



7 Firehouse Road
Post Office Box 100
Taos Ski Valley
New Mexico 87525

(575) 776-8220

E-mail: vtsv@vtsv.org
Web Site: www.vtsv.org

**PLANNING & ZONING
COMMISSION:**

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

VILLAGE ADMINISTRATOR:
John Avila

**DIRECTOR OF PLANNING &
COMMUNITY DEVELOPMENT:**
Patrick Nicholson

VILLAGE CLERK:
Ann Marie Wooldridge

PLANNING & ZONING COMMISSION REGULAR MEETING DRAFT MINUTES

Monday, February 6, 2023 1:00 P.M.

Via Zoom TeleConference

See www.vtsv.org for information to attend the meeting

TAOS SKI VALLEY, NEW MEXICO

MINUTES

I. CALL TO ORDER & ROLL CALL

Commission Chair Wittman called the meeting to order at 1:00 p.m. Commission members Wittman, Caldwell, Duffy, Klinkmann, Stagg and Woodard were present. Commission member Nichols logged in before item V. A.

II. APPROVAL OF THE AGENDA

MOTION: to approve the agenda as written

MOTION: Commissioner Stagg **SECOND:** Commissioner Duffy

PASSED: 6-0

**III. APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2022 P&Z
COMMISSION MEETING**

MOTION: to approve the minutes as presented

MOTION: Commissioner Stagg **SECOND:** Commissioner Duffy

PASSED: 6-0

IV. OLD BUSINESS

No items of old business

Note: Commission Member Nichols logged in at 1:06 p.m.

V. NEW BUSINESS

A. Consideration to Approve Resolution 2023-526 Concerning Planning Commission Meetings and Notice Required.

Village Clerk Ann Wooldridge advised the Commission that this Resolution is a routine matter providing for the conduct and procedures of Commission meetings.

MOTION: to approve Resolution 2023-526

MOTION: Commissioner Stagg **SECOND:** Commissioner Duffy

PASSED: 7-0

B. PUBLIC HEARING: Consideration to Approve a Conditional Use Permit at 112 Sutton Place for the Reconstruction of the Hotel Saint Bernard by Taos Ski Valley, Inc.

Chair Wittman announced the procedures for the public hearing.

Staff Report: Planning Director Nicholson introduced the agenda item and described the application process. He stated that the application was deemed complete in November 2022 but the hearing of the application was deferred from the December 5, 2022 Commission meeting at the request of the Applicant. Mr. Nicholson stated that the proposed project would consist of three buildings including a luxury hotel with two fine dining restaurants at the south end of Sutton Place. The location is within the Village Core zone. The plans as submitted comply with Village design guidelines. Mr. Nicholson called the Commission's attention to the requirements of Ordinance No. 22-030 for approval of a conditional use permit (CUP). Mr. Nicholson stated that the project as presented complies with most but not all of the relevant guidelines, and therefore the Planning Department recommends approval of the CUP with the conditions set out in the Staff Report, reflecting (1) presently inadequate Village water supply to support the completed project; (2) development impact fees to be imposed for the project, the exact figure yet to be determined, including any request for credits; (3) off-site parking as originally proposed has been revised to provide that 44 of the required spaces will be provided on an expanded site with a lot line adjustment to provide the necessary area; (4) Applicant needs to address pedestrian safety issues on Sutton Place; (5) avalanche safety measures for which Applicant has provided a study, but still needs to provide a structural analysis of anticipated forces in the event of an avalanche; (6) drainage plan and stormwater pollution prevention plan yet to be provided; (7) Village costs for any outside expert review will be paid by the Applicant; (8) the Village's Public Works Director advises that at present there is adequate wastewater treatment capacity to support the proposed project; (9) preliminary plans as presented comply with roof height requirements, but this will be re-evaluated when final detailed plans are received; and (10) the newly revised site plan places a parking lot adjacent to a U.S. Corps of Engineers designated wetland, presenting a possible need for a Section 404 permit from the Corps of Engineers. Staff recommends approval with the following conditions as reflected in the Staff Report: (1) revised streetscape and roadway improvements to address pedestrian safety on Sutton Place, with all improvements to be completed before issuance of a certificate of occupancy; (2) condition removed and to be addressed later; (3) condition removed and to be addressed later; (4) lot line adjustment to be completed before issuance of a certificate of compatibility; (5) avalanche hazard engineering analysis by a New Mexico certified engineer; (6) condition regarding off-site parking changed to require a showing that no Section 404 permit is required, or alternatively providing such a permit; (7) snow roof retention system to be independently evaluated by the Village; (8) any substantive changes to be approved by the Commission, and other changes by the Planning Director; (9) conditional use permit will expire 2 years from date of issue if no building permit has been issued.

Commissioner Klinkmann requested that Commissioner Stagg recuse himself from this matter because he is employed by the Applicant.

Applicant's Presentation: Carl Pearson, Associate Principal of Hart Howerton, introduced the Applicant's visual (slide) presentation.

Peter Talty of TSVI described the application process to date, since the application was originally submitted on August 1, 2022. He described the Applicant's efforts to move forward while retaining elements of the character and history of Taos Ski Valley. He stated that the intent was to recreate to a significant extent the experience of the former Hotel Saint Bernard (HSB). This application does not request a variance or change of use. He introduced the project team that has been working on the HSB project.

Carl Pearson described project core goals to (1) create improvements to elevate the ski experience; (2) revitalize and improve the HSB while maintaining its spirit and character; (3) provide public amenities to draw skiers and year-round visitors; (4) elevate Village dining, nightlife and wellness experience; (5) improve the guest experience; and (6) add value, energy and activity to the Village with increased accommodation. He discussed the project's integration into the revitalization of the Village core and its relation to future anticipated projects. He described the planned increase from 28 residential (hotel) units in the old HSB to 53 residential units in the three structures of the new project. He described the landscaping and planting plans for the HSB project. He described the planned vehicle and pedestrian circulation plans, and the use of valet parking for hotel guests. He described the HSB's integration into the foot of the ski slope for access between the hotel and the slopes. He described the general scope of snowmelt plans covering many outdoor areas. Mr. Pearson stated that the new HSB would provide increased public areas, both interior and exterior, as well as re-creating key elements of the old HSB such as the original dining room and bar. He described the intent to use the Allée Mayer between the HSB and Snakedance for additional pedestrian access, protected by bollards that can be removed in the event emergency access by vehicles is necessary. He described the parking design with 65 valet parking spaces (including three handicapped spaces) on the lower level of the HSB and an additional 44 spaces for staff and overflow valet parking. The exterior parking conforms to the necessary setback from the nearby wetland area. With the removal of Mogul Medical from the area the Applicant anticipates opening up the passageway for vehicles along the extension of Sutton Drive onto the property, improving traffic and pedestrian safety. The intent is for the new HSB buildings to fit within the viewscape and be consistent in scale with existing structures in the Village Core zone. Mr. Pearson presented examples from other locations of materials and approaches that will be used to create the feeling of an alpine ski resort. The building height is consistent with restrictions in the Village's zoning ordinance. The roof design is intended to hold most snow on the roof and prevent it sliding off onto public areas.

Omeed Mollaian of Vertex Engineering described engineering enhancements for routing of pedestrians and traffic, the plans for utilities to be routed into and within the HSB site, and drainage plans including (a) drainage from the roof and hard surfaces on the site, routed into a regional detention pond, and (b) routing of water to both east and west of the site from "soft" areas without hard surfaces.

Carl Pearson and Peter Talty concluded the Applicant's presentation by reiterating that the intent is to honor the history of the Village while adding a hospitality component to make it attractive for year-round activities.

Chair Wittman inquired about how staff would access HSB from the parking area at the foot of Strawberry Hill. Mr. Pearson indicated that staff would probably go back and forth in the area adjacent to the Gondolita next to the new Chateau Mayer, or they might be brought by shuttle service.

Commissioner Caldwell inquired about access to the area of Lift 1. Mr. Pearson described the intent to create a new path from the Gondolita area up a stairway next to extended Sutton Place to reduce the potential conflict between pedestrians and vehicles.

Public questions: From Bob G: How will trucks make deliveries to the HSB and how will they turn around? Mr. Pearson answered that trucks would be limited to a length of 22 feet, and that they had done tests to ensure that they could turn around and also enter the building to the interior loading area.

From Mary Tingerthal, an owner at Snakedance Condominiums: How will the Applicant address the difficult intersection of Sutton Place and the private entrance road near Snakedance and the Gondolita? Mr. Talty stated that Applicant was reducing the present grade, as well as removing the perpendicular parking presently in front of Mogul Medical to widen the effective roadway, and that snowmelt will be directed to a French drain. Applicant also anticipates that during most times there will be less traffic than at present because of the valet parking.

From Kent Forte: Can applicant address the present ski-in, ski-out arrangements? Mr. Talty stated that Applicant was not happy with the proposed parking area at the foot of Strawberry Hill, which was required by the Village. Mr. Pearson stated that skier access to Edelweiss and the Gondolita Plaza would be retained, but perhaps modified.

From Trudy DiLeo: Can fire engines get down the Allée Mayer? Mr. Pearson stated that they could, as could other emergency vehicles, with the removal of the bollards to allow that access.

PUBLIC HEARING:

Peter Talty spoke in favor of the project and stated that it would be beneficial for the Village.

Carl Pearson spoke in favor and emphasized that the Applicant was trying to achieve a balance between the need for new facilities while honoring the previous circumstances of the Village and the residents and honored citizens of the past.

Eduardo Sampere spoke in favor of the project. He said that he saw a real effort to honor the old HSB and the special place that it was for him, his family and others.

Lawrence Peterson, Construction Manager for Bradbury Stamm Construction, spoke in favor of the project. He stated that his company was enthusiastic about the project, which will employ hundreds of tradesmen, and his that they will use local workers and businesses during the construction process.

Anthony Rodman spoke in favor of the project. He said that it was essential to move forward with well-conceived projects like this to bring new life into the Village.

David Norden of TSVI spoke in favor of the project. He believes that the project preserves the heritage of the old HSB and helps to preserve the essence of the sport of skiing. He requested that the parking condition be removed to preserve the sledding hill and for aesthetic reasons, and stated that there was no need for it because of other available parking areas.

Chaz Rocky of TSVI spoke in favor of the project. The plans are well developed and reflect well on the

history of HSB. He also feels the added parking is not necessary.

Monique Mayer Jacobson spoke in favor of the project. She agrees with her late father that HSB and the ski mountain are inextricably linked in the history of Taos Ski Valley.

Bob Coroon spoke in favor of the project. He believes the project is important because right now there is a lack of night life and dining, and also for the tax revenues that will be produced.

Jay Lazarus, Glorieta Geoscience, spoke in favor of the project. There is plenty of water supply available; the problem is a faulty distribution system. The wetlands are not an issue because of prior approval of their delineation by the Corps of Engineers, and they have an approving letter from the Corps of Engineers. There not be any dredged or fill materials into a wetland.

Joseph Canepa, Canepa & Vidal P.A., spoke in favor of the project. He has skied on the mountain for almost 45 years and is pleased to see the way that the history and nature of the old HSB is being honored.

Andrea Heckman spoke in favor of the project. She was on Jean Mayer's staff for 44 years, and she agrees that the HSB is extremely important to the ski area. She agrees that no additional parking is needed and stated that deliveries are downloaded from larger trucks onto smaller ones that can be accommodated, and other issues can be resolved. The important thing is to get on with the project.

No one spoke against the project.

MOTION: To approve the CUP with further examination of the parking issue and that it be further addressed at a future time with the hope that the extra parking can be eliminated.

MOTION by Commissioner Nichols; **SECOND** by Commissioner Caldwell.

DISCUSSION:

Mr. Nicholson stated that the Planning Department also is not very happy about the parking solution proposed by the Applicant. The Village is aware that the water issue is a distribution issue. Corps of Engineers condition is because of the late submittal and lack of documentation from the Applicant. Commissioner Duffy stated that he thought the project was well done and well presented and he would support it. Commissioner Klinkmann inquired what would be necessary to resolve the issues with availability of water. Mr. Nicholson said that a great deal of work was needed to resolve problems with leaking pipes in the distribution system, which could take one to three years. Commissioner Klinkmann asked whether there was a traffic study done on the anticipated traffic increase due to the project. Mr. Nicholson stated that no such study was done. Commissioner Caldwell requested clarification whether the motion included elimination of all of the Planning Director's proposed conditions for approval. Commissioner Nichols said that she would like to eliminate the condition related to water supply. Mr. Nicholson inquired how the need for parking would be met if the additional parking area proposed by the Applicant was eliminated. Mr. Talty stated that the original parking plan as submitted in August 2022 included different provisions for designation of parking in other areas, similar to other businesses in the Village.

Mary Tingerthal stated that she generally supports the project but that now is the time to look at details and her primary concern is related to streetscape design and traffic management, and provisions for that are insufficient. There must be removable bollards on both ends of the Allée Mayer to avoid traffic entering and needing to back out. More time is needed for study. Trudy DiLeo stated that she agrees with everything Mr. Nicholson has said about a cautious approach to the project. She inquired why the public safety commission was no longer involved to make recommendations. Mr. Nicholson stated that it was a matter of timing and trying to accommodate the Applicant. Ms. DiLeo

asked whether there was enough water to start the building process. Mr. Nicholson stated that there appeared to be enough water for construction. Jay Lazarus added the water conditions if put in place would amount to a de facto moratorium on further building. Commissioner Caldwell observed that the water issue is a long-standing problem the significance of which has only become obvious recently. There is no lack of water; it just needs to be delivered to the appropriate places. He believes the problem can be resolved. He favors removing the conditions related to water supply and development fees—as proposed by Mr. Nicholson.

Commissioner Woodward stated that he would be inclined to approve the CUP without any conditions. Eduardo Sampere observed that there is more than one parking person per guest room, which appears to him to be more than sufficient.

Mr. Pearson clarified that there will be bollards on both ends of Allée Mayer. The civil engineers have used standard engineering programs to ensure that there will be an adequate turning radius for trucks. Mr. Lazarus added that water use during the construction period would be primarily during the off-season. Mr. Talty stated that the various landowners ought to be able to work out the parking and traffic issues by all sitting down together, and the Applicant was willing to do that, but it should not be a permit condition. TSVI is working with the Village to resolve the water supply issues, and is seeking \$5,000,000 funding from the State to help fund the necessary work. The contingencies proposed by the Village are a serious problem for the Applicant and could affect the construction schedule.

MOTION TO AMEND: Commissioner Nichols, to amend her motion to remove all conditions.

Commissioner Woodward stated that he would second the motion to amend. The amendment proposed by Commissioner Nichols did not get approval from the Second of the original motion.

MOTION WITHDRAWN: Commissioner Nichols was permitted to withdraw her original motion.

MOTION: To approve the conditional use plan without conditions.

MOTION by Commissioner Woodward; **SECOND** by Commissioner Duffy.

DISCUSSION:

Mr. Canepa requested that his Objections and Responses filed with the Commission on February 1, 2023 be entered as a part of the record. Permit from the Army Corps of Engineers is not necessary.

Francie Parker stated that she was very disappointed in the proposal to summarily dismiss the recommendations of the staff. She believes Commissioner Caldwell is attempting to protect the Village with regard to the issues relating to availability of water. Water is a primary concern of many Village residents. The infrastructure problems should be addressed before an additional burden is added to the system. Ms. Tingerthal suggests that if the motion is adopted the Commission should at least go on record as proposing that the parties try to get together to resolve their differences.

Public Safety Officer Virgil Vigil stated that he was concerned about traffic safety due to the expected increase in pedestrians.

Commissioner Caldwell inquired whether issuance of a permit with no conditions amounted a “will serve” letter to the Applicant. The Chair advised that under those circumstances water was no longer an issue in the application.

Village Counsel Appel stated that in his view the Village has a general obligation to provide water to users within the Village, including this project and other potential projects. Mr. Nicholson recommended withdrawing the water availability question as a condition for this CUP.

Mr. Appel stated that the Village could potentially be held liable for damages if water was not supplied when it should have been available.

Village Administrator John Avila stated that he does have concerns about the traffic and safety issues.

Commissioner Klinkmann stated that she strongly agrees that safety concerns are a problem that needs to be addressed, and should be a part of the CUP process. Commissioner Woodward stated that he believes any traffic problems that may arise with this project can be addressed by TSVI. Mr. Talty pledged that TSVI was willing to sit down with other nearby property owners to address any potential problems and describe TSVI's proposed solutions. He also stated that the Applicant was willing to wait until the end of the project (certificate of occupancy stage) to address availability of adequate water. He believes the problem will be resolved in three years.

Jalmar Bowden, Village Building Inspector, asked about the status of proposed conditions and whether they would arise in later stages. Mr. Pearson summarized the proceedings of the meeting to this point. Francie Parker inquired whether a certificate of occupancy could be denied on the basis that there is an inadequate water supply to serve the new structure. Chair Wittman stated that a CO could be held back under those circumstances.

VOTE: A vote was initiated and the voice vote was unclear.

ROLL CALL VOTE:

Commission Caldwell:	Nay
Commissioner Duffy:	Aye
Commissioner Klinkmann:	Nay
Commissioner Stagg:	Aye
Commission Chair Wittman:	Nay
Commissioner Woodward:	Aye
Commissioner Nichols:	Aye

NOTE: Commissioner Nichols was contacted by telephone because her Zoom connection had been unexpectedly disconnected. Her vote was audibly made and recorded.

PASSED by a vote of 4-3

VI. MISCELLANEOUS: There were no items under Miscellaneous.

VII. ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT MEETING

Clerk Wooldridge announced that the next regular meeting will be March 6, 2023, at 1:00 p.m.

VIII. ADJOURNMENT

MOTION: To adjourn

MOTION: Commissioner Woodward **SECOND:** Commissioner Duffy **PASSED:** 7-0

Chair Wittman declared the meeting adjourned.