



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE AND SPA
TAOS SKI VALLEY, NEW MEXICO

THURSDAY, MARCH 14, 2013 1:00 P.M.

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2 **I. CALL TO ORDER & ROLL CALL**

3 Commission Chair Tom Wittman called the meeting to order. A quorum was established with
4 Commission members Elisabeth Brownell, Richard Duffy, Steve Ruppert, Chris Stagg and Tom
5 Wittman present. Mary Mortimer and Susan Nichols were absent. Staff members Mark Fratrack,
6 Don Schieber, Ann Wooldridge, and John Miller were in attendance, as well as attorney Dennis
7 Romero.

8 **II. APPROVAL OF THE AGENDA**

9 Tom Wittman asked that item V.B. be moved ahead of item V.A.

10 **MOTION:** To approve the agenda as amended.

11 **Motion: Chris Stagg Second: Steve Ruppert Passed: 5-0.**

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13 **III. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2012 MEETING**

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

15 **Motion: Steve Ruppert Second: Richard Duffy Passed: 5-0.**

16 **IV. OLD BUSINESS**

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18 **V. NEW BUSINESS**

19 **B. Discussion - Parcel 'D' CVZ/ O.E. Pattison Block H, Lots 2 and 3/ Rio Hondo Holdings, Santander**
20 **Holdings Wetlands Mitigation Plan**

21 Don Schieber explained that there are .08 acre of wetlands, including .03 acre of fen, located on
22 Parcel "D" in the Core Village. The proposed Parcel "D" is the combined Thunderbird Chalet site and
23 the site adjacent where the Pizza Shack stands. The owners of these properties propose to transfer
24 the wetlands to the Kachina Subdivision Block 3, Lot 7, which they own, and which borders an existing
25 wetland area. The size of the mitigated wetlands would increase to .12 acres, including .04 acre of
26 fen and .08 acre of non-fen wetland, plus .34 acre of buffer and conservation easement. Both the
27 impacted and the mitigation sites are located within the Lake Fork Watershed, a tributary of the Rio
28 Hondo. This relocation and mitigation of the wetlands is required by the Army Corps of Engineers
29 prior to development, and is in preparation for starting the construction of buildings within Parcel "D."
30 Rio Hondo Holdings and Santander Holdings (RHH & SH), representing the owners, will be bringing
31 a Memorandum of Understanding (MOU) to the Village Council, proposing a transfer of ownership
32 of the .46 acre mitigation site to the Village, upon completion of the wetland mitigation and monitoring
33 for five years by RHH and SH. With the MOU, the Village agrees to perpetually preserve, protect, and
34 maintain this wetland mitigation site as open space with appropriate conservation easement-type
35 restrictions on its use. Passive recreational use would be allowed, including the placement of picnic

1 tables. A lot-split for Lot 7 would occur, with Lot 7B being deeded to the Village. One-third of the lot
2 would be comprised of the wetlands area, the rest would be trees and riparian area.

3 Discussion took place on various items associated with this transfer. Paul Drakos, a hydrologist with
4 Glorietta Geoscience, explained that a small diversion point would be created to insure that the water
5 from a stream that flows through the site would be diverted and returned thereto, and flow into the
6 wetlands adjacent to the site. The main source of water is shallow ground water, with a diversion
7 structure to be placed in order to allow the water to flow to the wetlands. Village water rights will not
8 be affected. There would be no real future costs to the Village, besides keeping the water channeled,
9 occasionally monitoring for invasive species and weeding if necessary, and clearing the area if a
10 natural disaster occurred, such as an avalanche or a fire. Reporting to the Army Corps of Engineers
11 would not be necessary after the initial five years. The pedestrian path and crossing easement from
12 Kachina Road to the Williams Lake Trail across the wetlands area would be preserved and improved.
13 Peter Talty and Joe Canepa, representing the developers, said that they would like to move the soils
14 this summer. Signing the MOU does not in any way obligate P&Z or Council to approve future
15 development on Parcel "D."

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17 **MOTION:** To Recommend to Village Council that they approve the Memorandum of Understanding
18 between the Village of Taos Ski Valley and RHH & SH

19 **Motion: Chris Stagg Second: Richard Duffy Passed: 5-0**

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21 **A. Discussion - Draft Snow Removal Policy, and Proposed Revisions to Zoning Ordinance**

22 Don Schieber presented the draft "Snow Removal - Guidelines and Responsibilities" along with the
23 draft language for changes to Zoning Ordinance #13-30 under Section 7. Item 4. "Snow Safety."
24 Staff has found that it would be advantageous to consolidate the snow removal language in the
25 ordinance in order to create a more cohesive and effective policy. The Guidelines would be a
26 corresponding document to the ordinance, laying out in plain language what the Village procedures
27 are in regards to snow removal and what is expected of property owners and snow removal
28 contractors.

29 Miller explained that the starting point was to identify the stakeholders and determine each one's
30 responsibility. The priorities for the community need to be set. The fact that snow removal is a
31 public safety issue needs to be stressed. The policy clarifies that berms created by the Village
32 Public Works Department staff as they plow the Village roads, belong to the property owner where
33 the berm lies. Snow on the half of the road in front of a property belongs to that property. The
34 Public Works Staff is very considerate, however, berms will occur. As far as snow from individual
35 driveways, property owners are encouraged to keep that snow on their own property. The property
36 owner may deposit snow into a Village snow storage area, but in no case should the snow be
37 deposited onto Village roads. Private property to private property sharing of snow storage must be
38 arranged between the owners. The Village Code Enforcement will not be able to enforce
39 infractions between property owners. Some property owners have allowed the Village to place
40 snow on one part of their property and in exchange, snow would not be left on another part of the
41 property.

42 The policies presented are not new, just consolidated for ease of use. The one difference with
43 previous policy is that an owner adjacent to a sidewalk will now be required to clean the snow off in
44 a timely fashion. In the future, registration with the Village may be required of all snow removal
45 contractors. The question arose as to how this policy would be enforced with property owners.

46 Stagg pointed out the necessity of clarifying the private to private landowner rules, and also how
47 this policy would be enforced concerning jurisdiction over State Road 150. The Guidelines would
48 need to align with the finalized ordinance language. Dennis Romero said that the penalty section
49 may need to be revised, and he will look into that revision along with a few other items needing
50 clarification. The Commission agreed that this is basically a good policy, and that review of the next
51 version of the draft will take place at the next P&Z meeting.

52 **VI. MISCELLANEOUS**

53 **A.** Wittman asked that all Commissioners speak with him of their intention to remain, or change
54 their terms, on the P&Z Commission.

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VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: No meeting will take place in April, unless something arises needing P&Z consideration. The next meeting is scheduled for May 6, 2013 at 1:00 p.m. at the Edelweiss Lodge & Spa Conference Room. (**Note:** this meeting was later cancelled. The next meeting was scheduled for June 3, 2013.)

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VIII. ADJOURNMENT
MOTION: To adjourn.
Motion: Chris Stagg Second: Steve Ruppert Passed: 5-0

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Tom Wittman, Chairperson