



**PLANNING & ZONING COMMISSION
DRAFT MEETING MINUTES
MEETING HELD VIA ZOOM
TAOS SKI VALLEY, NEW MEXICO
MONDAY, AUGUST 3, 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. Staff members present: Planning Director Patrick Nicholson, Village Administrator John Avila, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, and Attorney Susan Baker.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

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

III. APPROVAL OF THE MINUTES OF THE JULY 13, 2020 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

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

IV. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve a Variance Request to the Perennial Stream Setback for a New Residence at 121 Twining Road.

Planning Director Nicholson explained that the applicant had submitted revised residential construction plans, which require approval of a Perennial Stream Setback Variance to proceed. The principle change is the repositioning of the entire structure an additional two feet away from Gunsite Stream and east toward Twining Road.

On July 13, 2020, the Planning Commission denied the applicant's request for a Perennial Stream Setback Variance. In the submittal packet, the applicant shows that this current request generally complies with the intentions of all variance criteria in the Village's Zoning Ordinance. Furthermore, the applicant has adequately addressed the NM State Statue variance criteria in their submittal.

Site disturbance from the structural foundation is within the minimum fifteen-foot perennial stream setback requirement, necessitating consideration and approval of a Variance. The project team is again proposing to cantilever the western end of the residence over Gunsite Stream.

Director Nicholson said that to properly calculate the setback, the diagram shown for General Setback Requirements and Building Pad in Zoning Ordinance 17-30 is very useful. As indicated in the diagram, there is to be no site disturbance of any kind within the first fifteen feet of the Perennial Stream Setback area for this proposed house. The intent is to protect the stream from any site disturbance, which could reasonably impact or affect the ecological health of a

natural stream. The proposed design submittals indicate a small area, 61 square feet, of site disturbance for the structural foundation within the stream setback. The closest linear impact is 7'5" to the building corner.

At the last Hearing, there was some confusion as to whether the proposed cantilevered section of the building should be considered as part of the footprint. This was due in part to the Village Ordinance definition of a Building Footprint, which includes the cantilevered building elements. The term best applies to the Ordinance design guidelines found in Section 9.1.1. It could also be utilized in assessing and calculating a Variance encroachment, explained Director Nicholson.

The applicant has stated that they now wish to include the more restrictive interpretation in their request, thus including the cantilevered building section. This would greatly expand the encroachment area within the Perennial Stream Setback, as the building would extend and cross the stream at a height of approximately 4'5". The area of encroachment was not calculated by the applicant but could be estimated at a few hundred square feet.

Construction Manager Jed Magee noted that this was the best approach overall for placing the house on this property. He also noted that this water body goes through many culverts upstream of this property and has been moved in the past for other houses over many, many years. Architect Jonah Sanford explained that they were trying to not bring in or export dirt fill, and that they were being mindful of the steepness of the driveway. If the house were to be moved further away from the stream, it would compromise the snow storage area fronting Twining Road. Many people spoke in favor of the project, including Attorney Chris Graser, and Peter and Wendy Trevisani. The proposed house is in line with other new houses in the neighborhood, they noted.

Mr. Magee related that the Army Corps of Engineer representative Daniel Delgado said that cantilevering a house over a water body was the desirable method to address building a house on a property, he said. The Statutory requirements and the Village's Comprehensive Plan have also been addressed, said Mr. Graser.

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.

PUBLIC HEARING: Speaking in favor were Jed Magee, neighbor Kate Ferlic, and neighbor Jenna Scanlan. Speaking against was neighbor David Margarone's representative Don Schieber, and David Margarone.

The Public Hearing was closed.

MOTION: To approve a Variance Request to the Perennial Stream Setback to install supporting posts for a new residential home at 121 Twining Road

Motion: Commissioner Duffy Second: Commissioner Stagg

Mr. Graser and Attorney Baker addressed Mr. Margarone's comments, saying that granting one variance would not create a legal precedent. Discussion followed.

Commissioner Chair Wittman called for a vote. Passed: 5-2 (Commissioners Klinkmann and Woodard dissenting)

B. DISCUSSION: Consideration to Recommend Approval to the Village Council of the 2022-2026 Village of Taos Ski Valley Infrastructure & Capital Improvement Plan (ICIP)

Director Nicholson presented this year's proposed ICIP. He said that although the projects listed are similar to those in previous plans, the costs have been updated, adding approximately \$10 million in total project valuations. Most of the changes involved Public Safety infrastructure projects. This list, when final, will get submitted to the State so that projects would be eligible for Capital Outlays funds.

MOTION: To Recommend Approval to the Village Council of the 2022-2026 Village of Taos Ski Valley Infrastructure & Capital Improvement Plan (ICIP)

Motion: Commissioner Stagg Second: Commissioner Caldwell Passed: 6-1 (Caldwell dissenting)

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Director Nicholson said that the Shopoff (Resort at TSV) project still requires additional documents be submitted to the Village prior to scheduling a Hearing. Timing for presenting to the P&Z Commission is unknown at this time. There had been a hope of having an in-person meeting for the Shopoff presentation, he said, although the Shopoff group said that they were comfortable with presenting via Zoom.

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

The next meeting of the Planning & Zoning Commission is scheduled for September 14, 2020 at 1:00 p.m. via Zoom.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Caldwell Second: Commissioner Woodard Passed: 7-0

The meeting adjourned at 2:45 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk