



# PLANNING & ZONING COMMISSION SPECIAL MEETING DRAFT MINUTES

EDELWEISS LODGE CLUB ROOM  
106 SUTTON PLACE  
TAOS SKI VALLEY, NEW MEXICO  
MONDAY, NOVEMBER 18, 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, Chris Stagg, Tom Wittman, and Jim Woodard. Commission members absent: Susan Nichols. Staff members present: Planning Director Patrick Nicholson, Administrator John Avila, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, 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 as presented.

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

## III. APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2019 P&Z COMMISSION MEETING

**MOTION:** To approve the minutes with Planning Director Nicholson's amendments

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

## IV. NEW BUSINESS

**A. DISCUSSION:** Consideration of Recommendation to Council to Approve the Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

Firewise Board Chair Roger Pattison said that the community had been vocal about thoughts and recommendations for amendments to the draft ordinance. Also, Village Staff had been attentive in incorporating recommended changes. He said that implementing this ordinance would be helpful to the community. Attorney Baker explained that the penalties for non-compliance in the ordinance had been softened. Chairman Pattison explained that the intention is to hire a forester as a consultant on a contract basis to make assessments of all Village properties. The forester would develop a fire mitigation plan in conjunction with the landowner, ensuring that all properties become compliant with the guidelines established for each designated zone. Each fire mitigation plan would outline specific steps for mitigation of wildfire hazards and would generally involve phased clearing and remediation, with the understanding that initial thinning could take several years. Once a property had been mitigated, the property owner would be responsible for maintenance thinning. Village Planning Department and Building Department staff would conduct on-going inspections and would also oversee fire mitigation plans for new construction, as they do currently. Councilor Pattison said that after initial plans were drawn up, in place, filed and followed, that long-term maintenance would not be very burdensome. He said that grant funding would be sought to fund a paid forester consultant.

Various sections of the proposed ordinance were discussed. Commissioner Stagg thanked the Firewise Board and the Public Safety Committee members for their hard work, but said that the ordinance is onerous. He said that the specific details in the ordinance are not applicable for the Village of Taos Ski Valley, and that following the ordinance could lead to large-scale deforestation of the community.

Commissioner Stagg relayed that TSVI had conducted thinning and cut down some trees, only to find that in the next wind storm, the other trees got blown down because there was no longer a grouping of trees. He asked if an expert in the local terrain and forestry had been consulted.

Discussion continued. It was suggested that many property owners didn't know how to organize a fire mitigation plan for their own properties, so using a forester would be very helpful in lending guidance. Many owners might simply offer to pay to have the plan executed on their property, if tree thinning contractors could be available to hire.

An appeal process to the P&Z Commission could be established in the event a property owner didn't like the plan that had been drawn up for their property. In addition, variances could be granted for specific situations. Commissioner King said that it is time to stop just encouraging property owners to do something about fire danger on their properties, and the Village needs a method of requiring that owners do something. Commissioner Stagg expressed concern about adopting an additional ordinance that would require Village staff enforcement. He encouraged the Firewise Board to create a plan that was more useful and not a knee-jerk reaction to Firewise concerns. Commissioner Woodard explained that the Firewise Board and the Public Safety Committee had discussed all of these options, but remained steadfast in the belief that the important point was to ensure that property owners take measures to clear the area around their houses. Building Official Bowden said that the Firewise standards in the Wildland Urban Interface ordinance needed to be parallel to this draft ordinance. There was also discussion of the benefit of leaving dead trees on the ground for wildlife habitat. Councilor Pattison said that many communities don't allow mastication or chipping of wood as this creates a fire danger.

Attorney Baker explained that there were still several items needing to be amended in the ordinance. A joint session of the Firewise Board and the P&Z Commission is planned for further discussion, at the next P&Z meeting on January 6, 2020.

**MOTION:** To table this item

**Motion: Commissioner King**

**Second: Commissioner Duffy**

**Passed: 6-0**

**B. DISCUSSION:** Consideration of Recommendation to Council to Approve Village of Taos Ski Valley Building and Construction Code Ordinance 2020-10

Building Official Bowden explained that Village adoption of the Uniform Building Code occurred by ordinance in 1997, which was amended in 2007. The intent in 2007 was to strengthen the excavation and grading guidelines. Today's national standard is the International Code Council's International Building Code, and the Village must adopt a published code recognized by the State of New Mexico. The proposed draft ordinance is intended to align the Village with New Mexico Statutes and Codes, as well as to tailor the New Mexico and International Codes for application in the Village with its unique high-altitude environment.

Building Official Bowden that the Village is required to move ahead with adoption of the current codes, and this in turn will assist architects and builders by having the correct codes to reference. Appendices to the ordinance can be added at a later time for unique situations that exist in the Village, such as the need to design and build for heavy snow loads.

**MOTION:** To recommend adoption by the Village Council of draft Building and Construction Code Ordinance No. 2020-10

**Motion: Commissioner King**

**Second: Commissioner Woodard**

**Passed: 5-1**

**(Commissioner Caldwell dissenting)**

## V. MISCELLANEOUS

### II. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:

The next meeting of the Planning & Zoning Commission will be on Monday, January 6, 2020 at 1:00 p.m. at the Edelweiss Lodge Club Room.

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion: Commissioner Woodard**

**Second: Commissioner King**

**Passed: 6-0**

The meeting adjourned at 2:40 p.m.

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Tom Wittman, Chairperson

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