



# PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM  
106 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
MONDAY, OCTOBER 7, 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. All Commission members were present: Henry Caldwell, Richard Duffy, Neal King, Susan Nichols, Chris Stagg, Tom Wittman, and 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 Pattison, Councilor Stagg, and Councilor Wittman.

## II. APPROVAL OF THE AGENDA

**MOTION:** To approve the agenda with the amendment of making item IV.A. a discussion only.

**Motion: Commissioner King                      Second: Commissioner Duffy                      Passed: 7-0**

## III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2019 P&Z COMMISSION MEETING

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

**Motion: Commissioner King                      Second: Commissioner Duffy                      Passed: 7-0**

## IV. NEW BUSINESS

### A. Review and Comment on a Revised and Updated VTSV Building and Construction Codes Ordinance

Building Inspector Bowden explained that the Village adopted building codes in 1997 and again in 2007, adding adoption of chapters of the no longer published UBC. The intent at that time seemed to be to add language for robust excavating and grading guidelines for the Village's difficult terrain. The national standard is now the International Code Council's International Building Code, and it is necessary to adopt a published code recognized by the State of New Mexico.

Because of the Village's altitude, Inspector Bowden will be making recommendations for amendments to the code in order to properly apply these codes to the Village's environment. A draft ordinance will be brought to the P&Z Commission in the near future. There is a large amount of detail necessary to address in a building code ordinance, he said.

### B. WORK SESSION: Review and Comment on Proposed Firewise Ordinance.

Councilor Pattison, speaking on behalf of the Firewise Board, said that the Board has worked to inform the citizens of the danger of wildfire. Some property owners have worked hard to reduce fire danger on their properties, some have done a little work, and some have done nothing. According to the draft ordinance, a Forester would be hired by the Village who would assist each property owner to make a plan for their property. The owner would sign off on the plan with a time frame for completing the work, and the Board would check back in on the progress being made. The Forester would help with seeking funding for the property owner in the form of grants or other mechanisms. The Firewise Board is recommending implementing a special solid waste fee for every property in order to gather funds to pay for the Forester. The special solid waste fee would also pay for curbside pick-up of slash.

Councilor Pattison said that the Board had reviewed the draft ordinance line by line. The penalties recommended for non-compliance are the same as would be applied for a land-use code violation.

Commissioner King recommended that the regulations be a goal at the start. Perhaps try telling property owners to get rid of dead and down trees and see how many fines are necessary, he suggested. Then, the Village could implement stronger guidelines. Commissioner King thought that if the guidelines in the ordinance were followed, many properties would end up being clear-cut. This is not desirable, and also there is a Village ordinance regulating against it.

Councilor Pattison said that the form required to be signed by property owners is more just a check in. It is from the NFPA. The Council could revise the form and evaluation criteria.

Discussion took place. Commissioners suggested working more collaboratively with property owners, and also lessening the penalties. Commissioner Caldwell said that a penalty might be the best thing in order to have some leverage. Some property owners are still conducting thinning under the previous property assessments conducted by Firewise Board members 10 years ago.

Councilor Pattison suggested that a Forester could give advice on opening up the older trees that have matured and are ready to die in order to have all of the small trees come up. If the little trees are cut, then sometimes the big ones die. He said that there were enough dead and down trees in the surrounding forests to provide animal habitat. Councilor Pattison said that the goal is to create “fire-hardened” homes so that embers blowing in the wind, landing in the eaves or on a wood pile, didn’t start a fire.

There were varied opinions on how insurance companies rate homes in the Village, and some property owners had experienced a lack of interest on the part of the insurance company on seeing what firewise measures had been conducted on a property. The insurance companies seemed more concerned with the general location of the Village and the fire rating zone designation. Thinning was helpful, reported Mr. Frimm, whose recent house fire was mitigated by recent thinning conducted on his property, he said.

Property owners thought that an ordinance which would allow curbside slash pick-up would be a good thing, but Parks & Recreation Committee Chair Kett asked why we couldn’t all get together and pick up slash as was done in the past.

Commissioner Stagg cautioned against adopting an ordinance that the Village couldn’t implement, oversee, or regulate in a uniform manner. He also advised to look closely at the budget for such an undertaking.

This will be brought for review again at the November 18, 2019 Special P&Z meeting.

**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**

Councilor Pattison brought a proposal for land exchange to the Village that was not approved by Council in 2018. He has now added an additional parcel which sits to the side of Bull-of-the-Woods Road, and which could serve as a connector for a possible road from the parking lot. He said that the Village currently uses the lot for snow storage. Councilor Pattison said that the parcels along the stream could be used as a pedestrian trail along the river. The lot below Kachina Road could be used to enhance or add to the Kachina Vista trail. This lot would need some remediation, he said.

Councilor Pattison said that the appraised value of all of the properties is quadruple the valuation of the Village’s lot. He said that the Pattison Trust didn’t own any other land in the Village and would like to get rid of all of these parcels. He is interested in selling the Village’s lot to Mr. Corroon, who bought the approximately 1,227 acres that was previously owned by the Pattison Trust.

Commissioner King pointed out that the Village’s lot is fairly flat, while the Pattison Trust lots are very steep. A pedestrian trail could be nice along the river, but homeowners might be alarmed to have pedestrians going by their house along the river. Commissioner King said that there is no lack of hiking trails as the Village is surrounded by trails.

Planning Director Nicholson said that Staff would not have a recommendation until this item went to the Council for consideration. Commissioner Stagg suggested that it would be better to conduct an RFP for properties that the Village would like to acquire and let the market place decide the value of the Village’s lot. The Village may want to sell the lot. Administrator Avila said that the value of the Pattison Trust lots would have to be adjudicated, and that the Village had recently issued a Request for Information for land which could be of use to the Village.

**D. DISCUSSION: General discussion on Workforce Housing Options and Solutions proposed by TSVI.**

Planning Director Nicholson said that TSVI CEO David Norden had asked to present to the P&Z Commission on this topic. Mr. Norden said that he had not been ignoring the Village's letters just that there had been no intention to occupy the house in question in the letters, so no conditional use permit was being sought. He said that the Village was going beyond reasonable measures in saying that a civil action would be pursued. Mr. Norden strongly encouraged the Village to work cooperatively with TSVI and to address the critical issue of workforce housing. He said that the workforce housing situation is a crisis for ski areas. Without employees living in Taos Ski Valley, there was less likelihood of having Fire and EMS volunteers living in the Village. TSVI would like to have an open conversation and an open dialogue on workforce housing. TSVI has spent a lot of time investigating possibilities for housing such as buying a structure, renting properties, or building something new. Mr. Norden said that a breakdown in communication had occurred last winter among his staff so that rules for the employees had not been enforced as they should have been. Mr. Norden announced that TSVI was in a contract to purchase the Columbine Inn for employee housing. He had been in contact with Village Building Inspector Bowden about a few items that need to be brought within code compliance. He said that he hoped the Village would expedite the process. The necessary items are an egress stairway, a fire alarm system, and the changes needed from short term to long term occupancy.

Commissioner King said that the Village had not been upholding its own ordinances and that there could be other people, not necessarily employees, who could be making a ruckus at night, like rowdy skiers. There are other instances where loud renters could be using a property, rented through Airbnb or other. Commissioner King said that the Zoning Ordinance needed to be re-done especially concerning the language about short and long term rentals and multi-family use.

Mr. Norden said that in other municipalities, new construction is made to build a certain percentage of new housing units for affordable workforce housing. Why could that not be done in the Village of Taos Ski Valley, he asked. Paul Geilenfeldt, owner of the Columbine Inn, said that by far the most difficult thing in running a business here is getting employees, getting them to stay, and getting them up the road.

The Village's Public Safety Department would be the ones to handle violations of noise, trespassing, accumulation of trash, or disorderly conduct, but Chief Trujillo said that no calls had come in through 911 or Central Dispatch on 3 Coyote Lane last winter. Village Administrator Avila and Attorney Baker cautioned the Commission on making Village Staff feel required to defend themselves at a Commission meeting. Administrator Avila said that the Village was in support of TSVI's project and would help.

Discussion followed about multi-family use within the Village of Taos Ski Valley. Peter Talty said that the reality is that multi-family usage exists and that all of their houses have at least two kitchens. Commissioner Stagg said that it is nothing new, that multi-family use has taken place historically and TSVI should not be singled out. He said that a conditional use permit should not be required. Commissioner Nichols suggested that "single-family" zoning be eliminated in the ordinance but that in the meantime, the P&Z Commission should work to interpret the ordinance. It would be difficult for the Village to begin regulating the relationship of people renting a house. Building Inspector Bowden said that use and occupancy of buildings are addressed in the building codes.

**V. OLD BUSINESS**

**VI. MISCELLANEOUS**

**A.** Director Nicholson said that the Shopoff preliminary plat for the Resort at Taos Ski Valley would be brought to the P&Z Commission at its November 4, 2019 meeting, as well as an application for zone change for 25 of the 75 acres.

**B.** Director Nicholson asked how many Commissioners were interested in paper copies of the P&Z meeting packets, and 5 of the 7 said they were.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:**

The next meeting of the Planning & Zoning Commission will take place on Monday, November 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

A Special P&Z Commission meeting will be scheduled for Monday, November 18, 2019 at 1:00 p.m. to review the draft Firewise Ordinance. A Firewise Board Community Outreach meeting is planned to take place before that time, on Saturday, November 9, 2019 at 2:00 p.m. at the Edelweiss Lodge Club Room.

The December P&Z meeting will take place on Monday, December 9, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion: Commissioner King      Second: Commissioner Woodard      Passed: 7-0**

The meeting adjourned at 3:30 p.m.

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Tom Wittman, Chairperson

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