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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, February 1, 2021 1:00 P.M.

Via Zoom TeleConference

See www.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 NOVEMBER 2, 2020 P&Z
COMMISSION MEETING**

IV. OLD BUSINESS

A. Consideration to Approve formally ending the Continuance granted on November 4, 2019 and deny a Preliminary Plat application from the Resort at Taos Ski Valley, LLC to subdivide approximately 74 acres of land located along Kachina Road within the Kachina Village Subdivision of the Village of Taos Ski Valley

B. Consideration to Approve formally ending the Continuance granted on November 4, 2019 and deny all Zone Change Requests from the Resort at Taos Ski Valley, LLC., located in the Kachina Village Subdivision within the Village of Taos Ski Valley

V. NEW BUSINESS

A. DISCUSSION: To recommend formation to the Village Council of an ad hoc Working Group to address access to the Kachina Basin, identify associated issues, and present viable solutions

B. Consideration to Approve **Resolution 2021-466** Concerning Governing Body Meetings and Notice Required

VI. MISCELLANEOUS

A. Status of the update to the Village of TSV Official Zoning Map

B. Capital Improvements Advisory Committee update

C. Administrative approval of two pending food truck locations

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, NOVEMBER 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, 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 Stagg Second: Commissioner Woodard Passed: 7-0

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2020 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

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

IV. OLD BUSINESS

A. DISCUSSION: CONSIDERATION TO RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF ORDINANCE 2021-30 - An Update to the Village of TSV Official Zoning Map Incorporating Previously Approved Changes

Planning Director Nicholson explained that this updated map incorporates lot line adjustments. Some lot line data held at Taos County still needs to be incorporated. The important component for the Zoning Map is to show current Village zoning, Commissioner Stagg pointed out. Ownership and other data are always changing and are not relevant to adoption of this map. Attorney Baker recommended sending to the Council for approval, with double-checking information in the meantime. Owners could petition for a zone change if they felt that the designation was incorrect.

MOTION: Move to recommend to the Village Council approval of Ordinance 2021-30, updating the Village Zoning Map

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

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

Director Nicholson explained that a Wildland Interface Ordinance had been adopted in 2007 and that this was an update to that Ordinance. Building Official Bowden has undertaken this effort in a Firewise effort, though this is different than the Ordinance recently proposed by the Firewise Board. This Ordinance refers to the updated 2015 Wildland Interface Code, from the 2003 code in the previous Ordinance. Official Bowden explained that this is not yet the final version. Several sections must be changed or removed, specifically the mention of penalties, and storage of firewood during winter months. Official Bowden said that individual property owners may secure a forester's services when creating a vegetation management plan or a community organization such as the Firewise Board might apply for a grant in participation with the Village to make those services available Village-wide. Commissioner Woodard reported that the Firewise Board had met and supports adoption of this

ordinance.

MOTION: Move to recommend approval by Council of Ordinance 2021-44 with the changes discussed

Motion: Commissioner Woodard Second: Commissioner Duffy
(Commissioners Caldwell, Klinkmann, and Nichols dissenting)

Passed: 4-3

V. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve a Variance Request to the Side Yard Setback for a Residence Addition at 123 Twining Road

The applicant intends to create an addition to his house in order to enter the garage then enter into a fitness room, all of which will be ADA compliant. This addition will go 3"8" into the side yard setback, so a variance is being requested. There will be no encroachment into the riparian setback. The addition will look like the original house. Several letters of support from neighbors were provided.

PUBLIC HEARING: The public hearing was opened. Speaking in favor were Architect David Henry, and builder Tom Mastor. No one spoke against. The Public Hearing was closed.

MOTION: To approve a Variance Request to the Side Yard Setback for a Residence Addition at 123 Twining Road

Motion: Commissioner Duffy

Second: Commissioner Woodard

Passed: 7-0

VI. MISCELLANEOUS

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

The next meeting of the Planning & Zoning Commission is scheduled for December 7, 2020 at 1:00 p.m. via Zoom. (Note: this was later postponed to February 1, 2021 at 1:00 p.m.)

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Duffy Second: Commissioner Woodard

Passed: 7-0

The meeting adjourned at 2:20 p.m.

ATTEST: _____

Tom Wittman, Chairperson

Ann M. Wooldridge, Village Clerk

VILLAGE OF TAOS SKI VALLEY
Village Planning and Zoning Commission
Agenda Item

COMBINED AGENDA ITEM TITLE:

A. Consideration to approve ending the Continuance granted on November 4, 2019 and deny a Preliminary Plat application from the Resort at Taos Ski Valley, LLC to subdivide approximately 74 acres of land located along Kachina Road within the Kachina Village Subdivision of the Village of Taos Ski Valley.

B. Consideration to approve ending the Continuance granted on November 4, 2019 and deny all Zone Change Requests from the Resort at Taos Ski Valley, LLC., located in the Kachina Village Subdivision within the Village of Taos Ski Valley.

DATE: February 1, 2021.

PRESENTED BY: Patrick Nicholson, Village Planning Administrator; Susan Baker, Village Attorney

STATUS OF AGENDA ITEM: Old Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Resort at Taos Ski Valley has pending applications for approval of a large lot subdivision and rezone of approximately 74 acres of property located along Kachina Road, within the Kachina Village Subdivision of the Village of Taos Ski Valley.

The applications were originally heard by the Planning and Zoning Commission on November 4, 2019. Due to numerous concerns regarding configuration of the subdivision, safe access along Twining Road, avalanche zone mitigation, high demand on Village resources resulting from an up-zone, and other factors, the Commission continued the application for further review by Village staff.

The Resort worked with Village staff for the next several months to address these issues, in addition to resolving issues regarding adequate water resources/infrastructure, road configuration, drainage and water retention issues, fire code violations, improvement of Twining Road, legal issues with configuration of the proposed plat, development impact fees, and opposition by neighboring properties who preferred master planning of the

Kachina Basin area to ensure timely and planned development in a pristine high, altitude setting.

In December 2020, the Village learned that the Resort sold its entire property to another individual who has no connection whatsoever to the Resort or its affiliates. This individual is in no way acting as a representative at the Resort. For this reason, the applications cannot proceed. Although the Resort has not formally withdrawn its applications, it is impossible for it to legally move forward where the underlying property is now owned by a third party.

STAFF'S RECOMMENDATION:

Staff recommends that the Village Planning and Zoning Commission formally deny the pending Resort at Taos Ski Valley, LLC applications for approval of a subdivision plat and rezone on the basis that the applications are moot. The Resort no longer owns the underlying property which is the subject of these applications. Therefore, there is no longer any need to discuss substantive issues related to the development, and the pending applications should be denied.

Staff recommends that the Commission open the agenda items separately and immediately adopt a motion for each as follows:

A. Move to deny the Resort at Taos Ski Valley's pending application for Preliminary Plat approval because the applicant is no longer the record owner of the subject property.

B. Move to deny the Resort at Taos Ski Valley's pending application for a Rezone because the applicant is no longer the record owner of the subject property.

**VILLAGE OF TAOS SKI VALLEY
PLANNING & ZONING COMMISSION
AGENDA ITEM**

AGENDA ITEM TITLE:

Consideration to Approve **Resolution No. 2021-466** A Resolution Concerning Governing Body Meetings and Public Notice Required

DATE: February 2, 2021

PRESENTED BY: Ann M. Wooldridge, Village Clerk

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not recommended

BACKGROUND INFORMATION: Required annually by the State of New Mexico, this is the open meetings act that governs when and how meetings will be conducted. This year, language has been added for conducting meetings via Zoom teleconference.

RECOMMENDATION:

Motion to approve **Resolution No. 2021-466**, A Resolution Concerning Governing Body Meetings and Public Notice Required

VILLAGE OF TAOS SKI VALLEY

RESOLUTION No. 2021-466

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act, NMSA 1978 as amended, provides that "All meetings of a quorum of Village Council or any board, commission or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act"; and,

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1, NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and,

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Village of Taos Ski Valley to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE BE IT RESOLVED by the Planning and Zoning Commission of the Village Of Taos Ski Valley, New Mexico that:

1. All meetings shall be held at ~~the Edelweiss Lodge and Spa, Club Room via Zoom~~, at 1:00 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the first Monday. The agenda will be available at least seventy-two hours prior to the meeting from the Village Clerk whose office is located above the Taos Ski Valley Firehouse, 7 Firehouse Road, Taos Ski Valley, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by a majority of the Commission upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how the Commission or the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Village of Taos Ski Valley will avoid emergency meetings whenever possible. Emergency meetings may be called by a majority of the Commission upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for

Adopted: January 6, 2020

the meeting or information on how the public may obtain a copy of the agenda.

5. In addition to the regular meetings of the Village there are Briefings and Workshop Meetings at which no action will be ~~taken, and~~ taken and are held principally as information and study sessions. When these meetings are scheduled Notice will be provided.

6. The notice requirements of Sections 1, 2, 3, 4 and 5 of this Resolution are complied with if the proposed agenda with the meeting date, time and location is posted at the Village's offices above the Taos Ski Valley Firehouse, 7 Firehouse Road and at the board in Box Canyon, the U.S. Post Office for Taos Ski Valley, New Mexico, and four other public places within the Village, as provided by Section 3-1-2 NMSA 1978. Revised agendas may be posted up to seventy-two (72) hours prior to the meeting. In addition, written notice of such meetings shall be ~~mailed~~ mailed, or hand delivered to federally-licensed broadcast stations and newspapers of general circulation which have provided a written request for such notice.

7. Notwithstanding any other provisions of Sections 1 through 6 of this Resolution, the Commission may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

8. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978, such closed meetings called by the Commission shall not be held until public notice, appropriate under the circumstances, and in compliance with Sections 1 through 6 of this Resolution, has been given. In addition, such notice shall state the exclusion or exclusions in Section 10-15-1, Subsection H, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2021.

**THE VILLAGE OF TAOS SKI VALLEY
PLANNING AND ZONING COMMISSION**

Thomas P. Wittman, Chair

Attest:

Ann M. Wooldridge, Village Clerk

Vote: For _____ Against _____