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**PLANNING & ZONING  
COMMISSION:**

Thomas P. Wittman, Chair  
Henry Caldwell  
Richard Duffy  
Yvette Klinkmann  
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, July 13, 2020 1:00 P.M.

Via Zoom TeleConference

Email [vtsv@vtsv.org](mailto:vtsv@vtsv.org) for information to attend the meeting  
TAOS SKI VALLEY, NEW MEXICO

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### **AGENDA**

- I. CALL TO ORDER & ROLL CALL**
- II. APPROVAL OF THE AGENDA**
- III. APPROVAL OF THE MINUTES OF THE JUNE 1, 2020 P&Z COMMISSION MEETING**
- IV. NEW BUSINESS**
  - A. PUBLIC HEARING:** Consideration to Approve a Variance Request to the Perennial Stream Setback to install supporting posts for a new residential home at 121 Twining Road.
  - B. WORK-STUDY SESSION** on Village Facilities, including New Village Hall, Fire Stations, and Public Safety Building by Village Administrator, John Avila.
- 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**

**MEETING HELD VIA ZOOM  
TAOS SKI VALLEY, NEW MEXICO  
MONDAY, JUNE 1, 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, Yvette Klinkmann, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. Commission Chair Wittman thanked Commissioner Klinkmann for her willingness to serve as a P&Z Commissioner.

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.

**II. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda

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

**III. APPROVAL OF THE MINUTES OF THE MAY 4, 2020 P&Z COMMISSION MEETING**

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

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

**IV. NEW BUSINESS**

**A. PUBLIC HEARING: CONSIDERATION TO APPROVE RESOLUTION 2020-434 - the Village of Taos Ski Valley Region Source Water Protection Plan as an Amendment to the Village's Comprehensive Plan**

Planning Director Nicholson explained that Ms. Martha Graham, the Source Water Protection Specialist at the NM Rural Water Association, had worked extensively with Village staff and multiple interested parties on the draft Source Water Protection Plan for much of the past three years. 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. Over the course of this effort, 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 TSVI.

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 for these waters, and to consider contingency plans. The Village public water utility uses one source of water currently, at the Phoenix Spring. There are also public water system permits for wells in Amizette, at the St. Bernard Condos, and at the Whistlestop Cafe. Gunsite Spring is now being developed and tested as a supplementary Village water source.

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 remaining watershed. The biggest risks for contamination of source waters within the Village are land development, wildland fires, and post-fire impacts. 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.

Attorney Baker explained that property rights would not be restricted nor would there be a down-zoning situation at the Gunsite Springs with the adoption of this plan. She said that this would be a guidance document. An ordinance may follow at a later point.

At the Phoenix Spring, Zone A encompasses more than the Village's easement for the Spring. The easement is for use of the water infiltration gallery and access.

Discussion took place about a potential Kachina Master Plan which may be developed soon. Director Nicholson said that it was important to move ahead with the drinking water protection plan and to not wait.

**PUBLIC HEARING:** The public hearing was opened by Commission Chair Wittman. Speaking in favor was Dawn Bouleware from TSVI, as well as Martha Graham from NMED. Ms. Graham said that a plan has been needed for the Village and to protect the water going downstream. Mayor Brownell spoke in favor saying that the elected officials needed to look after the Village's infrastructure. Also speaking in favor were Elena Fernandez from Amigos Bravos, Public Works Director Martinez, and Homeowner Mike Klinkmann.

Peter Talty from TSVI said that fire is the greatest danger to the water source, and it is why TSVI thinned 30 acres above Phoenix Spring. He supports protecting the Village water supply but is not an advocate for supporting this resolution currently. He said that the plan should be a subset of a master plan which addresses infrastructure, roads, and the like. This plan looks at the consequences but not the processes, and the Village is going at it backwards, he said. Attorney Baker said that this was a policy document to mitigate the impacts of development but that it was not against development.

The public hearing was closed.

**MOTION: To approve APPROVE RESOLUTION 2020-434** - the Village of Taos Ski Valley Region Source Water Protection Plan as an Amendment to the Village's Comprehensive Plan

**Motion: Commissioner Duffy                      Second: Commissioner Woodard    Passed: 6-1**  
**(Commissioner Nichols dissenting)**

Discussion continued about the importance of developing a Kachina Master Plan. Commissioner Nichols said that a Planned Unit Development ordinance should be adopted soon, which allows for development as well as for protection of the water source.

**B. DISCUSSION: CONSIDERATION TO RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2020-44** - Adoption of the Village Wildland Interface Ordinance

Building Official Bowden presented the idea of updating the Village's previously adopted Wildland Urban Interface Ordinance. He said that this is the solution to the Village's interest in

becoming more Firewise. The Firewise Board and the Public Safety Committee gave feedback at their earlier meetings. He will incorporate today's input into the draft ordinance to be presented to Council next week.

**MOTION: To RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2020-44 - Village Wildland Interface Ordinance**

**Motion: Commissioner Nichols      Second: Commissioner Woodard      Failed: 0-7**

**V. OLD BUSINESS**

**VI. MISCELLANEOUS**

A. Commission Chair Wittman asked that work get started on a Kachina Master Plan.

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

The next meeting of the Planning & Zoning Commission is a work-study session scheduled for June 29, 2020 via Zoom teleconference, to discuss the Village Hall Complex. The following meeting is scheduled for July 13, 2020 via Zoom teleconference.

**VIII. ADJOURNMENT**

**MOTION: To adjourn.**

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

The meeting adjourned at approximately 2:00 p.m.

\_\_\_\_\_  
Tom Wittman, Chairperson

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



## Planning & Zoning Commission

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

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### **Staff Report**

#### **Variance Request: Perennial Stream Setback 121 Twining Road**

##### **1. Case Summary**

Date of Hearing: July 13, 2020  
Application Received: June 22, 2020  
Date of Posting: June 25, 2020  
Plan Review Fees: \$800 - Variance Request

**Project Description:** To minimize the impact on Gunsite Stream and construct a new residential home, the owners are requesting a perennial stream setback variance. The project team is proposing to cantilever the western end of the residence over the stream. The supporting columns or posts are within the minimum fifteen (15) foot perennial stream setback requirement, necessitating consideration and approval of a Variance.

The stream crosses the property through an incised channel in an open grassy field. The channel is virtually straight, it averages 12" wide, 10"-12" deep, and has an average of 3" of medium velocity flowing water. The supporting posts encroach on the setback at three different locations of varying distances, with the closest being 5' 6" from the stream. More information on the project design and site description can be found in the applicant's enclosed letter to the Commission and accompanying design documents.

Prior Actions/Approvals: None

##### **2. Zoning Analysis:**

The subject property is located along (Upper) Twining Road and is zoned Residential (R).

In Section 11:4 Supplemental Regulations within a R Zone - Minimum Setback requirements are as follows:

*The setback from any perennial stream shall be the top of the bank or be fifteen feet from the high-water mark, whichever is greater.*

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 with the following **Conditions**:

- A. Take all necessary measures to protect Gunsite Stream from on-site construction activity, debris, and erosion.
- B. Provide stamped structural engineered plans for the revised building design.

**4. Public Notice & Public Comments**

The notice of public hearing was mailed to all abutting property owners within 100 feet on June 26, 2020. A public notice sign was placed on the property on June 25, 2020.

The application and Staff Report were made available at the Village Office for public review. The following written comments were received by the public:

- A. Four letters of support from neighbors to the property/project.

## **5. Staff Endorsements**

Submitted By:

***Patrick Nicholson***

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Patrick Nicholson  
Director, Planning & Community Development Department

## **6. Attachments**

- A. Justification letter from applicant
- B. Site plan and design documents
- C. Wendy Trevisani, property owner, letter
- D. Letters of support from four neighbors

Date: July 1st, 2020

Re: Variance request /121 Upper Twining rd.

To whom it may concern,

We are representing Wendy and Peter Trevisani; owners of 121 Upper Twining rd, located within the Village of Taos Ski Valley in the design and construction of a new home at the above mentioned address. We are respectfully requesting a variance to VTSV general Setback requirements for water bodies.

Our request is to place a limited portion of the foundation within the 15' perennial stream setback that is outlined on page 10 of the Village ordinance.

Located within the setbacks of the property is the last section of the stream commonly known as the "Gunsight Spring". This section of stream crosses our clients property through an incised channel in an open grassy field, the channel is virtually straight, it averages 12" wide 10"-12" deep and has an average of 3" of medium velocity flowing water. There are no wetlands located on the site, either open marsh or fridge and there are no major rock drop cascades, significant trees or pristine features along the section of our building site. This is the last section of the stream until it dumps into the larger Lake Fork Stream. There are historical documents, surveys and aerial photography that prove that the stream has undergone significant re-routing and culverting for the past 50 years. There are officially 8 different locations where the stream is conveyed under the main village roads through culverts and many locations where the stream has been re-routed for single family developments. It could be argued that every inch of this stream has been manufactured into its current condition. Finally, this is the stream that has been part of a lengthy discussion with the property owners where the stream surfaces for use by the Village to satisfy their growing need for municipal water.

Our client's property is the same 1/3 acre as the typical lot located along Upper Twining, as with all of the neighboring properties it has a limited building envelope, as such we are presenting a design solution that accommodates our clients program requirements while taking necessary steps to minimize unnecessary site disturbance and maintain the path and integrity of the stream.

Our design complies on every level with the property setbacks, height limits, snow storage requirements, and general purpose and intent of the Village's Comprehensive Plan.

Other than this request, the submittal has already been vetted for a Certificate of Compatibility, undergone a preliminary permit review and the owners have paid all of the required fees.

The proposed design to cantilever over the stream came in response to several site visits by the Army Corp of Engineers, surface water consultants from Gloriatta Geo-Sciences, results from Geo-technical soils analysis and field visits with Village Administrators and has been approved by our Structural Engineer. In order to have minimal impact on the stream we are only making contact at one location within 5'-6" of the bank on a corner of the foundation, our distances increase quickly until we are the full 15' feet from the edge. Our point of contact is uphill from the bank and will not be an encumbrance to any natural deviation the stream might ever have on its own.

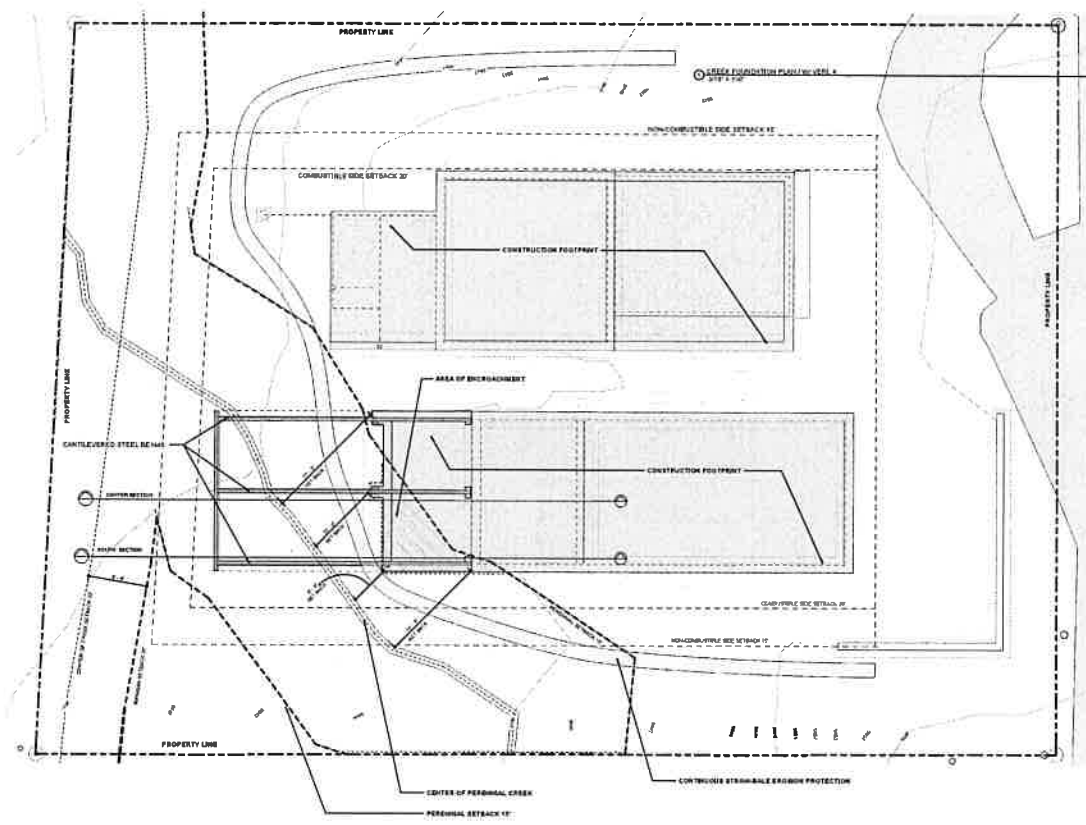
We are 100% confident that the proposal in no way shall create a hazard, annoyance, or inconvenience to the neighbors, there is no question that it will improve, not diminish, property values, and will not cause a cost burden to the village. We are proposing a dynamic, beautiful and impressive building that should make the Village happy to have in its inventory of great homes on the mountain.

Attached are Site Plan/Foundation plan, Sections through the area of concern and Exterior Elevations.

Respectfully,

Jonah Stanford, Principal  
NEEDBASED inc.





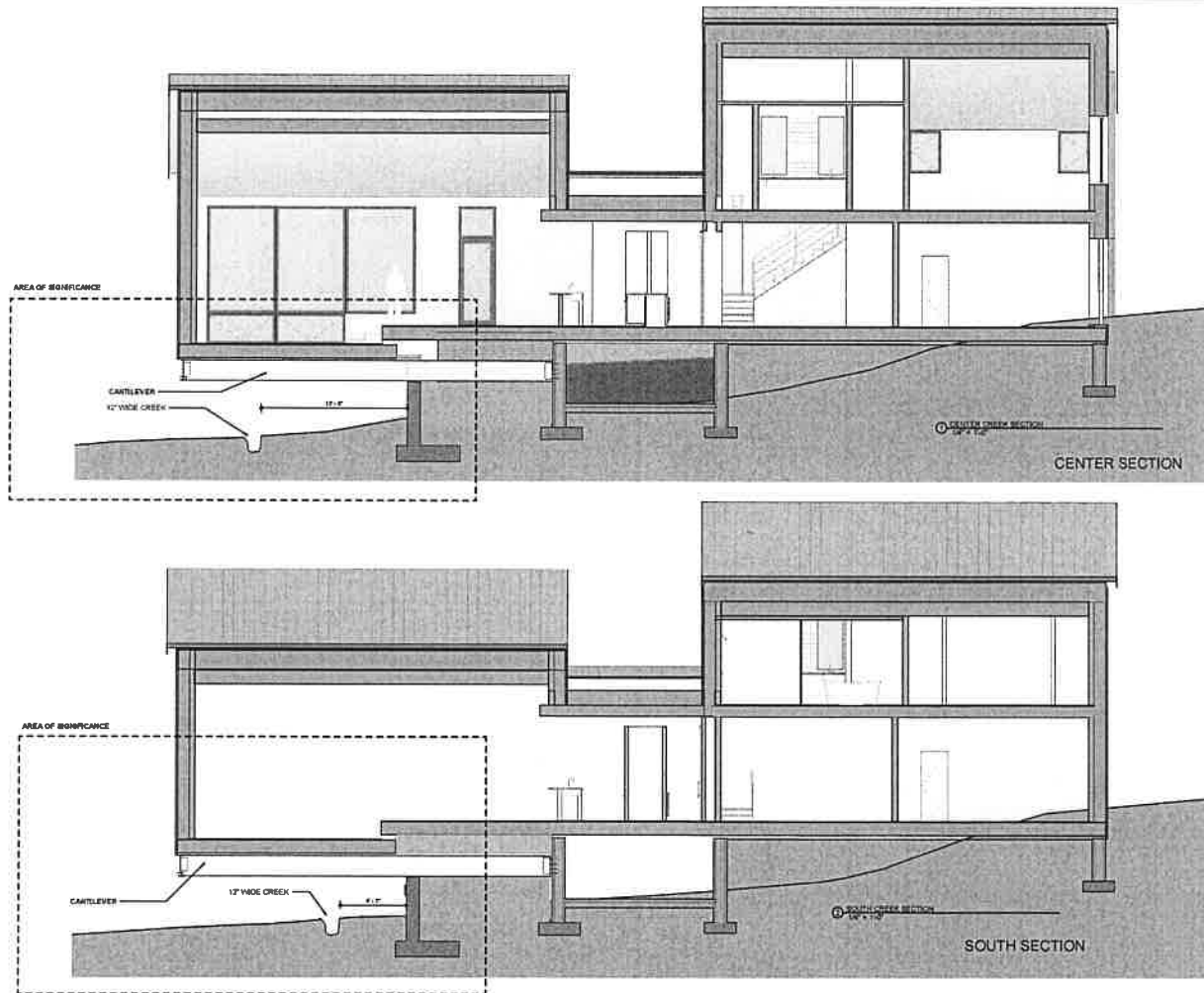
# NEEDBASED

TREVISANI  
121 TWINING RD, TACS  
SKI VALLEY, NM

SITE PLAN

V-1

CONSTRUCTION  
SET  
DATE 3/1/20  
SHEET 1 OF 1



NEEDBASED

1221 Twining Rd, Taos  
NM 87577-4398  
needbased.com

TREVISANI  
1221 TWINING RD, TAOS  
SKI VALLEY, NM

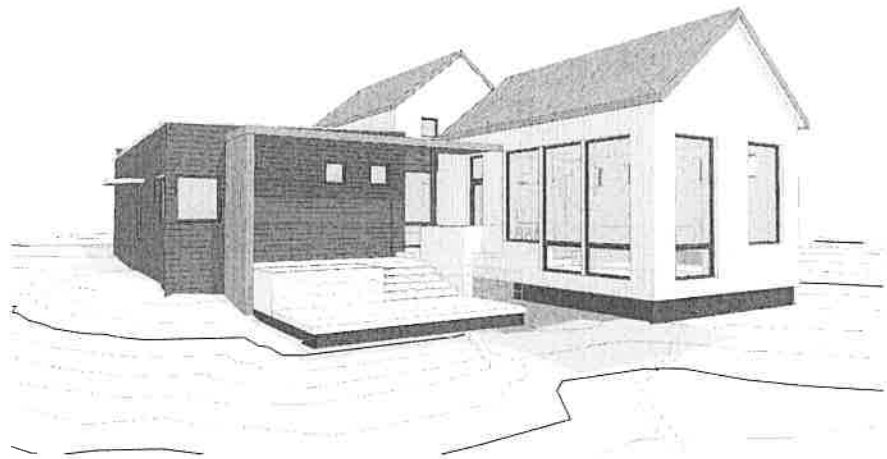
SECTIONS

VARIANCE SET

DATE: 3/2023

V-2

Scale: 1/4" = 1'-0"



NEEDBASED

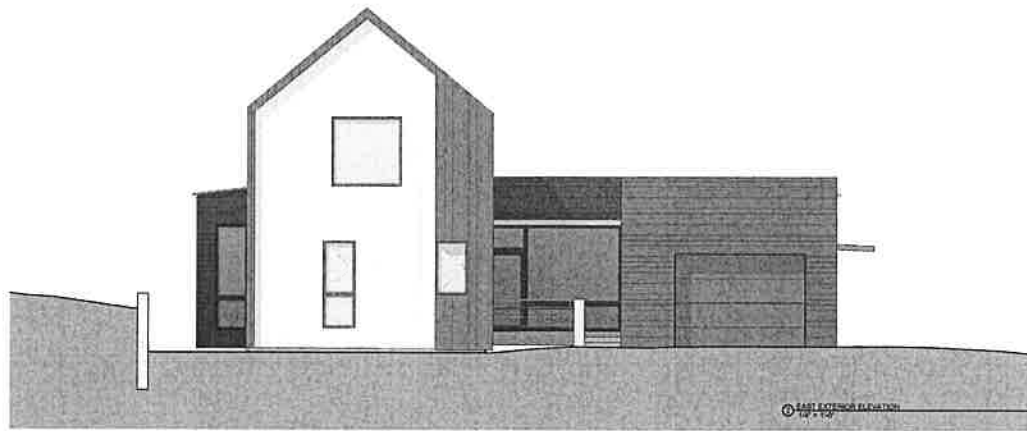
1231 Shively Street  
Santa Fe, NM  
866-477-4388  
needbased.com

TREVISANI  
121 TWINING RD, TAOS  
SKI VALLEY, NM

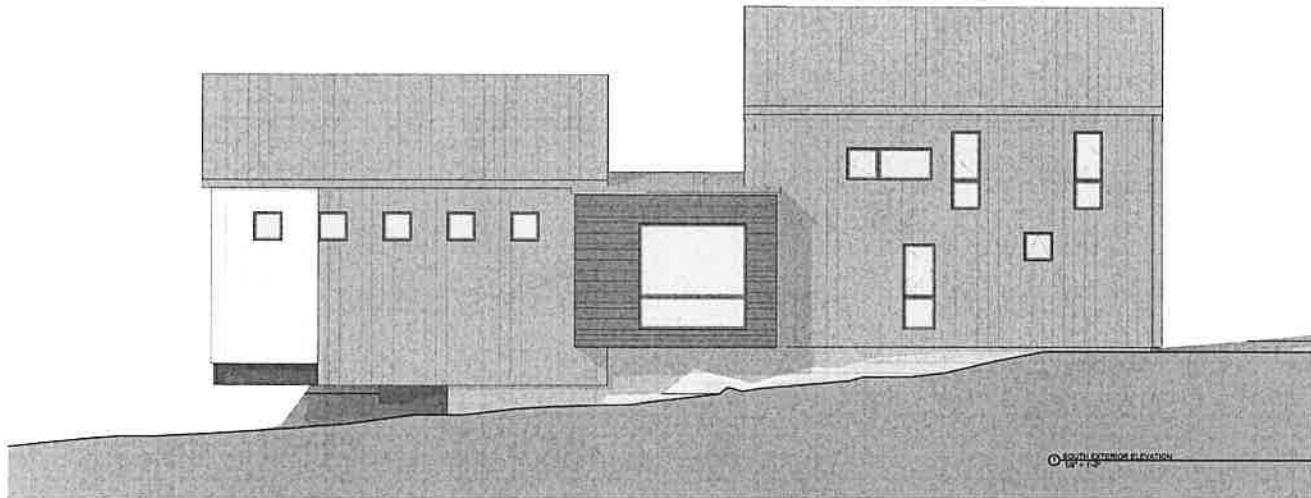
RENDERS

VARIANCE SET  
DATE: 12/29

V-3



○ EAST EXTERIOR ELEVATION  
1/4" = 1'-0"



○ SOUTH EXTERIOR ELEVATION  
1/4" = 1'-0"

NEEDBASED

121 already street  
series 16, 171  
505-577-4285  
needbased.com

TREVISANI  
121 TWINING RD, TAOS,  
SKI VALLEY, NM

ELEVATIONS

VARIANCE SET

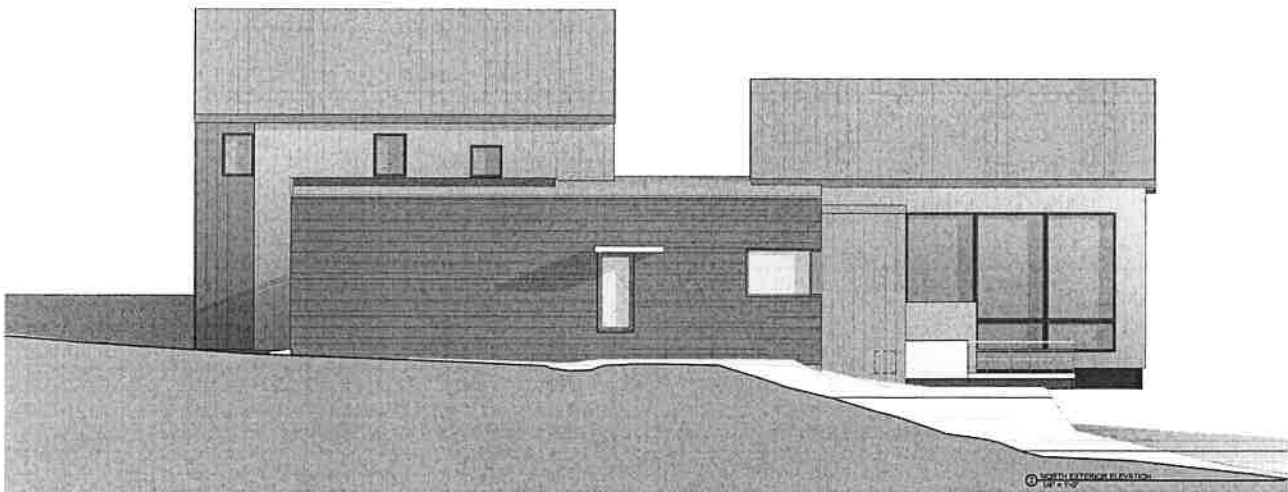
DATE: 8/2/20

SCALE: 1/4" = 1'-0"

V-4



WEST EXTERIOR ELEVATION  
1/2" = 1'-0"



NORTH EXTERIOR ELEVATION  
1/2" = 1'-0"

NEEDBASED

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1221 Twining Rd, Tacos  
Ski Valley, NM  
505-471-4288  
needbased.com

TREVISANI  
121 TWINING RD, TACOS  
SKI VALLEY, NM

ELEVATIONS

VARIANCE SET

DATE: 7/20/22

V-5

Scale: 1/2" = 1'-0"

**From:** [Wendy Trevisani](#)  
**To:** [Patrick Nicholson](#)  
**Cc:** [Peter Trevisani](#); [jed@jedmagee.com](mailto:jed@jedmagee.com)  
**Subject:** 121 Twining Road variance  
**Date:** Thursday, July 2, 2020 10:24:45 PM

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Dear Patrick,

I am writing as the owner of 121 Twining Road in reference to the variance to the riparian setback. I will leave the engineering, architectural and building details to the experts (including Jed Magee, cc'd here), but know that the design is in harmony with the size, scale and style of existing homes in the immediate vicinity. There is nothing about the request that might cause disruption or inconvenience to the neighbors, property values or the day-to-day operations of the Village Public Works nor will it cause any inconvenience or hardship to the village during construction.

I would like to give you some insight into our vision of the project and our commitment to New Mexico and it's environment. My husband Peter and I have lived in Santa Fe for 20 years. We have raised our 3 children here, all skiers at TSV, and each of them ski team participants once they "graduated" from the Rio Hondo Children's Learning Center. Our youngest is now 14 and still part of the Big Mountain Team. Our oldest has both taught small children and coached older skiers during her winter breaks. We have had a condo at the Bavarian for 10 years. Peter founded and is CEO of the NM United soccer team furthering pride and unity to this state. I am on the boards of United Way and Christus St Vincent Hospital and the majority of our philanthropic efforts are local.

This home is something we have been planning for many years. We are so excited to have a place our children can bring their friends and that will eventually be theirs. The river and beauty of the return trail are unmatched in our opinion and we jumped at the opportunity to acquire land there. We have been working with Needbased (Jonah Stanford) for nearly a year on plans that would mirror the beauty of the surrounding area while being very conscientious of our neighbors, trees, setbacks, etc. It was a sad surprise to learn of the controversy surrounding the 12" tributary running alongside the creek. We believe we have addressed it in earnest and have a wonderful plan to keep impact at a minimum. We do not want to have to remove additional trees. We do not want to have to prolong construction as it will be a disturbance to our neighbors and a pity not to be able to take advantage of our new home sooner rather than later. This is a family dream - we have 3 teenagers - time is of the essence given the seasonality of TSV, from both a building and a recreational standpoint. Further, we believe trying to alter plans will cause a greater impact on the land and the neighborhood and have worked hard to create a structure with minimal visual and environmental issues and a focus on elegance. Preserving the charm of Taos Ski Valley is of the utmost importance to us, and why we chose it to be our family getaway.

I hope that this helps you understand who we are as a family, and how committed we are to preservation of the community we hold so close. I trust that this issue will be resolved in a timely manner so we might continue to make progress with our dream. Please let me know if you need anything further.

Sincerely,  
Wendy Trevisani  
505 670-6342

**From:** [William Feinberg](#)  
**To:** [Patrick Nicholson](#)  
**Cc:** [AAK](#)  
**Subject:** 121 Upper Twining Variance Request  
**Date:** Thursday, July 2, 2020 4:16:40 PM

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Patrick,

We recently completed a home in TSV on upper Twining Road that had a similar issue to 121 Upper Twining (that I noticed while walking on Upper Twining today) which we appreciated neighbors supporting. As an uphill neighbor, we support this and see no significant hazard, annoyance, or inconvenience to the owners or occupants near the property nor will it (in our opinion) significantly change the character of the neighborhood or reduce the value of nearby properties. I also do not see any significant cost burdens to the VTSV and will be in harmony with the general purpose and intent of this ordinance and with the overall plan from the VTSV.

Happy to discuss at your convenience if it would be helpful.

Regards,  
Bill and Ariana Feinberg  
131 Upper Twining



**From:** [Greg McAlister](#)  
**To:** [Patrick Nicholson](#)  
**Subject:** RE: 121 Upper Twining Variance  
**Date:** Tuesday, July 7, 2020 7:08:51 PM

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To Whom It May Concern:

My name is Greg McAlister. I own the residence at 8 Porcupine Rd in Taos Ski Valley, a few blocks up the way from Upper Twining. I'm writing this email to show my support of the variance application at 121 Upper Twining. As the Village of TSV is aware, there are many challenges faced when building in the valley. In this case, I believe a variance will not diminish the properties surrounding nor will it provide any hazard or inconvenience for those around this property. This variance doesn't appear to impose any additional burden or anyone surrounding the property or upon the Village itself. I do think a variance in this case is in harmony with the overall purpose and intent of this Ordinance. Please know that the Village has my full support in approving this variance.

Sincerely,

**Greg McAlister**

Wheeler District  
e: (405) 361-2332  
e: [greg@wheelerdistrict.com](mailto:greg@wheelerdistrict.com)  
w: <http://wheelerdistrict.com/home>

**From:** Wilson Scanlan  
**To:** Patrick Nicholson  
**Cc:** Jenna Scanlan  
**Subject:** Variance Request for 121 Upper Twining Road  
**Date:** Friday, July 3, 2020 10:23:40 AM

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Dear Mr. Nicholson,

This letter is written in support of the variance request for Wendy and Peter Trevisani whose building project is located at 121 Upper Twining Road. We support the recommendation from the Army Corps of Engineers to allow their building to span the intermittent (seasonal) "Gunsight" Spring which crosses their property. There is already precedent to this approach by their neighbors at 123 Upper Twining Road.

Thank you for your consideration and all you do for the TSV community.

Our very best,

Wilson & Jenna Scanlan  
107 Upper Twining Road  
505-603-0479

**From:** Kate Ferlic  
**To:** Patrick Nicholson  
**Cc:** Stanek, Chris  
**Subject:** support for Variance at 121 Upper Twining Rd.  
**Date:** Wednesday, July 8, 2020 10:07:08 PM

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Patrick: I am writing to express our support for the variance at 121 Upper Twining Rd. My husband Chris and I live at 119 Upper Twining Rd. and so are the neighbors of this property to the north. We spend a lot of time in the ski valley and I am familiar with Gunsight Spring running through the property at 121. This variance will cause no significant hazard, annoyance or inconvenience to us as neighbors of the property. It certainly will not change the character of the neighborhood or reduce values. The design proposal that I have seen looks amazing and will generally benefit the ski valley with its thoughtfulness in design. I have reviewed the relevant ordinance and the Comprehensive Plan for the ski valley and the variance is in general harmony with both. Chris Stanek and I fully support the variance and hope the decision-makers will do the same.

Thanks,  
Kate Ferlic  
119 Upper Twining  
(505)699-0705