



VILLAGE COUNCIL SPECIAL MEETING  
VIA ZOOM TELECONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
THURSDAY, SEPTEMBER 9, 2021 2:00 P.M.

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1. CALL TO ORDER AND NOTICE OF MEETING
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. OLD BUSINESS:
  - A. PUBLIC HEARING: Consideration to Approve Ordinance No. 2022-71 Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Cannabis
5. NEW BUSINESS:
  - A. PUBLIC HEARING: Consideration to Approve Amended and Restated Resolution No. 2021-469 Adopting the 2021 Development Impact Fee Land Use Assumptions
  - B. PUBLIC HEARING: Discussion Regarding Adoption of the Village's Capital Improvements Plan Related to Development Impact Fees
  - C. PUBLIC HEARING: Discussion Regarding Adoption of Village Development Impact Fees
  - D. Consideration to Approve Resolution No. 2022-486, A Resolution Authorizing and Approving Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT
6. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL
7. ADJOURNMENT

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE: PUBLIC HEARING: Consideration to Approve Ordinance No. 2022-71 Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Cannabis**

**DATE:** September 9, 2021 Village Council Special Meeting

**PRESENTED BY:** Susan Baker, Village Attorney

**STATUS OF AGENDA ITEM:** Old Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND:**

The proposed ordinance creates regulations regarding the use, sale, production, manufacturing, and cultivation of cannabis. According to the New Mexico Cannabis Regulation Act (“the Act”), the Village has the authority to regulate the “time, place and manner” of cannabis uses within the Village’s jurisdictional limits. The Act does not specify limitations on the Village’s authority, except that we cannot require a cannabis establishment to be located more than three hundred (300) feet from a school, and that marijuana establishments cannot be prohibited. The State has authorized local governments to require business licenses for a cannabis establishment and to enact zoning regulations to ensure that these establishments are compatible with the surrounding neighborhood. The State prohibits a local government from enacting a moratorium on cannabis establishments, even if zoning and other regulations are not in place.

The Act provides for State licensure of all cannabis establishments. The licenses for production, manufacturing, and cultivation are to be available no later than September 1, 2021, and the State will begin to process applications at that time. The licensure of retail sales is to begin in the spring of 2022, or earlier. If an establishment obtains its license for production, manufacturing or cultivation in September from the State, it can legally convert part of its premises to retail at a later date. State officials have also indicated that they may try to get licensure of retail establishments in place prior to the spring of 2022. Therefore, it is important that the Village have its own comprehensive regulations in place by September 1, 2021, or shortly thereafter. Without local regulations, there could be a legal argument that once a business obtains the State license, it could locate in the Village as it sees fit. Local licensing also allows the Village more enforcement authority if the State’s enforcement capacities are overwhelmed in the coming year. The State is allowed up to ninety days to issue a cannabis establishment license once an application has been received but intends to process applications in a much shorter time frame.

The proposed Village ordinance is a first step. It will also be necessary for the Village to make some slight modifications to its zoning regulations to address cannabis establishments. These amendments will first be considered by the Planning Commission in early September,

with the hope of bringing a final ordinance regarding zoning and land use regulations to the Council in late September or early October. The Act does not allow the Village to force a cannabis establishment to move, once it has already obtained a State license and located within the Village.

The proposed ordinance provides for a local cannabis business license and requires the applicant to meet certain conditions such as establishing a permanent bricks and mortar/legal location, avoidance of noxious odors, compatibility with adjacent businesses or residences, hours of operation, ventilation, and limiting displays of cannabis products on the outside of the establishment (the State has dictated that we cannot limit signage, except as set forth in our sign regulations). The license fee is \$250 dollars, which mirrors the amount the Village has historically charged for a local liquor license. The ordinance also limits marijuana use in public places such as sidewalks, parking lots, and the Village Plaza.

The Act allows for a cannabis establishment to have consumption areas on site or on adjacent grounds, provided the business has obtained a "consumption license, which is separate and distinct from the licensure of retail, production/manufacturing, and cultivation. A local government is also allowed to regulate consumption areas. The proposed ordinance defers to State licensing in relation to consumption areas. State law prohibits a cannabis establishment to be located on the same premises as, or combined with, a licensed alcohol establishment. It does allow cannabis to be combined with other retail uses.

Because cannabis operations are known to have a pungent smell and may use strong chemicals in production and manufacturing, it is important to enact zoning regulations to limit their effects on adjacent businesses and residents. The Village will also ensure limitations on discharge into the wastewater treatment system. For this reason, allowing for a "home business cannabis" operation is probably not compatible with a residential neighborhood. However, regarding personal use of cannabis, the Act allows for six mature plants and six immature plants per person, for a maximum of twelve plants per household. The proposed ordinance prohibits commercial operations in a residential area, and these prohibitions will also be outlined in the zoning ordinance amendments.

The ordinance adopts a penalties provision, which will apply to illegal use in public places and violation of the local limits on growing for personal use. It will also apply to sellers, producers or growers who do not have a State license. Where an establishment has a State license in place, the Act provides that no criminal penalties may apply. Therefore, the ordinance allows for the revocation of a local business license (rather than criminal penalties) where a State license is already in place.

**STAFF RECOMMENDATION:** Staff recommends discussion of **Ordinance No. 2022-71** Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Marijuana, and adoption upon this second reading and after a Public Hearing. Adoption should be by motion and formal vote of the Village Council.

**VILLAGE OF TAOS SKI VALLEY  
ORDINANCE NO. 2022-71**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING REGULATIONS REGARDING THE SALE, PRODUCTION, DISTRIBUTION, MANUFACTURING, CULTIVATION AND USE OF CANNABIS IN THE VILLAGE; ESTABLISHING A LOCAL CANNABIS BUSINESS LICENSE; CREATING RULES REGARDING THE ISSUANCE OF A LOCAL CANNABIS BUSINESS LICENSE; ESTABLISHING REGULATIONS FOR THE USE OF CANNABIS ON PUBLIC PROPERTY AND IN PUBLIC PLACES; LIMITING THE SALE, PRODUCTION, MANUFACTURE AND CULTIVATION OF CANNABIS AND CANNABIS INFUSED PRODUCTS TO CERTAIN ZONE DISTRICTS; LIMITING GROWING AND CULTIVATION IN RESIDENTIAL AREAS TO PERSONAL USE ONLY; AND ENACTING A SUNSET PROVISION**

**WHEREAS**, the Council of the Village of Taos Ski Valley finds that the retail sale, production, manufacturing, distribution, and cultivation of cannabis and cannabis infused products may be harmful to the public health, safety and welfare if not locally regulated based upon “time, place, and manner” restrictions;

**WHEREAS**, local governments are authorized by the State of New Mexico to regulate “time, place, and manner” in relation to cannabis as set forth in the New Mexico Cannabis Regulation Act, as amended;

**WHEREAS**, the Village Council finds and declares that cannabis issues are a matter of local concern and municipal interest, recognizing the Village’s police and zoning powers under NMSA Sections 3-17-1, 3-18-1, and 3-21-1.

**WHEREAS**, this Ordinance is designed to protect the public health, safety and welfare from the potentially adverse effects of cannabis, while allowing for its sale, production, manufacturing, distribution, cultivation, and use in accordance with New Mexico law and the Village’s local regulatory authority.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:**

**Section I. Purpose.**

This Ordinance adopts local regulations, in addition to those in the Village’s Zoning Regulations, Ordinance No. 17-30, regarding the sale, production, distribution,

manufacture, cultivation and use of recreational and medical cannabis within the Village of Taos Ski Valley.

## **Section II. Definitions.**

The following definitions apply throughout this Ordinance and supplement the definitions provided in the New Mexico Cannabis Regulation Act, as amended.

(1) “Adjacent grounds” means all areas that the licensee has an exclusive right to possess by virtue of his ownership or lease, which are outside the enclosed licensed premises, but adjacent and contiguous to the licensed premises, including but not limited to porches, patios, decks, entryways, lawns, parking lots, and similar areas and all fixed and portable things in those areas, including but not limited to lights, signs, speakers, and security devices.

(2) “Approve a business license” means to find that the requirements for a license have been met, but does not give the applicant the right to operate a cannabis establishment in the Village until the license is issued. This standard applies even where the applicant has already obtained a State of New Mexico cannabis license.

(3) “Cannabis” except where the context clearly indicates otherwise, means growing cannabis plants, harvested cannabis in any state, and cannabis infused products of all kinds, including for medical use, and as that term is defined in the New Mexico Cannabis Act. For the purpose of this Ordinance, the term cannabis and medical cannabis are interchangeable.

(4) “Cannabis Establishment” means an entity licensed by the Village pursuant to this Ordinance and may include any of the following:

(a) A single retail location where the licensee may sell cannabis and cannabis infused products to consumers, including edibles. It includes both recreational and medical cannabis.

(b) An offsite manufacturing and production facility at which the licensee may manufacture and produce cannabis and cannabis infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical cannabis.

(c) A cultivation facility at which the licensee may grow or cultivate cannabis and cannabis infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical cannabis.

(d) A combined retail, production, and manufacturing location where the licensee may produce and manufacture cannabis and cannabis infused products, including edibles,

and also sell these products to consumers at the same location. It includes both recreational and medical cannabis.

(e) A combined retail, production, manufacturing and cultivation/growing location, where the licensee may cultivate and grow cannabis, produce and manufacture cannabis, including cannabis infused products and edibles, and also sell these products to consumers at the same location. It includes both recreational and medical cannabis.

(5) "Cannabis license" means any of the licenses described in this Ordinance, as amended.

(6) "Character and record" includes all aspects of a person's character and record, including but not limited to moral character, criminal record, serious traffic offenses, record of previous sanctions against liquor licenses, gambling licenses, or cannabis licenses, which the person owned, in whole or in part, or in which the person served as a principal, manager, or employee; education, training, experience, civil judgments, truthfulness, honesty, and financial responsibility.

(7) "Complaint" means a document filed with the Village seeking sanctions against a cannabis business license.

(8) "Contiguous" means located within the same building as the cannabis establishment, located in a separate building on the same parcel of land as the cannabis establishment, or located in a separate building on a separate parcel of land that is adjacent to and shares at least fifty percent (50%) of a common lot line with the lot on which the cannabis establishment is located.

(9) "Employee" means the licensee's or proposed licensee's employees.

(10) "Harm" or "harmful to public health, safety or welfare" means any matter that adversely affects the health, safety, or welfare of any person or group of persons within the Village or any adjacent community, including but not limited to matters related to crime, lighting, security, traffic, graffiti, litter, parking, and noise. A showing of actual harm shall not be required and a showing of potential or threatened harm shall be sufficient. Any violation of any criminal statute or ordinance is per se substantially harmful to public health, safety, and welfare, without any showing of actual or threatened harm. The mere possession, advertising, sale, cultivation, processing, smoking, or ingestion of cannabis or cannabis infused products, when performed lawfully, shall not in itself be considered harmful to public health, safety, and welfare.

(11) "In public" means any area that the public may generally enter, including any business open to the public. The term includes the licensed premises and the adjacent grounds if the cannabis establishment has not also obtained a consumption license from the State of New Mexico. The term includes persons in motor vehicles located in a public

place. It also includes property owned or leased by the Village, State or Federal government.

(12) "Issue a business license" means to finalize the Village's local license after a previous approval of the license, and may or may not occur after approval of the license, depending on any completions, inspections, approvals, or conditions that the Village may require to be satisfied before issuance. Issuance gives the licensee the ability to operate a cannabis establishment, provided that the licensee also obtains a valid State of New Mexico license.

(13) "License" under this Ordinance means a local business license issued by the Village of Taos Ski Valley for the sale, production, manufacturing, cultivation, or distribution of cannabis or cannabis infused products.

(14) "Licensee" means the person or entity holding a local Village cannabis business license under this Article.

(15) "Licensed premises" means the area inside a building in which the cultivation, manufacture, processing, infusion, possession, weighing, display, packaging, sale, and exchange of cannabis and cannabis infused products is licensed under this Ordinance.

(16) "Operate" or "operation" means the matters described in this Ordinance, as amended.

(17) "Person" means any natural person and any entity.

(18) "Principal" means:

(a) In the case of any entity, including any general or limited partnership, corporation, limited liability company, or other entity: any person who has a five percent (5%) or greater interest in the ownership of the entity, and any person who has the day-to-day authority to or actually does manage the entity's finances.

(b) In the case of a corporation: the persons described as a representative or applicant for any entity and the president, vice president, secretary, chief executive officer, chief financial officer, and any person who holds five percent (5%) or more of the capital stock of the corporation.

(c) In the case of a limited liability company: the persons described as a representative or applicant for any entity and any member of the limited liability company.

(d) In the case of a sole proprietorship, the individual owner.

(19) "Public property" means property that is occupied, owned, controlled or operated by the Federal, State, or Village government.

### **Section III. General Requirements.**

(1) It shall be unlawful to use, sell, manufacture, cultivate, produce or distribute cannabis on public property within the Village of Taos Ski Valley.

(2) Cannabis establishments shall not allow a person to consume cannabis on site, or on adjacent grounds, except as where authorized by the New Mexico Cannabis Regulation Act, as amended, including obtaining a consumption license, and in compliance with the Village's zoning regulations.

(3) Cannabis establishments shall provide for proper and secure disposal of all cannabis products and byproducts, and shall abide by the Village's regulations regarding rubbish and discharges into the municipal wastewater system.

(4) Cannabis establishments shall not emit fumes, dust, odors or vapors into the environment or disturb adjacent uses.

(5) Cannabis establishments shall not display or keep visible from outside the licensed establishment any cannabis products or paraphernalia.

### **Section IV. Establishing a Village Cannabis Business License.**

This Ordinance establishes a local Village cannabis business license and distinct rules for the licensing of recreational cannabis and cannabis infused products within the Village of Taos Ski Valley. These local rules and regulations are in addition to licensing requirements established by the State of New Mexico and are necessary for the Village to initiate "time, place and manner" restrictions as authorized by the New Mexico Cannabis Regulation Act, as amended.

This Ordinance establishes the Village's local cannabis business license for the sale, production, distribution, cultivation of cannabis and cannabis infused products, within the Village's jurisdictional limits. The Village shall have the authority to grant or deny a local Village cannabis business license as set forth herein.

### **Section V. Requirements of the Village Cannabis Business License.**

(1) The Village of Taos Ski Valley, as the local cannabis business licensing authority, shall have the following powers and authority:

(a) To issue, deny, or revoke a Village cannabis business license and renewals of the same, and where necessary, to conduct public hearings related thereto.



(b) To impose any sanctions on a Village cannabis business license, including revocation, upon its own authority and initiation, or in response to a complaint by any person for any violation by the licensee after investigation and a public hearing, at which the licensee shall be afforded an opportunity to be heard. Such hearings will allow for the presentation of evidence by the applicant and Village staff and will be followed by the adoption of formal findings and conclusions.

(c) To adopt application forms, fees, and submission requirements for a Village cannabis business license.

(2) No person or corporate entity may operate a cannabis establishment within the Village without first obtaining a Village cannabis business license.

(3) All licenses will be administered and approved by the Village provided that the applicant has met all conditions and requirements established herein, and paid the licensing fee of \$250.00.

(4) It is illegal to operate a cannabis establishment in the Village without first obtaining a local Village cannabis business license.

(5) Upon issuance, the Village's cannabis business license shall be displayed within the premises and be visible to public view.

#### **Section VI. General Licensing Requirements.**

In order to obtain a Village cannabis business license under this Ordinance, the applicant must demonstrate the following:

(1) The proposed licensed premises and adjacent grounds meet all requirements for issuance of a State of New Mexico cannabis license and all applicable laws and regulations.

(2) The applicant shows proof of a valid State of New Mexico cannabis license.

(3) The applicant has met all requirements, including payment of any applicable taxes and fees, both state and local.

(4) The applicant has obtained a separate Village business license for any other business activity that will also be operated on the licensed premises, and paid all applicable license fees.

(5) The premises and adjacent grounds are not licensed or operated as an establishment for the sale or service of alcohol beverages, or as a massage parlor, a dance hall, adult business, or an amusement facility.

(6) The applicant has submitted an application for a Village cannabis business license, on the established forms, that the Village Clerk has determined is complete.

(7) In the case of a retail cannabis establishment, the applicant has demonstrated that the proposed licensed premises is located on or within designated commercial zones. Any additional conditional use permit requirements required by the Village's zoning ordinances must be met. A combined retail and production, manufacturing or growing establishment is not allowed in a commercial zone.

(8) In the case of a cannabis establishment that is manufacturing or producing cannabis or cannabis infused products, and even where combined with a retail cannabis establishment, the applicant has demonstrated that the proposed licensed premises is located on or within property zoned or used as industrial or light industrial.

(9) In the case of a cannabis establishment that is cultivating or growing marijuana, the applicant has demonstrated that the proposed licensed premises is located on or within property zoned agricultural, except that where there is an indoor growing facility, using harsh chemicals or machinery, growing lights, hydroponics or other industrial type operations, a conditional use permit is required in the agricultural zone.

(10) In the case of a cannabis establishment that is manufacturing, producing, or cultivating, and even where combined with a retail cannabis establishment, the applicant shows adequate water resources and applicable permits, as approved by the Village, or as required under the laws of the State of New Mexico.

(11) The applicant must demonstrate that the location of the proposed licensed premises, and its distance from other licensed premises, meet any applicable regulations set forth in the Village's zoning regulations.

(12) The applicant must demonstrate that the proposed licensed premises are not located within three hundred (300) feet of any public or private school or other childcare facility. The distances referred to in this paragraph are to be computed by direct measurement from the nearest property line of the land used for a school or campus, to the nearest portion of the lot that is the situs of the building that is proposed for a licensed premises.

(13) The applicant agrees to operating hours not earlier than 9:00AM, nor later than 9:00PM.

(14) All proposed licensed premises, adjacent grounds, and related parking facilities which are located on Federal land within the Village are required to abide by applicable Federal law.

(15) The application for a Village cannabis business license must specify the type of cannabis establishment involved, whether retail, manufacturing, production, cultivation or a combination of these.

## **Section VII. Personal Requirements for the Village Cannabis Business Licensee**

- (1) The applicant for a Village cannabis business license, principals, registered manager, and employees must meet all requirements under New Mexico State law.
- (2) The applicant, principals, registered manager, and employees must be at least twenty-one (21) years of age.
- (3) The applicant, principals, registered manager, and employees must all meet character and records requirements under New Mexico law.
- (4) The applicant, principals, registered manager, and employees hold valid occupational licenses and registrations as required by the State of New Mexico, including all applicable cannabis licenses.

## **Section VIII. Specific Requirements Regarding the Premises.**

- (1) The proposed licensed premises are located in a fixed, permanent, non-portable building and are not located in a movable or mobile structure or in a vehicle, nor is it operated as a home occupation under Village regulations.
- (2) The size of the premises is compatible and compliant with the applicable zoning district limitations regarding square footage.
- (3) The applicant must have sole legal control of the proposed licensed premises at the time the application is submitted, under a lease that is presently in effect or through present ownership of the proposed licensed premises as shown by a deed or other instrument of record. The applicant must show proof that the lessor has agreed to use of the premises as a cannabis establishment.
- (4) All storage, dispensing, manufacture, production, and cultivation activities shall be conducted indoors in a building meeting the requirements of Subsection (1).
- (5) Plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way.
- (6) The proposed licensed premises have a suitable limited access area where the cultivation, display, storage, processing, weighing, handling, and packaging of cannabis and cannabis infused products occurs, which is posted "employees only," and is separated from the areas accessible to the public by a wall, counter, or some other substantial barrier designed to keep the public from entering the area.
- (7) The applicant has submitted a security plan for the proposed licensed premises, which has been inspected and approved by the Village's Police Department or Building Official, and showing at least the following minimum security measures:

(a) All doors, windows and other points of entry have secure and functioning locks;

(b) A locking safe or enclosed secured storage located inside the proposed licensed premises in which any cannabis and cannabis infused products will be secured when the licensed premises are not open to the public;

(c) If the licensed premises are connected by any passage or entryway to any other premises, there is a door between the two (2) premises that can be locked from the licensee side and cannot be opened from the other side;

(d) A professionally monitored burglar alarm system that detects unauthorized entry of all doors, windows and other points of entry to the proposed licensed premises; and

(e) All licensing requirements established by the State of New Mexico.

(8) The proposed licensed premises and adjacent grounds comply with all zoning, health, building, plumbing, mechanical, fire, and other codes, statutes, and ordinances, as shown by completed inspections and approvals from the Village's Building Official.

(9) The proposed licensed premises and adjacent grounds of the licensed premises will be operated in a manner that does not cause any substantial harm to public health, safety and welfare.

(10) The proposed licensed premises are equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior discernible by a reasonable person, including to any public property or right-of-way within the Village. The ventilation system must be inspected and approved by the Village Building Official.

(11) The proposed licensed premises are located in a building that does not share any doors, windows, air passages, vents, ducts or any heating, ventilation, air conditioning, or air handling equipment or structures with any other residential building.

(12) Walls, barriers, locks, signs and other means are in place to prevent the public from entering the area of the proposed licensed premises utilized for cultivation or production and manufacturing.

(13) No portion of the building in which the proposed licensed premises are located is utilized as a residence.

(14) The proposed licensed premises must ensure that the ventilation system, air filtration, building screening requirements, necessary security apparatus and lighting are all compatible with neighboring businesses and adjacent uses.

(15) Every licensee and its principals, registered manager, and employees have a continuing duty to ensure that the requirements of this Section continue to be met after the license is issued and at all times that the license remains in effect.

(16) The licensee abides by all Village ordinances regarding signage, land use and zoning, water service, lighting, and wastewater discharge.

#### **Section IX. Changes to License.**

(1) No licensee shall make any of the following major changes without first obtaining the written approval of the Village:

(a) Any transfer of the license or any ownership interest in the licensee entity or license.

(b) Any change in location of the licensed premises.

(c) Any change in the licensee's principals.

(d) Any change in the structure, walls, doors, windows, ventilation, plumbing, electrical supply, floor plan, footprint, elevation, operation, operational plan, patios, decks, safe or vault, locks, surveillance system, doors, window coverings, or security system at the licensed premises.

(e) Any material change to the adjacent grounds, including but not limited to lighting, parking, and traffic flow.

#### **Section X. Cultivation and Growing for Personal Use.**

(1) Individuals may possess, cultivate and grow cannabis in their residence, including in a residential zoning district, but only for their personal use and subject to the following limitations as established under the New Mexico Cannabis Regulation Act, as amended:

(a) An individual must be at least twenty-one (21) years of age.

(b) It is unlawful to grow, cultivate, or process more than the designated number of cannabis plants per person, and per residence set forth in the New Mexico Cannabis Regulation Act, as amended, and any other applicable laws of the State of New Mexico.

(c) A residence shall not emit cannabis odors of any kind.

(d) Any growing or cultivation of cannabis products for personal use shall not be visible to the public.

(e) Any growing, cultivation or production of cannabis or cannabis infused products for personal use shall not be sold or transferred to third parties for future sale.

(f) No cannabis sale, production, distribution, manufacturing or cultivation shall be allowed in a residential zone district, except for personal use and as specifically set forth herein.

#### **Section XI. Granting the License**

(1) The Village cannabis license shall be granted by formal approval of Village staff upon meeting the requirements set forth in herein.

#### **Section XII. Revocation of License.**

(1) Any person in violation of a local Village cannabis license as set forth herein is subject to revocation for violations of this Ordinance, other Village ordinances, or New Mexico State or Federal laws.

(2) If the Village finds that there is probable cause that a violation has occurred, or if a formal complaint is received by Village staff or a third party, the Village will immediately investigate the alleged violation.

(3) Upon evidence of a violation, the Village shall notify the licensee in writing of the specific allegations and the date of hearing scheduled for the Village Council to consider the revocation, formal complaint, or any other appropriate action involving the license.

(4) During the license revocation hearing, the Village Council will hear evidence from Village staff and the licensee. Each party will be given an opportunity to be heard, to present witnesses, to cross examine witnesses, and to present evidence and exhibits in support of his or her case. At the conclusion of the hearing, the Village Council will make formal findings as to the reasons for revoking the license or allowing it to remain in place with conditions.

(5) If a cannabis license issued under this Ordinance is revoked, the licensee must cease doing business immediately, or as prescribed by the Village.

#### **Section XIII. Penalties Provision.**

To the extent permitted by law, any violation of this Ordinance will result in a citation with penalties of up to \$300 for each separate violation, and with possible cumulative penalties for each day a violation continues.

#### **Section XIV. Repeal of Conflicting Provisions.**

All Village ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any part thereof, are hereby superseded and repealed.

**Section XV. Severability Clause.**

If any court of competent jurisdiction or the State of New Mexico finds any provision of this Ordinance to be unlawful, this provision shall be severable and the remainder of this Ordinance shall remain in full force and effect.

**Section XVI. Publication, Effective Date and Sunset Provision.**

This Ordinance will shall be in full force and effect after its adoption, approval, and publication as provided by law. .

This Ordinance is set to expire on January 31, 2022, recognizing that it involves a novel issue and an area of law that remains unestablished in the State of New Mexico. In addition, Federal law prohibits the legalization of cannabis to date, and this Ordinance was created solely in response to passage of the New Mexico Cannabis Regulation Act, which legalizes the use, retail sale, cultivation, manufacture, production and distribution of recreational cannabis in the State.

Prior to its scheduled expiration, the Village Council may enact amendments or approve a second adoption of this Ordinance, either partially or in its entirety.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2021.**

**VILLAGE OF TAOS SKI VALLEY, NEW MEXICO**

\_\_\_\_\_  
**Christof Brownell, Mayor**

**ATTEST:**

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**Ann Wooldridge, Village Clerk**

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE: PUBLIC HEARING: Consideration to Approve Amended and Restated Resolution No. 2021-469 Adopting the 2021 Development Impact Fee Land Use Assumptions**

**DATE:** Sept 13, 2021

**PRESENTED BY:** Patrick Nicholson, Director of Planning & Community Development and Ben Cook, Chairman, Capital Improvements Advisory Committee

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended due to statutory deadlines and Public Hearing Schedule

**BACKGROUND INFORMATION:**

The Village of Taos Ski Valley has been working on a Capital Improvements Plan (CIP), through the Village Planning & Community Development Department, with the goal of updating development impact fees and related water and sewer system development fees, through adoption of an amended development impact fees ordinance.

The Village's actions are regulated by the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* (the Act), which establishes specific procedures for municipalities and counties to impose development impact fees. As part of the update to the Village's development impact fees, Council adoption of Land Use Assumptions are a required prerequisite for future adoption of revised development impact fees and related ordinances under the Act.

The Land Use Assumptions will partially serve as the basis for projecting the demand for capital improvements or facility expansions that will be needed to serve anticipated future growth in the Village during this ten-year period and provide an understanding of probable population, job growth, and projected land uses.

As directed by the Act, the Village Council recently established the Capital Improvement Advisory Committee (CIAC) which has reviewed the Land Use Assumptions at public meetings on December 10, 2020, January 20, 2021, February 10, 2021, and subsequent meetings, and recommends approval.

**RECOMMENDATION:** Staff recommends approval of **Amended and Restated Resolution No. 2021-469** as a required prerequisite for future adoption of revised development impact fees and related ordinances under the New Mexico Development Fees Act.



**VILLAGE OF TAOS SKI VALLEY**  
**AMENDED AND RESTATED**  
**RESOLUTION NO. 2021-469**

**A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING THE 2021 DEVELOPMENT IMPACT FEES LAND USE ASSUMPTIONS AS NECESSARY TO UPDATE THE VILLAGE'S PREVIOUS LAND USE ASSUMPTIONS AND DEVELOPMENT IMPACT FEES, AS REQUIRED BY THE STATE OF NEW MEXICO'S DEVELOPMENT FEES ACT, NMSA 1978, SECTIONS 5-8-1 THROUGH 5-8-43.**

**WHEREAS**, the State of New Mexico enacted the Development Fees Act (the Act), NMSA 1978, Sections 5-8-1 to -43 to enable local governments to adopt development impact fees; and

**WHEREAS**, the Act requires a periodic update of the development impact fees Land Use Assumptions and Capital Improvements Plan at least every five (5) years; and

**WHEREAS**, the Village of Taos Ski Valley (the Village) is authorized to adopt development impact fees in accordance with the Act, and to amend and revise existing development impact fees in order to address new development and related impacts on capital improvements and facilities expansions; and

**WHEREAS**, the Village's Land Use Assumptions are a required prerequisite for adoption of revised development impact fees and related ordinances under the Act;

**WHEREAS**, the Land Use Assumptions will serve as the basis for projecting the demand for capital improvements or facility expansions that will be needed to serve anticipated future growth in the Village during this period; and

**WHEREAS**, an understanding of probable population, job growth, and projected land uses, as described in the Land Use Assumptions will help the Village to accurately develop a revised Capital Improvements Plan, under which amended development impact fees may be imposed, as set forth in the Act; and

**WHEREAS, the Village Council originally adopted Land Use Assumptions by Resolution 2021-469 on AprilMarch 23 ———, 2021, but wishes to amend and restate them as set forth herein;**

**WHEREAS**, the Capital Improvement Advisory Committee (CIAC) has reviewed the Land Use Assumptions at public meetings on December 10, 2020,

January 20, 2021, and February 10, 2021, and subsequent meetings and has recommended their approval; and

**WHEREAS**, the Village has met all public notice and hearing requirements for adoption of the Land Use Assumptions, as set forth in the Act.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL AND GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:**

**THE VILLAGE OF TAOS SKI VALLEY HEREBY ADOPTS THE 2021 DEVELOPMENT IMPACT FEES LAND USE ASSUMPTIONS, attached hereto as Exhibit A - revised, to amend and replace any previously adopted Land Use Assumptions and as a basis for adoption of revised development impact fees.**

**PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of SEPTEMBER March, 2021.**

\_\_\_\_\_  
**Christof Brownell, Mayor**

\_\_\_\_\_  
**Attest: Ann Marie Wooldridge,  
Village Clerk**

**VILLAGE OF TAOS SKI VALLEY  
AMENDED AND RESTATED  
RESOLUTION NO. 2021-469**

**A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING  
THE 2021 DEVELOPMENT IMPACT FEES LAND USE ASSUMPTIONS  
AS NECESSARY TO UPDATE THE VILLAGE'S PREVIOUS LAND USE  
ASSUMPTIONS AND DEVELOPMENT IMPACT FEES, AS REQUIRED  
BY THE STATE OF NEW MEXICO'S DEVELOPMENT FEES ACT, NMSA  
1978, SECTIONS 5-8-1 THROUGH 5-8-43.**

**WHEREAS**, the State of New Mexico enacted the Development Fees Act (the Act), NMSA 1978, Sections 5-8-1 to -43 to enable local governments to adopt development impact fees; and

**WHEREAS**, the Act requires a periodic update of the development impact fees Land Use Assumptions and Capital Improvements Plan at least every five (5) years; and

**WHEREAS**, the Village of Taos Ski Valley (the Village) is authorized to adopt development impact fees in accordance with the Act, and to amend and revise existing development impact fees in order to address new development and related impacts on capital improvements and facilities expansions; and

**WHEREAS**, the Village's Land Use Assumptions are a required prerequisite for adoption of revised development impact fees and related ordinances under the Act;

**WHEREAS**, the Land Use Assumptions will serve as the basis for projecting the demand for capital improvements or facility expansions that will be needed to serve anticipated future growth in the Village during this period; and

**WHEREAS**, an understanding of probable population, job growth, and projected land uses, as described in the Land Use Assumptions will help the Village to accurately develop a revised Capital Improvements Plan, under which amended development impact fees may be imposed, as set forth in the Act; and

**WHEREAS**, the Village Council originally adopted Land Use Assumptions by Resolution 2021-469 on March 23, 2021, but wishes to amend and restate them as set forth herein;

**WHEREAS**, the Capital Improvement Advisory Committee (CIAC) has reviewed the Land Use Assumptions at public meetings on December 10, 2020, January 20, 2021, February 10, 2021, and subsequent meetings and has recommended their approval; and **WHEREAS**, the Village has met all public notice and hearing requirements for adoption of the Land Use Assumptions, as set forth in the Act.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL AND GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:**

**THE VILLAGE OF TAOS SKI VALLEY HEREBY ADOPTS THE 2021 DEVELOPMENT IMPACT FEES LAND USE ASSUMPTIONS, attached hereto as Exhibit A - revised, to amend and replace any previously adopted Land Use Assumptions and as a basis for adoption of revised development impact fees.**

**PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of SEPTEMBER , 2021.**

---

**Christof Brownell, Mayor**

---

**Attest: Ann Marie Wooldridge,  
Village Clerk**

## Exhibit A: Land Use Assumptions

	2020	2030	Increase
<u>Residential Dwelling Units</u>			
Single Family Dwelling Units <sup>1</sup>	184	224	40
Multifamily Dwelling Units (Apartments, Condos)	189	299	110
Total	373	523	150
<u>Employment<sup>2</sup></u>			
Commercial	447	747	300
Nonresidential Building Square Feet (1,000s) <sup>3</sup>	283	409	126
Lodging (Hotel Rooms)	234	409	175
Residents/Overnight Visitors <sup>4</sup>			
Single Family	67	82	15
Multifamily	86	136	50
Hotels	138	241	103
Total	291	459	168

<sup>1</sup> Base year dwelling unit estimate from GIS data. Increase assumes 4 single family dwelling units per year.

<sup>2</sup> Estimate of 489 total workers less 42 local government workers based on data from OnTheMap.ces.census.gov. Increase in employment assumes 30 permanent FTE added per year through 2030.

<sup>3</sup> Existing building square footage identified by the Village's GIS analysis. Excludes hotels and accommodations. Increase in building square footage assumed to remain constant relative to non-accommodations employment.

<sup>4</sup> Residents/overnight visitors calculated using dwelling unit and lodging room counts above and occupancy density factors from Table 2.2.

Sources: Village of Taos Ski Valley; U.S. Census Bureau LEHD Origin-Destination Employment Statistics (2002-2015) accessed at <https://onthemap.ces.census.gov>; Willdan Financial Services.

## Exhibit B: Land Use Assumptions - March 23, 2021

	2019	2030	Increase
<u>Residents<sup>1</sup></u>	95	111	16
<u>Dwelling Units<sup>2</sup></u>			
Single Family	215	255	40
Multifamily	<u>169</u>	<u>279</u>	<u>110</u>
Total	384	534	150
<u>Employment<sup>3</sup></u>			
Commercial	563	851	288
Office	<u>24</u>	<u>36</u>	<u>12</u>
Total	587	887	300
<u>Nonresidential Building Square Feet (1,000s)<sup>4</sup></u>	151	228	77
<u>Hotel Rooms</u>	235	410	175
<u>Overnight Visitors<sup>5</sup></u>	323	551	228

<sup>1</sup> Existing residents from American Community Survey data. Increase in residents based on increase in single family dwelling units, multiplied by dwelling unit density assumptions in Table 2.2. Assumes that multifamily units are primarily lodging/accommodations and do not house permanent residents.

<sup>2</sup> Base year dwelling unit estimate from ACS data. Increase assumes 4 single family dwelling units per year and 11 multifamily units per year from 2020 to 2030.

<sup>3</sup> Estimate of 608 total workers less 21 local government workers based on data from OnTheMap.ces.census.gov. Increase in employment assumes 30 permanent FTE added per year through 2030.

<sup>4</sup> Existing building square footage identified by the Village's GIS analysis. Excludes hotels and accommodations. Increase in building square footage assumed to remain constant relative to employment.

<sup>5</sup> Assumes an occupancy rate of 40% and two visitors per unit. Applies to hotel rooms and multifamily units.

Sources: American Community Survey Table B25033; U.S. Census Bureau LEHD Origin-Destination Employment Statistics (2002-2015) accessed at <https://onthemap.ces.census.gov>; Willdan Financial Services.

# VILLAGE OF TAOS SKI VALLEY

## DEVELOPMENT IMPACT FEE UPDATE STUDY

ADMINISTRATIVE DRAFT

AUGUST 27, 2021



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# Executive Summary

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This report summarizes an analysis of development impact fees needed to support future development in the Village of Taos Ski Valley through 2030. It is the Village's intent that the costs representing future development's share of public facilities and capital improvements be imposed on that development in the form of a development impact fee. The public facilities and improvements included in this analysis are divided into the fee categories listed below:

- Public Safety Facilities
- Transportation Facilities
- Parks and Public Spaces
- Wastewater System Development
- Water System Development

## Study Objectives

The primary policy objective of a development impact fee program is to ensure that new development pays the capital costs associated with growth. Although growth also imposes operating costs, there is not a similar system to generate revenue from new development for services. The primary purpose of this report is to calculate and present fees that will enable the Village to expand its inventory of public facilities, as new development creates increases in service demands.

The projects funded by the impact fee analysis in this report are a subset of the Village's Infrastructure Capital Improvements Plan (ICIP). The projects funded by this impact fee are those which the Village expects can be funded and completed within a seven-year time horizon.

The impact fee study was a collaboration between the Village of Taos Ski Valley, the Capital Improvements Advisory Committee (CIAC) and Willdan Financial Services. The approaches taken in this study adhere to industry standard practices for impact fee development and conform to the requirements of the Development Fees Act found in Article 8, Section 5 of the New Mexico Statutes.

## Use of Fee Revenues

Impact fee revenue must be spent on new facilities or expansion of current facilities to serve new development. Items to be included in a capital improvement plan can be generally defined as capital acquisition items with a useful life greater than five years and cost greater than \$10,000. Impact fee revenue identified in this study can be spent on water supply, treatment and distribution facilities; wastewater collection and treatment facilities; roadway facilities located within the service area; buildings for fire, police and rescue and essential equipment costing more than \$10,000 or having a service life greater than five years; and, parks, recreational areas, open space trails and related areas and facilities.

In that the Village cannot predict with certainty how and when development within the Village will occur during the 10-year planning horizon assumed in this study, the Village may need to update and revise the project lists funded by the fees documented in this study. Any substitute projects should be funded within the same facility category, and the substitute projects must still benefit and have a relationship to new development. The Village could identify any changes to the projects funded by the impact fees when it updates the impact fee capital improvement plan (CIP). The impact fees could also be updated if significant changes to the projects funded by the fees are anticipated.

## Development Impact Fee Schedule Summary

Table E.1 summarizes the maximum justified development impact fee schedule that would meet the Village's identified needs and does not unfairly overburden new development.

Note that development projects occurring in areas not served by the Village's water or wastewater systems are exempt from the water and wastewater system development fees. See Figure 1 in the Appendix for a map displaying areas not served by the Village's water and wastewater systems.

**Table E.1: Maximum Justified Development Impact Fees - per Square Foot**

Land Use	Public Safety Facilities	Transportation Facilities	Parks and Public Spaces	Wastewater System Development	Water System Development	Total - per Square Foot
<u>Residential</u>						
Single Family	\$ 1.50	\$ 0.67	\$ 1.36	\$ 2.83	\$ 1.28	\$ 7.64
Multifamily	\$ 3.38	\$ 1.04	\$ 3.05	\$ 6.36	\$ 2.88	\$ 16.71
<u>Nonresidential</u>						
Commercial	\$ 3.37	\$ 19.39	\$ -	\$ 8.21	\$ 3.72	\$ 34.69
<u>Accommodations</u>						
Hotel	\$ 6.84	\$ 2.11	\$ 6.18	\$ 12.88	\$ 5.84	\$ 33.84

Sources: Tables 3.6, 4.5, 5.6, 6.5 and 7.5.

## Other Funding Required

Impact fees may only fund the share of public facilities identified in the Village's ICIP related to new development in Taos Ski Valley. They may not be used to fund the share of facility needs generated by existing development. As shown in Table E.2, approximately \$15.4 million in additional funding will be needed to complete the facility projects the Village currently plans to develop. The "Non-Fee Funding Required" column shows non-impact fee funding required to fund a share of the improvements partially funded by impact fees. Non-fee funding is needed because these facilities will serve both existing and new development.

The Village will need to develop alternative funding sources to fund existing development's share of the planned facilities. Potential sources of revenue include but are not limited to existing or new general fund revenues, existing or new taxes, bed taxes, donations, and grants.

**Table E.2: Impact Fee Revenue Projection**

	<b>Net Project Cost<sup>1</sup></b>	<b>Fee Revenue Through 2030</b>	<b>Fee Revenue Beyond 2030</b>	<b>Non Impact Fee Funding Sources</b>
Public Safety	\$ 5,150,000	\$ 2,350,000	\$ -	\$ 2,800,000
Transportation	7,495,850	2,936,394	-	4,559,456
Parks	1,750,000	1,366,000	-	384,000
Wastewater	12,966,257	3,889,877	3,889,877	5,186,503
Water	<u>4,275,000</u>	<u>1,762,782</u>	<u>-</u>	<u>2,512,218</u>
<b>Total</b>	<b>\$ 31,637,107</b>	<b>\$ 12,305,052</b>	<b>\$ 3,889,877</b>	<b>\$ 15,442,178</b>

<sup>1</sup> Net of any secured grant funding.

Sources: Tables 3.6, 4.5, 5.5, 6.4 and 7.4.

# 1. Introduction

---

This report presents an analysis of the need for public facilities to accommodate new development in the Village of Taos Ski Valley. This chapter provides background for the study and explains the study approach under the following sections:

- Study Objectives;
- Fee Program Maintenance;
- Study Methodology; and
- Organization of the Report.

## Study Objectives

The primary policy objective of a public facilities fee program is to ensure that new development pays the capital costs associated with growth. A strategy under the *Utilities Goals, Objectives and Strategies* section of the Village's Comprehensive Plan states: "Update the impact fees and system development fees. Section 5-8-30 of the New Mexico state statutes require an update of land use assumptions and capital improvements plan required in order to impose impact fees at least every five years."

The primary purpose of this report is to update the Village's impact fees based on the most current available ICIP and land use projections. The maximum justified fees will enable the Village to expand its inventory of public facilities as new development leads to increases in service demands. This report supports the Comprehensive Plan policies stated above.

The Village collects public facilities fees under authority granted by the Development Fees Act contained in Chapter 5, Article 8 of the New Mexico Statutes. This report provides the necessary documentation required by the Act for adoption of the fees presented in the fee schedules in this report.

Taos Ski Valley is forecast to see limited growth through this study's planning horizon of 2030. Though limited, this growth will create an increase in demand for public services and the facilities required to deliver them. Consistent with its Comprehensive Plan strategies, the Village has decided to continue to use a development impact fee program to ensure that new development funds its share of facility costs associated with growth. This report makes use of the most current available growth forecasts and facility plans to update the Village's existing fee program to ensure that the fee program accurately represents the facility needs resulting from new development.

## Fee Program Maintenance

Once a fee program has been adopted it must be properly maintained to ensure that the revenue collected adequately funds the facilities needed by new development. Section 5-8-30 of the New Mexico state statutes requires that impact fee programs be updated every five years or when significant new data on growth forecasts and/or facility plans become available. The Village should comply with these guidelines and evaluate the necessity for a fee program update annually during CIAC review of fee program progress.

For further detail on fee program implementation, see Chapter 8.

## Study Methodology

Development impact fees are calculated to fund the cost of facilities required to accommodate growth. The six steps followed in this development impact fee study include:

1. **Estimate existing development and future growth:** Identify a base year for existing development and a growth forecast that reflects increased demand for public facilities;
2. **Identify facility standards:** Determine the facility standards used to plan for new and expanded facilities;
3. **Determine facilities required to serve new development:** Estimate the total amount of planned facilities, and identify the share required to accommodate new development;
4. **Determine the cost of facilities required to serve new development:** Estimate the total amount and the share of the cost of planned facilities required to accommodate new development;
5. **Calculate fee schedule:** Allocate facilities costs per unit of new development to calculate the development impact fee schedule; and
6. **Identify alternative funding requirements:** Determine if any non-fee funding is required to complete projects.

The key public policy issue in development impact fee studies is the identification of facility standards (step #2, above). Facility standards document a reasonable relationship between new development and the need for new facilities. Standards ensure that new development does not fund deficiencies associated with existing development.

## Types of Facility Standards

There are three separate components of facility standards:

- *Demand standards* determine the amount of facilities required to accommodate growth, for example, park acres per thousand residents, square feet of police station space per capita, or gallons of water per day. Demand standards may also reflect a level of service such as the vehicle volume-to-capacity (V/C) ratio used in traffic planning.
- *Design standards* determine how a facility should be designed to meet expected demand, for example, park improvement requirements and technology infrastructure for Village office space. Design standards are typically not explicitly evaluated as part of an impact fee analysis but can have a significant impact on the cost of facilities. Our approach incorporates the cost of planned facilities built to satisfy the Village's facility design standards.
- *Cost standards* are an alternate method for determining the amount of facilities required to accommodate growth based on facility costs per unit of demand. *Cost standards* are useful when demand standards were not explicitly developed for the facility planning process. *Cost standards* also enable different types of facilities to be analyzed based on a single measure (cost or value) and are useful when different facilities are funded by a single fee program. Examples include facility costs per capita, cost per vehicle trip, or cost per gallon of water per day.

## New Development Facility Needs and Costs

A number of approaches are used to identify facility needs and costs to serve new development. This is often a two-step process: (1) identify total facility needs, and (2) allocate to new development its fair share of those needs.

There are three common methods for determining new development's fair share of planned facilities costs in this study: the **existing inventory method**, the **planned facilities method**, and the **system plan method**. Often the method selected depends on the degree to which the community has engaged in comprehensive facility master planning to identify facility needs.



The formula used by each approach and the advantages and disadvantages of each method is summarized below:

#### ***Planned Facilities Method***

The planned facilities method allocates costs based on the ratio of planned facility costs to demand from new development as follows:

$$\frac{\text{Cost of Planned Facilities}}{\text{New Development Demand}} = \text{cost per unit of demand}$$

This method is appropriate when planned facilities will entirely serve new development, or when a fair share allocation of planned facilities to new development can be estimated. An example of the former is a Wastewater trunk line extension to a previously undeveloped area. An example of the latter is expansion of an existing library building and book collection, which will be needed only if new development occurs, but which, if built, will in part benefit existing development, as well. Under this method new development will fund the expansion of facilities at the standards used in the applicable planning documents. **This approach is used for the transportation facilities, wastewater system development and water system development fees in this report.**

#### ***System Plan Method***

This method calculates the fee based on the value of existing facilities plus the cost of planned facilities, divided by demand from existing plus new development:

$$\frac{\text{Value of Existing Facilities} + \text{Cost of Planned Facilities}}{\text{Existing} + \text{New Development Demand}} = \text{cost per unit of demand}$$

This method is useful when planned facilities need to be analyzed as part of a system that benefits both existing and new development. It is difficult, for example, to allocate a new fire station solely to new development when that station will operate as part of an integrated system of fire stations that together achieve the desired level of service.

The system plan method ensures that new development does not pay for existing deficiencies. Often facility standards based on policies such as those found in Comprehensive Plans are higher than the existing facility standards. This method enables the calculation of the existing deficiency required to bring existing development up to the policy-based standard. The local agency must secure non-fee funding for that portion of planned facilities required to correct the deficiency to ensure that new development receives the level of service funded by the impact fee. **This approach is used to calculate the public safety facilities fees and parks and public spaces fees in this report.**

#### ***Existing Inventory Method***

The existing inventory method allocates costs based on the ratio of existing facilities to demand from existing development as follows:

$$\frac{\text{Current Value of Existing Facilities}}{\text{Existing Development Demand}} = \text{cost per unit of demand}$$

Under this method new development will fund the expansion of facilities at the same standard currently serving existing development. By definition the existing inventory method results in no facility deficiencies attributable to existing development. This method is often used when a long-range plan for new facilities is not available. Future facilities to serve growth are identified through an annual CIP and budget process, possibly after completion of a new facility master plan. **This approach is not used in this report.**

## Organization of the Report

The determination of a public facilities fee begins with the selection of a planning horizon and development of growth projections for population and employment. These projections are used throughout the analysis of different facility categories and are summarized in Chapter 2.

Chapters 3 through 7 identify facility standards and planned facilities, allocate the cost of planned facilities between new development and other development, and identify the appropriate development impact fee for each of the following facility categories:

- Public Safety Facilities
- Transportation Facilities
- Parks and Public Spaces
- Wastewater System Development
- Water System Development

Chapter 8 details the procedures that the Village must follow when implementing a development impact fee program.

## 2. Land Use Assumptions

---

Land use assumptions and growth projections are used as indicators of demand to determine facility needs and allocate those needs between existing and new development. This chapter explains the source for the assumption used in this study based on a 2020 base year and a planning horizon of 2030.

Estimates of existing development and projections of future growth are critical assumptions used throughout this report. These estimates are used as follows:

- The estimate of existing development in 2020 is used as an indicator of existing facility demand and to determine existing facility standards. Village GIS data was used to estimate existing development in terms of dwelling units, lodging/accommodations units and nonresidential building square feet. The most recent American Community Survey data is used to estimate existing residents.
- The estimate of total development at the 2030 planning horizon is used as an indicator of future demand to determine total facilities needed to accommodate growth and remedy existing facility deficiencies, if any.
- Estimates of growth from 2020 through 2030 are used to (1) allocate facility costs between new development and existing development, and (2) estimate total fee revenues.

The demand for public facilities is based on the service population, dwelling units or nonresidential development creating the need for the facilities.

### Service Area

The service area for this study is the Village limits. However, there are existing areas of the Village that are not currently served by the Village's water and wastewater systems. Development projects occurring in areas not served by the Village's water or wastewater systems are exempt from the water and wastewater system development fees.

### Land Use Types

To ensure a reasonable relationship between each fee and the type of development paying the fee, growth projections distinguish between different land use types. The land use types for which impact fees have been calculated for are defined below.

- **Single family:** Detached and attached one-unit dwellings (Includes single family homes and townhomes) on a single parcel. *Fees for single family units are calculated based on the livable square footage of each unit.*
- **Multifamily:** Dwellings within a single structure containing two or more dwelling units including but not limited to condominiums and apartments. Dwelling units contain a full kitchen, and bathroom and meet egress requirements. *Fees for multifamily units are calculated based on the square footage of the dwelling units, excluding common areas.*
- **Commercial:** All commercial, office, retail, restaurant, educational, and service development. *Fees for commercial uses are calculated based on building square footage.*
- **Hotel:** All places of lodging that provide sleeping accommodations, including all suite hotels, business hotels motels, bed and breakfast or similar lodging uses. *Note that*

*the fees for hotels are calculated based on the square footage of the units, excluding common areas and amenities.*

Some developments may include more than one land use type, such as a mixed-use development with both lodging and commercial uses. In those cases, the facilities fee would be calculated separately for each land use type.

The Village has the discretion to determine which land use type best reflects a development project's characteristics for purposes of imposing an impact fee and may adjust fees for special or unique uses to reflect the impact characteristics of the use. If a project results in the intensification of use, at its discretion, the Village can charge the project the difference in fees between the existing low intensity use and the future high intensity use.

## Existing and Future Development

**Table 2.1** shows the estimated number of residents, dwelling units, nonresidential building square feet, employees, and overnight visitors in Taos Ski Valley, both in 2020 and in 2030.

### Residential Dwelling Units

The base year estimates of existing single family dwelling units come from a GIS analysis requested by the Village for use in this analysis. The projected increase in single family dwelling units assumes four single family dwelling units per year and is based on input from the CIAC.

The base year estimates of multifamily units were provided by the Village for use in this analysis. The projected increase of 110 multifamily units was informed by input from the CIAC.

### Employment and Nonresidential Building Square Feet

The estimate of 489 total existing workers, less 42 local government workers, is based on the latest data available from [OnTheMap.ces.census.gov](http://OnTheMap.ces.census.gov). The increase in employment assumes 30 permanent FTE added per year through 2030 and is based on input from the CIAC.

The estimate of existing nonresidential building square footage identified by the Village's GIS analysis. This estimate excludes hotels and accommodations, which are accounted for elsewhere in the analysis. The projected increase in building square footage to 2030 is assumed to remain constant relative to estimated non-accommodations employment.

### Hotel Units

The base year estimates of hotel units were provided by the Village for use in this analysis. The projected increase of hotel units was informed by input from the Village and the CIAC.

### Residents/Overnight Visitors

Single family dwelling units, multifamily units and hotel units are all assumed to generate overnight visitor demand. For the purpose of this analysis, no distinction is made between residents and visitors, as it is assumed that both create similar amounts of demand for facilities. The count of units is multiplied by the assumed occupancy density factors presented in Table 2.2 to estimate the total number of residents/overnight visitors in the base year and at the planning horizon.

**Table 2.1: Land Use Assumptions**

	2020	2030	Increase
<u>Residential Dwelling Units</u>			
Single Family Dwelling Units <sup>1</sup>	184	224	40
Multifamily Dwelling Units (Apartments, Condos)	189	299	110
Total	373	523	150
<u>Employment<sup>2</sup></u>			
Commercial	447	747	300
Nonresidential Building Square Feet (1,000s) <sup>3</sup>	283	409	126
Lodging (Hotel Rooms)	234	409	175
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Single Family	67	82	15
Multifamily	86	136	50
Hotels	138	241	103
Total	291	459	168

<sup>1</sup> Base year dwelling unit estimate from GIS data. Increase assumes 4 single family dwelling units per year.

<sup>2</sup> Estimate of 489 total workers less 42 local government workers based on data from OnTheMap.ces.census.gov. Increase in employment assumes 30 permanent FTE added per year through 2030.

<sup>3</sup> Existing building square footage identified by the Village's GIS analysis. Excludes hotels and accommodations. Increase in building square footage assumed to remain constant relative to non-accommodations employment.

<sup>5</sup> Residents/overnight visitors calculated using dwelling unit and lodging room counts above and occupancy density factors from Table 2.2.

Sources: Village of Taos Ski Valley; U.S. Census Bureau LEHD Origin-Destination Employment Statistics (2002-2015) accessed at <https://onthemap.ces.census.gov>; Willdan Financial Services.

## Occupant Densities

All fees in this report are calculated based on dwelling units (differentiated by size in square footage), nonresidential building square feet or lodging units. Occupant densities (residents per dwelling unit) or workers per building square foot are the most appropriate characteristics to use allocating fees based on demand created by a facility's service population. In this study, occupant densities are used to calculate fees for the public safety facilities fees and the parks and public spaces fee.

The average annual occupant density factors used in this report are shown in **Table 2.2**.

Willdan reviewed water billing data from 2019 provided by the Village, by property to quantify the average amount of water consumption per various types of units. This consumption data was then used to estimate the average residents/overnight visitors per unit, using the assumption of 80 gallons of water consumption per capita per day.

The nonresidential occupancy factor was derived from data from the Institute of Traffic Engineers Trip Generation Manual, 10th Edition. The estimates of workers per 1,000 square feet are discounted by 50 percent, as businesses in the Village are estimated to be fully operational for only half of the year.

**Table 2.2: Occupant Density Assumptions**

<u>Residential</u>		
Single Family <sup>1</sup>	0.36	Residents and Visitors per Unit
Multifamily <sup>1</sup>	0.45	Residents and Visitors per Unit
<u>Nonresidential</u> <sup>2</sup>		
Commercial	1.17	Employees per 1,000 square feet
<u>Visitor Accommodations</u>		
Hotels <sup>1</sup>	0.59	Visitors per Unit

<sup>1</sup> Average residents and visitors per unit per day calculated based on water billing records, and the assumption of 80 gallons of water consumed per capita per day.

<sup>2</sup> Assumes businesses are operated for half of the year.

Sources: Village of Taos Ski Valley; ITE Trip Generation Manual, 10th Edition; Willdan Financial Services.

## Land Cost Assumptions

Table 2.3 displays the land cost assumption used throughout this report. The assumption was developed based on an analysis of recent sales and appraisals in the Village.

**Table 2.3: Land Cost**

	Value Per Acre
Based on analysis of recent sales and appraisals provided by the Village	\$ 242,000

Sources: Village of Taos Ski Valley; <https://taosmfs.paragonreels.com>; Willdan Financial Services.

### 3. Public Safety Facilities

The purpose of this fee is to ensure that new development funds its fair share of public safety facilities. A fee schedule is presented based on the existing inventory facilities standard of public safety facilities in the Village of Taos Ski Valley to ensure that new development provides adequate funding to meet its needs.

#### Service Population

Public safety facilities serve both residents, visitors, and businesses. Therefore, demand for services and associated facilities are based on the Village's service population including residents, visitors, and workers.

**Table 3.1** shows the existing and future projected service population for public safety facilities. Residents and visitors are assumed to create an equal amount of demand for public safety facilities. While specific data is not available to estimate the actual ratio of demand per resident to demand by businesses (per worker) for this service, it is reasonable to assume that demand for these services is less for one employee compared to one resident, because nonresidential buildings are typically occupied less intensively than dwelling units. The 0.31-weighting factor for workers is based on a 40-hour workweek divided by the total number of non-work hours in a week (128) and reflects the degree to which nonresidential development yields a lesser demand for public safety facilities.

**Table 3.1: Public Safety Facilities Service Population**

	A Persons	B Weighting Factor	A x B = C Service Population
<u>Residents/Overnight Visitors</u>			
Existing (2020)	291	1.00	291
New Development	168	1.00	168
Total (2030)	459		459
<u>Workers</u>			
Existing (2020)	447	0.31	139
New Development	300	0.31	93
Total (2030)	747		232
<u>Combined Service Population</u>			
Existing (2020)			430
New Development			261
Total (2030)			691

<sup>1</sup> Workers are weighted at 0.31 of residents based on a 40 hour work week out of a possible 128 non-work hours in a week (40/128 = 0.31)

Sources: Table 2.1; Willdan Financial Services.

## Existing Facilities Inventory

The Village's public safety facilities inventory is comprised of two fire stations, Village Hall Complex, and various durable equipment, apparatus, and vehicles. Note that the fire stations are planned to be expanded, so they are not listed in the existing inventory, rather as planned facilities in the ICIP. In total the Village owns approximately \$1.1 million worth of public safety facilities.

Table 3.2 displays the Village's existing inventory of public safety facilities.

**Table 3.2: Existing Public Safety Facilities Inventory**

	Replacement Cost
<u><i>Buildings (square feet)</i></u>	
Building & Improvements, Apron	\$ 194,502
<u><i>Public Safety Vehicles</i></u>	
International 2002 Firetruck & Equipment	\$ 320,463
GMC 1986 Fire Truck	253,319
Chewy Truck 1998 brush truck	30,209
Chewy 2005 Express Cargo-EMS	28,891
Bum Boss Mobile Air Curtain & Bum Boss- TSVI 1/2	26,250
Breathing Air Compressor System	23,760
GMC 1988 4 X 4 Rescue Truck	22,000
1 E2V Argus Thermal Imaging Camera	13,950
Polaris 2012 Ranger	13,457
5 Air Paks fifty, 45 min w/o case	13,411
Danko Skid Unit - Wildland Engine	11,244
Power Pro Xt Ambulance (Cot) Gurney	10,696
Amkus Ion iS240 Spreader	10,207
Subtotal	\$ 777,857
<u><i>Law Enforcement Vehicles</i></u>	
Ford 2012 Expedition	\$ 27,971
Ford 2014 Expedition	33,179
2017 Ford Expedition	41,423
Subtotal	\$ 102,573
Total Value - Existing Facilities	\$ 1,074,931

Sources: Village of Taos Ski Valley; Table 2.3, Willdan Financial Services.

## Existing Level of Service

Table 3.3 shows the existing level of service per capita of public safety facilities. The existing facilities standard per capita is calculated by dividing the value of the existing facilities by the existing service population. This level of service is not used to calculate the impact fees, as the planned facilities presented below indicate a higher level of service than is currently provided. New development can fund this higher level of service through impact fees, but the Village must



fund existing development's share of this higher level of service through funding sources other than impact fees.

**Table 3.3: Existing Level of Service**

Value of Existing Facilities	\$	1,074,931
Existing Service Population		430
Cost per Capita	\$	2,499
Facility Standard per Resident	\$	2,499
Facility Standard per Worker <sup>1</sup>		775

<sup>1</sup> Based on a weighing factor of 0.31.

Sources: Tables 3.1 and 3.2.

## Planned Facilities

**Table 3.4** summarizes the planned public safety facilities needed to serve the Village. These facilities are a subset of the Village's ICIP which the Village expects to be constructed within the next seven years. In this fee category, the Village plans to complete public safety administrative facilities, expand Fire Station Numbers 1 and 2, purchase apparatus, and add fire hydrants to add capacity to accommodate new development. In total, this study includes \$5.2 million of eligible planned public safety facilities.

**Table 3.4: Planned Public Safety Facilities**

	Total Cost
Fire Sub-station #2 Expand and Renovate	\$ 1,500,000
Fire Rescue Truck	400,000
Renovate and Expand Primary Fire Station #1	2,500,000
Additional Fire Hydrants	250,000
Pumper Tender (Fire Dept.)	500,000
Cost of Planned Facilities	\$ 5,150,000

Source: Village of Taos Ski Valley 2023-2027 Infrastructure Capital Improvements Plan.

## Cost Allocation

**Table 3.5** shows the calculation of the system plan facilities standard per capita for public safety facilities used to calculate the fees. This value is calculated by dividing the total value of all public safety facilities in 2030 by the total service population in 2030. The value per capita is multiplied by the worker weighting factor of 0.31 to determine the value per worker. The resulting standard is the cost standard that will be achieved when all the facilities are realized, and new development has come online.

**Table 3.5: Public Safety Facilities System Standard**

Value of Existing Facilities	\$	1,074,931
Value of Planned Facilities		<u>5,150,000</u>
Total System Value (2030)	\$	6,224,931
Future Service Population (2030)		<u>691</u>
Cost per Capita	\$	9,010
Cost Allocation per Resident	\$	9,010
Cost Allocation per Worker <sup>1</sup>		2,793

<sup>1</sup> Based on a weighting factor of 0.31.

Sources: Tables 3.1, 3.2 and 3.3.

## Fee Revenue Projection

Completing the planned facilities will provide a higher value of facilities per capita than is currently provided in the Village. Impact fee revenue may not be used to increase the level of service provided to existing development. Therefore, impact fee revenue will not fully fund the planned facilities and some non-fee funding will be required. **Table 3.6** shows the projected fee revenue and the non-fee funding required through 2030. After accounting for the projected future impact fee revenue approximately \$2.8 million in non-fee funding will be needed to complete the planned facilities.

The Village will need to use alternative funding sources to fund existing development's share of the planned public safety facilities. Potential sources of revenue include but are not limited to existing or new general fund revenues, existing or new taxes, donations, and grants.

**Table 3.6: Revenue Projection - System Standard**

Cost per Capita	\$	9,010
Growth in Service Population (2020- 2030)		<u>261</u>
Fee Revenue	\$	2,350,000
Net Cost of Planned Facilities		<u>5,150,000</u>
Non-Fee Revenue to be Identified	\$	(2,800,000)

Sources: Tables 3.1, 3.2 and 3.4.

## Fee Schedule

**Table 3.7** shows the maximum justified public safety facilities fee schedule. The Village can adopt any fee up to this amount. The cost per capita is converted to a fee per unit of new development based on dwelling unit and employment densities (persons per dwelling unit or employees per

1,000 square feet of nonresidential building space). The total fee includes a three percent (3.0%) administrative charge to fund costs that include: a standard overhead charge applied to Village programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue and cost accounting and mandated public reporting.

To calculate a fee per square foot, the total fee per dwelling unit or hotel room is divided by the assumed average square footage of dwelling units and hotel rooms in the Village today. This assumes an average single family dwelling unit size of 2,250 square feet, multifamily unit size of 1,250 square feet and hotel room size of 800 square feet.

**Table 3.7: Maximum Justified Public Safety Facilities Fee Schedule**

Land Use	A Cost Per Capita	B Density	C = A x B Base Fee <sup>1</sup>	D = C x 3% Admin Charge <sup>1, 2</sup>	E = C + D Total Fee <sup>1</sup>	F = E / Avg SF Fee per Sq. Ft. <sup>3</sup>
<u>Residential</u>						
Single Family	\$ 9,010	0.36	\$ 3,287	\$ 99	\$ 3,386	\$ 1.50
Multifamily	\$ 9,010	0.45	\$ 4,099	\$ 123	\$ 4,222	\$ 3.38
<u>Nonresidential - per 1,000 Sq. Ft.</u>						
Commercial	\$ 2,793	1.17	\$ 3,272	\$ 98	\$ 3,370	\$ 3.37
<u>Hotel</u>	\$ 9,010	0.59	\$ 5,313	159	\$ 5,472	\$ 6.84

<sup>1</sup> Fee per dwelling unit or per 1,000 square feet of nonresidential.

<sup>2</sup> Administrative charge of 3.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

<sup>3</sup> Assumes average single family dwelling unit size of 2,250 square feet, multifamily size of 1,250 square feet and hotel room size of 800 square feet.

Sources: Tables 2.2 and 3.5.

## 4. Transportation Facilities

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This chapter details an analysis of the need for transportation facilities to accommodate new development. The chapter documents a reasonable relationship between new development and the impact fee for funding these facilities.

### Trip Demand

The need for transportation facilities is based on the trip generation placed on the system by development. A reasonable measure of demand is the number of average daily vehicle trips. Estimates of vehicle trip generation, by land use, are the basis of the service units used in this fee calculation.

**Table 4.1** shows the average daily trip generation rates by land use category used in this analysis. They are based on the latest available information from the ITE Trip Generation Manual, 10<sup>th</sup> Edition. Trip generation is expressed per dwelling unit for single family, multifamily and hotel units based on an estimate of average trips per resident and the assumed number of annual average occupants shown above in Table 2.2.

The two types of trips adjustments made to trip generation rates for nonresidential land uses are described below:

- Pass-by trips are deducted from the trip generation rate for commercial land uses. Pass-by trips are intermediate stops between an origin and a destination that require no diversion from the route, such as stopping to get gas on the way to work.
- Trip generation rates are discounted by 50 percent for nonresidential uses, as businesses in the Village are estimated to be fully operational for only half of the year.

**Table 4.1: Trip Generation Rates**

Land Use Category	ITE Category	Average Daily Trip Rate	Average Daily Trip Rate
<u>Residential - Trips per Dwelling Unit</u>		Per Unit	
Single Family <sup>1</sup>	Single Family Housing (210)	0.97	
Multifamily <sup>2</sup>	Multifamily Housing (Mid-Rise) (221)	0.84	
<u>Nonresidential</u>		Per Employee	Per KSF
Commercial <sup>3</sup>	Shopping Center (820)	5.32	12.46
<u>Hotel</u> <sup>4</sup>		Per Unit	
	Multifamily Housing (Mid-Rise) (221)	1.09	

<sup>1</sup> Based on 2.65 weekday trips per resident, multiplied by 0.36 residents/overnight visitors per unit.

<sup>2</sup> Based on 1.84 weekday trips per resident, multiplied by 0.41 visitors per dwelling unit.

<sup>3</sup> Trip rate discounted by 34% to exclude pass-by trips. A pass-by trip is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are not considered to add traffic to the road network. Assumption based on ITE Trip Generation Handbook data.

<sup>4</sup> Based on 1.84 weekday trips per resident, multiplied by 0.76 visitors per dwelling unit.

Sources: Institute of Traffic Engineers, Trip Generation, 10th Edition; Institute of Traffic Engineers, Trip Generation Handbook, 3rd Edition; Table 2.2, Willdan Financial Services.

## Trip Generation Growth

The planning horizon for this analysis is 2030. Table 4.2 lists the base year and 2030 land use assumptions used in this study. The trip demand factors calculated in Table 4.1 are multiplied by the existing and future dwelling units and building square feet to determine the increase in trip generation attributable to new development.

**Table 4.2: Land Use Scenario and Trip Generation**

	Average Daily Trip Rate	2020 Units/ Employees	Average Daily Trips	Growth 2020 to 2030		Total - 2030	
Residential				Units/ Employees	Average Daily Trips	Units/ Employees	Average Daily Trips
<u>Residential</u>							
Single Family	0.97	184	178	40	39	224	217
Multifamily	1.09	189	205	110	119	299	324
<u>Nonresidential</u>							
Commercial <sup>1</sup>	5.32	387	2,057	300	1,595	687	3,652
<u>Hotel Rooms</u>							
	1.09	234	254	175	190	409	444
Total			2,694		1,943		4,637
			58.1%		41.9%		100%

<sup>1</sup> Excludes accommodations employees.

Sources: Tables 2.1 and 4.1.

## Existing Level of Service

The existing level of service for transportation facilities is quantified in terms of miles of roads per 1,000 average daily trips. The level of service is calculated for paved roads and for gravel roads. Table 4.3 displays the existing level of service.

**Table 4.3: Existing Level of Service**

Classification	Miles of Road	Average Daily Trips	Miles of Road per 1,000 Average Daily Trips
Paved	0.47	2,694	0.18
Gravel	5.66	2,694	2.10

Sources: Village of Taos Ski Valley; Table 4.3, Willdan Financial Services.

## Planned Transportation Projects

Cost estimates for transportation facilities needed to serve new development as identified in the Village's ICIP are shown in Table 4.4. These facilities are a subset of the Village's ICIP which the Village expects to be constructed within the next seven years. The costs are allocated to new development based on new development's proportional share of demand in 2030, as the projects will serve both existing and new development. This approach ensures that new development will not fund more than its fair share of transportation projects. In total, \$3.1 million of transportation project costs are allocated to new development through this impact fee.

**Table 4.4: Planned Transportation Projects**

Project Name	A	B	C = A x B
	Total Project Cost	Share Allocated to New Development <sup>1</sup>	Cost Allocated To Impact Fee
<i>Transportation Projects</i>			
Porcupine and Zaps Road	\$ 2,706,700	41.9%	\$ 1,134,107
Kachina Road	3,289,150	41.9%	1,378,154
Acquire Snow Storage Area/Land	1,500,000	41.9%	628,500
Total - Transportation Projects	\$ 7,495,850		\$ 3,140,761

<sup>1</sup> Allocation to new development based on new development's share of total trips at the planning horizon.

Sources: Table 4.2; Village of Taos Ski Valley 2023-2027 Infrastructure Capital Improvements Plan; Willdan Financial Services.

## Cost per Trip

Every impact fee consists of a dollar amount, representing the value of facilities, divided by a measure of demand. In this case, all fees are first calculated as a cost per trip. Then these

amounts are translated into housing unit (cost per unit), hotel room and employment space (cost per 1,000 square feet) fees by multiplying the cost per trip by the trip generation rate for each land use category. These amounts become the fee schedule.

**Table 4.5** displays the calculation of the cost the cost per trip demand unit by dividing the costs allocated to new development from Table 4.4 by increase in trips from Table 4.2.

**Table 4.5: Cost per Trip to Accommodate Growth**

Fee Program Share of Transportation Projects	\$ 3,140,761
Less Existing Fund Balance <sup>1</sup>	(204,368)
Net Costs	\$ 2,936,394
Growth in Trip Demand	1,943
Cost per Trip	\$ 1,511

Sources: Village of Taos Ski Valley; Tables 4.2 and 4.4, Willdan Financial Services.

## Fee Schedules

**Table 4.6** shows the maximum justified transportation facilities fee schedule. The Village can adopt any fee up to these amounts. The maximum justified fees are based on the costs per trip shown in Table 4.5. The cost per trip is multiplied by the trip demand factors in Table 4.1 to determine a fee per unit of new development. The total fee includes a three percent (3.0%) administrative charge to fund costs that include: a standard overhead charge applied to all Village programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue, and cost accounting, mandated public reporting, and fee justification analyses.

To calculate a fee per square foot, the total fee per dwelling unit or hotel room is divided by the assumed average square footage of dwelling units and hotel rooms in the Village today. This assumes an average single family dwelling unit size of 2,250 square feet, multifamily unit size of 1,250 square feet and hotel room size of 800 square feet.

**Table 4.6: Maximum Justified Transportation Facilities Fee Schedule**

Land Use	A	B	C = A x B		D = C x 3%	E = C + D	F = E / Avg SF
	Cost Per Trip	Average Daily Trip Rate	Base Fee <sup>1</sup>	Admin Charge <sup>1, 2</sup>		Total Fee <sup>1</sup>	per Sq. Ft. <sup>3</sup>
<u>Residential</u>							
Single Family	\$ 1,511	0.97	\$ 1,461	\$ 44		\$ 1,505	\$ 0.67
Multifamily	\$ 1,511	0.84	\$ 1,265	\$ 38		\$ 1,303	\$ 1.04
<u>Nonresidential - per 1,000 Sq. Ft.</u>							
Commercial	\$ 1,511	12.46	\$ 18,823	\$ 565		\$ 19,388	\$ 19.39
<u>Hotel - per Room</u>	\$ 1,511	1.09	\$ 1,639	\$ 49		\$ 1,688	\$ 2.11

<sup>1</sup> Fee per dwelling unit, hotel room, or per 1,000 square feet of nonresidential.

<sup>2</sup> Administrative charge of 3.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

<sup>3</sup> Assumes average single family dwelling unit size of 2,250 square feet, multifamily size of 1,250 square feet and hotel room size of 800 square feet.

Sources: Tables 2.2 and 4.5.



## 5. Parks and Public Spaces

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The purpose of the parks and public spaces impact fee is to fund the parks and public spaces needed to serve new development. The maximum justified impact fee is presented based on the system standard of parks and public spaces per capita.

### Service Population

Parks and public spaces in Taos Ski Valley primarily serve residents and visitors. Therefore, demand for services and associated facilities is based on the Village's resident and visitor population. No weighting is included since residents and visitors are assumed to generate an equal amount of demand for parks and public spaces. **Table 5.1** shows the existing and future projected service population for parks and public spaces.

**Table 5.1: Park and Public Spaces  
Service Population**

	Residents/ Overnight Visitors
Existing (2020)	291
New Development	168
Total (2030)	459

Source: Table 2.1.

### Existing Parks and Public Spaces Inventory

The Village of Taos Ski Valley owns a modest inventory parks and public spaces throughout the Village, mostly comprised of publicly accessible open space. **Table 5.2** summarizes the Village's existing parks and public spaces inventory in 2020.

**Table 5.2: Existing Open Space Land Inventory**

	Acres
<u>Kachina Open Space</u>	
Parcel 1	1.09
Parcel 2	0.24
Parcel 3	4.43
Parcel 4	1.73
Total	7.50
<u>Hiker Parking</u>	0.70
Total Acres	8.20
Cost per Acre	\$ 242,000
Total Value - Open Space	\$ 1,984,400

Source: Village of Taos Ski Valley

## Existing Level of Service

Table 5.3 shows the existing level of service per capita of parks and public spaces. The existing facilities standard per capita is calculated by dividing the value of the existing facilities by the existing service population. This level of service is not used to calculate the impact fees, as the planned facilities presented below indicate a higher level of service than is currently provided. New development can fund this higher level of service through impact fees, but the Village must fund existing development's share of this higher level of service through funding sources other than impact fees.

**Table 5.3: Existing Level of Service**

Value of Existing Facilities	\$ 1,984,400
Existing Service Population	291
Cost per Capita	\$ 6,817

Sources: Tables 5.1 and 5.2.

## Planned Parks and Public Spaces Project Costs

Table 5.4 displays the planned parks and public spaces facilities identified in the Village's ICIP. These facilities are a subset of the Village's ICIP which the Village expects to be constructed within the next seven years. The total cost of these improvements is approximately \$1.8 million.

**Table 5.4: Planned Parks and Public Spaces**

Multi-Purpose Trails (Amizette to Kachina) Planning, Acquisition, and Development	\$ 750,000
Hiker Parking Lot Expansion or Additional Location and Improvements	350,000
Kachina Wetland Park Improvements	300,000
Public Restrooms and Recreational Structures	350,000
Total	\$ 1,750,000

Source: Village of Taos Ski Valley 2023-2027 Infrastructure Capital Improvements Plan.

## Parks and Public Spaces Cost per Capita

**Table 5.5** shows the cost per capita of providing new parks and public spaces at the system facility standard. The system standard per capita is calculated by dividing the value of facilities at the planning horizon by the future service population.

**Table 5.5: Parks and Public Spaces Cost per Capita**

Value of Existing Facilities	\$1,984,400
Value of Planned Facilities	1,750,000
Total System Value (2030)	\$3,734,400
Future Service Population (2030)	459
Cost per Capita	\$ 8,137

Sources: Tables 5.1, 5.2 and 5.4.

## Fee Revenue Projection

Completing the planned facilities will provide a higher value of facilities per capita than is currently provided in the Village. Impact fee revenue may not be used to increase the level of service provided to existing development. Therefore, impact fee revenue will not fully fund the planned facilities and some non-fee funding will be required. **Table 5.6** compares a projection of fee revenue to the cost of the planned facilities. After accounting for the projected future impact fee revenue approximately \$384,000 in non-fee funding will be needed to complete the planned facilities.

The Village will need to use alternative funding sources to fund existing development's share of the planned public safety facilities. Potential sources of revenue include but are not limited to existing or new general fund revenues, existing or new taxes, donations, and grants.

**Table 5.6: Fee Revenue Projection**

Cost per Capita	\$ 8,137
Growth in Service Population (2020- 2030)	168
Fee Revenue	\$ 1,366,000
Net Cost of Planned Facilities	1,750,000
Non-Fee Revenue to be Identified	\$ (384,000)

Sources: Tables 5.1, 5.3 and 5.5

## Fee Schedule

Table 5.7 shows the maximum justified parks and public spaces fee schedule. The Village can adopt any fee up to this amount. The cost per capita is converted to a fee per unit of new development based on dwelling unit (persons per dwelling unit or employees per 1,000 square feet of nonresidential building space). The total fee includes a three percent (3.0%) administrative charge to fund costs that include: a standard overhead charge applied to Village programs for legal, accounting, and other departmental and administrative support, and fee program administrative costs including revenue collection, revenue and cost accounting and mandated public reporting.

To calculate a fee per square foot, the total fee per dwelling unit or hotel room is divided by the assumed average square footage of dwelling units and hotel rooms in the Village today. This assumes an average single family dwelling unit size of 2,250 square feet, multifamily unit size of 1,250 square feet and hotel room size of 800 square feet.

**Table 5.7: Maximum Justified Parks and Public Spaces Fee Schedule**

	A	B	C = A x B	D = C x 3%	E = C + D	F = E / Avg SF
Land Use	Cost Per Capita	Density	Base Fee <sup>1</sup>	Admin Charge <sup>1, 2</sup>	Total Fee <sup>1</sup>	Fee per Sq. Ft.
<u>Residential - per Dwelling Unit</u>						
Single Family	\$ 8,137	0.36	\$ 2,968	\$ 89	\$ 3,057	\$ 1.36
Multifamily	\$ 8,137	0.45	\$ 3,702	\$ 111	\$ 3,813	\$ 3.05
<u>Hotel - per Room</u>						
	\$ 8,137	0.59	\$ 4,798	\$ 144	\$ 4,942	\$ 6.18

<sup>1</sup> Fee per dwelling unit or per hotel room.<sup>2</sup> Administrative charge of 3.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.<sup>3</sup> Assumes average single family dwelling unit size of 2,250 square feet, multifamily size of 1,250 square feet and hotel room size of 800 square feet.

Sources: Tables 2.2 and 5.4.

# 6. Wastewater System Development Fees

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This chapter details an analysis of the need for wastewater facilities to accommodate growth within the Village of Taos Ski Valley. It documents a reasonable relationship between new development and a wastewater system development fee to fund wastewater facilities that serve new development.

Development projects occurring in areas not served by the Village's wastewater system are exempt from the wastewater system development fees.

## Wastewater Demand

Estimates of new development and its consequent increased wastewater demand provide the basis for calculating the wastewater facilities fee. The need for wastewater facilities improvements is based on the wastewater demand placed on the system by development. A typical measure of demand is a flow generation rate, expressed as the number of gallons per day generated by a specific type of land use. Flow generation rates are a reasonable measure of demand on the Village's system of wastewater improvements because they represent the average rate of demand that will be placed on the system per land use designation.

**Table 6.1** shows the calculation of equivalent dwelling unit (EDU) demand factors based on flow generation by land use category. Data specific to wastewater flow was not available, so flow generate for wastewater is assumed to be 69% of water flow generation based on Willdan's experience in other jurisdictions. Wastewater flow is less than water flow due to use, irrigation, and system seepage.

EDU factors express wastewater flow from each land use in terms of the flow generated by a single family dwelling unit. This allows for a calculation of wastewater demand in uniform service units, consistent with state statues.

**Table 6.1: Wastewater Demand by Land Use**

<b>Land Use Type</b>	<b>Average Flow Generation/ DU &amp; KSF<sup>1</sup></b>	<b>Equivalent Dwelling Unit (EDU)</b>
<i><u>Residential - Dwelling Units</u></i>		
Single Family	20.13	1.00
Multifamily	25.12	1.25
<i><u>Nonresidential</u></i>		
Commercial	26.81	1.33
<i><u>Hotel Room</u></i>	32.55	1.62

<sup>1</sup> Average gallons per day based on 2019 water billing data. Assumes wastewater flow generation is 69% of water flow generation.

Source: Village of Taos Ski Valley Public Works; Willdan Financial Services.

## EDU Generation by New Development

Table 6.2 shows the estimated EDU generation from new development through 2030. The EDU factors from Table 6.1 are multiplied by the land use assumptions from Table 2.1 to estimate total EDUs in the base year, at the planning horizon and for new development. New development will generate approximately 630 new EDUs through 2030, comprising 37% of wastewater demand in the Village at that time.

**Table 6.2: Wastewater Facilities Equivalent Dwelling Units**

	2020 <sup>1</sup>			Growth 2020 to 2030		Total - 2030	
	EDU Factor	Units/ 1,000 Sq. Ft./Rooms	EDUs	Units/ 1,000 Sq. Ft./Rooms	EDUs	Units/ 1,000 Sq. Ft./Rooms	EDUs
<u>Residential</u>							
Single Family	1.00	104	104	40	40	144	144
Multifamily	1.25	172	215	110	138	282	353
<u>Nonresidential</u>							
Commercial	1.33	283	376	126	168	409	544
<u>Hotel Rooms</u>	1.62	234	379	175	284	409	663
Total			1,074		630		1,704
Percent of Total			63.0%		37.0%		100.0%

<sup>1</sup> Only includes properties that are served by the Village wastewater system.

Sources: Tables 2.1 and 6.1, Willdan Financial Services.

## Existing Level of Service

Existing level of service for wastewater facilities is quantified in terms of asset value per EDU. Table 6.3 details the calculation of the existing level of service.

**Table 6.3: Existing Level of Service**

Sewer Assets <sup>1</sup>	\$ 6,774,911
Existing EDUs	1,074
Existing Cost per EDU	\$ 6,308

<sup>1</sup> Replacement cost new, less depreciation of sewer plant assets. Book value adjusted to 2021 using Engineering News Record's Construction Cost Index.

Sources: Village of Taos Ski Valley Depreciation Schedule - 2019; ENR Construction Cost Index; Willdan Financial Services.

## Facility Needs and Costs

Table 6.4 identifies the planned wastewater facilities identified in the ICIP. These facilities are a subset of the Village's ICIP which the Village expects to be constructed within the next seven years. Offsetting revenues dedicated to these projects are subtracted from the total costs to determine the net project costs. The net costs are then allocated to new development based on new development's proportional share of demand in 2030. The improvements will have more than

enough capacity to serve development through 2030, so only a share of the allocation to new development is allocated to development to 2030. In total, nearly \$3.9 million worth of wastewater facilities costs are allocated to new development through this methodology.

**Table 6.4: Wastewater Facilities Allocation to New Development**

	A	B	C = A - B	D	E	F = C x D x E
Project No.	Total Cost	Grant Revenue	Net Project Cost	Allocation to New Development	Allocation to Development to 2030	Total Allocated Costs
Wastewater Treatment Plant, Excess Capacity, built to serve growth <sup>1</sup>	\$ 14,453,257	\$ 1,487,000	\$ 12,966,257	60.0%	50.0%	\$ 3,889,877
Total	\$ 14,453,257	\$ 1,487,000	\$ 12,966,257			\$ 3,889,877

<sup>1</sup> Includes interest from debt service.

Sources: Village of Taos Ski Valley 2023-2027 Infrastructure Capital Improvements Plan; Table 6.2, Willdan Financial Services.

## Cost per EDU

The cost of planned facilities allocated to new development in Table 6.4 is divided by the total growth in EDUs to determine a cost per EDU. Table 6.5 displays this calculation.

**Table 6.5: Cost per EDU**

Net Cost of Planned Facilities	\$ 3,889,877
Growth in EDUs	630
Cost per EDU	\$ 6,174

Sources: Tables 6.2 and 6.4.

## Fee Schedule

The maximum justified fee for wastewater facilities is shown in Table 6.6. The cost per EDU is converted to a fee per unit of new development based on the EDU factors shown in Table 6.1. The total fee includes an administrative charge to fund costs that include: (1) a standard overhead charge applied to all Village programs for legal, accounting, and other departmental and administrative support, (2) capital planning, programming; project management costs associated with the share of projects funded by the facilities fee, and (3) fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

To calculate a fee per square foot, the total fee per dwelling unit or hotel room is divided by the assumed average square footage of dwelling units and hotel rooms in the Village today. This assumes an average single family dwelling unit size of 2,250 square feet, multifamily unit size of 1,250 square feet and hotel room size of 800 square feet.

*Note that development projects occurring in areas not served by the Village's wastewater system are exempt from the wastewater system development fees. See the Appendix for a map displaying areas not served by the Village's wastewater system.*



**Table 6.6: Wastewater Facilities System Development Fee**

	A Cost Per EDU	B EDU Factor	C = A x B Base Fee	D = C x 3% Admin Charge <sup>1, 2</sup>	E = C + D Total Fee <sup>1</sup>	F = E / Avg SF Fee per Sq. Ft. <sup>3</sup>
<i><u>Residential</u></i>						
Single Family	\$ 6,174	1.00	\$ 6,174	\$ 185	\$ 6,359	\$ 2.83
Multifamily	\$ 6,174	1.25	\$ 7,718	\$ 232	\$ 7,950	\$ 6.36
<i><u>Nonresidential - per 1,000 Sq. Ft.</u></i>						
Commercial	\$ 6,174	1.33	\$ 8,211	\$ 246	\$ 8,457	\$ 8.21
<i><u>Hotel - per Room</u></i>	\$ 6,174	1.62	\$ 10,002	\$ 300	\$ 10,302	\$ 12.88

<sup>1</sup> Fee per dwelling unit or per 1,000 square feet of nonresidential.

<sup>2</sup> Administrative charge of 3.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

<sup>3</sup> Assumes average single family dwelling unit size of 2,250 square feet, multifamily size of 1,250 square feet and hotel room size of 800 square feet.

Sources: Tables 6.1 and 6.5; Willdan Financial Services.

# 7. Water System Development Fees

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This chapter details an analysis of the need for water system facilities to accommodate growth within the Village of Taos Ski Valley. It documents a reasonable relationship between new development and a water system development fee to fund water facilities that serve new development.

Development projects occurring in areas not served by the Village's water system are exempt from the water system development fees.

## Water Demand

Estimates of new development and its consequent increased water demand provide the basis for calculating the water facilities fee. The need for water facilities improvements is based on the water demand placed on the system by development. A typical measure of demand is a flow generation rate, expressed as the number of gallons per day generated by a specific type of land use. Flow generation rates are a reasonable measure of demand on the Village's system of water improvements because they represent the average rate of demand that will be placed on the system per land use designation.

Table 7.1 shows the calculation of equivalent dwelling unit (EDU) demand factors based on flow generation by land use category. The flow generation estimates based on the Village's 2019 water billing data. The flow generation estimates based on the Village's 2019 water billing data. Note that properties not served by the Village's water system were excluded from the calculation of water demand factors and are excluded from estimates of total EDUs.

Two adjustments were made to the flow data before calculating the flow generation factors:

1. Usage data for an 80-unit hotel was adjusted to remove the effects of a water leak which occurred over three months during the summer of 2019.
2. Flow data for hotels and condominiums with restaurants was adjusted to exclude the restaurant usage, using the average restaurant flow from restaurants with individual meters in the Village.

EDU factors express water flow from each land use in terms of the flow generated by a single family dwelling unit. This allows for a calculation of water demand in uniform service units, consistent with state statutes.

**Table 7.1: Water Demand by Land Use**

Land Use Type	Average Flow Generation/ DU & KSF <sup>1</sup>	Equivalent Dwelling Unit (EDU)
<u>Residential</u>		
Single Family	29.18	1.00
Multifamily	36.40	1.25
<u>Nonresidential</u>		
Commercial	38.86	1.33
<u>Hotel</u>	47.17	1.62

<sup>1</sup> Average gallons per day based on 2019 billing data.

Source: Village of Taos Ski Valley Public Works; Willdan Financial Services.

## EDU Generation by New Development

Table 7.2 shows the estimated EDU generation from new development through 2030. The EDU factors from Table 7.1 are multiplied by the land use assumptions from Table 2.1 to estimate total EDUs in the base year, at the planning horizon and for new development. New development will generate approximately 630 new EDUs through 2030, comprising 37% of water demand in the Village at that time.

Note that properties not served by the Village's water system are excluded from demand in 2020.

**Table 7.2: Water Facilities Equivalent Dwelling Units**

	2020 <sup>1</sup>			Growth 2020 to 2030		Total - 2030	
	EDU Factor	Units/ 1,000 Sq. Ft./Rooms	EDUs	Units/ 1,000 Sq. Ft./Rooms	EDUs	Units/ 1,000 Sq. Ft./Rooms	EDUs
<u>Residential</u>							
Single Family	1.00	104	104	40	40	144	144
Multifamily	1.25	172	215	110	138	282	353
<u>Nonresidential</u>							
Commercial	1.33	283	376	126	168	409	544
<u>Hotel Rooms</u>	1.62	234	379	175	284	409	663
Total			1,074		630		1,704
Percent of Total			63.0%		37.0%		100.0%

<sup>1</sup> Only includes properties that are served by the Village water system.

Sources: Tables 2.1 and 7.1, Willdan Financial Services.

## Existing Level of Service

Existing level of service for wastewater facilities is quantified in terms of asset value per EDU. **Table 7.3** details the calculation of the existing level of service.

**Table 7.3: Existing Level of Service**

Water Assets <sup>1</sup>	\$ 2,428,792
Existing EDUs	<u>1,074</u>
Existing Cost per EDU	\$ 2,261

<sup>1</sup> Replacement cost new, less depreciation of water plant assets. Book value adjusted to 2021 using Engineering News Record's Construction Cost Index.

Sources: Village of Taos Ski Valley Depreciation Schedule - 2019; ENR Construction Cost Index; Willdan Financial Services.

## Facility Needs and Costs

**Table 7.4** identifies the planned water facilities to be funded through this impact fee. These facilities are a subset of the Village's ICIP which the Village expects to be constructed within the next seven years. Offsetting revenues dedicated to these projects are subtracted from the total costs to determine the net project costs. For some projects, the net costs are allocated to the impact fee based on the Village's assessment of the capacity provided by that improvement needed to serve new development. For the Gunsite Springs projects, the net costs are allocated to new development based on new development's proportional share of demand in 2030.

In total, nearly \$1.8 million worth of water facilities costs are allocated to new development through this methodology. Note that the planned facilities indicate an increase in level of service compared to the existing level of service. New development can fund this higher level of service through impact fees, but the Village must fund existing development's share of this higher level of service through funding sources other than impact fees.

**Table 7.4: Water Facilities Costs to Serve New Development**

Description	A	B	C = A - B	D	E = C x D
	Total CIP Cost Estimate	Grant Revenue	Net Project Cost	Allocation to New Development	Total Allocated Costs
Gunsite Springs Engineering, Design, Construction and Distribution Lines	\$ 1,750,000	\$ -	\$ 1,750,000	37.0%	\$ 647,007
Kachina Water Tank	2,976,899	2,176,899	800,000	80.0%	640,000
Kachina Distribution Lines	225,000	-	225,000	80.0%	180,000
Surface Water Treatment Plant Gunsite (Plan, Engineer, Design, & Construction )	<u>1,500,000</u>	<u>-</u>	<u>800,000</u>	37.0%	<u>295,775</u>
Total	\$ 6,451,899	\$ 2,176,899	\$ 3,575,000		\$ 1,762,782

Sources: Village of Taos Ski Valley 2023-2027 Infrastructure Capital Improvements Plan; Table 7.2, Willdan Financial Services

## Cost per EDU

**Table 7.5** calculates a cost per EDU associated by dividing the total cost of projects allocated to new development identified in Table 7.4, by the growth in EDUs identified in Table 7.2.

**Table 7.5: Cost per EDU**

Net Cost of Planned Facilities	\$ 1,762,782
Growth in EDUs	630
Cost per EDU	\$ 2,798

Sources: Tables 7.2 and 7.4.

## Fee Schedule

The maximum justified fee for water facilities is shown in **Table 7.6**. The cost per EDU is converted to a fee per unit of new development based on the EDU factors shown in Table 7.1. The total fee includes an administrative charge to fund costs that include: (1) a standard overhead charge applied to all Village programs for legal, accounting, and other departmental and administrative support, (2) capital planning, programming, project management costs associated with the share of projects funded by the facilities fee, and (3) fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

To calculate a fee per square foot, the total fee per dwelling unit or hotel room is divided by the assumed average square footage of dwelling units and hotel rooms in the Village today. This assumes an average single family dwelling unit size of 2,250 square feet, multifamily unit size of 1,250 square feet and hotel room size of 800 square feet.

*Note that development projects occurring in areas not served by the Village's water system are exempt from the water system development fees. See the Appendix for a map displaying areas not served by the Village's wastewater system*

**Table 7.6: Water Facilities System Development Fee**

	A Cost Per EDU	B EDU Factor	C = A x B Base Fee	D = C x 3% Admin Charge <sup>1, 2</sup>	E = C + D Total Fee <sup>1</sup>	F = E / Avg SF Fee per Sq. Ft. <sup>3</sup>
<i><u>Residential</u></i>						
Single Family	\$ 2,798	1.00	\$ 2,798	\$ 84	\$ 2,882	\$ 1.28
Multifamily	\$ 2,798	1.25	\$ 3,498	\$ 105	\$ 3,603	\$ 2.88
<i><u>Nonresidential - per 1,000 Sq. Ft.</u></i>						
Commercial	\$ 2,798	1.33	\$ 3,721	\$ 112	\$ 3,833	\$ 3.72
<i><u>Hotel - per Room</u></i>	\$ 2,798	1.62	\$ 4,533	\$ 136	\$ 4,669	\$ 5.84

<sup>1</sup> Fee per dwelling unit or per 1,000 square feet of nonresidential.

<sup>2</sup> Administrative charge of 3.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

<sup>3</sup> Assumes average single family dwelling unit size of 2,250 square feet, multifamily size of 1,250 square feet and hotel room size of 800 square feet.

Sources: Tables 7.1 and 7.5; Willdan Financial Services.

## 8. Implementation

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### Impact Fee Program Adoption Process

Impact fee program adoption procedures are found in Chapter 5, Article 8 of the New Mexico Statutes. A high-level summary of the adoption process followed by the Village for this impact fee update is shown below. Refer to the New Mexico Development Fees Act for detailed guidelines:

1. Form Capital Improvements Advisory Committee (CIAC) to provide input on land use assumptions and ICIP.
2. Review land use assumptions (receive and incorporate feedback from CIAC)
3. Hold land use assumption hearing with Planning and Zoning Commission
4. Review and adopt land use assumptions via Village Council Resolution
5. Draft impact fee analysis based on adopted ICIP
6. Review ICIP and impact fee analysis (receive and incorporate feedback from CIAC)
7. CIAC provides written comments on the proposed ICIP and impact fees at least five business days before ICIP and impact fee adoption hearing.
8. Planning and Zoning Commission Hearing ICIP and Impact Fee Adoption Hearing
9. ICIP and Impact Fee Ordinance for adoption at Village Council Hearing. Requires first and second reading at two meetings.

### Fee Program Maintenance

Once a fee program has been adopted it must be properly maintained to ensure that the revenue collected adequately funds the facilities needed by new development. Section 5-8-30 of the New Mexico state statutes requires that impact fee programs be updated every five years or when significant new data on growth forecasts and/or facility plans become available.

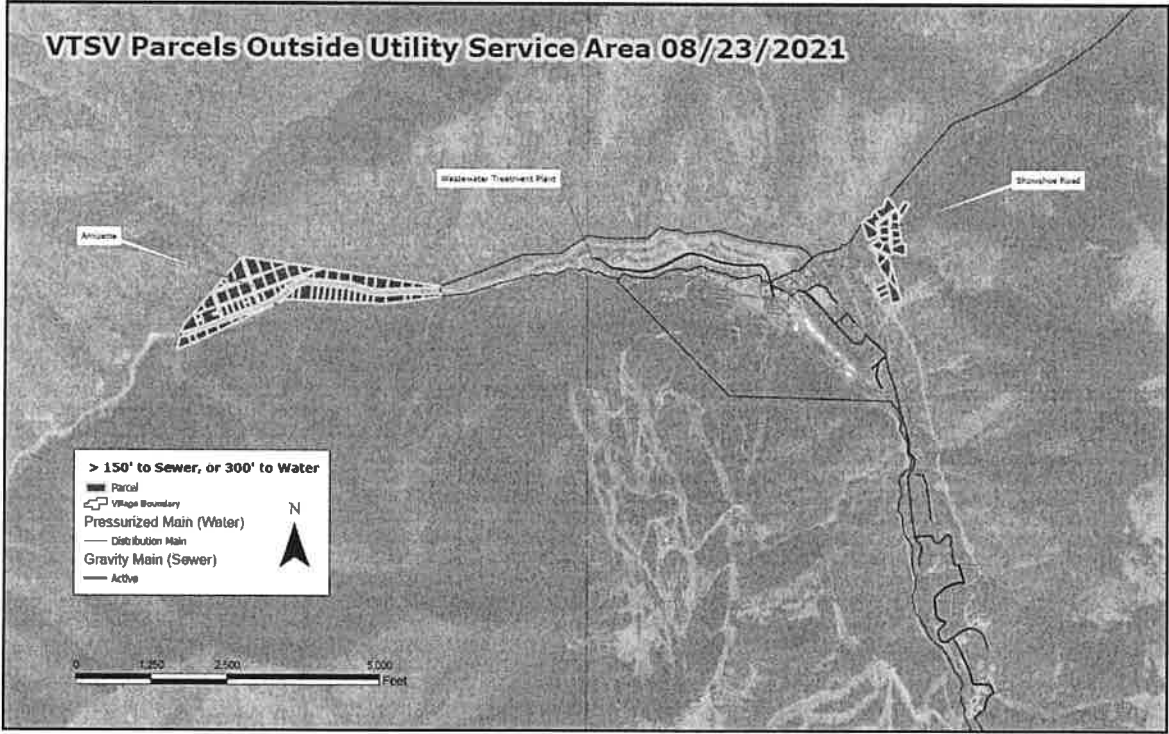
### Programming Revenues and Projects with the ICIP

The Village maintains an Infrastructure Capital Improvements Plan (ICIP) to plan for future infrastructure needs. The ICIP identifies costs and phasing for specific capital projects. The use of the ICIP in this manner documents a reasonable relationship between new development and the use of those revenues.

The Village may decide to alter the scope of the planned projects or to substitute new projects if those new projects continue to represent an expansion of the Village's facilities. If the total cost of facilities varies from the total cost used as a basis for the fees, the Village should consider revising the fees accordingly.

# Appendix

Figure 1: VTSV Parcels Outside Utility Service Area





**Appendix Table A.1: Impact Fee Project Summary**

	<b>Cost Allocated to Impact Fee (2020 to 2030)</b>
<u><i>Public Safety Facilities</i><sup>1</sup></u>	
Public Safety Administrative Facilities	\$ 382,114
Fire Sub-station #2 Expand and Renovate	573,171
Fire Rescue Truck	152,846
Renovate and Expand Primary Fire Station #1	955,285
Fire Hydrants Additional (see note for locations)	95,528
Pumper Tender (Fire Dept.)	191,057
Total	\$ 2,350,000
<u><i>Transportation Facilities</i></u>	
Porcupine and Zaps Road	\$ 1,134,107
Kachina Road	1,378,154
Acquire Snow Storage Area/Land	628,500
Total	\$ 3,140,761
(Less: Existing Fund Balance)	204,368
Net Cost	\$ 2,936,394
<u><i>Parks and Public Spaces</i><sup>1</sup></u>	
Multi-Purpose Trails (Amizette to Kachina)	\$ 585,429
Hiker Parking Lot Expansion	273,200
Kachina Wetland Park Improvements	234,171
Public Restrooms and Recreational Structures	273,200
Total	\$ 1,366,000
<u><i>Wastewater Facilities</i></u>	
Wastewater Treatment Plant	\$ 3,889,877
<u><i>Water Facilities</i></u>	
Gunsite Springs	\$ 647,007
Kachina Water Tank	640,000
Kachina Distribution Lines	180,000
Surface Water Treatment Plant Gunsite	295,775
Total	\$ 1,762,782
Total	\$ 12,305,052

<sup>1</sup> Fee revenue allocated to individual projects based on each project's proportional share of total fee category costs.

Sources: Tables 3.4, 3.6, 4.4, 4.5, 5.3, 5.5, 6.4, 7.4.

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE: PUBLIC HEARINGS: Discussion Regarding Adoption of the Village's Capital Improvements Plan Related to Development Impact Fees and Discussion Regarding Adoption of Village Development Impact Fees**

**DATE:** September 9, 2021

**PRESENTED BY:** John Avila, Village Administrator  
Patrick Nicholson, Director of Planning & Community Development

**STATUS OF AGENDA ITEM:** New business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended due to statutory deadlines and Public Hearing schedule

**BACKGROUND INFORMATION:** These two public hearings are a requirement by the New Mexico Development Fees Act, NMSA 1978. No formal action is expected at this time.

At the next Village Council meeting on September 28, 2021, three items related to the required Development Impact Fee Update will be presented. The agenda items will be a Resolution adopting the Village Capital Improvement Plan, a Resolution Adopting Development Impact Fees, and a First Reading of the Updated Development Fees Ordinance.

The Development Impact Fee Update Report provides a thorough analysis of development's impact and the fees needed to support future development in the Village. The previous Development Impact Fee Schedule did not generate adequate revenue to support Village capital improvements necessitated and driven mostly by recent growth and land development activity.

The Report was revised multiple times. The Village Council appointed the Capital Improvements Advisory Committee which represented a diverse array of Village stakeholders. The CIAC was instrumental in grounding the report in a keenly lived understanding of the Village's infrastructure needs and practical knowledge of the Village's financial capacity to support future growth and development.

## **Village of Taos Ski Valley**

### **Capital Improvement Plan**

#### **Public Safety Facilities**

Fire Sub-station #2 Expand and Renovate  
Fire Rescue Truck  
Renovate and Expand Primary Fire Station #1  
Fire Hydrants Additional (see note for locations)  
Pumper Tender (Fire Dept.)

#### **Transportation Facilities**

Porcupine and Zaps Road  
Kachina Road  
Acquire Snow Storage Area/Land

#### **Parks and Public Spaces**

Multi-Purpose Trails (Amizette to Kachina)  
Hiker Parking Lot Expansion  
Kachina Wetland Park Improvements  
Public Restrooms and Recreational Structures

#### **Wastewater Facilities**

Wastewater Treatment Plant

#### **Water Facilities**

Gunsite Springs -  
(Engineer, Design, Construction, and Distribution Lines)  
Kachina Water Tank  
Kachina Distribution Lines  
Gunsite Springs Surface Water Treatment Plant -  
(Plan, Engineer, Design and Construction)

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**Development Impact Fee Schedule****Maximum Justified Development Impact Fees - per Square Foot**

<b>Land Use</b>	<b>Public Safety Facilities</b>	<b>Transportation Facilities</b>	<b>Parks and Public Spaces</b>	<b>Wastewater System Development</b>	<b>Water System Development</b>	<b>Total - per Square Foot</b>
<i><u>Residential</u></i>						
Single Family	\$ 1.50	\$ 0.67	\$ 1.36	\$ 2.83	\$ 1.28	\$ 7.64
Multifamily	\$ 3.38	\$ 1.04	\$ 3.05	\$ 6.36	\$ 2.88	\$ 16.71
<i><u>Nonresidential</u></i>						
Commercial	\$3.37	\$ 19.39	\$ -	\$ 8.21	\$ 3.72	\$ 34.69
<i><u>Accommodations</u></i>						
Hotel	\$ 6.84	\$ 2.11	\$ 6.18	\$12.88	\$ 5.84	\$ 33.84

Village of Taos Ski Valley  
Village Council  
Agenda Item

AGENDA ITEM TITLE: **Consideration to Approve Resolution No. 2022-486, A Resolution Authorizing and Approving Financial Assistance from the New Mexico State Highway and Transportation Department FY2022, NM LGRF DOT**

DATE: September 9, 2021

PRESENTED BY: Anthony Martinez, Public Works Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village Council needs to approve a Resolution for State Highway and Transportation Department funding. After passage of the attached resolution, the Highway Department will be drafting a contract for Village approval for the 2022 road project. The Village requests that NMDOT contribute \$56,252.00 with the Village to match or exceed \$18,751.00 for a total contract price of \$75,003.00, which is consistent with recent funding applications with NMDOT.

The project scope of work: drainage structures, culverts, blading, reshaping, hauling, disposal, placement, and compaction of all materials. We also plan to continue to apply base course and dust control materials throughout the Village to build up the roads due to material loss from erosion.

RECOMMENDATION: Approval of Resolution No. 2022-486, a resolution authorizing the approval for financial assistance from the New Mexico State Highway and Transportation Department

**VILLAGE OF TAOS SKI VALLEY**

**RESOLUTION NO. 2022-486**

**AUTHORIZING AND APPROVING FINANCIAL ASSISTANCE FROM THE NEW MEXICO  
STATE HIGHWAY AND TRANSPORTATION DEPARTMENT  
FY 2022, NM LOCAL GOVERNMENT ROAD Control No. L500442**

Whereas, the Village intends to undertake construction and improvements to its road system Control No. L500442 and has received a commitment for financial assistance from the New Mexico State Highway Transportation Department of 75% match which is \$56,252.00 and the Village of Taos Ski Valley has the financial resources for the 25% match which is \$18,751.00. The total project cost is \$75,003.00.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF  
TAOS SKI VALLEY:**

**Section 1.** That all action (not consistent with the provisions hereof) heretofore taken by the Village and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

**Section 2.** That the agreement to be submitted by the Village, be and the same is hereby approved and confirmed as stated in Exhibit A attached hereto and incorporated by reference herein for full construction, reconstruction, drainage improvements, pavement rehabilitation/improvements of various local streets.

**Section 3.** All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

**Section 4.** This resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of September 2021.

**THE VILLAGE OF TAOS SKI VALLEY**

By \_\_\_\_\_  
Christof Brownell, Mayor

(Seal)  
ATTEST

\_\_\_\_\_  
Ann M. Wooldridge, Clerk

Vote: For \_\_\_\_\_ Against \_\_\_\_\_

Contract No. \_\_\_\_\_  
Vendor No. 52151  
Control No. L500442

## LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT

**This Agreement** is between the **New Mexico Department of Transportation** (Department) and **Taos Ski Valley** (Public Entity), collectively referred as the “parties.” This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2, and State Transportation Commission Policy No. 44, the parties agree as follows:

### 1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Pavement Rehabilitation/Improvements, Drainage Improvements, Blading and Shaping, Miscellaneous of Various Town Roads** as described in Control No. **L500442**, and the Public Entity’s resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

### 2. Project Funding.

- a. For purpose stated above, the estimated total cost for the Project is **Seventy Five Thousand Three Dollars (\$75,003.00)** to be funded in proportional share by the parties as follows:

1. Department’s share shall be 75%: **\$56,252.00**

**Pavement Rehabilitation/Improvements, Drainage Improvements, Blading and Shaping, Miscellaneous of Various Town Roads**

2. Public Entity’s required proportional matching share shall be 25%: **\$18,751.00**

3. Total Project Cost: **\$75,003.00**

- b. The Public Entity shall pay all Project costs, which exceed the total amount of **Seventy Five Thousand Three Dollars (\$75,003.00)**.
- c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

### 3. The Department Shall:

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

- a. Receipt of a cover letter requesting funds;
- b. Receipt of a Notice of Award and Notice to Proceed;
- c. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section 2, Paragraph a2; and
- d. All required documents must include Department Project and Control Number.

**4. The Public Entity Shall:**

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) calendar days of execution of this Agreement, or as otherwise agreed to in writing by the parties.
- c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
- d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.
- e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
- h. Obtain all required written agreements or permits, when applicable, from all public and private entities.
- i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
- j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.
- k. Within thirty (30) calendar days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **Project Certification of Design, Construction, and Cost form**, which is attached as Exhibit A.
- l. Within thirty (30) calendar days of completion, furnish the Department an **AS BUILT Summary of Costs and Quantities** form, which is attached as Exhibit B. The report should



reflect the total cost of project as stated in **Project Certification of Design, Construction, and Cost** form.

- m. Failure to provide the **Project Certification of Design, Construction, and Cost** form and an **AS BUILT Summary of Costs and Quantities** report within thirty (30) calendar days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

**5. Both Parties Agree:**

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this Project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) calendar days of project completion or expiration of this Agreement, whichever occurs first.
- c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision can not be used by the Public Entity to meet a required match under any other program.
- e. The provisions of the Local Government Road Fund Project Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

**6. Term.**

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on December 31, 2022. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

**7. Termination.**

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.
- b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
- d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

**8. Third Party Beneficiary.**

It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

#### **9. Liability.**

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, and any other applicable law.

#### **10. Contractors Insurance Requirements.**

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance and endorsements listing the Department as an additional insured must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

#### **11. Scope of Agreement.**

This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents will be valid or enforceable unless included in this Agreement.

#### **12. Terms of this Agreement.**

The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

#### **13. Legal Compliance.**

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in in each contract and subcontract at all tiers.

**14. Equal Opportunity Compliance.**

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age, disability, or other protected class, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Public Entity is found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies, subject to Section 7 above.

**15. Appropriations and Authorizations.**

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

**16. Accountability of Receipts and Disbursements.**

There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) calendar days. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) calendar days of written notification.

**17. Severability.**

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement will remain in full force and effect.

**18. Applicable Law.**

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue is be proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

**19. Amendment.**

This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

**The remainder of this page is intentionally left blank.**

**In witness whereof**, each party is signing this Agreement on the date stated opposite that party's signature.

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
Cabinet Secretary or Designee

Date: \_\_\_\_\_

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: \_\_\_\_\_  
Assistant General Counsel

Date: \_\_\_\_\_

**Village of Taos Ski Valley**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

**Village Clerk**

**EXHIBIT A**  
**PROJECT CERTIFICATION OF**  
**DESIGN, CONSTRUCTION, AND COST**

TO: New Mexico Department of Transportation  
District \_\_\_\_\_ LGRF Coordinator

Cooperative Agreement No. \_\_\_\_\_ Control No. \_\_\_\_\_  
Joint Powers Agreement No. \_\_\_\_\_ Control No. \_\_\_\_\_

Entity: \_\_\_\_\_

Scope of Work (Including Routes and Termini):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, in my capacity as \_\_\_\_\_ of \_\_\_\_\_ state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Local Government Road Fund Project Handbook (Current Edition);
2. Construction of the project was performed in accordance with standards and specifications set forth in:  
\_\_\_\_\_  
and completed on \_\_\_\_\_, 20\_\_\_\_; and
3. That the total project cost of \_\_\_\_\_, with New Mexico Department of Transportation 75% share of \_\_\_\_\_ and the Public Entity share of \_\_\_\_\_ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

ENTITY: \_\_\_\_\_ No.: \_\_\_\_\_ CN: \_\_\_\_\_

PROJECT No.: \_\_\_\_\_

TERMINI: \_\_\_\_\_

SCOPE OF WORK: \_\_\_\_\_

[illegible]