delivery or mailing of the invoice. If not paid in full, these costs will become a lien against the property that was the subject of the abatement, until paid-in-full, and shall have priority based upon the lien's date of recording. The Village Clerk will certify the amount of the lien to the Taos County Clerk and Recorder. Liens will be enforced and foreclosed against the property as provided by law.

SECTION X. CRIMINAL ENFORCEMENT/PENALTIES.

Any person who violates this Ordinance shall upon conviction be subject to a fine not exceeding three hundred dollars (\$300.00), or imprisonment for a period not exceeding ninety (90) days, or both such fine and imprisonment. Any violation continued for a period of thirty (30) days shall be prosecuted and treated as a separate offense.

SECTION XI. REMEDIES NOT EXCLUSIVE.

Nothing in this Section shall be construed to limit the Village's authority to institute actions for injunction, mandamus, abatement, or other appropriate actions to prevent, enjoin, abate, and/or remove a violation of this Ordinance or to enforce this Ordinance. The Village may pursue both criminal and civil enforcement actions.

SECTION XII. VIOLATIONS DEEMED A PUBLIC NUISANCE.

Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION XIII. NON-WAIVER OF IMMUNITY.

Nothing contained in this Ordinance shall be construed as waiving the immunity of the Village, its officers, agents, servants and employees, as may be provided for in the New Mexico Tort Claims Act, and neither the Village, nor its officers, agents, servants and employees shall be liable to any person for enforcement of the provisions of this Ordinance.

SECTION XIV. ESTABLISHMENT OF FEES.

In order to encourage abatement of properties in the Village, and to defray the costs associated with disposing of fire causing debris, the Council will assess a fire mitigation fee as part of its

environmental fees under the Village's Solid Waste Ordinance No. _____, as amended. This fee may be adjusted by amendment to the Solid Waste Ordinance or by Resolution.

SECTION XIV. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION XV. PUBLICATION AND EFFECTIVE DATE.

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

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 2019.

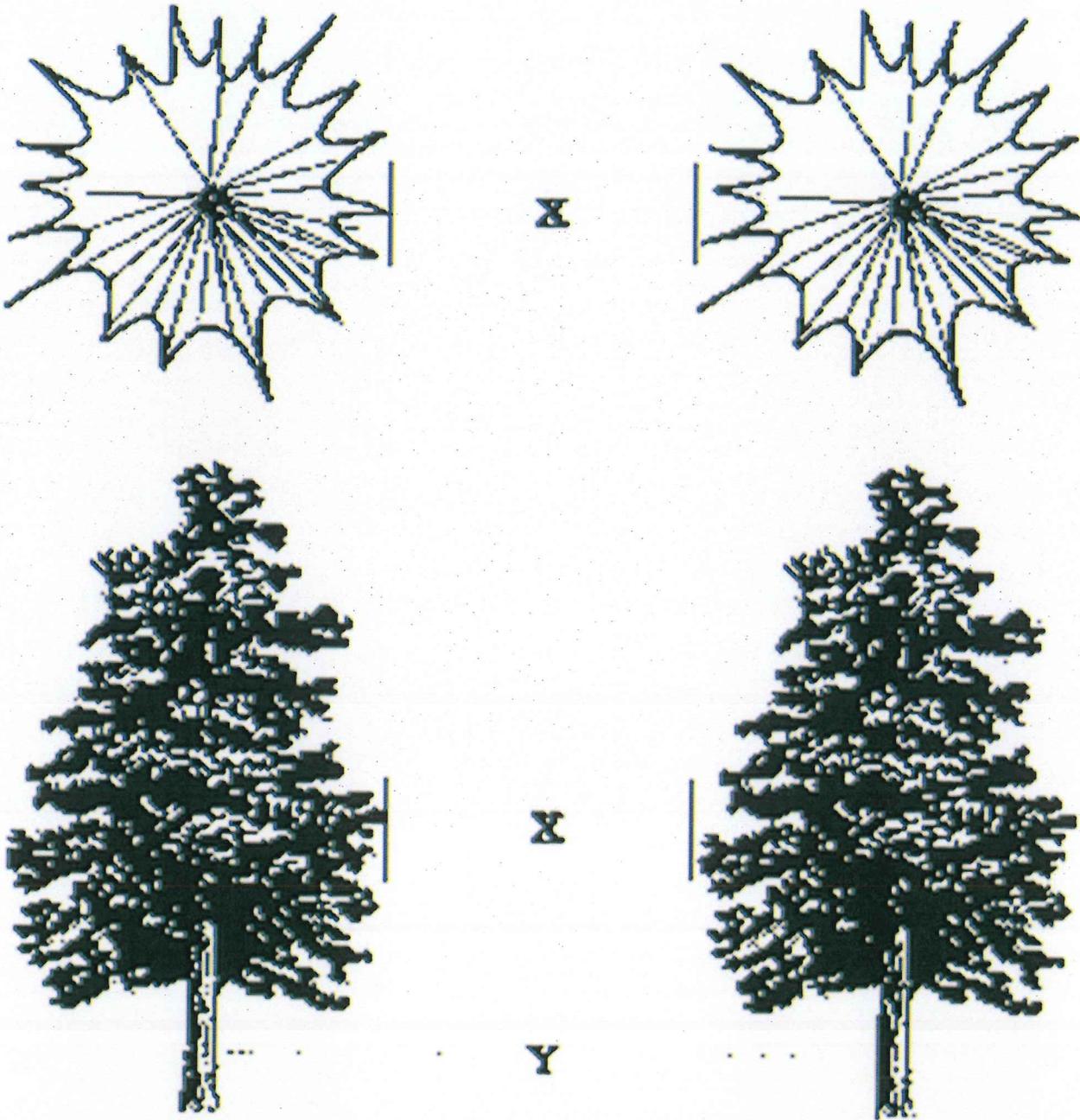
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

Christof Brownell, Mayor

ATTEST:

Ann Wooldridge, Village Clerk

Sec. 42-80. - Fuels m

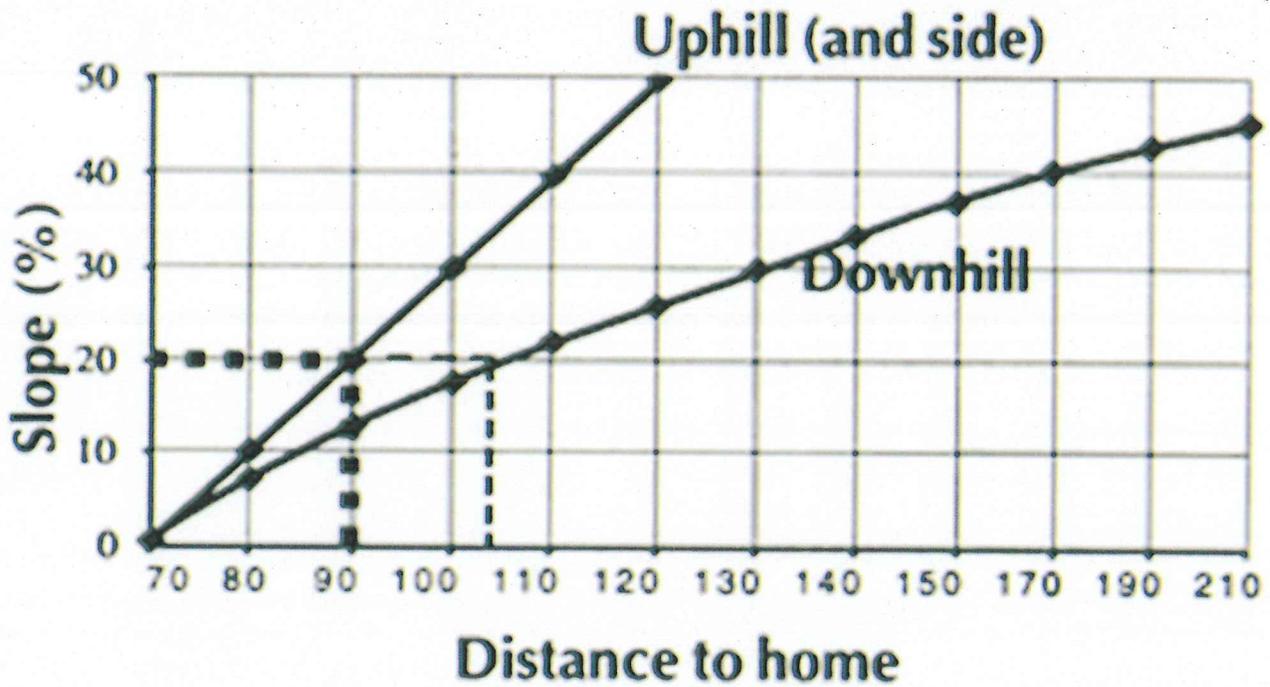


Measure crown separation (X) from the outside of the crown of one tree or clump of trees to the outside of the crown of the next tree.

Minimum Tree Crown and Shrub Clump Separation
Chart [42-80](#) #2

Percent (%) Slope		Individual Tree Crown Separation	Tree Group Crown Separation
0-10 %	10'	15'	2½ times shrub height
11-20%	15'	20'	3 times shrub height
21-40%	20'	25'	4 times shrub height
40%	30'	35'	6 times shrub height

Zone 2 Defensible Space Outer Edge Measurement based on Slope
 Chart [42-80](#) #3



This chart indicates the minimum recommended dimensions for defensible space from the home to the outer edge of zone 2. For example: if the home is situated on a 20-percent slope, the minimum defensible space dimensions would be 90 feet uphill and to the sides of the home and 104 feet downhill from the home.

(Ord. No. 2002-04, 6-25-02; Ord. No. 2002-06, 6-25-02; Ord. No. 2004-04, 5-11-04; Ord. No. 2006-04, 6-27-06; [Ord. No. 2013-06](#) , 7-9-13; Ord. No. [2016-05](#) , 3-8-16)

- **Sec. 42-81. - Fire hazard ratings form.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

Forestry official will complete this form on site during the lot assessment.

	POINTS		POINTS
<u>Subdivision Design</u>		<u>Fire Protection</u>	
<u>Ingress/Egress</u>		<u>Fire Response</u>	
Two ways to evacuate neighborhood within 1,000'	1 _____	Property located in Village of Ruidoso	1 _____
One way to evacuate neighborhood within 1,000'	3 _____	Property located in County	5 _____
One way to evacuate neighborhood > 1,000' away	5 _____	<u>Water Supply</u>	
<u>Width of Primary Road @ driveway</u>		500 GPM Hydrant within 1,000 feet	1 _____
20 feet or more	1 _____	Hydrant farther than 1,000 feet or draft site	3 _____
Less than 20 feet	3 _____	Water source 20 min or less, round trip	5 _____

Accessibility		Water source farther than 20 min, round trip	10 _____
Road grade 5% or less (avg. within 1,000')	1 _____	Utilities (electric service)	
Road grade more than 5% (avg. within 1,000')	3 _____	Underground mains and service lines	1 _____
Secondary Road Terminus		Underground service lines only	3 _____
Not a dead-end	0 _____	Aboveground service lines	5 _____
Loop roads, cul-de-sacs with an outside	1 _____	<u>Construction Materials</u>	
radius of 45 feet or greater		Siding	
Cul-de-sac turnaround	3 _____	Noncombustible	1 _____
Dead-end roads 200 feet or less in length	3 _____	Combustible	5 _____
Dead-end roads greater than 200 feet in length	5 _____	Deck	
Average Lot Size		Noncombustible	1 _____
10 acres or larger	1 _____	Decks over 6' w/noncombustible uprights	1 _____
Larger than 1 acres, but less than 10 acres	3 _____	Combustible w/firesafe crawlspace	3 _____
1 acres or less	5 _____	Combustible	5 _____

Street Signs		Sofits	
Present	1 _____	Parapet/Santa Fe style/1hr. rated enclosed	0 _____
Not present	5 _____	Enclosed	1 _____
<u>Vegetation (UWIC Definitions)</u>		Open	5 _____
Fuel Types		Windows	
Light	1 _____	Low E	1 _____
Medium	5 _____	Double Pane	3 _____
Heavy	10 _____	Single Pane	5 _____
Defensible Space (what is possible?)		Roof	
More than 100 feet of treatment from buildings	1 _____	Class A Fire Rated	1 _____
Less than 100 feet of treatment from buildings	5 _____	Class B Fire Rated	3 _____
Adjacent Landscape (within 10 feet)		Class C Fire Rated	5 _____
Installed Landscape (within 10 feet)		Non-Rated	10 _____

Xeriscape or dirt	0 _____	Stem Walls/Structural Support	
Flame Resistant Plants	1 _____	Non Combustible Enclosed	1 _____
Flammable Plants	3 _____	Combustible Enclosed	3 _____
Flammable Ties and Timbers	5 _____	Non-Combustible Post & Beam	5 _____
<u>Topography</u>		Combustible Post & Beam	10 _____
Slope 10% or less	1 _____		
Slope more than 10%, but less than 20%	4 _____		
Slope more than 20%, but less than 30%	7 _____	FIRE HAZARD RATING	_____
Slope 30% or more	10 _____	Med= ≤59; High= 60-74; Extreme= ≥75	
LOT ASSESSMENT FEE \$ _____		APPROVED _____ / _____ _____ / _____	
FOOTPRINT DEBRIS FEE \$ _____		BY _____ / _____ _____ / _____	

**Explanation of Sec. 42-81 Fire Hazard Ratings Form categories
Subdivision Design**



APPRAISAL OF REAL PROPERTY

LOCATED AT:

1 Bull of the Woods
Survey Not Provided
Taos Ski Valley, NM 87525

FOR:

Village of Taos Ski Valley
PO Box 100
Taos Ski Valley, NM 87525

AS OF:

05/23/2018

BY:

Pamela Bishop
PMB Appraisal Services
PO Box 2306
Ranchos de Taos, NM 87557
(575)741-0746

Location Map

Borrower	N/A				
Property Address	1 Bull of the Woods				
City	Taos Ski Valley	County	Taos	State	NM Zip Code 87525
Lender/Client	Village of Taos Ski Valley				

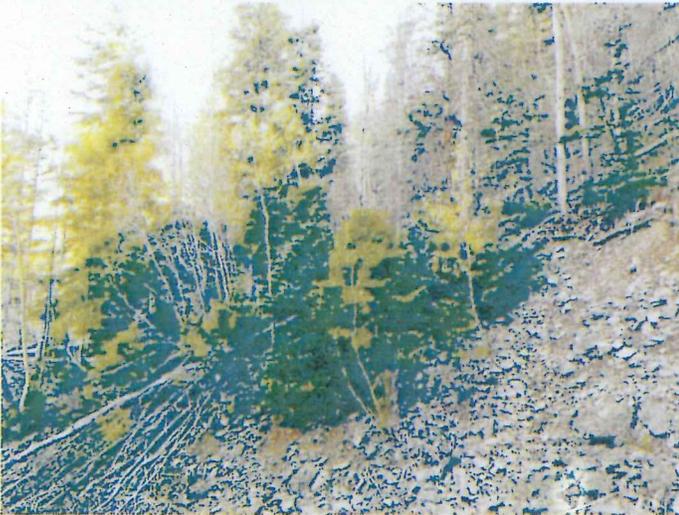


Subject Photo Page

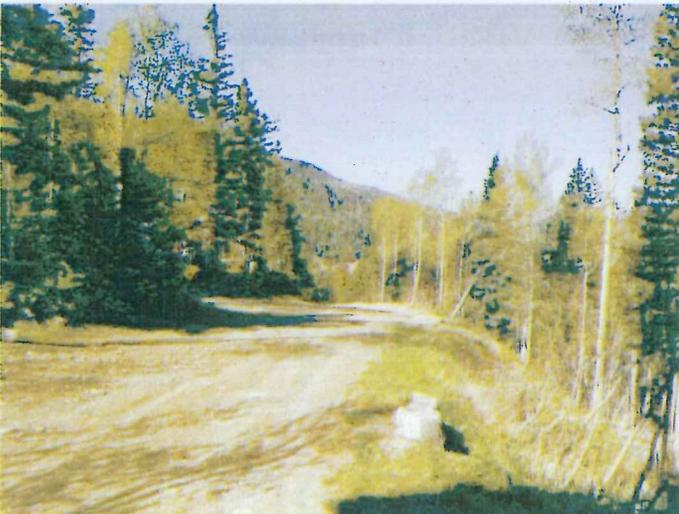
Borrower	N/A				
Property Address	1 Bull of the Woods				
City	Taos Ski Valley	County	Taos	State	NM Zip Code 87823
Lender/Client	Village of Taos Ski Valley				



Subject



Subject



Subject - Street