



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE AND SPA
TAOS SKI VALLEY, NEW MEXICO

MONDAY, AUGUST 5, 2013 1:00 P.M.

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I. CALL TO ORDER & ROLL CALL

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

II. APPROVAL OF THE AGENDA

Tom Wittman asked to change item IV. New Business A. From "Discussion" to "Recommend Approval" of Infrastructure Capital Improvements Plan (ICIP) 2015-2019. Wittman also asked to add Review of NMML Planning Commissioners' Training to item VI. Miscellaneous.

MOTION: To approve the agenda as amended.

Motion: Mary Mortimer **Second:** Susan Nichols **Passed:** 6-0.

III. APPROVAL OF THE MINUTES OF THE JUNE 3, 2013 and the JULY 1, 2013 MEETINGS

MOTION: To approve both minutes as presented.

Motion: Chris Stagg **Second:** Richard Duffy **Passed:** 6-0.

IV. NEW BUSINESS

A. Discussion - Draft Infrastructure Capital Improvements Plan (ICIP) 2015 - 2019

Discussion was held on the draft 2015-2019 ICIP. Building an updated wastewater treatment plant and obtaining the necessary land is the top priority. Dennis Romero has approached Tom Udall regarding the Village's need for the land. No changes were made to the ICIP list.

MOTION: To recommend approval by the Council of the Infrastructure Capital Improvements Plan (ICIP) 2015 - 2019.

Motion: Chris Stagg **Second:** Richard Duffy **Passed:** 6-0.

B. Discussion - coordinating calculation of impact fees, water and sewer system development fees, and building permit fees in multi-use buildings

Don Schieber explained that this matter has come up in regards to a proposed new building in the Village that will provide a lot of parking spaces. In practice, impact fees are not charged for parking that is accessory to a home or condominium, but in this case it may be necessary to charge the fees. If, in the future, the parking spaces became accessory to some residential units, the impact fees could be credited back to the developer. The Commission was in agreement. Impact fees collected are used to provide infrastructure and services that are necessary for people using any building.

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V. OLD BUSINESS

A. Discussion - Revised Draft of Snow Removal Requirements added to Section 7.4 Snow Safety of Ordinance #13-30.

John Miller presented the latest revisions to Ordinance 13-30 Section 7.4 concerning Snow Safety. The intent of adding this section is to insure that the Village sets the framework for the requirements of property owners concerning snow removal. There was discussion of what the Village may require of snow removal contractors. More revision will be made and will be brought to the next P&Z meeting.

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

A draft of Section 25 of Ordinance 13-30 was presented for review. Changes had been made in the language referring to the use of a Hearing Officer for hearing variance or conditional use applications. Since in practice a Hearing Officer is not used, the language in the ordinance was corrected to reflect the actual process. The Commissioners were all in agreement to recommend approval of the new language.

VI. MISCELLANEOUS

A. Tom Wittman summarized the Zoning Officials' Training that was given by the New Mexico Municipal League's League of Zoning Officials. He recommended that other Commissioners attend the training, which is given bi-annually. One of the most important points of the training is that public hearings of the P&Z Commission are "quasi-judicial" in nature. Applicants must be given due process, and speakers at the hearing must be sworn in. Speakers may be cross-examined by the Commission, which is why testimony cannot be accepted in the form of a letter. If a person attends the hearing who represents several people, they should be allowed to speak, because that representative can be cross-examined. Decisions made by the Planning & Zoning Commission should be based on evidence presented at the hearing, much like in a court of law. Also, Commissioners should be careful to not conduct "ex parte" conversations, where information is gathered apart from the evidence which is presented at the hearing.

B. Wittman is concerned about attendance of the Commissioners at the monthly P&Z meetings. He noted that three Commissioners have missed half of the last eight meetings. According to Wittman, if a Commissioner misses two consecutive meetings, the Mayor can write them a letter asking them to step down as Commissioner. Wittman asked that from now on, any Commissioner who is unable to attend a meeting contact him directly, instead of communicating via the Village Staff.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting is scheduled for September 30, 2013 at 1:00 p.m. at the Edelweiss Lodge & Spa Conference Room.

VIII. ADJOURNMENT

MOTION: To adjourn..

Motion: Chris Stagg Second: Mary Mortimer Passed: 6-0.

Tom Wittman, Chairperson