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VILLAGE COUNCIL SPECIAL MEETING  
DRAFT MINUTES  
VIA ZOOM  
TAOS SKI VALLEY, NEW MEXICO  
THURSDAY, SEPTEMBER 9, 2021 2:00 P.M

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1. **CALL TO ORDER & NOTICE OF MEETING**

The Special Meeting of the Village of Taos Ski Valley Council was called to order by Mayor Brownell at 2:00 p.m. The notice of the Special Meeting was properly posted.

2. **ROLL CALL**

Ann Wooldridge, Village Clerk, called the role and a quorum was present.

**Governing Body Present**

Mayor Christof Brownell  
Councilor Jeff Kern  
Councilor Neal King  
Councilor Chris Stagg  
Councilor Tom Wittman, Mayor Pro Tem

**Village Staff Present**

Village Administrator John Avila  
Village Clerk Ann Wooldridge  
Finance Director Nancy Grabowski  
Building Official Jalmar Bowden  
Planning Director Nicholson

3. **APPROVAL OF THE AGENDA**

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

**Motion: Councilor Wittman                      Second: Councilor King                      Passed: 4-0**

4. **OLD BUSINESS**

**A. PUBLIC HEARING:** Consideration to Approve **Ordinance No. 2022-71** Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Cannabis According to the New Mexico Cannabis Regulation Act (“the Act”), the Village has the authority to regulate the “time, place and manner” of cannabis uses within the Village’s jurisdictional limits. The Act does not specify limitations on the Village’s authority, except that it cannot require a cannabis establishment to be located more than three hundred (300) feet from a school, and that marijuana establishments cannot be prohibited. The State has authorized local governments to require business licenses for a cannabis establishment and to enact zoning regulations to ensure that these establishments are compatible with the surrounding neighborhood. The State prohibits a local government from enacting a moratorium on cannabis establishments, even if zoning and other regulations are not in place.

The Act provides for State licensure of all cannabis establishments. The licenses for production, manufacturing, and cultivation are to be available no later than September 1, 2021, and the State will begin to process applications at that time. The licensure of retail sales is to begin in the

spring of 2022, or earlier. If an establishment obtains its license for production, manufacturing or cultivation in September from the State, it can legally convert part of its premises to retail at a later date. State officials have also indicated that they may try to get licensure of retail establishments in place prior to the spring of 2022. Therefore, it is important that the Village have its own comprehensive regulations in place by September 1, 2021, or shortly thereafter. Without local regulations, there could be a legal argument that once a business obtains the State license, it could locate in the Village as it sees fit. Local licensing also allows the Village more enforcement authority if the State's enforcement capacities are overwhelmed in the coming year. The State is allowed up to ninety days to issue a cannabis establishment license once an application has been received but intends to process applications in a much shorter time frame. The proposed Village ordinance is a first step. It will also be necessary for the Village to make some slight modifications to its zoning regulations to address cannabis establishments. The proposed ordinance provides for a local cannabis business license and requires the applicant to meet certain conditions such as establishing a permanent bricks and mortar/legal location, avoidance of noxious odors, compatibility with adjacent businesses or residences, hours of operation, ventilation, and limiting displays of cannabis products on the outside of the establishment. The license fee is \$250 dollars, which mirrors the amount the Village has historically charged for a local liquor license. The ordinance also limits marijuana use in public places such as sidewalks, parking lots, and the Village Plaza. State law prohibits a cannabis establishment to be located on the same premises as, or combined with, a licensed alcohol establishment. It does allow cannabis to be combined with other retail uses.

The proposed ordinance prohibits commercial operations in a residential area, and these prohibitions will also be outlined in the zoning ordinance amendments.

The ordinance adopts a penalties provision, which will apply to illegal use in public places and violation of the local limits on growing for personal use. It will also apply to sellers, producers or growers who do not have a State license. Where an establishment has a State license in place, the Act provides that no criminal penalties may apply. Therefore, the ordinance allows for the revocation of a local business license (rather than criminal penalties) where a State license is already in place.

**PUBLIC HEARING:** Mayor Brownell opened the Public Hearing. No one spoke for the Ordinance, and no one spoke against. The Public Hearing was closed.

**MOTION: To Approve Ordinance No. 2022-71 Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Cannabis**

**Motion: Councilor Stagg**

**Second: Councilor King**

**Passed: 4-0**

## 5. NEW BUSINESS:

**A. PUBLIC HEARING:** Consideration to Approve **Amended and Restated Resolution No. 2021-469** Adopting the 2021 Development Impact Fee Land Use Assumptions

Director Nicholson explained that the Village of Taos Ski Valley has been working on a Capital Improvements Plan (CIP), through the Village Planning & Community Development Department, with the goal of updating development impact fees and related water and sewer system development fees, through adoption of an amended development impact fees ordinance.

The Village's actions are regulated by the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 et. seq. (the Act), which establishes specific procedures for municipalities and counties to impose development impact fees. As part of the update to the Village's development impact fees, Council adoption of Land Use Assumptions are a required prerequisite for future adoption of revised development impact fees and related ordinances under the Act.

The Land Use Assumptions will partially serve as the basis for projecting the demand for capital improvements or facility expansions that will be needed to serve anticipated future growth in the

Village during this ten-year period and provide an understanding of probable population, job growth, and projected land uses.

As directed by the Act, the Village Council recently established the Capital Improvement Advisory Committee (CIAC) which has reviewed the Land Use Assumptions at public meetings on December 10, 2020, January 20, 2021, February 10, 2021, and subsequent meetings, and recommends approval.

Director Nicholson said that densities for all the categories had been reduced since the previous presentation of this document.

**PUBLIC HEARING:** Mayor Brownell opened the Public Hearing. No one spoke for the Resolution. Speaking against were Peter Talty, who questioned the baseline assumptions of the study and what he said were inconsistencies in the document. He also questioned the number of houses accounted for in the report as being too high. Kathy Bennett also spoke against.

The Public Hearing was closed.

**MOTION: To Approve Amended and Restated Resolution No. 2021-469 Adopting the 2021 Development Impact Fee Land Use Assumptions**

**Motion: Councilor Wittman                      Second: Councilor King**

Discussion followed. Councilor King said that he also had concerns about the report which supported the proposed Land Use Assumptions. CIAC Chair Ben Cook explained that if the number of housing units were to be reduced, it would only serve to increase the proposed fee per unit. CIAC Member Tom Mastor said that the Council should look at the big picture and should move forward. Councilor Kern said that discrepancies in the report needed to be addressed.

TSVI Chaz Rockey said that the general process was confusing and asked about the four required steps including the Land Use Assumptions, the Capital Improvements Plan, and the adoption of the Development Impact Fees. Mr. Rockey questioned the eagerness to get this passed quickly when the proposed Plan of Finance had not yet been completed and infrastructure studies were underway. He recommended that the Village study what is really needed and what funding parties could be a part of the plan, such as the State Fire Marshall. He pointed out that the Plan included \$4 million in Fire Department projects alone, in a ten-year period. Mr. Rockey recommended that a comprehensive plan be drawn up. He offered TSVI's assistance in drawing up the plan.

CIAC Chair Cook said that if no action were taken, the Village would miss out on potential future impact fee collection. Councilor King noted that if the first step seemed unsure, it didn't make sense to proceed with the other steps.

**Mayor Brownell called for a vote.**

**Failed: 0-4**

**B. PUBLIC HEARING:** Discussion Regarding Adoption of the Village's Capital Improvements Plan Related to Development Impact Fees

Director Nicholson explained that the plan is to present at the next Village Council meeting on September 28, 2021 the three items related to the required Development Impact Fee Update. The agenda items will be a Resolution adopting the Village Capital Improvement Plan, a Resolution Adopting Development Impact Fees, and a First Reading of the Updated Development Fees Ordinance.

Councilor Stagg asked how a Public Hearing could be held without an agenda item to consider, and that a vote could not take place without it having been announced as such on the agenda.

Discussion took place on the relationship of the Capital Improvement Plan list of projects with new development.

The Public Hearing was not held.

**C. PUBLIC HEARING:** Discussion Regarding Adoption of Village Development Impact Fees

TSVI Peter Talty recommended that existing needs be considered along with plans that are underway such as the Kachina Master Plan and the Water Study. He said that TSVI would work with everybody to develop a methodology and a plan. Mr. Talty said that more and more

information is being gathered on the existing infrastructure to better understand the real needs for the Village.

The Public Hearing was not held.

**D. Consideration to Approve Resolution No. 2022-486, A Resolution Authorizing and Approving Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT**

Director Martinez explained that the if the Council wished to approve the Resolution for State Highway and Transportation Department funding, a contract for Village approval for the 2022 road project would be drafted. The Village requests that NMDOT contribute \$56,252.00 with the Village to match or exceed \$18,751.00 for a total contract price of \$75,003.00, which is consistent with recent funding applications with NMDOT.

The project scope of work: drainage structures, culverts, blading, reshaping, hauling, disposal, placement, and compaction of all materials. The plan is also to continue to apply base course and dust control materials throughout the Village to build up the roads due to material loss from erosion.

**MOTION: To approve Resolution No. 2022-486, A Resolution Authorizing and Approving Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT**

**Motion: Councilor Wittman                      Second: Councilor King                      Passed: 4-0**

**6. ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL**

The next meeting of the Village Council will be the Council Regular Meeting on September 28, 2021 at 2:00 p.m. via Zoom Teleconference.

**6. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Wittman                      Second: Councilor King                      Passed: 4-0**

The meeting was adjourned at 3:15 p.m.

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Mayor Christof Brownell

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