



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
MONDAY, JANUARY 6, 2020 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, Tom Wittman, and Jim Woodard. Commission members absent: Henry Caldwell. Staff members present: Planning Director Patrick Nicholson, Village 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: Councilor Kern, Councilor Pattison, Councilor Stagg, and Councilor Wittman.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented.

Motion: Commissioner King

Second: Commissioner Woodard

Passed: 6-0

III. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2019 P&Z COMMISSION MEETING

MOTION: To approve the minutes with the correction of one typo

Motion: Commissioner Woodard

Second: Commissioner King

Passed: 6-0

IV. NEW BUSINESS

A. CONSIDERATION TO APPROVE: RESOLUTION NO. 2020-419 Concerning Governing Body Meetings & Public Notice Required

Clerk Wooldridge explained that this Village resolution is required by the State of New Mexico to be adopted annually. It describes how and when meetings will be held, and is known as the open meetings act.

MOTION: To approve RESOLUTION NO. 2020-419 Concerning Governing Body Meetings & Public Notice Required

Motion: Commissioner King

Second: Commissioner Duffy

Passed: 6-0

B. CONSIDERATION TO RECOMMEND: Presentation and Consideration to Recommend on a Proposed Land Exchange of Public and Private Properties within the Village of Taos Ski Valley

The Pattison Family Trust has proposed to exchange five or more tracts of land totaling approximately 12.92 acres for a Village-owned 0.50 acre property near the Northside. The Pattison Family Trust properties are more or less grouped into three distinct areas: Northside, Kachina Road, and Lake Fork, within the Village of Taos Ski Valley. Property appraisal reports have been completed and were presented to the P&Z Commissioners.

The Planning & Zoning Commission considered a similar proposal for land exchange involving slightly different parcels on July 11, 2016. No action was taken pending completion of an appraisal for the Village Northside parcel. In July 2018, the Village Council discussed this earlier proposal, but no action was taken.

The potential public benefit for these properties collectively, both at present and into the future, is an essential question for consideration, said Planning Director Nicholson. Previously, the half-acre Village Northside property had been considered a potential site for expanding the Village Public Utility infrastructure, such as a location for a new water tank to serve the properties of Block N. Other possible uses include a public park or open space. The property could be sold and the funds directed to other Village needs and projects. Equally, the property could be retained and utilized in the future for sale or trade, explained Planning Director Nicholson. The appraised value was \$230,000.

The various Pattison lands could be utilized for trail connectivity, for snow storage, and for a possible connection from the parking lot to a future improved Kachina Road. Mr. Pattison explained that there were five parcels along the river, and also that the Northside property was actually three parcels that were consolidated. The appraised total value of the parcels was over \$1.5 million. Public Works Director Martinez explained that some of these parcels could be extremely useful for Village snow storage.

Planning Director Nicholson said that Staff recommends a motion to forward the proposed land exchange to the Village Council for its consideration.

MOTION: To recommend approval by Council of the proposed land exchange

Motion: Commissioner King

Second: Commissioner Duffy

Discussion followed. Homeowner David Margarone said that the boundary stakes for his property along the Rio Hondo are already in the river so that no land was available for a walking trail for the public along the river. Director Nicholson said that title work would be conducted on all parcels, though it wouldn't be required, according to Attorney Baker. TSVI's Peter Talty said that the Village's parcel was valuable and should not be exchanged. Mr. Pattison said that it would be unusable as a water tank site because the site was not 200 feet higher than the properties on Snowshoe Road.

Discussion continued. Commissioner comments in favor included that the Pattison Northside property could be used for stanchions if there was a need to build a bridge for a new Kachina Road, and that the same property was good for snow storage. Commissioner comments against the approval to recommend included that it didn't make sense to buy a property "just in case", that re-selling portions of the properties, as suggested, might be difficult as people might not want to buy land from the Village. Also, the appearance of the Village exchanging property with current Councilor Pattison did not have the right appearance. In addition, there is no access for the parcels along the Lake Fork River. Other comments were that the Village lot could be useful, for either commercial or residential purposes. The Pattison lands could be seen as more of a liability issue, especially the lot below Kachina Road. The Village could sell its lot and use the money for other purposes. Snow storage areas could be purchased.

Public Works Director Martinez was in favor of acquiring the Pattison lands, while Parks & Recreation Committee Chair said that the Committee was indifferent to the land exchange, and Attorney Baker was concerned about liability issues for the Village.

When Councilor Pattison was asked whether a donation of the land could occur, as long as proper tax documentation could be provided, and he replied that this could be a possibility.

Commission Chair Wittman called for a vote.
Nichols, Stagg, and Woodard voting against)

Failed: 1-5 (Commissioners Duffy, King,

C. PUBLIC WORK SESSION: Joint Work Session with Village Firewise Committee to Review and Comment on Proposed Firewise Ordinance

Planning Director Nicholson said that this latest draft of the Firewise Ordinance included many revisions based on community input. Councilor Pattison, Chairperson of the Public Safety Committee and the Firewise Community Board, said that it had been a rewarding experience for the Committee members to work on and to develop the Firewise Ordinance. The latest version is manageable and realistic, he said. He thought that the community acknowledged the value of the effort to make the Village fire-hardened, but didn't want property rights to be taken away. This draft Ordinance gives clear guidance on what to do, he said.

Councilor Pattison explained that the process has developed the necessity of contracting with an experienced forester who would be familiar with the Village and its vegetation, and who would create a plan for each property, signed by the property owner. The only penalties would be imposed after several

years of no response from a property owner, he said. Creating heightened awareness and convincing property owners of the need for the Firewise effort has been the goal of the Committee, he said. Much discussion followed.

Homeowner Mike Fitzpatrick said that education and facilitating action was the best path forward at this time, but not the adoption of an ordinance which would require litigation against property owners for non-compliance. He recommended not implementing an ordinance at this time. He thought that public nuisance regulations could be enforced if a property owner was not complying with the recommendations.

D. CONSIDERATION TO RECOMMEND: Consideration to Recommend on the Proposed Firewise Ordinance

MOTION: To recommend approval by Council of the Proposed Firewise Ordinance

Motion: Commissioner King **Second:** Commissioner Duffy

Discussion followed. Commissioner comments included that this is a difficult item to enforce, as many property owners have made an effort to thin dead wood on their property. The intention is to stop a wildfire by getting rid of dead and down trees, but the ordinance is so specific, so cumbersome, and too much, some said. Other Commissioner comments included that complying with the ordinance could cost property owners tens of thousands of dollars, perhaps still with a fine, and that clearing 200 feet from every house would make the Village clear-cut, without any trees left. It was said that the plan was good, just not the ordinance itself. Commission Chair Wittman suggested making the document into a Village Resolution, which would not have the same force of law on the public as an ordinance. A resolution is a formal declaration of the governing body concerning a certain subject.

If clearing all dead and down trees, is there not a concern about habitat for wildlife? Some trees decay in one year, but some not, and that is why an assessment would need to be conducted. Although contracting with a forester seems like an essential part of the Firewise process, if the Village had enough money for this, perhaps it would be better use of Village funds to hire an EMT. Councilor Pattison explained that application had been made for grant funds that would pay \$20,000 for a forester for the first year, which would be a decent start. The grant was through NM State Forestry and awards will be announced soon.

Commission Chair Wittman called for a vote. **Failed: 1-5 (Commissioners Duffy, King, Nichols, Stagg, and Wittman voting against)**

MOTION: To recommend making this Firewise effort into a Village Resolution and have it be expedited by the Village Council

Motion: Commissioner King **Second:** Commissioner Wittman

It was the hope that a plan could be formulated and put in place by May or June. The recently appointed State Forester is a big proponent of the Village of Taos Ski Valley, which should help. Mr. Fitzpatrick said that the highest risk for fire in the Village comes from overhead power lines.

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

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Director Nicholson said that he had not yet received the necessary documents from Shopoff Realty in order to proceed with public hearings for the Lodge and Resort at Taos Ski Valley. The discussions are proceeding in good order. The Village is interested in approval of a very site-specific plan, which requires many details be worked out through a Master Development Agreement.

B. Councilor Pattison said that the Public Safety Committee would still recommend adoption of the Firewise Ordinance by the Village Council.

C. Director Nicholson stated that the new Building and Construction Codes Ordinance, which was recently reviewed by this body, would be forwarded to the Village Council at its January meeting.

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

The next meeting of the Planning & Zoning Commission is scheduled for February 3, 2020. (**Note: this meeting was later cancelled.**) If this meeting is cancelled, an announcement will be made for the next P&Z Commission meeting to be held on March 2, 2020 at 1:00 p.m. at the Edelweiss Lodge Club Room.

VIII. ADJOURNMENT

MOTION: To adjourn.

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

The meeting adjourned at approximately 2:35 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk