



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
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, May 4, 2020 1:00 P.M.

Via Zoom TeleConference

Email vtsv@vtsv.org for information to attend the meeting
TAOS SKI VALLEY, NEW MEXICO

AGENDA

- I. CALL TO ORDER & ROLL CALL**
- II. APPROVAL OF THE AGENDA**
- III. APPROVAL OF THE MINUTES: OF THE MARCH 2, 2020 P&Z COMMISSION MEETING**
- IV. NEW BUSINESS**
 - A. PUBLIC HEARING:** Consideration to Approve Application for Variance of North Side and Front Setbacks for the expansion and remodel of a private residence at 9 Dolcetto Lane
 - B. DISCUSSION:** Discussion of Creating a Draft Ordinance 2020-44 Adoption of the Wildland Interface Ordinance
- 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, MARCH 2, 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. All Commission members were present: Henry Caldwell, Richard Duffy, Neal King, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. 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: Mayor Brownell, Councilor Pattison, Councilor Stagg, and Councilor Wittman.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda with the addition of discussing the Kachina Master Plan under Miscellaneous.

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

III. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2020 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

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

IV. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve a Riparian Setback Variance for the installation of a residential bridge across the Rio Hondo at Block 2, Lot 1 of the Amizette Subdivision

Planning Director Nicholson explained that in order to access new residential construction and a home site in Amizette, a bridge across the Rio Hondo is necessary. The proposed single-span bridge is approximately 220 square feet and is 18 feet long, connected to concrete abutments on each end. The supporting abutments are within the minimum 20-foot riparian setback requirement, necessitating consideration and approval of a Variance request. The applicant's Justification Letter, Site Plan and Design documents, and US Corps of Engineers regulatory letter were presented. A new LiDAR terrain and contour map of the area near the subject property was also presented. The zoning is Commercial-Business for this property.

Mr. Doug Patterson, with Living Design Group, said that the goal is to not disturb the stream at all. He noted that the letter from the Army Corps of Engineers states that no permit is required from them. Abeyta Engineering designed the abutments and separate engineering will be conducted for certification of the structure. The bridge load will be adequate for a truck carrying 4 cubic yards of concrete. The bridge will not allow use by the Village's Fire Department pumper truck weight and the owner of the property is aware of this.

PUBLIC HEARING: The public hearing was opened by Commission Chair Wittman. Speaking in favor was Doug Patterson with Living Designs Group. No one spoke against. The public hearing was closed.

MOTION: To approve a Riparian Setback Variance for the installation of a residential bridge across the Rio Hondo at Block 2, Lot 1 of the Amizette Subdivision

Motion: Commissioner Woodard **Second:** Commissioner King

Building Official Bowden noted that the engineering of the abutments meets all building codes. Fire Chief Molina said that the Village's fire trucks carry 150 feet of hose, and that the house will be 41 feet from the opposite side of the river where a pumper truck would park. Mr. Patterson said that the bridge would be able to carry a load that would allow for the Town of Taos' largest fire engine. The septic system meets the

requirements for septic systems set by NMED.

Commission Chair Wittman called for a vote.

Passed: 7-0

B. INTRODUCTION of RESOLUTION 2020-422 - the Village of Taos Ski Valley Region Source Water Protection Plan as an Amendment to the Village's Comprehensive Plan

Director Nicholson introduced Ms. Martha Graham from the NM Rural Water Association who has been working with Village staff and interested parties on a draft Source Water Protection Plan for the Village, during the last two years. She is the Source Water Protection specialist at the NM Rural Water Association. Ms. Graham explained that a water protection plan looks at the raw water that the public uses and produces a plan to implement best practices to avoid potential hazards to this water. Ms. Graham said that more than 40 people from 15 organizations had been involved in developing the plan, from the US Forest Service, to the Acequia Association, Amigos Bravos, the Texas Land & Cattle Company, Amizette residents, the Rural Water Association, the Shopoff group, and several engineers.

The goals of developing a source water plan are to create a plan with a team from the community, to identify source areas, to consider contamination, to develop a protection plan, and to consider contingency plans. The Village uses one source of water currently, at the Phoenix Spring, besides wells in Amizette and in Block N, at the St. Bernard Condos, and at the Whistlestop. The Gunsite Spring is being developed and tested as an alternative water source. The two Village spring sources are classified as ground water, not surface water.

Two separate protection areas have been identified for each spring: Zone A would be immediately around the spring -300 feet up the gradient, 200 feet laterally and 100 feet down gradient. Zone B would encompass the entire watershed. The biggest risks for contamination of source water are land development, fires, and the post-fire impacts. Thinning has been conducted above the Phoenix Spring.

Ms. Graham said that beyond adopting a Source Water Protection Plan, the Village could create ordinances to establish a source water protection overlay zone, outline best management practices and create mitigation standards.

Mr. Joe Canepa, TSVI Attorney said that TSVI owns the land around the Phoenix Spring and that property rights around the Phoenix Spring needed to be observed. There is some residential zoning and some commercial zoning there currently and the Village should not conduct "spot zoning" or down-zoning. Ms. Abby Sanger, attorney for the Shopoff group, agreed and said that the Shopoff group will incorporate some no-build zones for water source protection.

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Commissioner Wittman said that it would be best to proceed with the Kachina Master Plan using the previous working document, which was about 60% complete he said.

B. Homeowner Kent Kiehl asked that the Village create an updated avalanche safety plan.

C. TSVI's Peter Talty recommended that an outside contractor be hired for completion of the Kachina Master Plan.

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

The next meeting of the Planning & Zoning Commission is scheduled for April 6, 2020. (Note: this meeting was later cancelled, and the following meeting was scheduled for May 4, 2020 at 1:00 p.m. via Zoom..)

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Stagg Second: Commissioner Duffy Passed: 7-0

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

ATTEST:

Tom Wittman, Chairperson

Ann M. Wooldridge, Village Clerk



Planning & Zoning Commission

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

Staff Report

Variance Request: Side & Front Setback 9 Dolcetto Lane

1. Case Summary

Date of Hearing: May 4, 2020
Application Received: March 16, 2020
Date of Posting: April 17, 2020
Plan Review Fees: \$800 - Variance Request

Project Description: The applicant, Kent Kiehl, seeks to modify an existing storage shed (~10x10 feet) into a proper one car garage (~14x22 feet) on the north side of 9 Dolcetto Lane. In order to accommodate the garage, Mr. Kiehl requests permission to build within the front and north side setbacks of the subject property. The front of the garage will face Dolcetto lane; the northern corner of the garage would approach the northern boundary property line (adjacent property owned by the Village of Taos Ski Valley). The P&Z commission has already approved a prior variance application in 2016 for an addition planned this year on the south side of the lot. The conversion of the storage shed to a one car garage would help allow the owner to minimize concerns related to parking during winter months.

The Variance requested would change the north Side Setback from twenty feet to zero and the Front Setback from nine feet (previously changed from 25) to five feet.

Site photos, renderings, and a site plan are

attached as Exhibit A.

A LiDAR terrain and contour map of the area near the subject property is also included.

Prior Actions/Approvals:

Front and south side setback variance granted December 5, 2016.

1. Applicant may reduce the front setback construction requirement from twenty-five feet to nine feet for the purpose of constructing an addition onto the existing residence at 9 Dolcetto Road.
2. Applicant may reduce the side setback construction requirement from twenty feet to fourteen feet for the purpose of constructing an addition onto the existing residence at 9 Dolcetto Road.

2. Zoning Analysis:

The subject property is within the Village of Taos Ski Valley and is zoned Residential (R).

The Planning Commission shall also consider the following when hearing a variance request, per Zoning Ordinance Section 25 - Variances, subsection 4:

- 1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby properties.*
- 2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.*
- 3. Will not impose significant cost burden upon the Village; and*
- 4. Will be in harmony with the general purpose and intent of the Ordinance and with the Comprehensive Plan.*
- 5. Financial hardships to the applicant will not be the determinative factor granting variances.*

The proposed Variance meets the intentions of all the above conditions.

3. Recommendation: Staff recommends a motion to **Approve** the Variance.

4. Public Notice & Public Comments

The notice of public hearing was mailed to all property owners within 100 feet, exclusive of ROW, on April 17, 2020.

5. Staff Endorsements

Submitted By:

Patrick Nicholson

Patrick Nicholson
Director, Planning & Community Development Department

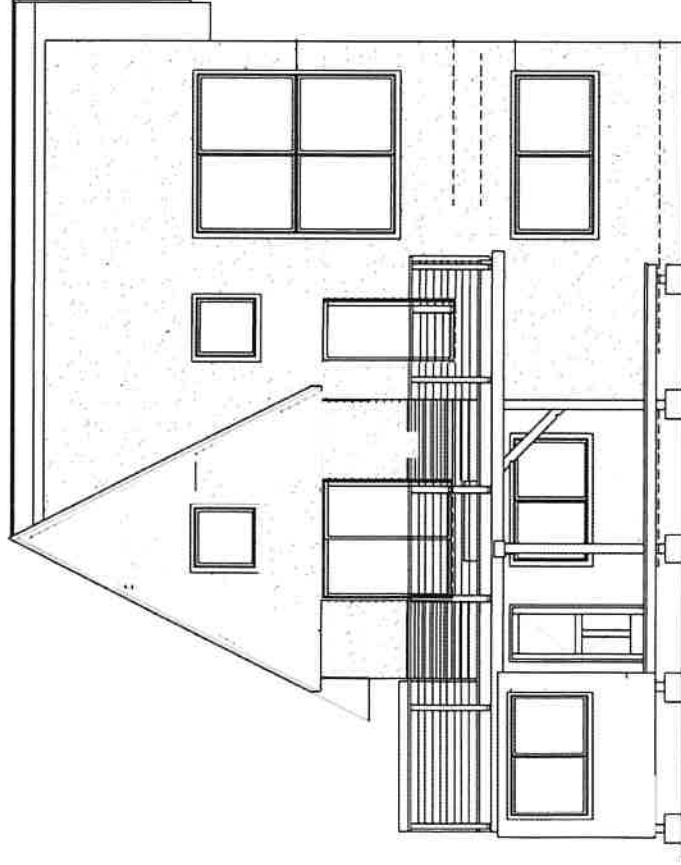
6. Attachments

- A. Site photos, plan, and renderings.
- B. LiDAR terrain and contour map of the subject property

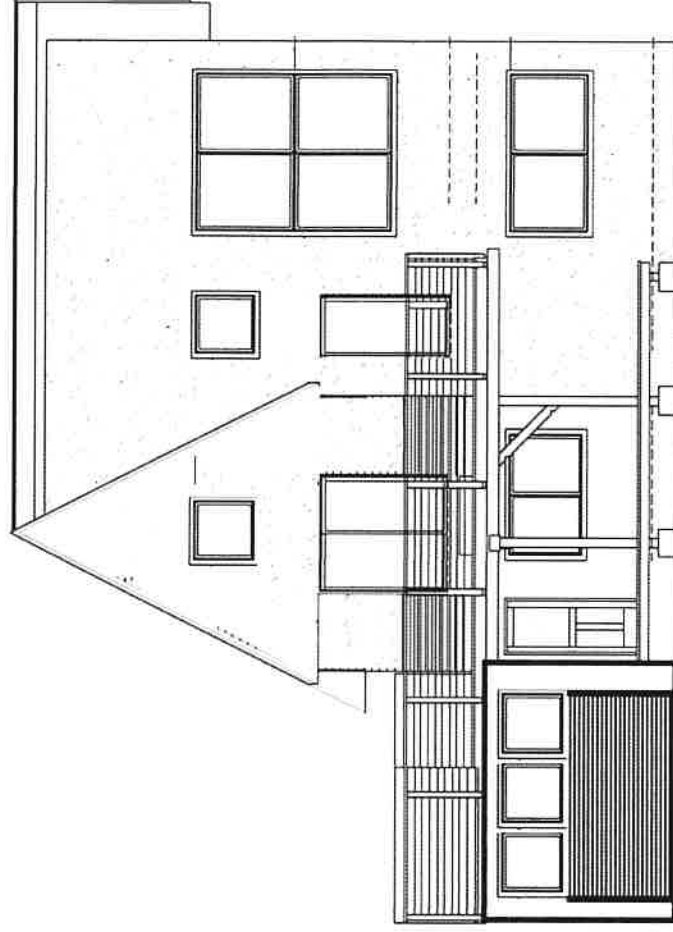
Birdhouse – 9 Dolcetto Lane, Taos Ski Valley

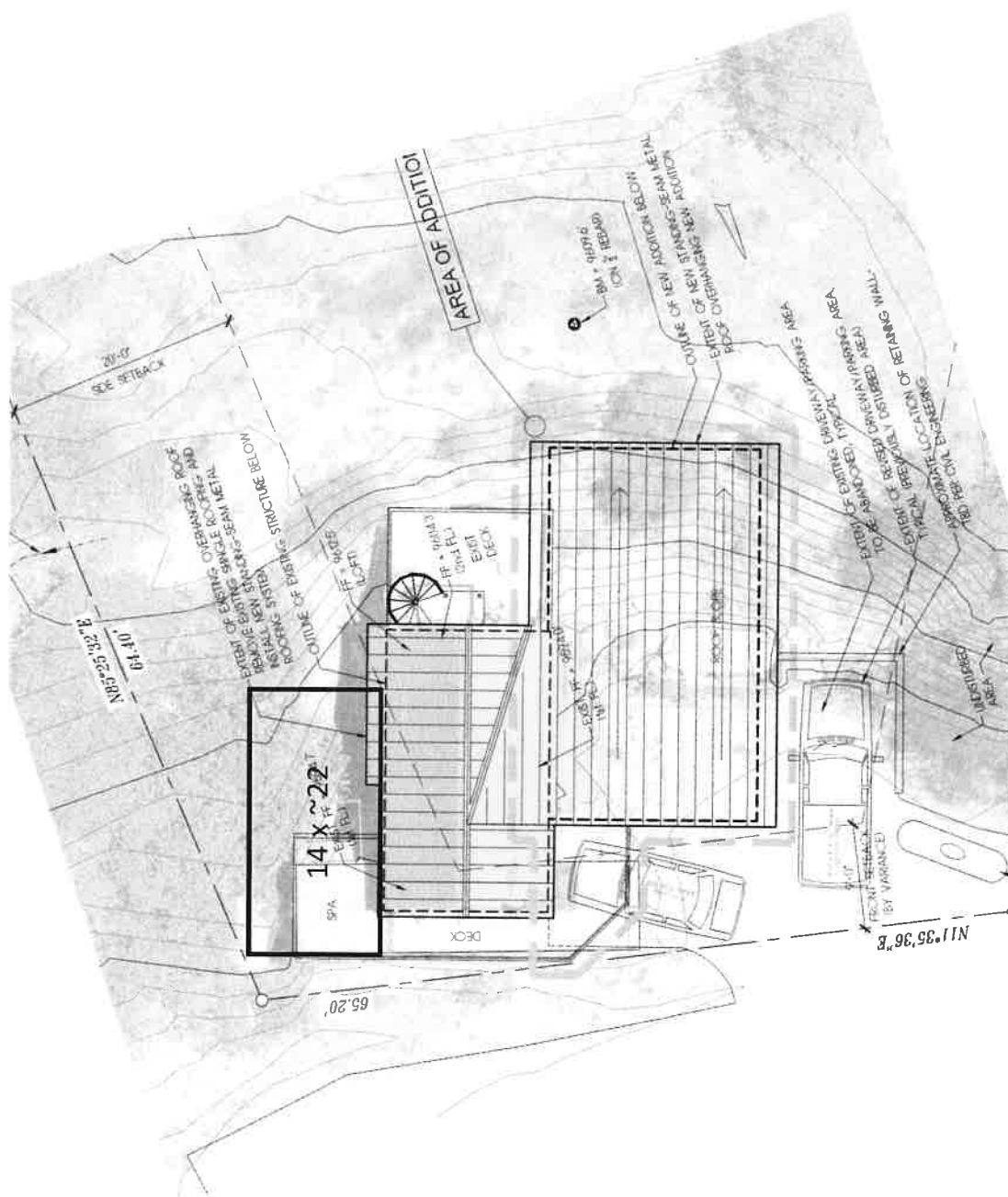


Birdhouse with addition (2020 summer)
Existing deck/shed



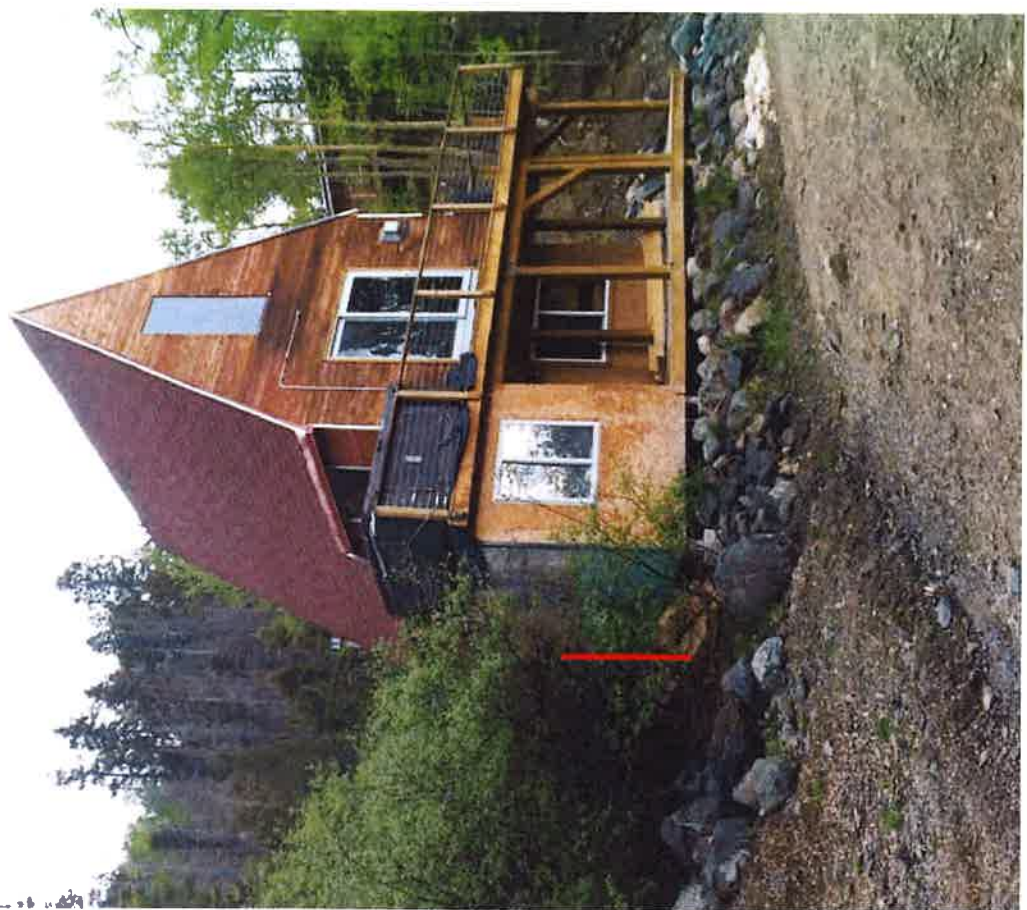
Birdhouse with addition (2020 summer)
With garage addition





Red bar reflects northern edge of proposed garage. Path to the left provides service access to stream/river in summer.





Proposed Village Wildland Interface Ordinance Adoption and Administrative Protocol
Presentation May 4, 2020

Commission or Committee Chairs and Members,

Community input and efforts have contributed to crafting a draft Firewise Ordinance for the Village of Taos Ski Valley. A parallel code was adopted by the Village several years back, 2007, but for reasons unknown there was not community participation with that code. Active community participation in recent years surrounding Firewise initiatives and desire for codification surfaced. This participation is important in the process of crafting a vibrant code for communities.

The Village appears at a crossroads and together we can find the best choice.

1. We can recognize the Ordinance 2007-44 adopting the 2003 International Urban Wildland Interface Code. Proceed by updating to the 2015 International Wildland Urban Interface Code.¹ During this update we, as a community, through public process modify that code to best serve our community members, our unique wildlands and a level of safety we desire.
2. We can continue to craft our Firewise Ordinance building upon research, experience and efforts of our community. When it is satisfactory and adopted it will replace our Ordinance 2007-44.

As your Certified Building Official² I favor the first option and on the following page a proposed Village protocol for administration of the Village Wildland Interface Code is outlined.

¹ The International Urban Wildland Interface Code was renamed International Wildland Urban Interface Code during the 2006 update process. All International Codes are reviewed on a 3- year cycle where provisions are modified, removed or added through a public process. This Code was improved 4 times, as 2003 was the inaugural year.

² A professional certification conferred by the International Code Council.

Suggested Administrative Protocol for the Village of Taos Ski Valley Wildland Urban Interface Ordinance.

I. Permits

A. New construction shall require specific submission addressing applicable requirements set forth in VWUIO.

1. Building safety requirements meeting property risk level
2. Vegetation mitigation performance proposed with initial construction
3. Identification of measures to maintain risk level for subject property

B. Existing buildings proposing permitting for repair or remodel.

1. Building safety requirements meeting property risk level
 - a. Submission required; measures may be recommendations in approval.
 - b. Risk level of property shall be considered in approval process.
2. Vegetation mitigation performance proposed with initial construction
3. Identification of measures to maintain risk level for subject property

C. Existing buildings not evidencing mitigation measures satisfying, at minimum, requirements of 2007-44 Village Ordinance.

1. Notification to property owners of Village lack of evidence and requesting same. When no mitigation evidenced.
 - a. Proposal for mitigation submitted to Village by mitigation contractor.
 - b. Homeowner proposal submitted to Village after assistance and vetting by Firewise Committee.
 - c. In the event of a forester contracted by Village, proposal of mitigation prepared and submitted by forester.
 - d. In descending risk order, properties not evidencing action toward mitigation shall be notified of pending Village compliance action.
2. Village undertakes legal action to perform mitigation measures in line with Ordinance standard after Planning and Zoning Commission action.

II. Permit approval

A. Landscaping and mitigation measures of the VWIO are incorporated into the Certificate of Compatibility and considered through this existing process.

1. Input from Firewise Committee, or Village Forester may be invited to this process.
2. Input from Fire Department may be invited to this process.

B. Building measures of the VWIO are considered by Building Department.

1. Input from Firewise Committee, or Village Forester may be invited to this process.
2. Input from Fire Department may be invited to this process.

C. Document submissions are approved and permit to proceed is issued to contractor or homeowner. When not approvable documents and comments are returned to applicant for revision.