



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE AND SPA
TAOS SKI VALLEY, NEW MEXICO

MONDAY, JUNE 3, 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 Richard Duffy, Mary Mortimer, Steve Ruppert, and Tom Wittman present.
5 Commissioners Elisabeth Brownell, Susan Nichols, and Chris Stagg were absent. Staff members
6 Mark Fratrack, Don Schieber, Ann Wooldridge, and John Miller were in attendance, as well as
7 attorney Dennis Romero, and building inspector Rich Willson.

8 **II. APPROVAL OF THE AGENDA**

9 Tom Wittman asked that items A. Overview of Commissioners' Training, and B. Introduction to the
10 Infrastructure Capital Improvements Plan, be added to the agenda under Miscellaneous.

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

12 **Motion:** Mary Mortimer **Second:** Richard Duffy **Passed:** 4-0.

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14 **III. APPROVAL OF THE MINUTES OF THE MARCH 14, 2012 MEETING**

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

16 **Motion:** Mary Mortimer **Second:** Steve Ruppert **Passed:** 4-0.

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17 **IV. NEW BUSINESS**

18 **A. PUBLIC HEARING:** Application for Conditional Use for Modular Construction in the Residential
19 Zone, Kachina Subdivision Block 1, Lot 16, Richard Yates.

20 Don Schieber explained that Mr. Yates has designed a proposed residence using modular
21 construction. According to Zoning Ordinance #13-30, a modular or manufactured home is a
22 conditional use in the Residential zone. According to Rich Willson, modular units are constructed in
23 warehouses and must meet all building codes. They are inspected separately, then shipped to the
24 building site. The building contractor on-site constructs the residence using the modules, and all
25 building codes must be met and all of the usual inspections are made to obtain a certificate of
26 occupancy. Mr. Yates explained that the modular construction allows for a reduction in overall
27 construction time, as well as a reduction in construction traffic and construction noise. Yates made
28 a presentation showing how the modules are assembled using panelized construction. For this
29 residence there will be one module placed on a base, then two more modules placed side-by-side
30 above the first. The roof will be built on-site and is being specially designed for the snow load, using
31 layers of blown-in foam and extruded polystyrene. Rich Willson said that the roof is well-insulated and
32 well-designed. The entire residence will be 2,566 square feet and will stand 32 feet high, including
33 the "parapet" style design elements.

34 **PUBLIC HEARING:** Commission Chair Tom Wittman opened the Public Hearing. Each person was
35 sworn in before speaking. Richard Yates spoke in favor of the project, saying that he hopes that the
36 residence will be of note as far as the architectural style is concerned. Aaron Bohrer, an architect of
37 the project, also spoke in favor, saying that the building will be well-suited for the high altitude of Taos

1 Ski Valley. Roger Pattison also spoke in favor, noting that he is pleased to see the positive side of
2 modular construction. Wendy Stagg, also speaking in favor, said that this type of roof design may
3 set a good example for other buildings in the ski valley. No one spoke against the project. The Public
4 Hearing was closed.

5 **MOTION:** Move to approve the Application for Conditional Use for Modular Construction in the
6 Residential Zone, Kachina Subdivision Block 1, Lot 16, by Richard Yates.

7 **Motion: Steve Ruppert Second: Richard Duffy**

8 Discussion took place, especially concerning the declaration of covenants that are in place on
9 Kachina Subdivision Block 1 properties. Dennis Romero explained that standing case law holds that
10 covenants cannot be addressed by a Planning and Zoning Commission. The Commission cannot
11 implement covenants, nor can they uphold them. The Commission must act upon Village codes and
12 ordinances, which may be different than the covenants. The covenants, attached to the warranty
13 deeds of all lots in Block 1, were created in 1982, well before the Village was incorporated. If the
14 covenants were not adhered to, a person wishing to have the covenants upheld would need to file a
15 case in District Court, said Romero. Roger Pattison noted that in his opinion, another property owner
16 in Block 1 would have the greatest ability to have the covenants upheld. He said that the Pattison
17 Trust no longer owns any property in Block 1.

18 The question was called, and the vote was held. **Motion Passed: 4-0**

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20 **B. Discussion: Review reference for Hearing Officer in Zoning Ordinance #13-30.**

21 Consideration had being given, a few years ago, to the Village using a Hearing Officer to make
22 determinations on requests for Variances, Conditional Use Permits, Zoning changes, and Appeals.
23 In current practice, these requests are heard before the Village Planning and Zoning Commission.
24 Staff will revise the language referencing the use of a Hearing Officer in the Zoning Ordinance #13-30
25 to coincide with actual practice. A red-lined copy of the revisions will be brought to the next meeting
26 for discussion.

27 **V. OLD BUSINESS**

28 **A. Consideration to recommend approval of revisions to Zoning Ordinance #13-30 to include Snow
29 Removal Requirements.**

30 A new draft version of snow removal requirements were discussed. The regulations will be part of
31 Zoning Ordinance #13-30, and a policy will be developed based on these regulations and distributed
32 to property owners, businesses, and snow removal contractors. The reason for the new regulations
33 is to clearly define the responsibilities of property owners, snow plowing contractors, and the Village
34 Public Works and Public Safety Departments in relation to snow removal practices.

35 **MOTION:** Move to recommend approval by Council of proposed revisions to *Section 7.4 Snow
36 Safety*, of Zoning Ordinance #13-30.

37 **Motion: Mary Mortimer Second: Richard Duffy Passed: 4-0**

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39 **VI. MISCELLANEOUS**

40 **A. Overview of Commissioners' Training:** Wittman summarized the Zoning Commissioner training
41 class that some Commissioners and some Village Staff members attended in early May in
42 Albuquerque. The training was very worthwhile, according to Wittman, and he encouraged all of the
43 Commissioners to attend a future class. Randy Van Vleck, attorney for the New Mexico Municipal
44 League, presented much of the training, and he explained that the Commission meeting procedures
45 are quasi-judicial in nature. The Commission makes a determination based on the evidence
46 presented, much like a judge in a court of law. A training session for the Commissioners who were
47 unable to attend the class in Albuquerque will take place at an upcoming P&Z meeting.

48 **B. Introduction to the Infrastructure Capital Improvements Plan (ICIP):** Staff distributed the previous
49 year's list of projects in order to begin discussions on this year's plan. Each year the Village submits
50 an ICIP to the State of New Mexico Department of Finance and Administration. The ICIPs are
51 presented to the Legislature for possible Capital Outlay awards. Staff will draft an updated list to be
52 reviewed at the next P&Z meeting.

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VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting is scheduled for July 1, 2013 at 1:00 p.m. at the Edelweiss Lodge & Spa Conference Room.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Mary Mortimer

Second: Richard Duffy

Passed: 4-0

Tom Wittman, Chairperson