



AGENDA
June 10, 2014
Regular Meeting

Town Council Chambers - 120 Civic Plaza Drive
6:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DANIEL R. BARRONE

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. MOMENT OF SILENCE

5. APPROVAL OF AGENDA

6. APPROVAL OF MINUTES

A. May 13, 2014 Regular Meeting Minutes

B. May 21, 2014 Special Meeting Minutes

7. AWARDS AND RECOGNITIONS

A. Recognition of Science Fair Finalists

Mayor Barrone will present certificates of recognition to Taos Schools and Taos Charter Schools Science Fair finalists for 2013-2014 School Year.

8. PRESENTATIONS

A. Taos County Restorative Justice

Rose Gordon will give a presentation on services provided by the Taos County Restorative Justice.

B. Taos 4th of July Fireworks Event Plan

A presentation by Chief Leroy Gonzales, Town of Taos Fire Department, Chief Jim Fambro, Taos Volunteer Fire Department, and Jan Gordon,

Stray Hearts Animal Shelter.

C. Renaming of Kit Carson Park

A presentation with discussion, consideration and possible action or direction by the Council.

Chris Peiper will do a presentation on consideration of the renaming of Kit Carson Park.

9. CITIZENS FORUM - Citizens wishing to speak shall have the opportunity to do so for 5 minutes. No action may be taken

10. PUBLIC HEARINGS

A. Ordinance 14-09 Amending the Zoning Map

Consideration and possible approval of Ordinance 14-09 to change the zoning on approximately 8.789 acres located at 1127 Paseo del Pueblo Sur from C-1 "Neighborhood Commercial" to C-2 "General Commercial" within the Town of Taos.

B. Resolution 14-25 Restricting Sale and Use of Certain Fireworks

Consideration and possible approval of Resolution 14-25 of the Town of Taos Council restricting the sale and use of certain fireworks within Town limits, consistent with NMSA 1978 60-2c-8.1.

11. TOWN MANAGER'S REPORT

12. MATTERS FROM THE MAYOR AND COUNCIL

A. Resolution 14-26 Open Meetings Resolution Amendment

Consideration and possible approval of Resolution 14-26 which amends Resolution 14-01 - Open Meetings Resolution.

B. Mayor's Update

C. Council Reports

13. ADJOURNMENT

- *To request details on an agenda item please contact the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005.*
- *If you are an individual with a disability who is in need of aid or service to attend and/or participate in a meeting of the Town of Taos Council, please contact the office of the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005 at least 24 hours in advance.*
- *For copies of this agenda please pick-up at Town Hall. You may also view the agenda and the agenda packet at <http://public.taosgov.com/>.*



June 10, 2014

Title:

May 13, 2014 Regular Meeting Minutes

Summary:

Background:

Attachments:

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**MINUTES
May 13, 2014
Regular Meeting**

**Town Council Chambers - 120 Civic Plaza Drive
6:30 PM**

1. CALL TO ORDER BY THE HONORABLE MAYOR DANIEL R. BARRONE

**The Regular Meeting of the Taos Town Council was called to order by
the Honorable Mayor Daniel R. Barrone at 6:33 p.m.**

2. ROLL CALL

**Ms. Renee Lucero, Town Clerk, called roll and a quorum was
present.**

Those present were:

Mayor, Daniel R. Barrone
Mayor Pro Tem, Frederick A. Peralta
Councilmember, Andrew T. Gonzales
Councilmember, George "Fritz" Hahn
Councilmember, Judith Y. Cantu
Youth Councilmember, Michael Landgraf

Also present were:

Town Manager, Richard Bellis
Town Attorney, Jacob Caldwell
Town Clerk, Renee Lucero

3. PLEDGE OF ALLEGIANCE

Chief Weaver led the audience in the Pledge of Allegiance.

4. MOMENT OF SILENCE

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5. APPROVAL OF AGENDA

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

6. APPROVAL OF MINUTES

A. April 8, 2014 Regular Meeting Minutes

Item Result: Approved

Councilmember Hahn made a motion to approve. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

B. April 22, 2014 Special Meeting Minutes

Item Result: Approved

Councilmember Gonzales made a motion to approve. Councilmember Hahn seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

C. April 22, 2014 Regular Meeting Minutes

Item Result: Approved

Councilmember Gonzales made a motion to approve. Councilmember Hahn seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

7. AWARDS AND RECOGNITIONS

A. Police Chief's Challenge Coin Presentations

Presentation of the Police Chief's Challenge Coin to Sergeant David Trujillo, Officer Jani Davis and Officer Austin Barnes. Jim Peterson, Taos Behavioral Health Alliance joined Chief Weaver in the presentation of Challenge Coins.

Mr. Peterson explained on two separate occasions Taos Police Officers were called to assist a veteran suffering from acute Post Traumatic Stress Disorder.

Chief Weaver stated on March 23, 2104 officers were dispatched to assist a man who was in mental distress. Officers Davis and Barnes arrived at the scene and demonstrated compassion, understanding, and patience and were able to place him with his family. They saved his life and the man is now receiving ongoing treatment.

Chief Weaver also stated while investigating this case, it was discovered that Sergeant David Trujillo had nearly an identical experience with this

same individual on November 6, 2013. He also dealt with this situation with tact, compassion and patience.

The officers were recognized and presented with the Chief's Challenge Coins. Additionally, Taos Behavioral Health Alliance recognized the officers with the First Annual Behavioral Health Award.

Mayor Barrone thanked the officers for their outstanding work and patience in dealing with these difficult situations.

B. Recognize Taos High School Cheerleader State Championships

Mayor Barrone presented certificates of recognition to the Taos High School Cheerleaders for taking State Championships 2013-2014.

Mayor Barrone stated it gives him great pleasure to recognize the student athletes of the community and asked Youth Councilmember Landgraf for his assistance in presenting the awards to the cheerleaders.

Youth Councilmember Landgraf congratulated the cheerleaders and thanked them for representing Taos at the state level.

8. CITIZENS FORUM

The following individuals spoke during Citizens Forum:

- Rane Malanga, Artwares Contemporary Jewelry, stated she is representing most of the Taos Plaza merchants. She discussed her concerns about open vending on the Plaza. She stated on August 13, 2013 the Council voted not to allow vendors on the Plaza; however, now it seems that action is being reconsidered. She believes this is unfair to merchants.
- Jeff Northrup discussed the Town's allocation of \$15,000 for the Taos Fiesta Council and expressed concern that an additional \$10,000 is spent on overtime to support the Fiestas. He stated the Fiesta Council does not open their books for public inspection. He believes this is a religious event and violates the constitution. He also discussed the Town providing Chile Line Service during the Mother's Day Event.
- Pavel Lukes spoke in support of the airport and encouraged the Council to continue with the plans for expansion. He stated the expansion will improve economic development and is needed for safe flights.
- Chris Stagg spoke in support of the airport expansion and stated the improvements are not just for economic development but for safety as well.
- Tim Wooldridge spoke in support of the airport expansion and

emphasized the expansion is critical to fight wildfires. He stated if it was not for the airport, the fires that have happened around Taos would have been much worse. He stated the improvements will make it easier for the large tankers to fight fires.

- Michael Diamond stated the airport expansion is critical for safety reasons for passengers and pilots. He stated he has been a pilot since the 1960's and has seen many instances where a crosswind runway was needed. He further stated the airport is not a rich man's playground as there are many benefits to the community.
- Seth Brown stated he is concerned about the airport expansion because citizens may have to leave their community because they won't be able to afford to live here. He also expressed his concern about large aircrafts flying in at the airport.
- Joaquin Chavez stated he supports the continued development of the airport. He also has been a pilot for several years and flies for three families in this town professionally. Additionally, he stated there are 40 to 50 medical flights per month.
- Jonathan Slator stated he has lived in Taos for many years and ran the Film Commission. He stated he believes the film business is an economic driver that the Council should consider in their marketing efforts. Furthermore, he stated there are \$2 billion available for film initiatives. Councilmember Peralta asked how many people in Taos work in the film industry. Mr. Slator stated approximately 20 to 25 people travel out of town for work.
- Paul Christie stated some of the statements this evening regarding the airport are in conflict with what he has learned. He stated even with the extended runway, large aircrafts will not be able to land here for firefighting. He also stated municipal airports generally lose money.

9. MATTERS FROM STAFF

A. Contract #TT-14-133 San Miguel County Detention Center

Consideration and possible approval of additional funding not to exceed \$20,000.00, reference Contract TT-14-133 between the Town of Taos and San Miguel County Adult Detention Center. This contract will expire December 11, 2014 and is allocated in the Local Government Corrections Expenses fund.

Discussion ensued regarding the term of the contract which expires in December of 2014. Councilmember Peralta recommended having the option to renew the contract as a backup in the event that that Taos County Jail is full, then San Miguel County Jail can be utilized. Mr. Caldwell stated he agrees that there should be a backup plan in the event Taos County Jail is full.

Councilmember Gonzales stated he agrees with Councilmember Peralta. He stated not only will this option be valuable in the event Taos County Jail is full, but also in the event that the jail is short staffed.

Mayor Barrone directed the Town Attorney to work on a provision in the contract as requested by Councilmember Peralta before the contract expires.

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Gonzales and Peralta. Those voting NAY were: Councilmembers: Cantu and Hahn. Mayor Barrone broke the tie with a vote of AYE.

B. Out of State Travel Request

Consideration and approval of out of state travel for Brandon Gutierrez and Leo Valencia to attend the 25th Annual Community Transportation Roadéo, to be held on June 7-8, 2014, in St. Paul, MN. Cost is estimated at \$1,518.49 each, total cost of \$3,036.98.

Item Result: Approved

Francisco Espinoza, Public Works Director, explained on March 30, 2014, five employees from the transit division competed in the Annual New Mexico Transportation Association ROADÉO at Buffalo Thunder. He stated Brandon Gutierrez placed 1st in the Van Competition and won an all-expense paid trip to represent the state of New Mexico to compete at the national level. Travel costs for Mr. Gutierrez will be reimbursed at 100% by New Mexico Transportation Association. Mr. Espinoza further stated Leo Valencia placed 2nd in the bus competition and will also compete at the national level. Travel costs for Mr. Valencia will be reimbursed at 50% through the annual grant agreement with New Mexico Department of Transportation.

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

C. Resolution 14-22 Septage Discharge

Consideration and possible approval of Resolution 14-22; A resolution revising the fees, policies, procedures, and regulations governing septage discharge at the Taos Valley Regional Waste Water Treatment Facility.

Item Result: Approved

Mr. Espinoza stated a resolution was previously approved by the Council but the plan has not been implemented. He explained after evaluating the resolution, staff determined it was not financially feasible to implement

1 it as approved by the Council. He further explained CH2MHILL, the
2 Wastewater Treatment Plant Contractor, provided a proposal in the
3 amount of \$165,000 in addition to the current contract to implement the
4 resolution due to extended hours of operation at the septic receiving
5 station. Mr. Espinoza stated there is very little cost to the Town to
6 implement the proposed resolution
7

8 Mr. Espinoza explained the following time change proposed in
9 the resolution: Hours of operation were changed from 7:00 am - 7:00 p.m.
10 Monday through Sunday ~~to~~ 8:00 am to 4:00 pm Monday through Friday
11 and 8:00 am to 12:00 noon on Saturdays and Sundays.
12

13 Councilmember Peralta asked if everything has been done to make
14 changes to security at the hauling station. Mr. Espinoza stated he signed
15 off on a quote for fencing, the security camera is in place, and
16 the containment area will be constructed by end of June, 2014.
17

18 Extensive discussion ensued regarding hauling sludge to a location near
19 the Town's recycling center that had been previously used. Mr. Espinoza
20 stated the Town received many complaints from businesses near that
21 location. Councilmember Gonzales requested that staff evaluate this
22 location as the distance is closer to Town. Mr. Espinoza stated the Town
23 would have to build a containment area and install measuring devices for
24 accountability.
25

26 Steve Rael, S & R Septic, expressed his concern about protecting the
27 hauling station from harmful products such as paint, oil, and fuel. He
28 stated the camera cannot record products that are being disposed of and
29 he believes there needs to be a way to be able to disconnect the hose
30 to observe what is being dumped.
31

32 Councilmember Cantu stated she observed dumping at the hauling
33 station in October, 2013 and she believes it was not safe because she was
34 able to observe without anyone monitoring the area. She asked if staff
35 monitors dumping at the hauling station. Mr. Espinoza stated yes during
36 the hours of operation.
37

38 Further discussion ensued regarding the hours of operation and safety
39 mechanisms in the event there is illegal dumping.
40

41 Mr. Bellis stated by no means is staff not listening to Mr. Rael's concerns
42 as he shares many of the same concerns. He emphasized that
43 tonight, staff is addressing the hours of operation to ensure that people do
44 not dump after hours. He asked Anthony Martinez, Operations Manager of
45 CH2MHILL, if the security at the plant is typical of other plants operated by
46 his company throughout the country. Mr. Martinez stated, in his
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experience, septic haulers only dumped during hours of operation.

Councilmember Gonzales made a motion to approve. Councilmember Peralta seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Peralta. Those voting NAY were: Councilmembers: Hahn.

D. Personnel Handbook

Consideration and approval of a Transit Division specific handbook. The handbook will serve as a guide for transit personnel for transit related situations.

Item Result: Approved

Mr. Espinoza stated this handbook is specific to the operations in Transit Division and has been approved by the Town Attorney.

Councilmember Peralta asked if the handbook is compatible with the Town's personnel policy. Mr. Caldwell stated he has reviewed the handbook for conflicts and he did not find any and in his opinion, it is a very standard handbook. He further stated the Human Resources Director has also reviewed the policy.

Councilmember Peralta made a motion to approve. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

E. Tipping Fee Rate Increase at the Taos Regional Landfill

Consideration and approval of the proposed rate increase for tipping fees associated with the Town's membership of the Taos Regional Landfill Board. This amount will increase from \$29.50 to \$34.50 for Landfill Board Members and from \$33.26 to \$41.80 for Non-Members.

Item Result: Tabled

Mr. Bellis requested that this item be tabled tonight because the Town is waiting for the results from the consultant on the final impact on the commercial rates.

Councilmember Peralta made a motion to table. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

F. Town Hall Drive Construction Award

Consideration to approve Taos Municipal Schools Bid 03.13.14-02 Additive Alternate in the amount of \$190,223 plus 8.1875% GRT in the amount of \$15,574 for a total amount of \$205,797 with Silva's Excavation, Inc. for the construction of Town Hall Drive

Improvements.

Mr. Espinoza explained the project was awarded to Silva's Excavation, the lowest bidder. He stated he negotiated with the contractor to change the bid amount so that it would be within the budget and as a result a couple of items were deleted. Furthermore, he stated there is a contingency now of approximately \$23,000.

Councilmember Gonzales asked if there is a conflict of interest with the lowest bidder because he is a former Councilmember and has been gone less than a year. Mr. Caldwell stated the Government Conduct Act would prohibit the former Councilmember from having a contract if he participated in approving the project during his tenure. Councilmember Gonzales stated he is not trying to derail the project, he simply wants to ensure that the Town is protected and in compliance with state law.

Mr. Caldwell stated the act reads that a local government agency shall not enter into a contract with, or take any action favorably affecting any person or business that assisted in the transaction as a former public officer or employee. He stated the Town is prohibited from contracting if the award resulted from something the official did while in office during the preceding year. Councilmember Peralta asked if the award can be made if Councilmember Silva participated in the preliminarily approval of this project on October 13, 2013. Mr. Caldwell stated this does raise a flag and he believes the Town should be very cautious. He further stated he needs time to form an opinion.

Councilmember Cantu asked where the Request for Proposals was advertised. Doug Patterson, Architect with Taos Municipal Schools, stated the project was advertised in the Taos News and meets procurement with the school district. He further stated he believes former Councilmember Silva recused himself from the vote.

Mr. Caldwell stated he needs time to research the issue.

Councilmember Peralta made a motion to table at the call of the Chairman to hold a Special Meeting. Councilmember Cantu seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

- G. Grant Agreement for Taos County Juvenile Justice Program
Consideration and approval of grant agreement 15-690-17254 in the amount of \$133,302 with the State of New Mexico Children, Youth and Families Department for the operation of Taos County Juvenile Justice Program.

Item Result:

Approved

Karel Mirabal explained that the Juvenile Justice Program was formed in 2004 after a wave of violence hit the community. She described the programs offered to include the following: Juvenile Justice Continuum Coordination; Intensive Community Monitoring to reduce recidivism and divert youth from further involvement in the juvenile justice system; Girls Circle to increase girls' self-esteem and positive relationship skills in order to reduce risk of delinquent behavior; and many other programs that address gang issues and at-risk youth.

Mayor Barrone asked who monitors these programs. Ms. Mirabal stated she monitors some of the programs, but the Children Youth and Families Department does most of the monitoring.

Councilmember Hahn thanked Ms. Mirabal for her service on the board and emphasized the services provided are essential to the community. He further stated he will recuse himself from the vote because he sits on the Juvenile Justice Board.

Councilmember Gonzales made a motion to approve. Councilmember Cantu seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Peralta. Those who ABSTAINED were: Councilmembers: Hahn.

H. Renewal of Cardenas Field Lease Agreement

Discussion and approval of Lease Agreement for Cardenas Field between the Town of Taos and the Pecos League of Professional Baseball Clubs.

Mr. Caldwell stated the Town has an agreement with Taos Municipal Schools to have the ability to lease the field. He stated the agreement allows the Pecos League to sell concessions including alcohol and is fully supportive of a one year extension of the lease.

Councilmember Peralta stated he does not see a provision in the lease allowing the sale of alcohol. Mr. Caldwell stated there is nothing explicit in the agreements with the school; however, he does see the sale of alcohol as a driving force for this agreement.

The Mayor and Council discussed concerns about the sale of alcohol on school property. Councilmember Gonzales asked if there were any incidents with sales of alcohol during the baseball games last year. Chief Weaver stated he does not know of any incidents that occurred.

Mr. Caldwell recommended approving the lease conditioned on an affirmative statement from the school district that acknowledges their understanding that alcohol will be sold as a result of this lease agreement.

Councilmember Peralta made a motion to approve the lease conditioned on an affirmative statement from the school district that acknowledges their understanding that alcohol will be sold as a result of this lease agreement. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

I. Lease Agreement between Town of Taos and the Area Agency on Aging

Review and possible approval of a proposed Lease Agreement (TT-14-221) between the Town of Taos and the Area Agency on Aging to occupy a portion of the former Taos Police Department building located at 107 Civic Plaza Drive.

Mr. Caldwell stated this lease is for a very small space at the old Taos Police Department building and needs approval by May 15th. He further stated he unfortunately did not have the opportunity to assess the property to obtain the fair market value to determine the lease amount. He stated the lease is with a governmental agency and he is comfortable moving forward. The lease is until the end of next fiscal year in the amount of \$300 per month. Additionally, the lessee is required to pay all utilities that they use or to the extent that the Town is able to monitor.

Mr. Bellis recommended a month to month lease instead of a full year.

Councilmember Hahn asked what the situation with asbestos is. Mr. Caldwell stated he understands there is one room that has asbestos below the tiles and reports indicate that there is no issue as long as the tiles are not disturbed. Councilmember Peralta agreed.

Councilmember Gonzales made a motion to approve the lease on a month to month basis. Councilmember Hahn seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

J. ComNet Antenna Proposal

Possible direction to staff regarding the ComNet antenna proposal at the old Police Department building.

Item Result:

Tabled

Mr. Bellis stated Comnet has proposed that they would like to replace the antenna at the old Police Department with a 100 foot tower as opposed to a 75 foot tower for better connectivity at the Plaza. He recommended tabling so that Comnet can make a presentation to the Council since it is within the historic district.

Councilmember Peralta made a motion to table. Councilmember

Cantu seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

K. Resolution 14-24 Adoption of the 2013 Taos Economic Development Action Plan

Consideration and possible approval of Resolution 14-24: A Resolution Adopting the 2013 Taos Economic Development Action Plan prepared for the Town of Taos by LeapPartners, LLC in September 26, 2013.

Item Result: Approved

Martha Perkins, Planning and Zoning Director, stated LeapPartners prepared this plan and they urge the Town and County to support regional economic development. The resolution indicates that the Town does support their recommendation. She further stated staff is not ready to update the ordinance as it needs to be approved by the Planning and Zoning Commission.

Mr. Bellis stated adopting this resolution allows the Town and County to collaborate on a number of economic development initiatives.

Councilmember Hahn made a motion to approve. Councilmember Cantu seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

L. Local Economic Development Plan Update

Status update on the Local Economic Development Plan application from Green Block Construction, LLC.

Mr. Bellis informed the council that staff has developed a scoring system to develop the Local Economic Development Act (LEDA) ordinance. Staff is also developing a system to handle these cases as he is confident the Town will be receiving other applications.

Mr. Caldwell stated the Town currently has a LEDA ordinance that needs to be updated. The process needs to be streamlined to allow the governing body to enter into these agreements.

M. Lease Agreement for John Dunn Parking Lot

Review and possible approval of a Lease extension (TT-14-223) of one year for the portion of the approximately 0.34-acre area of the John Dunn parking lot not owned by the Town.

Item Result: Approved

Mr. Caldwell stated Anne Brenner is the owner of the parking lot and has proposed a one year extension through her attorney, Scott Sanger. He stated the lease is for \$1,700 per month.

Councilmember Gonzales stated he would like to know what the impact is due to the reduced parking meter rates. He stated considering the status of the Town's budget and the cost of leases the Town needs to cover the basic overhead costs for leases. Mr. Bellis stated the current situation is that the majority of revenues generated from parking meters have gone toward leases. He stated this issue does need to be addressed.

Councilmember Hahn requested that the Town collaborate with the County on parking issues. He stated it is a problem to break even on the revenue generated from parking meters.

Councilmember Peralta made a motion to approve. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

10. MATTERS FROM THE MAYOR AND COUNCIL

A. Council Reports on Committee Assignments

1. Report from Councilmember Gonzales regarding Hospital Nominating Committee.

2. Other reports.

Councilmember Gonzales stated the Hospital Nominating Committee held several meetings over the past month and he is happy to report that three candidates were nominated to serve on the Holy Cross Board of Directors. The nominations are: Frederick Peralta, representing central Taos County; Bruce Coleman, member at large; and Karen Matherlee, representing southern Taos County.

Mayor Barrone expressed his concern that issues at the hospital need to be addressed.

Councilmember Hahn stated he is grateful that Councilmember Peralta applied to serve on the Hospital Board of Directors, but he has a problem with one of the Town's Councilmembers being put in a position of having to nominate one of his own fellow Councilmembers. He requested, in the spirit of transparency, that Council representatives on boards recuse themselves from voting for fellow Councilmembers. He suggested that when there is a fiduciary commitment that needs approval, the Council should know about it prior to the board meeting. He wants to set up a process where the Council discusses the issues prior to the board member attending the meetings so that the board member will know Council's position.

Councilmember Gonzales stated he did not discuss this issue with the Council due to the personnel issues the committee was dealing with. He

further stated as a chairperson he was not put in a position to vote and explained that the candidates were selected by a majority of the nominating committee. He agrees with being open and transparent and stated if he would have had to vote, he would have recused himself.

Mayor Barrone stated members of the governing body are asked to serve on a number of boards. He stated the boards are looking for voting members and if a member can't vote, there is no reason for them to be on the board. He believes it would be difficult to come to the Council for approval on every decision that needs to be made. Mayor Barrone further stated Councilmembers are appointed to these boards to represent the governing body. Councilmember Gonzales agreed and stated decisions he makes on the boards he serves on are made by him as an individual and not as a member of the Town Council.

A lengthy discussion ensued regarding the responsibility of the Councilmembers when they sit on boards.

Councilmember Hahn stated he believes the Council needs guidance on this issue and asked the Town Attorney to set clear boundaries regarding the boards the Council sits on. Mayor Barrone stated he attended a training on ethics that really helps to understand when a Councilmember should recuse themselves from a vote. Mr. Bellis recommended that Councilmembers review the bylaws for the boards they sit on.

B. PENDING LITIGATION- Discussion, consideration, and decisions regarding the following: (Executive and Public Session)
Informational Items/Action Items

Discussion, consideration and decisions regarding Spring Ditch lawsuit. This items may be discussed in closed session under Open Meetings Act exemption 10-15-1(H)(7), which allows for discussion of pending or threatened litigation.

Councilmember Gonzales made a motion to go into Executive Session. Councilmember Hahn seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn and Peralta.

At 12:30 a.m., Councilmember Gonzales made a motion to come out of Executive Session. Councilmember Hahn seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn and Peralta.

Mr. Caldwell stated discussion in the Executive Session was limited to the items as they were called for and no action was taken. Councilmember Hahn made a motion to accept Mr. Caldwell's report. Councilmember Gonzales seconded the motion. The motion

1 was Passed. Those voting AYE were: Councilmembers: Cantu,
2 Gonzales, Hahn and Peralta.

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4 Councilmember Hahn made a motion to direct Mr. Caldwell to reach
5 out to the Spring Ditch representatives to explore
6 mediation. Councilmember Cantu seconded the motion. The motion
7 was Passed. Those voting AYE were: Councilmembers: Cantu,
8 Gonzales, Hahn and Peralta.
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10 11. ADJOURNMENT

11 A motion was made by Councilmember Hahn and seconded by
12 Councilmember Cantu to adjourn the meeting. The motion carried
13 unanimously and the meeting adjourned at 12:33 a.m.
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18 APPROVED:

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21 _____
22 Daniel R. Barrone, Mayor
23

24
25 ATTEST:

26
27 _____
28 Renee Lucero, Town Clerk
29

30 PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,
31 however, only Regular Town Council Meetings and some Special Town Council
32 Meetings, with controversial issues, are video recorded. Copies are available upon
33 request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005)
34 at a fee of \$5.00 for audio and video recordings. Additionally, video recordings can be
35 viewed at www.taos22.com. You may also view agendas, agenda packets, and minutes
36 at <http://public.taosgov.com/>.
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June 10, 2014

Title:

May 21, 2014 Special Meeting Minutes

Summary:

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MINUTES
May 21, 2014
Special Meeting

Town Council Chambers - 120 Civic Plaza Drive
10:00 AM

1. CALL TO ORDER BY THE HONORABLE MAYOR DANIEL R. BARRONE

The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Daniel R. Barrone at 10:06 a.m.

2. ROLL CALL

Ms. Francella Garcia, Deputy Clerk, called roll and a quorum was present.

Those present were:

Mayor, Daniel R. Barrone (Did not attend the Spring Ditch site visit due to other Town commitments.)

Mayor Pro Tem, Frederick A. Peralta

Councilmember, Andrew T. Gonzales

Councilmember, George "Fritz" Hahn

Councilmember, Judith Y. Cantu

Also present were:

Town Manager, Richard Bellis

Town Attorney, Jacob Caldwell

Deputy Clerk, Francella Garcia

Absent/Excused was:

Town Clerk, Renee Lucero

3. PLEDGE OF ALLEGIANCE

J.R. Logan led the audience in the Pledge of Allegiance.

1 **4. MOMENT OF SILENCE**

2 **5. APPROVAL OF AGENDA**

3
4 **Councilmember Peralta made a motion to approve. Councilmember**
5 **Gonzales seconded the motion. The motion was Passed. Those voting AYE**
6 **were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.**

7
8 **6. MATTERS FROM STAFF**

9 **A. Town Hall Drive Construction Award**

10 Consideration to approve Taos Municipal Schools Bid 03.13.14-02
11 Additive Alternate in the amount of \$190,223 plus 8.1875% GRT in the
12 amount of \$15,574 for a total amount of \$205,797 with Silva's
13 Excavation, Inc. for the construction of Town Hall Drive Improvements.

14 Item Result: Approved

15
16 Town Attorney, Jacob Caldwell, stated this item was presented at the Regular
17 Council Meeting on May 13, 2014 and questions were raised in awarding the
18 contract to the lowest bidder. He further stated upon researching the history of
19 this project in conjunction with the Governmental Conduct Act there is no
20 potential violation that could be achieved by awarding the bid. Therefore, in his
21 legal opinion there are no concerns in moving forward with the project.

22 Mayor Barrone asked whether anything has changed since the presentation.
23 French Espinoza, Public Works Director, stated no changes were made.

24
25
26 **Councilmember Gonzales made a motion to approve. Councilmember**
27 **Peralta seconded the motion. The motion was Passed. Those voting AYE**
28 **were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.**

29 **B. Tipping Fee Rate Increase at the Taos Regional Landfill**

30 Consideration and approval of the proposed rate increase for tipping fees
31 associated with the Town's membership of the Taos Regional Landfill
32 Board. This amount will increase from \$29.50 to \$34.50 for Landfill
33 Board Members and from \$33.26 to \$41.80 for Non-Members.

34 Item Result: Approved

35
36 Marietta Fambro, Finance Director, stated this agenda item was originally
37 presented to Council at the last Regular Council Meeting on May 13, 2014. Ms.
38 Fambro updated the Mayor and Council on the increases based on the Landfill
39 Board rate increase study, which was approved by the board last month. Mrs.
40 Fambro explained the proposed rate increases for both residential and
41 commercial Town accounts. She further added the calculations to determine the
42 rates by Waste Management are based on the container size, quantity and
43 frequency of pickup for each type of account.

44 Mr. Espinoza stated this rate increase went to the Landfill Board for approval and
out of three options; Option C was selected because it placed the burden more

on the commercial accounts versus the residential accounts. He further added every member within the Enchanted Circle over the years has made accommodations to support their solid waste program by annually increasing an incremental amount to support their solid waste program; however, the Town was an exception to that. In addition, the rates at the landfill have not increased since it became the Regional Landfill about thirteen or fourteen years ago. The initial rate study report by the consultants recommended the rates be re-evaluated every ten years to avoid running into arrears. Councilmember Gonzales asked whether the rate increase was sufficient. Mr. Espinoza stated the rate study, which was conducted for landfill, does take into account future increases.

Councilmember Hahn stated that he preferred this option because it will keep the Town from leasing equipment and borrowing money and in time the landfill can become self-sustaining. He believes over time this option is most cost effective.

Councilmember Peralta inquired about recycling bins at the landfill and making recycling more convenient for metals, cans, plastic bottles and aluminum. Mr. Espinoza stated they are currently looking into purchasing a rollout bin to place at the landfill convenience center for recycling goods. In addition, the rollout would also be used to transport the recyclables to the Town's Recycling Center for processing.

A discussion ensued on whether the 2% rate increase was sufficient to cover future operational increases and to provide curbside recycling pickups.

Richard Bellis, Town Manager, stated he would make arrangements for the representative of Waste Management to make a presentation to the Council in regards to the proposal and rate adjustments that would be required for a full source separation curb side pickup. This would be in addition to them establishing their regional recycling center which would not be a source separation facility because they would bale it and take it to their Arizona facility.

Councilmember Peralta made a motion to approve. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

C. Commnet Wireless Antenna Proposal

Consideration of a proposal by Commnet Wireless for a wireless communications tower to replace the current E-911 tower at the old Town Police headquarters or between the Library and Town Hall. Staff is recommending that if there is interest by the Council that a public RFP process be developed, open to any interested parties to present offers.

Item Result: Approved

Mr. Bellis explained the proposal is to replace the existing tower at the former police station building with a one hundred foot tower at Town Hall. This would increase the capacity to provide 4G Communications particularly to the downtown and plaza area where there are trees and other obstructions to the signals and has a shadowing effect between the buildings at this time. In addition, it would

provide coverage past the blinking light and to the Taos Pueblo. He further explained the proposal also includes a modest payment to the Town which would quadruple after the first five years. He stated there are other communication companies who would be interested in providing proposals and to be fair and to attain the best possible return he will direct staff to issue an RFP. Mr. Bellis recommended the tower be located at the Town complex rather than at the former police station building since it is uncertain whether the Town will be selling or leasing the building.

A discussion ensued in complying with the Town's ordinance and how the project should be subject to public hearings and comments.

Mr. Bellis recommended that an RFP be drafted and forwarded to the Historic Preservation Commission and the Planning and Zoning Commission along with photo simulations to illustrate the proposed project for public hearings and comments.

Councilmember Hahn made a motion to approve with conditions. Councilmember Gonzales seconded the motion. The motion was Passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn, Peralta.

7. TOWN MANAGER'S REPORT

8. MATTERS FROM THE MAYOR AND COUNCIL

A. Spring Ditch Site Visit

Council and Town staff conducted a site visit of the Spring Ditch located between Salazar Road and Peralta Lane.

Town Attorney, Jacob Caldwell, recommended that they have no discussions besides asking Mr. Espinoza questions when deemed appropriate. He further recommended comments pertaining to the Spring Ditch lawsuit shall be reserved for another time.

Councilmember Peralta made a motion to proceed to the site visit of the Spring Ditch. Councilmember Gonzales seconded the motion. The motion was passed. Those voting AYE were: Councilmembers: Cantu, Gonzales, Hahn and Peralta

After leaving the Council Chambers, the following individuals arrived at Santistevan Lane to conduct a site visit of the Spring Ditch:

- Councilmember, Judith Cantu
- Councilmember, Fritz Hahn
- Mayor Pro Tem, Fred Peralta
- Councilmember, Andrew Gonzales
- Town Attorney, Jacob Caldwell
- Town Manager, Richard Bellis
- Public Works Director, Francisco Espinoza
- Airport Manager, John Thompson (Provided the transportation)

- David Rael
- Stephens Hall

The group walked various parts of the Spring Ditch east of Santistevan Lane, and then proceeded to Peralta Lane to view the road and conditions adjacent to the road.

9. ADJOURNMENT

A motion was made by Councilmember Gonzales and seconded by Councilmember Hahn to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 11:45 a.m.

APPROVED:

Daniel R. Barrone, Mayor

ATTEST:

Renee Lucero, Town Clerk

PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, however, only Regular Town Council Meetings and some Special Town Council Meetings, with controversial issues, are video recorded. Copies are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 for audio and video recordings. Additionally, video recordings can be viewed at www.taos22.com. You may also view agendas, agenda packets, and minutes at <http://public.taosgov.com/>.



June 10, 2014

Title:

Recognition of Science Fair Finalists

Summary:

Mayor Barrone will present certificates of recognition to Taos Schools and Taos Charter Schools Science Fair finalists for 2013-2014 School Year.

Background:

Attachments:

[Click to download](#)

No Attachments Available



June 10, 2014

Title:

Taos County Restorative Justice

Summary:

Rose Gordon will give a presentation on services provided by the Taos County Restorative Justice.

Background:

Attachments:

Click to download

 [PowerPointPresentation](#)

Taos County Restorative Justice Initiative for Juveniles



A program of Taos County Juvenile Justice Board

Page 26

Restorative Justice is a response to offenses against individuals and their affected community. It is aimed at:

Identifying and repairing harm

Reducing conflicts

Preventing further offenses

Restoring safety and strengthening
community.

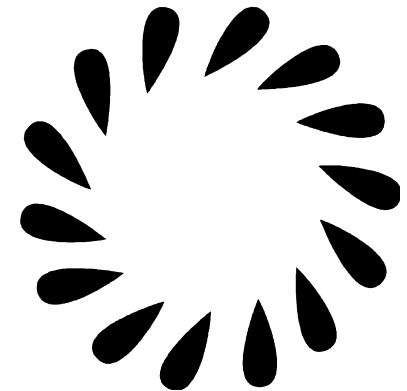


The RJ Circle gives victim & affected community an opportunity to speak about the harm they experienced and name ways the youth might repair that harm.

It demonstrates the community's belief that youth can be accountable, repair harm they caused to themselves and others and improve the choices they make in the future.

We have used Restorative Justice with youth to address:

- Battery and Public Affray
- Burglary
- Social media harassment and threats
- Theft
- Vandalism



We have also conducted Re-Integration Circles for Taos youth at Youth Detention Centers for more serious offenses.

What makes it work?

The pre-conference and other preparation

The R.J. Process itself

Family involvement

The Restorative Process



- A police report is generated
- Youth is referred by Juvenile Probation and Parole or through Court Order.
- Written information & personal contract is made with the family of each referred youth and their identified victims.

- 1.5 hour pre-conference held for *each* involved youth and their parents
-
- A 2-3 hour Restorative Justice Circle
- Creation of the Restorative Plan



Who attends the Restorative Justice Circle?

- The offending youth, their parents, extended family or guardians
- Support people identified by the youth
- Victims and support people they identify
- Two Restorative Justice Facilitators & Juvenile Probation Officers
- Arresting officer, involved social worker, teachers, school principals, counselors, agencies offering special services, witnesses or other people in the community who were affected by what occurred.



Everyone signs a **Privacy Agreement** promising to maintain confidentiality about what is said in the Circle and its outcomes.



Several rounds of comments may be invited

**This information is used to create the RJ Plan that
the youth will follow.**

What occurred? What harm was done?
How do you feel now about the incident?

What could repair the harm?

R.J. process plans in Taos County build on resiliency factors.

New Mexico State epidemiologists identified 3 factors as being most effective in avoiding substance abuse and violence among youth in Taos County.

Building Youth Resiliency in Taos County

Caring and Supportive Families
Expectations and Boundaries
Dreams and Hopes for the future

Our RJ plans include specific actions that the offending youth must fulfill:

- Formal process of apology
- Restitution, Community Service or Other Volunteer work
- Following all conditions set by the Juvenile Probation office
- Participation in local youth development program

Other Components of a RJ Plan

- Improvement in grades & regular attendance at school
- Job shadowing
- Investigating and reporting on career options
- A written plan for maintaining personal safety and avoiding repeat offending

The Plan:

- Is in effect *for up to 4 months*
- Creates ways for the youth to realize his or her positive potential as well as repairing harm.
- Is agreed to by *everyone* involved, including any identified victims.

When the Plan is agreed upon, everyone signs it and receives a copy. Compliance is monitored by JPPO.



Local Outcomes and local impact:

- **1 year after their RJ Circle and Plan was completed, 95% of youth had not re-offended** (independent evaluation, 2007)
- **Since then our rates of recidivism have not exceeded 6%.**
- **As of May, 2014 RJ Circles involved over 300 separate participants: Victims and their families, JPO's, School Safety Officers, State police, Translators, Counselors, School Principals, School Directors, lawyers, Drug Court staff, teachers, siblings and other relatives of victims and offenders, several Non-English speaking families.**

What impacts might Restorative Justice have on the community in both the short and long term?

Savings in future costs to juvenile justice system

Increases to employment related tax revenues

Positive social impacts – including the “ripple effect’ and changes in social norms

Other benefits such as increased academic performance, reduced substance abuse etc.

An increased sense of safety for victims and the community



June 10, 2014

Title:

Taos 4th of July Fireworks Event Plan

Summary:

A presentation by Chief Leroy Gonzales, Town of Taos Fire Department, Chief Jim Fambro, Taos Volunteer Fire Department, and Jan Gordon, Stray Hearts Animal Shelter.

Background:

Attachments:

[Click to download](#)

No Attachments Available



June 10, 2014

Title:

Renaming of Kit Carson Park

Summary:

A presentation with discussion, consideration and possible action or direction by the Council.

Chris Peiper will do a presentation on consideration of the renaming of Kit Carson Park.

Background:

Attachments:

[Click to download](#)

No Attachments Available



June 10, 2014

Title:

Ordinance 14-09 Amending the Zoning Map

Summary:

Consideration and possible approval of Ordinance 14-09 to change the zoning on approximately 8.789 acres located at 1127 Paseo del Pueblo Sur from C-1 "Neighborhood Commercial" to C-2 "General Commercial" within the Town of Taos.

Background:

Attachments:

Click to download

- 📄 [Staff Report and May 7, 2014 P&Z Minutes](#)
- 📄 [Ordinance 14-09](#)
- 📄 [P&Z Use Attachment](#)
- 📄 [April 2, 2014 P&Z Minutes](#)
- 📄 [Rezoning Application](#)

Planning & Zoning Commission

Justin Lea, Chairman

Anthony Perez, Vice-Chairman

Douglas Patterson

Pavel Lukes

Dennis Garcia

Eddie Lucero

Billy Romero

Historic Preservation Commission

Cynthia Spray, Chairman

Pavel Lukes

Oscar Palacios



Town of Taos
Planning, Zoning & Building
Department
400 Camino de la Placita
Taos, NM 87571
575-751-2016
fax 575-751-2026

**TOWN OF TAOS
TOWN COUNCIL
STAFF REPORT**

PUBLIC HEARING DATE: June 10, 2014

ORDINANCE NO: 2014-09

SUBJECT: Zone Change

AGENT: Mark Yaravitz

PROPERTY OWNER: Goose 24 LLC.

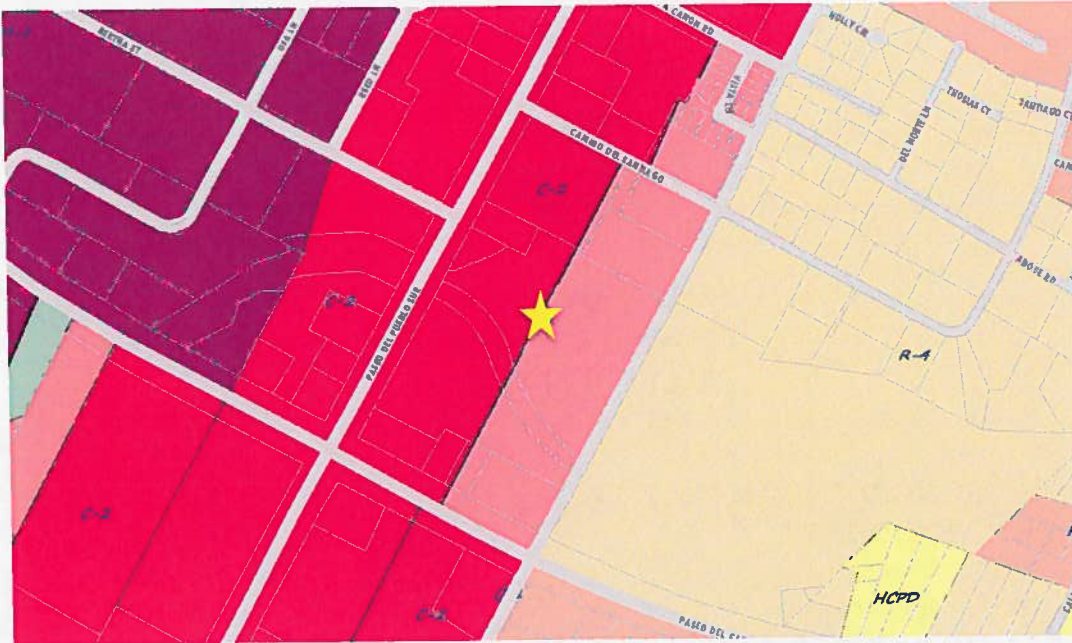
PLANNING AND ZONING COMMISSION RECOMMENDATION:

Recommendation of APPROVAL of the rezoning.

STAFF RECOMMENDATION: Recommendation of APPROVAL with a condition that the Planning & Zoning Commission review and approve the later application(s) for the commercial site plan approval to minimize any potential adverse impacts on the surrounding neighborhood.

CASE SUMMARY: Property owner Goose 24 LLC., with Agent Mark Yaravitz, are requesting a Zone Change from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial) for 8.789+ - acres, located at 1127 Paseo Del Pueblo Sur within the Town of Taos limits.

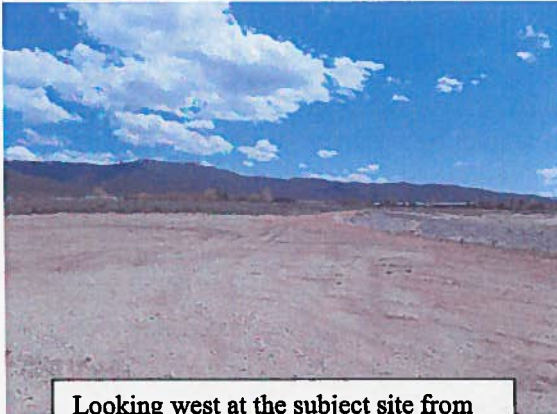




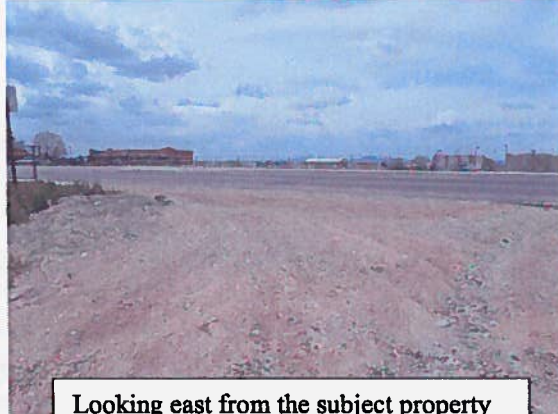
	Existing Zoning
Subject Site	C-1 and C-2
North of Subject Site	C-1 and C-2
South of Subject Site	C-2
East of Subject Site	R-4
West of Subject Site	C-2

BACKGROUND: In the previous Planning & Zoning Commission meeting on April 2, 2014, the Commission continued the applicant's application to rezone from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial) for 8.789+ - acres, located at 1127 Paseo Del Pueblo Sur within the Town of Taos limits to the next meeting on May 7, 2014. The primary concern of the Commission related to criterion number 4 that the benefit to the neighborhood will outweigh any potential adverse impact upon the surrounding properties.

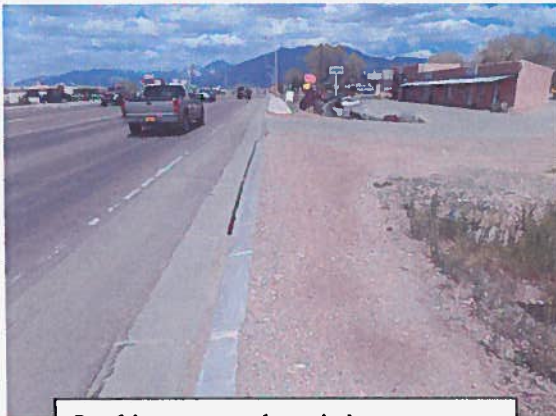
The Commission expressed concerns about the heavy equipment and/or traffic on Gusdorf Road by the middle school if the entire parcel was zoned C-2 (General Commercial) rather than keeping the land adjacent to Gusdorf Road C-1 (Neighborhood Commercial). The C-2 zone is intended for general commercial uses and services along streets carrying large volumes of traffic where a commercial use characteristically already exists. The C-1 zone is intended for neighborhood oriented, small scale commercial uses primarily to supply convenient goods and services to the residents of the neighborhood areas in which the C-1 zone is located. Mixed use is encouraged in the C-1 zone.



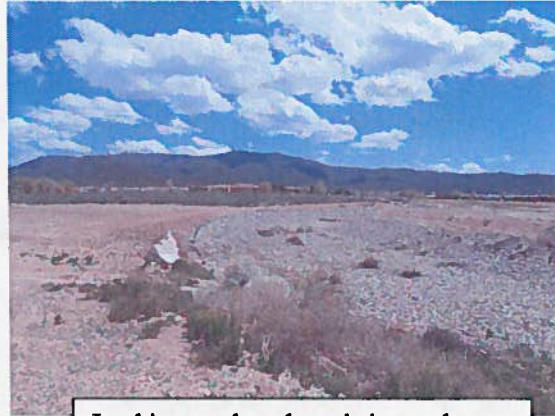
Looking west at the subject site from
Paseo del Pueblo Sur.



Looking east from the subject property
at Paseo del Pueblo Sur



Looking west at the existing arroyo at
the south end of the subject property.



Looking north at the existing curb cut
on Paseo del Pueblo Sur.



The existing storm drainage located
along Paseo del Pueblo Sur.

APPLICABLE LAW:**16.12.020.2: Commission, Power and Duties:**

The powers and duties of the commission shall be as follows:

- A. To exercise all powers granted to a planning authority or zoning commission pursuant to articles 19, 20 and 21 of chapter 3 New Mexico Statutes Annotated, 1978, as amended, except to the extent that such powers are reserved to or retained by the town council;
- B. To hold public hearings;
- C. To review, modify, reverse, affirm, approve, or disapprove all applications with or without conditions, restrictions, or clarifications, in connection with the following matters pursuant to the requirements of this title: ... cluster overlay zone, neighborhood preservation district overlay zone, special use overlay zone and provisional permit applications; and rezoning applications...
- D. To hold public hearings and recommend changes to the town council concerning all amendments to this title;
- E. To approve, disapprove, modify, revise and update, as required, the town of Taos master plan for the town;
- F. To approve and adopt such forms as the commission deems advisable; and
- G. To carry out all duties, responsibilities, investigations and studies related to all planning and zoning activity as are assigned to the commission.

16.16.130: C-1 NEIGHBORHOOD COMMERCIAL ZONE:**16.16.130.1: INTENT AND PURPOSE:**

The C-1 zone is intended for neighborhood oriented, small scale commercial uses primarily to supply convenient goods and services to the residents of the neighborhood areas in which the C-1 zone is located. Mixed use is encouraged in the C-1 zone. (Ord. 03-07, 2003; Ord. 99-05, 1999)

16.16.130.2: PERMITTED PRINCIPAL USES:

The following uses shall be permitted in the C-1 zone:

Dry cleaning establishment, provided that:

- A. Inflammable or combustible materials shall not be used in any cleaning process;
- B. All activities shall be conducted within a completely enclosed building;
- C. No outdoor storage;
- D. Such establishment shall be operated principally as a retail business; and
- E. That portion of the building in which any cleaning process shall be undertaken shall be at least fifty feet (50') from any building in a residential zone.

Eating/drinking establishments, excluding bar/lounge and clubs.

Family amusement or entertainment establishments, excluding go-cart/carnival/thrill rides.

General merchandise retail, excluding department stores, discount stores, supermarkets, and pawnshops.

Golf course/driving range.

Home occupation, provided that all conditions of section 16.20.070 of this title are met.

Personal service retail establishments, excluding daycare, photography studios and personal storage. Motor vehicle service and repair establishments/car wash and fuel sales, including filling stations and repair garages, and retail sale of vehicle fuels for consumption but not for resale, are permitted, provided that:

- A. Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building;
- B. No outdoor storage of any kind; and
- C. If any lubricating or washing is done outside a building, a solid wall or fence or a compact evergreen hedge six feet (6') high shall be maintained between such activity and any abutting or contiguous residential zone, and such activity shall be located at least one hundred feet (100') from a residential zone.

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Specialty retail establishments, excluding automobile/pleasure craft dealership, large equipment sale and rental, machine shop, manufactured home sales and service, and package liquor sales. (Ord. 03-07, 2003; Ord. 99-05, 1999)

16.16.130.3: PERMITTED ACCESSORY USES:

- A. Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the C-1 zone. (Ord. 03-07, 2003; Ord. 99-05, 1999)

16.16.130.4: CONDITIONAL USES:

The following uses shall be permitted in the C-1 zone only if a conditional use permit is granted:

Bed and breakfast inns and boarding houses, provided that:

- A. Not more than five (5) rooms are available for guest lodging, and this limitation may not be increased by variance;
- B. The manager resides in and occupies the bed and breakfast inn or boarding house;
- C. Provision of food and meals shall meet all applicable state and local regulations and shall be served only to guests of the bed and breakfast inn or boarding house;

- D. All applicable codes shall be met, including, but not limited to, fire code, building code and this title;
 - E. The following off street parking requirements shall be met:
 - 1. One parking space per employee;
 - 2. One marked parking space for each guestroom; and
 - 3. One parking space for the resident manager;
 - F. Only one sign, not to exceed four (4) square feet, that may be externally illuminated; and
 - G. Landscaping and all other applicable performance standards of this title and any other applicable town ordinance or regulation shall be met.
- Club.

Daycare.

Hotel, motel or cabins.

Multi-family residence, such as a triplex, townhouse, condominium or apartment with no more than one sign of a total area of four (4) square feet.

Personal storage.

Recreational uses excluding golf course/driving range.

Single-family dwelling.

Two-family attached or semiattached residence, such as a duplex, townhouse, condominium or apartment. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.130.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the C-1 zone:

- A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semiattached or multi-family residence.
- B. Minimum Lot Size: Seven thousand (7,000) square feet.
- C. Minimum Lot Width: Seventy feet (70').
- D. Minimum Setback Requirements:
 - 1. When a lot in the C-1 zone is developed with a single-family or two-family dwelling, the setback requirements of the R-6 zone shall apply; and
 - 2. When a lot in the C-1 zone is developed with multi-family dwellings or a commercial use, the setback requirements shall be:
 - a. Front Yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;
 - b. Side Yards: Zero feet (0');
 - c. Rear Yard: Zero feet (0');

- d. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance.
- E. Maximum Lot Coverage: Fifty percent (50%) by all structures.
- F. Off Street Loading: Any use in the C-1 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley or way.
- G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-1 zone.
- H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-1 zone governed by this title shall meet or exceed all applicable performance standards¹⁷ and criteria as set forth in this title and any other applicable town ordinance or regulation.
- I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-1 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section 16.16.190 of this chapter. (Ord. 10-25, 2010)

16.16.140: C-2 GENERAL COMMERCIAL ZONE:

16.16.140.1: INTENT AND PURPOSE:

The C-2 zone is intended for general commercial uses and services along streets carrying large volumes of traffic where a commercial use characteristically already exists. The primary purpose of the zone is to provide for sale of goods and services to local residents, visitors and tourists alike. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.140.2: PERMITTED PRINCIPAL USES:

The following uses shall be permitted in the C-2 zone:

Any use permitted in the C-1 zone.

Eating/drinking establishments.

Family amusement/entertainment, excluding go-carts/carnival/thrill rides.

General merchandise retail.

Lodging establishments, excluding bed and breakfast inn or boarding house.

Personal service retail establishments, excluding daycare and personal storage. Motor vehicle service and repair establishments/car wash and fuel sales, including filling stations and repair garages, and retail sale of vehicle fuels for consumption but not for resale, are permitted, provided that:

- A. Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building;
- B. No outdoor storage of any kind; and
- C. If any lubricating or washing is done outside a building, a solid wall or fence or a compact evergreen hedge six feet (6') high shall be maintained between such activity and any abutting or contiguous residential zone, and such activity shall be located at least one hundred feet (100') from such zones.

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Specialty retail establishments. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.140.3: PERMITTED ACCESSORY USES:

The following accessory uses shall be permitted in the C-2 zone:

Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses and structures which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the C-2 zone. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.140.4: CONDITIONAL USES:

The following conditional uses shall be permitted in the C-2 zone only if a conditional use permit is granted:

Daycare.

Go-carts/carnival/thrill rides, provided that each such amusement facility is located on property which is not less than one thousand feet (1,000') from the property of any adult entertainment use, school, church, nursery or daycare facility, public park, recreational facility, residential zone district, and/or a liquor establishment. Measurement shall be from:

- A. The closest point on the property line of the property on which the amusement facility use is located;
- B. The closest point on the property line of the property from which the amusement facility must be separated; and

- C. The closest point on the residential zone boundary from which the amusement facility must be separated.

Multi-family residence, such as a triplex, townhouse, condominium or apartment, provided they are incorporated into a planned unit development.

Personal storage.

Single-family dwelling.

Two-family attached or semiattached residence, such as a duplex, townhouse, condominium or apartment, provided they are incorporated into a planned unit development.

Wholesaling or distribution operation. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.140.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the C-2 zone:

- A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semiattached or multi-family residence.
- B. Minimum Lot Size: Seven thousand (7,000) square feet.
- C. Minimum Lot Width: Seventy feet (70').
- D. Minimum Setback Requirements:
 - 1. Front Yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;
 - 2. Side Yards: Zero feet (0');
 - 3. Rear Yard: Zero feet (0');
 - 4. Residential Zone: If the rear or side property line abuts a residential zone, the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance.
- E. Maximum Lot Coverage: Sixty percent (60%) by all structures.
- F. Off Street Loading: Any use in the C-2 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.
- G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-2 zone.

- H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-2 zone governed by this title shall meet or exceed all applicable performance standards¹⁸ and criteria as set forth in this title and any other applicable town ordinance or regulation.
- I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-2 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section 16.16.190 of this chapter. (Ord. 10-25, 2010)

16.12.040.5: APPLICATION PROCEDURE

16.12.040.9: DECISION OF THE ZONING AUTHORITY, COMMISSION, HISTORIC PRESERVATION COMMISSION OR CODE ADMINISTRATOR

16.12.060.2: Criteria for approval of an amendment to this Title:

- A. The following criteria will be used by the commission or historic preservation commission for the review and approval of an amendment to this title for recommendation to the town council:
 - 1. The amendment is consistent with the direction and intent of the existing town of Taos master plan;
 - 2. The amendment is consistent with the purpose and intent of town of Taos zoning regulations;
 - 3. The amendment to this title is consistent with the existing land use in the affected neighborhood;
 - 4. The benefit to the neighborhood will outweigh any potential adverse impact upon the surrounding properties;
 - 5. The amendment to this title will not create a danger to the public health, safety, or welfare, nor cause an extraordinary public expense, or create a nuisance; and
 - 6. The amendment is justified by the fact that the original zoning was in error, by change in condition in the vicinity, or by change in the town of Taos overall development policy. (Ord. 10-07, 2010; Ord. 99-05, 1999)

Review Criteria

Included below are the six criteria in the Town's Land Use Development Code (LUDC) for a zone change or text amendment.

In this staff report:

Code criteria and Master Plan are referenced in bold text.

Applicant's response to criteria is in italic text.

Staff's response is in normal text.

Criteria 1. The amendment is consistent with the direction and intent of the existing town of Taos master plan;

The Vision 2020 Master Plan was adopted February 1999 with goals for seven elements:

- a. Land Use**
- b. Agricultural Lands and Open Space Preservation**
- c. Economic Development**
- d. Community Design**
- e. Infrastructure**
- f. Housing**
- g. Community Facilities**

Applicant: The Town of Taos master plan encourages development in areas where all the infrastructure and roadways are fully developed. This parcel is in the population center of the community. Half of the population lives north and half lies south of this intersection. (from Mark Cowan and Associates.)

Staff: The goals below are from the Vision 2020 Master Plan and pertain to how a zone change from C-1 "Neighborhood Commercial" to C-2 "General Commercial" is consistent with the goals in the Vision 2020 Master Plan.

- Denser, higher impact non-residential development is directed to designated employment centers, where public services and infrastructure already exist, or where such development will have the least impact on the current and future inventory of open space and land under cultivation.
- An increased proportion of new development is accommodated through infill on vacant parcels in developed areas, through redevelopment of existing properties where adequate services and infrastructure exist for urban facilities and where increased density is encouraged.
- Higher density development is directed to areas where adequate services and infrastructure exist for urban facilities and where such developments have a minimal impact on existing and future agriculture uses and visual and physical access (where permitted) to open places.

The subject property is located on Paseo del Pueblo Sur, a major highway that runs through the Town of Taos. This section of road is primarily zoned C-2 for General Commercial development. The zoning reflects the intent of the Master Plan to promote commercial development along this corridor.

This Criterion is satisfied.

2. The amendment is consistent with the purpose and intent of town of Taos zoning regulations;

Applicant: The Town of Taos allows a zone change for properties if it is consistent with overall growth and the Town's master plans. In this case the property has a split zone and is difficult to develop this way.

Staff: The zoning regulations were created to implement the Master Plan, which encourages development in infill areas where infrastructure already exists. Commercial development is encouraged along main roads that have capacity to carry more traffic.

This Criterion is satisfied.

3. The amendment to this title is consistent with the existing land use in the affected neighborhood;

Applicant: The affected neighborhood is mostly commercial, especially on Paseo del Pueblo Sur.

On the north side of the property is the Town of Taos Command Center and the side yard of the Quality Inn Hotel.

On the east side is Gusdorf Road and across it is the Taos Middle School.

On the south side is the Town of Taos drainage canal and a vacant lot across that. On the west side Paseo de Pueblo Sur and the small commercial strip with Oil and Lube change.

Staff: Surrounding neighborhoods are zoned commercial and have either commercial uses or are vacant parcels. The proposed new zoning is still commercial and should be consistent with the existing surrounding land uses. The permitted principal uses allowed in the C-1 and C-2 zones are not that different. C-2 allows the permitted principal uses found in C-1 plus no exclusions on general merchandise retail, lodging establishments, excluding a bed and breakfast or a boarding house. The Conditional Uses vary between the two commercial zones. Development Standards are similar with noticeable differences in setbacks if residential units are adjacent. The Lot Coverage is 50% for C-1 and 60% for C-2.

In the Town's LUDC Chapter 16.20 Performance Standards a C-2 zone does allow individual building square footage up to 30,000 square feet as opposed to a C-1 zone, which allows only individual building square footage up to 10,000 square feet without a provisional permit. Staff recommends after the Planning & Zoning Commission hearing on April 2, 2014, that if the Commission chooses to approve the proposed rezoning

application that they do so with a condition that they approve the commercial site plan application(s) too.

This Criterion may be satisfied.

4. The benefit to the neighborhood will outweigh any potential adverse impact upon the surrounding properties;

Applicant: The property is in the center of town and future development of this infill property has many uses.

There would be no adverse effect except for minor additional traffic in the area that already has an excess of capacity.

Staff: The applicant told staff that the property owner is finding it difficult to develop the subject parcel with a split zone; therefore, the applicant is requesting that one zone for the entire property. All of the property on Paseo del Pueblo Sur is zoned C-2. The applicant's request matches the commercial zoning along the highway. Hopefully, by rezoning the parcel, the property owner will be able to develop this vacant, infill property.

On April 2, the Commission expressed concerns about the heavy equipment and/or traffic on Gusdorf Road by the middle school if the entire parcel was zoned C-2 (General Commercial) rather than allowing the land adjacent to Gusdorf Road to remain C-1 (Neighborhood Commercial). The C-1 zone is intended for neighborhood oriented, small scale commercial uses primarily to supply convenient goods and services to the residents of the neighborhood areas in which the C-1 zone is located. Mixed use is encouraged in the C-1 zone. The C-2 zone is intended for general commercial uses and services along streets carrying large volumes of traffic where a commercial use characteristically already exists. The primary purpose of the zone is to provide for sale of goods and services to local residents, visitors and tourists alike.

Staff discussed this concern with the applicant and visited the parcel again. The parcel shares a wide curb cut with an existing strip mall off of Paseo del Pueblo Sur. The highway Paseo del Pueblo Sur has storm drainage in place. The parcel is very narrow and then widens out towards Gusdorf Road. If the applicant's application is denied then most likely the parcel will be sold as two lots with the front lot zoned C-2 off of Paseo del Pueblo Sur and the back lot zoned as C-1 off of Gusdorf Road. The front parcel due to its shape and resulting size most likely will be developed as a strip mall. The back parcel will be separate with possibly one or two curb cuts off of Gusdorf Road.

This is one of the few large commercial lots left along Paseo del Pueblo Sur that can be developed as a unified, large tract without attracting a large big box store, which requires at least 8 - 10 acres minimum. Paseo del Pueblo Sur has numerous strip malls. In that area of town many of these strip malls have vacancies.

Because this is a request for a rezoning and not a site plan, the traffic and commercial impact on Gusdorf Road are still unknown. The Commission should request with approval of this requested rezoning that the applicant obtain Commission site plan approval too. Then the Commission can review the site plan for traffic and other potential negative impacts on the neighborhood, so these adverse impacts can be mitigated. In addition, the Commission can review the building's massing, layout, and other design features.

This Criterion may be satisfied.

5. The amendment to this title will not create a danger to the public health, safety, or welfare, nor cause an extraordinary public expense, or create a nuisance; and

Applicant: Creating a consistent zone on this infill property, with all utilities in the area, will not create a danger to the public health nor will it cause or create a public nuisance.

Staff: A change in zoning to C-2 should not create a danger to the public health, safety, or welfare, because the subject parcel is already zoned in one section for C-2 and the rest of the parcel is currently C-1. However, any development of this land will impact Gusdorf Road where the middle school is located. The Commission should request with approval of the rezoning that the applicant come back for Commission site plan approval. This condition will provide the Commission with the opportunity to review site plan related issues such as traffic and other potential negative impacts on the neighborhood and mitigate them.

There should not be a public expense associated with this zone change since the parcel is an infill development. The utilities have the capacity to handle to any new development.

This Criterion is satisfied.

6. The amendment is justified by the fact that the original zoning was in error, by change in condition in the vicinity, or by change in the town of Taos overall development policy.

*Applicant: (1) The original zoning may have been in error as it has created a split zone on this property. It is difficult to develop following two sets of rules.
(3) The Town of Taos development policy encourages better planning and this is needed to further a better planning platform.*

Staff: Staff does not know whether or not the original zoning was in error. It appears that the C-2 zone was applied uniformly along Paseo del Pueblo Sur as a commercial zone, which created split zoning of C-2 and C-1 on multiple parcels along this corridor.

This Criterion may be satisfied.

Findings of Fact:

1. The proposed rezoning supports the 2020 Master Plan and the intent and purpose of the Town's Land Use Development Code.
2. This is a large commercial tract of land consisting of approximately 8.8 acres with two commercial zones, C-1 and C-2 and fronts Paseo del Pueblo Sur and Gusdorf Road.
3. The parcels surrounding the subject parcel are zoned commercial with the exception of the middle school across the property on Gusdorf Road.
4. The allowed principal uses in the C-1 and C-2 zones are minimal. C-2 allows the permitted uses found in C-1 plus no exclusions on general merchandise retail, lodging establishments, excluding bed and breakfasts or boarding houses. The Conditional Uses vary between the two commercial zones. Development Standards are similar with noticeable differences in setbacks if residential units are constructed. The Lot Coverage is 50% for C-1 and 60% for C-2.

Planning & Zoning Commission Approval:

X The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application MEETS the provisions of Sections et. seq. of the Town of Taos Land Use Development Code (LUDC) and APPROVES the request to change the existing zone from C-1 and C-2 to a C-2 zone without conditions for property located at 1127 Paseo del Pueblo Sur on May 7, 2014:

VOTE	AYE	NAY
Doug Patterson		
Justin Lea	X	
Anthony Perez		
Pavel Lukes	X	
Dennis Garcia	X	
Eddie Lucero	X	
Billy Romero*		


*Billy Romero abstained.

Record of Decision

The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application meets the provisions of Sections 16.16.220 et. seq. of the Town of Taos Land Use Development Code (LUDC) and approves the request of a zone change from C-1 and C-2 to C-2 for property located at 1127 Paseo del Pueblo Sur.



Martha C. Perkins
Planning, Zoning, & Buildings Director
Town of Taos



Date of Final Hearing



**MINUTES
May 7 2014
Planning and Zoning Commission
Regular Meeting**

**Town Council Chambers - 120 Civic Plaza Drive
5:30 PM**

1. CALL TO ORDER BY THE CHAIRMAN

The Planning and Zoning Commission Meeting was called to order at 5:35 pm.
(No Audio or DVD Available at this point in the meeting)

2. ROLL CALL

No DVD available showing Roll Call

Those present were:

Billy Romero
Dennis Garcia
Justin Lea
Pavel Lukes
Eddie Lucero

Also present were:

Planning, Zoning and Buildings Director, Martha Perkins
Senior Planner, Amy Rincon

Town Attorney, Jacob Caldwell

3. PLEDGE OF ALLEGIANCE

No DVD available showing Pledge of Allegiance

4. APPROVAL OF AGENDA

No DVD Available showing Approval of Agenda.

Commissioner Lukes made a motion to approve the Agenda.

Commissioner Lucero seconded the motion.

5. APPROVAL OF MINUTES

A. Planning & Zoning Minutes 3/5/2014

P&Z Minutes 3/5/2014

No DVD available showing Approval of Minutes for the March 5, 2014 Planning and Zoning Commission Meeting.

Commissioner Garcia made a motion to approve the Meeting Minutes from the March 5, 2014 Planning and Zoning Commission Meeting.

Commissioner Lukes seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Romero, Garcia, Lea, Lukes, Lucero

B. Planning & Zoning Minutes 4/2/2014

P&Z Minutes 4/2/2014.

No DVD available showing Approval of Minutes from the April 2, 2014 Planning and Zoning Commission Meeting.

Commissioner Garcia made a motion to approve the Meeting Minutes from the April 2, 2014 Planning and Zoning Commission Meeting.

Commissioner Lucero seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Romero, Garcia, Lea, Lukes, Lucero

6. CITIZENS FORUM

No DVD available showing the Citizens Forum

No one came forward.

Citizens wishing to speak shall limit their comments to 5 minutes or less at the Chairman's discretion. No action may be taken.

7. MATTERS FROM STAFF

There were none.

8. PUBLIC HEARINGS

A. Case No. PZ 2014-7 Rezoning Request from C-1 and C-2 to C-2

Continuation of consideration and possible approval of a request for a Zone Change from C-1 (Neighborhood commercial) and C-2 (General Commercial) to C-2 (General Commercial) for approximately 8.789 acres located at 1127 Paseo del Pueblo Sur with the Town of Taos limits. The property owner is Goose 24 LLC., with Agent Mark Yaravitz.

No DVD available for first part of Item 8. Public Hearings A. Case No. PZ2014-7 Rezoning request from C-1 and C-2 to C-2.

Mr. Mark Yaravitz commented there was not much difference between C-1 and C-2. He didn't see much difference in whatever traffic would be created in a C-1 zone and a C-2 zone. The roundabouts on Paseo del Canon East were designed to handle more traffic than what is currently being generated. Mr. Yaravitz stated he does not think that the traffic generated on Gusdorf with a C-1 or C-2 zone will be that much different. Mr. Yaravitz stated this property is the center of Town and gave a summary of an expired access permit from the New Mexico Department of Transportation and asked to add the letter of expiration to the Record to show what had been approved. Mr. Yaravitz stated his concerns on developers coming in from out of town wanting to place a business there and having to deal with two zones and thus two sets of rules.

Commissioner Lukes had lots of questions. He didn't understand what the problem was with

rezoning the property.

Chairman Lea asked if anybody was signed in to speak.

Those signed in to speak were:

Stevens Hall - Mr. Hall spoke against the rezoning and stated there was nothing wrong with split zoning.

Chairman Lea closed the public discussion and asked the Commissioners if they had any further discussion.

Chairman Lea asked questions concerning the process of the site plan approval.

Ms. Perkins explained the current code reads they are combining the rezoning with the site plan which is contract zoning. Ms. Perkins stated the code needs to be changed and she described the process that she is using now.

Chairman Lea asked the acreage of the property fronting Gusdorf.

Mr. Yaravitz answered three and a half acres exists in the front off of Paseo and five acres in the back off of Gusdorf Road. The larger half is zoned C-1.

Commissioner Lukes made a motion to approve Case No.PZ2014-7 Rezoning from C-1 to C-2 based on findings of facts and staff recommendations.

Commissioner Lucero seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Garcia, Lea, Lukes, Lucero

Commissioner Romero abstained.

B. Case No. PZ 2014-8 Variance for 214 Morada Lane

Consideration and possible approval of a request for a Variance in lot size for approximately 0.037 acres at 214 Morada Lane within the Town of Taos. The Applicant, Erin Duddy, who is also the property owner is requesting this variance.

Ms. Amy Rincon gave a summary on Case No. PZ2014-8 Variance for 214 Morada Lane and stated she would like the staff report added to the record.

Ms. Martha Perkins stated in addition to the Lot Size Variance the applicant is also requesting a Variance for all the development standards. Ms. Perkins gave a summary on the background of the property.

Commissioner Garcia stated he doesn't understand why, since it is an existing structure and was granted way back when it took place; they were bringing it to the Commission to make modifications to what was already approved way back when.

Ms. Martha Perkins explained there has not been any changes since 1999. The applicant and the previous owners have not made any changes to the structure. She stated the problem is the structure is a non conforming use. Financial institutions getting more strict, which may make this property harder to sell in the future. Also the appraiser did not make any adjustment for this duplex being a non conforming use, which had been approved administratively.

The Applicant, Erin Duddy, spoke briefly and explained Centinel Bank urged her to seek a variance. She stated she has no intention of adding to it or selling the house. It is just in the event that something horrible happens, like a fire, so she can rebuild it.

Chairman Lea opened the Public Hearing.

Nancy Woodworth came forward. Ms. Woodworth questioned if there had ever been a building permit for the property. She stated her concerns about putting a duplex on a piece of property that is so tiny. There are parking issues there. Ms. Woodworth stated by giving a variance or building permit after the fact staff is rewarding illegal building in Town. It has happened too many times. Ms. Woodworth asked if the house were to burn to the ground what would be allowed to be built there on the size of that lot.

The Commission answered nothing could be built unless there is a variance.

Ms. Woodworth stated it should never have been built to begin with. She stated there have been three owners in three years and who knows in the next ten years. Ms. Woodworth stated she does not like to reward people for building illegally and then asking for variances after the fact.

Chairman Lea stated they agree as a Commission; they are not trying to give out rewards for people taking advantage of the system.

Ms. Martha Perkins stated she had a letter from a neighbor, Catherine Jones that she would like to read into the record. Ms. Catherine Jones' letter supported Ms. Duddy's request for a variance. She stated that she was more concerned about how the Historic Kit Carson Park lost its Historic Overlay Zoning, which has more impact on this neighborhood.

Ms. Nancy Woodworth stated the adjoining neighbor on the other side built that structure, subdivided it, and stated it is a non-conforming lot. Ms. Woodworth does not know their name.

Commissioner Romero stated if there was a Certificate of Occupancy issued on the house. It seems like the Commission cannot act on this.

Chairman Lea stated he thinks the applicant is just essentially clearing up the record.

Commissioner Lukes stated they were legitimizing what happened.

Commissioner Garcia stated he wanted to follow up on those lines. He understands they are correcting something that the Town approved. If the Commission is approving this, then the minutes need to reflect why the Commission is providing the approval. Mr. Garcia thinks it is important to document the Commission's reasons behind approving the lot size variance, because he can see other neighbors coming in and requesting this.

Mr. Jacob Caldwell stated he wanted to back up the comments made by Mr. Garcia. It strikes him as a slippery slope issue; he does not have a solution for it; and he agrees with Ms. Perkins that this house and lot is currently a non-conforming use, which doesn't mean it is an illegal use. It is perfectly legal under the Town's definition of non-conforming use because they recognize it. It is not a typical non-conforming use in the sense that it didn't exist prior to the zoning regulations that went into effect, but the Town will have a very tough time arguing that it can't be continued. Mr. Caldwell stated the real question is do we have an obligation to allow this use to continue if it is abandoned or destroyed. These are two examples of the type of things that could happen to non-conforming use, which would make it go away. The Town Land Use Code does not encourage the survival of non-conformities. Mr. Caldwell made it clear to the Commission that the policy of the Town is not to encourage non-conformities to continue after destruction. Mr. Caldwell stated he is not saying the applicant didn't have the option of making a variance. When he thinks of a variance he thinks of a hardship. He thinks that is the gap that may be bridged here. There may be a recognition that there is a real hardship that wasn't brought on by this particular owner, but she is trying to remedy it. He thinks the Commission has the means to do that through the variance procedure, but it is not ideal. It would be his desire if the Commission were to proceed with granting the variance that they would condition the granting of the variance in such a way that they prevent other non-conforming uses from coming in and trying to accomplish the same thing.

Chairman Lea stated one issue with other non-conforming uses is the Commission's standard policy to treat each case on an individual basis. The Commission will not develop a trend or pattern. They have proven that in the past.

Commissioner Lukes made a motion to approve Case No. PZ2014-8 Variance for 214 Morada Lane based on staff recommendation and findings of fact and the fact that the applicants reasoning for this variance is hardship if we were not to grant this variance; hardship that was not caused by the applicant.

Commissioner Garcia seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Romero, Garcia, Lea, Lukes, Lucero

C. Case No. PZ 2014-12 Conditional Use Permit for a daycare at 114 Dona Luz

Consideration and possible approval of a request for a Conditional Use Permit for a daycare to be located at 114 Dona Luz within the Town of Taos. The Applicants Inspire Bilingual Early Learning Center, owners Rachel Wetmore and Taylor Etchemendy with the property owner Michael Barrett of Sun Ripened Moon, are requesting a Conditional Use Permit for a daycare.

Ms. Amy Rincon gave summary on the Staff Report for Case No. 2014-12 Conditional Use Permit for a daycare at 114 Dona Luz and stated she would like the staff report to be added to the record.

Ms. Rachel Wetmore gave a Presentation on Case No. 2014-12. Ms. Wetmore stated they received a grant for a Pre-K Program. They are preparing children for the dual language programs the elementary schools are offering.

Chairman Lea opened the Public Hearing.

Those in attendance to speak were:

Cecilia Griffin - Ms. Griffins is not thrilled about it, her concerns were the noise, how long will the children be outside, the traffic and where will the parents be dropping the children off and picking them up.

John Lacher - Mr. Lacher is one of the owners of the Las Casitas on Padre Martinez Lane. His concerns were traffic on Padre Lane. He hopes that access is not blocked throughout the day. He hopes they don't take away the minimal parking that is already on Padre Lane. He would like the applicants to send a copy to Bill Jenson so they can find out more about the project before it is granted.

Chairman Lea asked if the neighbors were notified.

Ms. Perkins stated the database is outdated and apologized if they missed anyone; it was not their intent.

Ms. Rincon stated they can check it. There is a map in the application showing the 300 feet.

Chairman Lea asked if notice was sent to Mr. Jenson and Mr. Lacher.

Ms. Rincon stated she did not see them on the list.

Ms Perkins stated the applicants posted a notice on the property and placed a legal ad in the newspaper.

Ms. Wetmore apologized. She did send notices to all the property owners that were on the list. Ms. Wetmore stated the hours of operation were going to be 7:30 am to 5:30 pm and parents start dropping off their children between 8:00 am and 9:30 am. The children are not all there between 7:30 am to 5:30 pm. That is just the hours they are open. Staff arrives at 7:30

am. At their current location they have not had many cars there at the same time.

Ms. Taylor Etchemendy stated Padre Martinez will not be used by parents at all. The staff will park back there.

Ms. Wetmore stated there are four staff and six parking spaces.

Commissioner Lucero questioned Ms. Perkins concerning them taking up all the parking in the front. Why is the applicant taking away parking in that commercial zone?

Ms. Perkins explained it is in the code under the Historic Overlay in the Commercial Business District. The code states that you do not have to provide additional parking for the buildings that are there. In addition, Ms. Perkins stated they need to have a fenced play area for the children per the state requirements for having a daycare.

Ms. Wetmore stated there will only be six children out there at a time.

Ms. Etchemendy stated the children at that center are ages 6 weeks to 2 years old so they will be quiet. They will be inside most of the time but when they take them out there will be six at a time. They will take the children in the buggies to the park or they go across to the other playground.

Commissioner Lucero asked why they did not consider placing the play area in the back. Ms. Wetmore stated there were power lines in the back, so it does not meet licensing requirements.

Ms. Wetmore stated there will not be a set recess time. It is dependent on the children napping. They are licensed for 25 children but do not intend to have that many; they plan to have 15 to 20 children.

Mr. Lacher stated he could not speak for everybody but he suspects none of them are against the bilingual daycare center. His only concern is Dona Luz is very narrow, that it doesn't get congested and that the applicants work with them if there are any problems. Mr. Lacher stated he does not have any objections.

Ms. Griffin stated she wanted to make it clear that children will not be dropped off on Dona Luz.

Ms. Wetmore and Ms. Etchemendy confirmed they would not be dropping the children off on Dona Luz.

Chairman Lea closed the public meeting.

Commissioner Lukes made a motion to approve Case No. PZ2014-12 Conditional Use Permit for a daycare at 114 Dona Luz based on findings of facts and recommendation of staff with the stipulation that any traffic will be discouraged on Padre Martinez Lane and to the extent they can on Dona Luz by the applicant.

Commissioner Romero seconded the motion.

Chairman Lea asked if there was any discussion from the Commissioners.

A discussion ensued between the Commissioners concerning putting so many stipulations within the motion and making it too restrictive for the applicant. The applicant must ask their clients not to use Dona Luz and Padre Martinez in the motion? A stipulation by the Commission should be simply asking the applicant to inform their clients not to unload on the roadways. How do the applicants feel about it?

The applicants stated drop off and pick up locations were stated in their policy and procedures.

Chairman Lea stated stipulations are discouraged but in this particular case it is non-binding. He feels it is a good faith effort by the applicant who really want to make sure their neighbors are happy. Chairman Lea stated the motion stands.

The motion was Passed. Those voting AYE were: Commissioners: Romero, Garcia, Lea, Lukes, Lucero

9. MATTERS FROM THE PLANNING AND ZONING COMMITTEE

A. Jake Brake Ordinance

Discussion and possible direction to staff on the creation of a Jake Brake Ordinance to prohibit the unlawful use of engine compression brakes within the Town of Taos.

Ms. Martha Perkins explained this item was a request from Commissioner Lukes. She gave an explanation concerning jake braking along Paseo del Pueblo Sur and Paseo del Pueblo Norte where the culturally significant buildings are within downtown Taos. It creates a lot of noise and vibration. They are concerned about the buildings downtown. The Historic Preservation Commission suggested the Town have a jake brake ordinance. Ms. Perkins stated they have two examples of ordinances from other municipalities.

A discussion ensued between the Commission and Staff. The Commissioners directed staff to write a jake brake ordinance and to bring it back to the Commission.

Commissioner Lukes stated they should address the issue of Boom Boxes. Historically he was told there is a noise ordinance but stated the ordinance is meaningless. It doesn't do anything. No enforcement is provided. He stated he thinks there is nothing more obscene or obnoxious than a car that vibrates down the road and vibrates everything within 300 yards. He thinks it is pollution, evasive and he doesn't think it does anything for the welfare of this community or its visitors. Commissioner Lukes asked if there was a way to address that issue specifically, a boom box ordinance aside from the noise ordinance.

Mr. Jacob Caldwell stated he is sure there is a way and can be looked into.

A discussion ensued concerning the boom boxes.

10. ADJOURNMENT

A motion was made by Commissioner Garcia and seconded by Commissioner Lucero to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 6:50 p.m.

APPROVED:

Chairperson

PLEASE NOTE: The Town of Taos video records all meetings of the Planning and
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Zoning Commission. Copies of DVDs are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 per recording. Additionally, video recordings can be viewed at www.mediataos.org. You may also view agendas, agenda packets, and minutes at <http://public.taosgov.com/>.



ORDINANCE 14-09

This Ordinance amends the Town of Taos Official Zoning Map, Ordinance 06-21 of the Town of Taos, and Ordinance 99-05, the Town of Taos Land Use Development Code, for a property located on 1127 Paseo del Pueblo Sur, and zones the entire property, approximately 8.789 acres, to C-2 "General Commercial" within the Town of Taos.

WHEREAS, the Town of Taos Planning and Zoning Commission has been delegated the responsibility for review of all changes to the Zoning Map, which is approved as part of the Town Code Chapter 16, the Land Use Development Code and Ordinance of the Town of Taos; and

WHEREAS, the Town of Taos Planning and Zoning Commission held a duly published, noticed, and posted meeting on May 7, 2014 and recommended to the Town Council that such amendment to the Zoning Map be approved based on the findings of fact to rezone approximately 8.789 acres from C-1 "Neighborhood Commercial" and C-2 "General Commercial" to C-2 "General Commercial" for property located on 1127 Paseo del Pueblo Sur; and

WHEREAS, the Town Council finds that the proposed zone change meets the requirements set forth in the Land Use Development Code as the:

1. The amendment is consistent with the direction and intent of the existing town of Taos master plan;
2. The amendment is consistent with the purpose and intent of town of Taos zoning regulations;
3. The amendment to this title is consistent with the existing land use in the affected neighborhood;
4. The benefit to the neighborhood will outweigh any potential adverse impact upon the surrounding properties;
5. The amendment to this title will not create a danger to the public health, safety, or welfare, nor cause an extraordinary public expense, or create a nuisance; and
6. The amendment is justified by the fact that the original zoning was in error, by change in condition in the vicinity, or by change in the town of Taos overall development policy; and

WHEREAS, the Town Council, the Governing Body of the Town of Taos, based on the foregoing findings of fact, approves of an amendment to the above-referenced Ordinances as stated herein.

THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in a Regular Session this 10th day of June 2014, and after having held a duly noticed public hearing on this matter, that Taos Ordinance 06-21 Official Zoning Map and Ordinance 99-05, the Town of Taos Land Use Development Code or the Town Code Title 16, are hereby amended to rezone approximately 8.789 acres on 1127 Paseo del Pueblo Sur from C-1 "Neighborhood Commercial" and C-2 "General Commercial" to C-2 "General Commercial" as adopted, approved and ratified by this Ordinance 14-09.

This Ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, AND APPROVED this 10th of June, 2014 by the following vote:

Mayor Pro Tem Frederick A. Peralta
Councilmember Judith Cantu
Councilmember George "Fritz" Hahn
Councilmember Andrew T. Gonzales

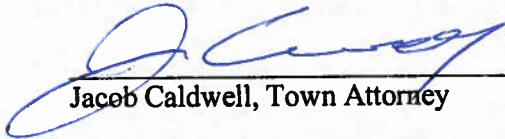
TOWN OF TAOS

Daniel R. Barrone, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk



Jacob Caldwell, Town Attorney

16.16.130: C-1 NEIGHBORHOOD COMMERCIAL ZONE:

16.16.130.1: INTENT AND PURPOSE:

The C-1 zone is intended for neighborhood oriented, small scale commercial uses primarily to supply convenient goods and services to the residents of the neighborhood areas in which the C-1 zone is located. Mixed use is encouraged in the C-1 zone. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.130.2: PERMITTED PRINCIPAL USES:

The following uses shall be permitted in the C-1 zone:

Dry cleaning establishment, provided that:

- A. Inflammable or combustible materials shall not be used in any cleaning process;
- B. All activities shall be conducted within a completely enclosed building;
- C. No outdoor storage;
- D. Such establishment shall be operated principally as a retail business; and
- E. That portion of the building in which any cleaning process shall be undertaken shall be at least fifty feet (50') from any building in a residential zone.

Eating/drinking establishments, **excluding bar/lounge and clubs.**

Family amusement or entertainment establishments, excluding go-cart/carnival/thrill rides.

General merchandise retail, **excluding department stores, discount stores, supermarkets, and pawnshops.**

Golf course/driving range.

Home occupation, provided that all conditions of section 16.20.070 of this title are met.

16.16.140: C-2 GENERAL COMMERCIAL ZONE:

16.16.140.1: INTENT AND PURPOSE:

The C-2 zone is intended for general commercial uses and services along streets carrying large volumes of traffic where a commercial use characteristically already exists. The primary purpose of the zone is to provide for sale of goods and services to local residents, visitors and tourists alike. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.140.2: PERMITTED PRINCIPAL USES:

The following uses shall be permitted in the C-2 zone:

Any use permitted in the C-1 zone.

Eating/drinking establishments.

Family amusement/entertainment, excluding go-carts/carnival/thrill rides.

General merchandise retail.

Lodging establishments, excluding bed and breakfast inn or boarding house.

Personal service retail establishments, excluding daycare and personal storage. Motor vehicle service and repair establishments/car wash and fuel sales, including filling stations and repair garages, and retail sale of vehicle fuels for consumption but not for resale, are permitted, provided that:

- A. Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building;
- B. No outdoor storage of any kind; and
- C. If any lubricating or washing is done outside a building, a solid wall or fence or a compact evergreen hedge six feet (6') high shall be maintained between such activity and any abutting or contiguous residential zone, and such activity shall be located at least one hundred feet (100') from such zones.

Personal service retail establishments, excluding daycare, photography studios and personal storage. Motor vehicle service and repair establishments/car wash and fuel sales, including filling stations and repair garages, and retail sale of vehicle fuels for consumption but not for resale, are permitted, provided that:

- A. Any tube or tire repairing, battery charging or the like shall be conducted within a completely enclosed building;
- B. No outdoor storage of any kind; and
- C. If any lubricating or washing is done outside a building, a solid wall or fence or a compact evergreen hedge six feet (6') high shall be maintained between such activity and any abutting or contiguous residential zone, and such activity shall be located at least one hundred feet (100') from a residential zone.

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Specialty retail establishments, excluding automobile/pleasure craft dealership, large equipment sale and rental, machine shop, manufactured home sales and service, and package liquor sales. (Ord. 03-07, 2003: Ord. 99-05, 1999)

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Specialty retail establishments. (Ord. 03-07, 2003: Ord. 99-05, 1999)

C-1 NEIGHBORHOOD COMMERCIAL ZONE:

16.16.130.3: PERMITTED ACCESSORY USES:

- A. Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the C-1 zone. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.16.130.4: CONDITIONAL USES:

The following uses shall be permitted in the C-1 zone only if a conditional use permit is granted:

Bed and breakfast inns and boarding houses, provided that:

- A. Not more than five (5) rooms are available for guest lodging, and this limitation may not be increased by variance;
- B. The manager resides in and occupies the bed and breakfast inn or boarding house;
- C. Provision of food and meals shall meet all applicable state and local regulations and shall be served only to guests of the bed and breakfast inn or boarding house;
- D. All applicable codes shall be met, including, but not limited to, fire code, building code and this title;
- E. The following off street parking requirements shall be met:
 - 1. One parking space per employee;
 - 2. One marked parking space for each guestroom; and
 - 3. One parking space for the resident manager;
- F. Only one sign, not to exceed four (4) square feet, that may be externally illuminated; and
- G. Landscaping and all other applicable performance standards of this title and any other applicable town ordinance or regulation shall be met.

Club.

Daycare.

Hotel, motel or cabins.

C-2 GENERAL COMMERCIAL ZONE:

16.16.140.3: PERMITTED ACCESSORY USES:

The following accessory uses shall be permitted in the C-2 zone:
Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses and structures which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the C-2 zone. (Ord. 03-07, 2003: Ord. 99-05, 1999)

16.140.4: CONDITIONAL USES:

The following conditional uses shall be permitted in the C-2 zone only if a conditional use permit is granted:

Daycare.

Go-carts/carnival/thrill rides, provided that each such amusement facility is located on property which is not less than one thousand feet (1,000') from the property of any adult entertainment use, school, church, nursery or daycare facility, public park, recreational facility, residential zone district, and/or a liquor establishment. Measurement shall be from:

- A. The closest point on the property line of the property on which the amusement facility use is located;
- B. The closest point on the property line of the property from which the amusement facility must be separated; and
- C. The closest point on the residential zone boundary from which the amusement facility must be separated.

Multi-family residence, such as a triplex, townhouse, condominium or apartment, provided they are incorporated into a planned unit development.

Personal storage.

Single-family dwelling.

Multi-family residence, such as a triplex, townhouse, condominium or apartment with no more than one sign of a total area of four (4) square feet.

Personal storage.

Recreational uses excluding golf course/driving range.

Single-family dwelling.

Two-family attached or semiattached residence, such as a duplex, townhouse, condominium or apartment. (Ord. 03-07, 2003: Ord. 99-05, 1999)

Two-family attached or semiattached residence, such as a duplex, townhouse, condominium or apartment, provided they are incorporated into a planned unit development.

Wholesaling or distribution operation. (Ord. 03-07, 2003: Ord. 99-05, 1999).

C-1 NEIGHBORHOOD COMMERCIAL ZONE

16.16.130.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the C-1 zone:

- A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semiattached or multi-family residence.
- B. Minimum Lot Size: Seven thousand (7,000) square feet.
- C. Minimum Lot Width: Seventy feet (70').
- D. Minimum Setback Requirements:
 - 1. When a lot in the C-1 zone is developed with a single-family or two-family dwelling, the setback requirements of the R-6 zone shall apply; and
 - 2. When a lot in the C-1 zone is developed with multi-family dwellings or a commercial use, the setback requirements shall be:
 - a. Front Yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;
 - b. Side Yards: Zero feet (0');
 - c. Rear Yard: Zero feet (0');
 - d. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance.
- E. Maximum Lot Coverage: Fifty percent (50%) by all structures.
- F. Off Street Loading: Any use in the C-1 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being

C-2 GENERAL COMMERCIAL ZONE:

16.16.140.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the C-2 zone:

- A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semiattached or multi-family residence.
- B. Minimum Lot Size: Seven thousand (7,000) square feet.
- C. Minimum Lot Width: Seventy feet (70').
- D. Minimum Setback Requirements:
 - 1. Front Yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;
 - 2. Side Yards: Zero feet (0');
 - 3. Rear Yard: Zero feet (0');
 - 4. Residential Zone: If the rear or side property line abuts a residential zone, the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance.
- E. Maximum Lot Coverage: Sixty percent (60%) by all structures.
- F. Off Street Loading: Any use in the C-2 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.
- G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-2 zone.
- H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or

loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley or way.

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-1 zone.

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-1 zone governed by this title shall meet or exceed all applicable performance standards¹⁷ and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-1 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section 16.16.190 of this chapter. (Ord. 10-25, 2010)

other matters occurring within the C-2 zone governed by this title shall meet or exceed all applicable performance standards¹⁸ and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-2 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section 16.16.190 of this chapter. (Ord. 10-25, 2010)



**MINUTES
April 2 2014
Planning and Zoning Commission
Regular Meeting**

**Town Council Chambers - 120 Civic Plaza Drive
5:30 PM**

1. CALL TO ORDER BY THE CHAIRMAN

Inaudible – Meeting started at 5:38 pm

2. ROLL CALL

Ms. Amy Rincon, Senior Planner, called roll and a quorum was present.

Those present were:

Douglas Patterson
Dennis Garcia
Justin Lea
Anthony Perez
Eddie Lucero

Those Absent/Excused were:

Pavel Lukes

Those late were:

Billy Romero

Also present were:

Martha Perkins, Planning, Zoning and Buildings Director
Amy Rincon, Senior Planner
Jacob Caldwell, Town of Taos Attorney
Richard Bellis, Town of Taos Town Manager

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. APPROVAL OF AGENDA

Chairman Lea asked why the minutes were not attached for the March 3, 2014 Planning & Zoning Commission Meeting.

Ms. Perkins stated she does not understand how to use Novus, the software used to create

Agendas and Minutes therefore they were not attached but they were ready.

Chairman Lea would like to add B. Discussion on the US64 Corridor Study to Item 8. Matters from the Planning and Zoning Commission.

Commissioner Perez made a motion to approve the Agenda as Amended.

Commissioner Lucero seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Patterson, Garcia, Lea, Perez, Lucero

Commissioner Romero arrived at the Meeting.

5. CITIZENS FORUM

No one came forward.

Citizens wishing to speak shall limit their comments to 5 minutes or less at the Chairman's discretion. No action may be taken.

6. MATTERS FROM STAFF

Ms. Perkins informed the Commission that the Council will appoint the Commission at the next Council Meeting.

Ms. Perkins introduced Jacob Caldwell, Town of Taos Attorney.

7. PUBLIC HEARINGS

A. Case No. PZ 2014-6 Rezoning Request from R-4 to R-6

Consideration and possible approval of a request for a Zone Change from R-4 (Residential Zone) to R-6 (Residential Zone) for approximately 4.83 acres at 441 La Posta Rd, located on the corner La Posta Road and Ranchitos Road within the Town of Taos. The Applicant, Four Directions LLC., Assaf Rezoni, property owner, through his Agent Mark Yaravitz, are requesting this zone change.

Ms. Rincon and Ms. Perkins gave a brief summary on Case No. PZ2014-6 rezoning request from R-4 to R-6.

Mr. Mark Yaravitz gave a presentation on Case No. PZ2014-6 rezoning request from R-4 to R-6.

A discussion ensued between the P&Z Commission, Mark Yaravitz and Staff.

Those in attendance to speak were:

Meliton Struck asked questions of the applicant about the open space, power poles, arroyo, acequia and the number of mobile homes that could be possible if with a change from R-4 to R-6.

Chairman Lea Closed the Public Hearing

Commissioner Patterson made a motion to deny the Rezoning Request from R-4 to R-6.

Commissioner Garcia seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Romero, Patterson, Garcia, Lea, Perez, Lucero

B. Case No. PZ 2014-7 Rezoning Request C-1 and C-2 to C-2

Consideration and possible approval of a request for a Zone Change from C-1 (Neighborhood Commercial) and C-2 (General Commercial) to C-2 (General Commercial) for approximately

8.789 acres located at 1127 Paseo Del Pueblo Sur within the Town of Taos limits. The property owner is Goose 24 LLC. with Agent Mark Yaravitz.

Ms. Rincon gave a brief summary on Case No. PZ2014-6 rezoning request from C-1 and C-2 to C-2.

Mr. Mark Yaravitz gave a presentation on Case No. PZ2014-7 rezoning request C-1 and C-2 to C-2.

A discussion ensued between the P&Z Commission, Mark Yaravitz and Staff.

Chairman Lea opened the Public Hearing.

Those in attendance to speak were:

Stevens Hall had questions about the curb cut off of Paseo del Pueblo Sur and what uses existed within the neighborhood. He was not in favor of changing the zoning.

Chairman Lea closed the Public Hearing

Commissioner Perez made a motion to deny Case No. 2014-7 Rezoning Request from C-1 and C-2 to C-2 in regard to criteria #4 the benefit to the neighborhood will not outweigh any potential adverse impact on the surrounding properties.

A discussion ensued between the Commissioners.

Commissioner Patterson seconded the motion. The motion was Denied. Those voting NO were: Commissioners: Romero, Patterson, Garcia, Lea, Perez, Lucero

Commissioner Patterson made a motion to continue Case No. 2014-7 Rezoning Request from C-1 and C-2 to C-2 to May 7, 2014 at 5:30 pm.

Commissioner Lucero seconded the motion. The motion was Passed. Those voting AYE were: Commissioners: Romero, Patterson, Garcia, Lea, Perez, Lucero

- C. Ordinance 14-05: An Ordinance to Update and Adopt the Town of Taos Zoning Map
Continuation of discussion and possible direction to staff for updates to Town of Taos Zoning Map.

Ms. Perkins and Ms. Rincon gave a brief summary on Ordinance 14-05.

A discussion ensued between the Commissioners and Staff.

Those in attendance to speak were:

Mark Yaravitz had zoning questions about PUD's.

No Motion was taken.

8. MATTERS FROM THE PLANNING AND ZONING COMMITTEE

A. New Urbanism/Transect Presentation

Discussion and possible direction to staff regarding a staff presentation on New Urbanism, Transect zones, and Code Section 16.16.230 TND "Traditional Neighborhood Development District".

Ms. Perkins gave a presentation on New Urbanism/Transect.

A discussion ensued between the Planning and Zoning Commission and Staff.

Those in attendance to speak were:

Mark Yaravitz suggested that New Urbanism is about architectural form of buildings and space rather than the uses allowed.

B. Discussion on US64 Corridor Study

Ms. Perkins gave a brief summary on the US64 Corridor Study being conducted by the NMDOT. The Commission asked Ms. Perkins if she could call the New Mexico Department of Transportation for a presentation at a Planning & Zoning Commission. Ms. Perkins agreed, after stating that she had legally advertised the last public meeting as a possible Commission meeting and had requested the slides from that meeting for the Commission.

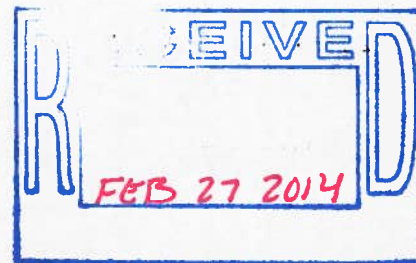
9. ADJOURNMENT

A motion was made by Commissioner Patterson and seconded by Commissioner Lea to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 8:00 p.m.

APPROVED:

Chairperson

PLEASE NOTE: The Town of Taos video records all meetings of the Planning and Zoning Commission. Copies of DVDs are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 per recording. Additionally, video recordings can be viewed at www.mediataos.org. You may also view agendas, agenda packets, and minutes at <http://public.taosgov.com/>.

**APPLICATION FOR ZONE CHANGE**

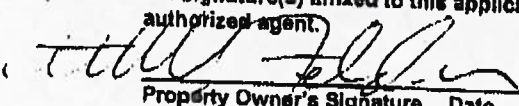
Town of Taos
 Planning and Zoning Department
 400 Camino de la Placita
 Taos, New Mexico 87571
 Phone: (505) 751-2016 Fax: (505) 751-2026

Date: 2/27/2014Case Number: 2014-7Property Owner: GOOSE 24 LLCAddress: 5072 MEDORAS AVE, ST AUGUSTINE FL 32080
 (mailing address)1127 PASEO DEL PUEBLO SUR
 (subject property address)Phone Number(s): 904-471-8535Agent: MARK YARAVITZAddress: PO BOX 1145 TAOS, NM 87571Phone Number(s): 575-770-0831EXISTING ZONING: C1/C2PROPOSED ZONING: C2ACREAGE OF SUBJECT PROPERTY: 8.789

*Attach a legal description of property and a copy of registered deed.

SUBMITTAL CERTIFICATION

I hereby certify that the documentation submitted for review and consideration by the Town of Taos Planning and Zoning Commission has been prepared in accordance with the Town of Taos Land Use Development Code and the Zone Change application submittal checklist and that failure to include the minimum submittals may result in the delay or rejection of my application. I also certify that the signature(s) affixed to this application are those of the property owner and authorized agent.


 Property Owner's Signature Date


 Agent's Signature Date

ZONE CHANGE
APPLICATION SUBMITTAL CHECKLIST

The following submittals are required in order to be placed on Planning and Zoning Commission agenda for their next regularly scheduled monthly meeting. Please complete and submit sixteen (16) copies on 8 1/2 x 11 paper of the requested information (except where otherwise indicated). Information will be due as seen fit by the Site Development Review Staff of the Town of Taos Planning and Zoning Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Zone Change. Please contact staff with questions regarding the submittals required herein.

- ☒ Completed Zone Change application.
- ☒ Copy of existing zoning map for subject area.
- ☒ Copy of zoning map with proposed amendments.
- ☒ Summary of all existing uses in proposed affected area.
- ☒ Summary of all existing uses on adjacent properties.
- ☒ Documentation of benefits to neighborhood if amendment was to be approved.
- ☒ Documentation on adverse affect to neighborhood if amendment was to be approved.
- ☒ Documentation showing that the zone change is justified (1) Because the original zoning was in error, (2) Because a change has occurred in the condition of the vicinity, or (3) Because a change has occurred in the Town of Taos' overall development policy.
- ☒ Site plan and survey plat (minimum size for each 17" by 22") (minimum scale: 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements. Please see "Site Development Plan" in Section 5-8 of the Town of Taos Land Use Development Code.
- ☒ Property Owner information on file with the County Assessor as follows:
 A) Copy of the tax map (including map number) depicting subject property and adjacent property
 B) List of owners of record listed on file for adjacent properties
- ☒ Documentation or narrative showing that the proposed zone change is consistent with the direction and intent of the existing Town of Taos Master Plan (Vision 2020).

☒ Documentation or narrative showing that the proposed zone change is consistent with the purpose and intent of the Town of Taos zoning regulations.

☒ Documentation or narrative showing that the proposed zone change is consistent with the existing land use in the affected neighborhood.

☒ Documentation or narrative establishing that the proposed zone change will not create a danger to the public health, safety or welfare, nor cause an extraordinary public expense or create a nuisance.

TIERRAS DE TAOS
TITLE COMPANY, INC.
05-3838

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000305811
Book 494 Page 271
1 of 4
06/01/2005 03:55:06 PM
BY DIANAD

WARRANTY DEED

REED P. WEIMER, a married man dealing with his sole and separate property, SHERI DEA BROWN, a married woman dealing with her sole and separate property, and ALEXANDER R. WEIMER, an unmarried man, for consideration paid, grant to MITCHELL GARY FELDMAN, an unmarried man, whose address is 5072 Medores, St. Augustine, Florida 32080, the real estate located in Taos County, New Mexico and more particularly described on the attached Exhibit "A."

See Attached Exhibit "A"

SUBJECT TO:

Reservations as contained in the patent from the United States of America to the Cristoval de la Serna Grant, dated January 19, 1903, including but not limited to water rights, claims of title to water and any easements for ditches appurtenant thereto, and all interest in oil, gas and other minerals, if any, filed for record in Book A-16, pages 324-344; re-recorded in Book M-28, pages 33-44, records of Taos County, New Mexico.

Terms, conditions, provisions of Agreement for Right-of-Way in Fee Simple for Purposes of Construction of the Paseo Canon Base Drainage Project from Weimer Properties, LLC to the Town of Taos, filed for record in Book M-292, pages 585-588, records of Taos County, New Mexico.

ATV trails across property; corner of rip rap is 16.0 feet inside survey boundary on westerly corner; edge of paving is 1.0 foot inside survey boundary; concrete drainage channel and concrete curb and gutter on property boundary; buried power signs; edge of concrete culvert is 3.0 feet inside survey boundary; TV/ power line drop boxes; over head power line and power pole; chain link fence does not always coincide with survey boundary; as shown on survey no. L4576-2 dated March 29, 2005 entitled "Weimer, Brown, Weimer to Mitchell G. Feldman", by Scott B. Crowl NMLS no. 12441 of Rio Grande Surveying Service, to be recorded at closing.

WITH WARRANTY COVENANTS.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17 day of May, 2005.

Reed P. Weimer

Reed P. Weimer

Sheri Dea Brown

Sheri Dea Brown

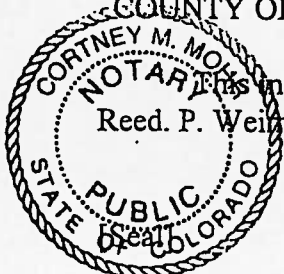
Alexander R. Weimer

Alexander R. Weimer

STATE OF Colorado)

) ss.

COUNTY OF Jefferson)



This instrument was acknowledged before me on May 17, 2005, 2005, by Reed P. Weimer.

[Signature]
Notary Public

My commission expires:

My Commission Expires
December 7, 2008

STATE OF COLORADO)

) ss.

COUNTY OF El Paso)

This instrument was acknowledged before me on May 18, 2005, by Sheri Dea Brown.

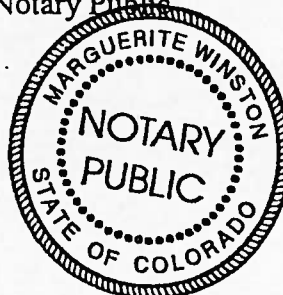
[Signature]

[Seal]

My commission expires:

9-28-2005

Notary Public

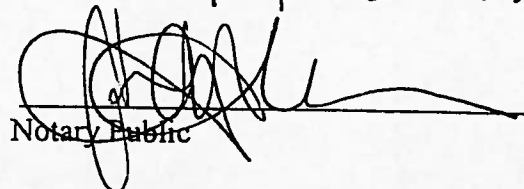


TAOS COUNTY
ELAINE S. MONTANO, CLERK
000305811
Book 494 Page 273
3 of 4
06/01/2005 03:55:06 PM
BY DIANAD

STATE OF Colorado)
) ss.
COUNTY OF Jefferson)

This instrument was acknowledged before me on May 17, 2005, 2005, by
Alexander M. Weimer.




Notary Public

My commission expires:

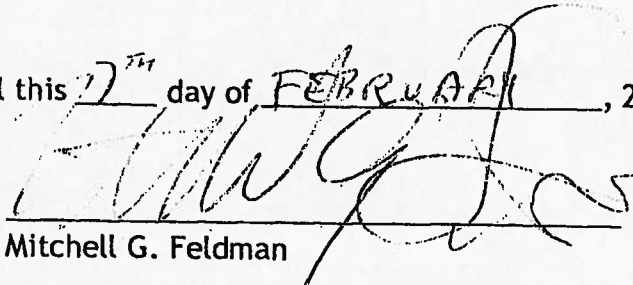
My Commission Expires
December 7, 2008

**WARRANTY DEED
(Corrective)**

Mitchell G. Feldman, a single male resident of the State of Florida, whose mailing address is: 5072 Medoras Avenue, St. Augustine, FL 32080, for consideration, grants to Goose 24, LLC, a New Mexico Limited Liability Company, whose mailing address is: 5072 Medoras Avenue, St. Augustine, FL 32080, the real estate legally described on Exhibit "A" attached hereto and hereby made a part hereof, with Warranty Covenants, and subject to current real estate taxes not yet due and payable and to the Easements, Covenants, Conditions, Reservations, and Restrictions of Record.

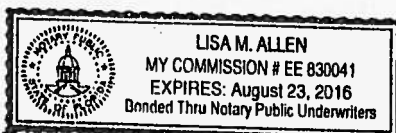
This Warranty Deed (Corrective) is intended to replace the legal description attached to that certain Warranty Deed dated December 12, 2012, filed in Book 795 at Pages 726 to 730, Records of Taos County, New Mexico, with the legal description attached hereto as Exhibit "A".

WITNESS my hand and seal this 17th day of FEBRUARY, 2013.


Mitchell G. Feldman

STATE OF FLORIDA)
)SS:
COUNTY OF)

On this 17th day of February, 2013, before me personally appeared Mitchell G. Feldman, to me known to be the person described in and who executed the foregoing instrument as his own free act and deed.



(SEAL)


Notary Public

My Commission Expires: August 23, 2016

TAOS ATTORNEY, LLC
SCOTT H. SANGER, ATTORNEY
5434 NDCBU - 630 PASEO DEL PUEBLO SUR - SUITE 160
TAOS, NEW MEXICO 87571

TAOS COUNTY
 ANNA MARTINEZ, CLERK
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 Book 802 Page 938
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 BY DIANAD

Rio Grande Surveying Service
 Box 6351, Taos, New Mexico 87571
 (505) 758-2901

Supplement to:

RGSS plat no. L4576-2A
 Plat title: Mitchell G. Feldman and Kit Carson Electric Cooperative, Inc.
 Plat date: 10/19/2005

PROPERTY DESCRIPTION

TRACT "A"

A certain tract of land in Taos, Taos County, New Mexico; within the Cristoval de la Serna Grant; located within projected Sections 19 and 20, Township 25 North, Range 13 East, NMPM; described as part of Tract 1, Map 30, Survey 2 of the 1941 Taos County Reassessment Survey; and more particularly described by metes and bounds as follows;

BEGINNING for the tie at triangulation station "Bosque," a 1973 State Engineer's Office brass cap monument found, thence; N 65°15'10" W, 5718.58 ft. to a 1/2 in. rebar found on the westerly right-of-way of Gusdorf Road, thence along said right-of-way; S 29°16'03" W, 236.17 ft. to the NE corner of this tract, a 1/2 in. rebar set at the true POINT AND PLACE OF BEGINNING, thence continuing along said right-of-way;

S 29°16'03" W, 699.48 ft. to the SE corner, a 1/2 in. rebar found, thence leaving said right-of-way and along the northerly right-of-way of a drainage corridor;

N 50°28'56" W, 78.29 ft. to a 1/2 in. rebar found, thence;

An arc distance of 298.07 ft. along a 560.00 ft. radius curve to the right through a 30°29'50" central angle, the chord of which bears N 35°14'01"W, 294.57 ft. to a 1/2 in. rebar found, thence;

N 19°59'07" W, 247.81 ft. to a 1/2 in. rebar found, thence;

An arc distance of 269.02 ft. along a 340.00 ft. radius curve to the left through a 45°20'05" central angle, the chord of which bears N 42°39'09"W, 262.06 ft. to a 1/2 in. rebar found, thence;

N 65°19'11" W, 49.06 ft. to the SW corner, a 1/2 in. rebar found, thence leaving said drainage corridor right-of-way and along the easterly right-of-way of State Road 68;

N 29°17'59" E, 29.23 ft. to a 1/2 in. rebar found, thence leaving said right-of-way;

N 75°22'58" E, 61.85 ft. to a 1/2 in. rebar found, thence;

N 68°35'13" E, 166.41 ft. to a 1/2 in. rebar found, thence;

N 71°47'13" E, 56.27 ft. to a 1/2 in. rebar found, thence;

S 60°39'55" E, 62.00 ft. to a 1/2 in. rebar found, thence;

N 29°16'14" E, 129.91 ft. to the NW corner, a 1/2 in. rebar found, thence;

S 60°39'38" E, 209.38 ft. to a 1/2 in. rebar found, thence;

S 29°33'43" W, 54.13 ft. to a 1/2 in. rebar set, thence;

S 61°00'50" E, 369.50 ft. to the POINT AND PLACE OF BEGINNING.

This tract contains 8.789 acres, more or less; all as shown on a survey plat entitled "Mitchell G. Feldman and Kit Carson Electric Cooperative, Inc.," RGSS survey no. L4576-2A, by Scott B. Crowl, NMLS no. 12441, dated 10/19/2005.



TAOS COUNTY
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LEGAL DESCRIPTION
 Weimer, Brown, Weimer to Feldman



PROPERTY DESCRIPTION

A certain tract of land in Taos, Taos County, New Mexico; within the Cristoval de la Serna Grant; located within projected Sections 19 and 20; Township 25 North, Range 13 East, NMPM; described as part of Tract 1, Map 30, Survey 2 of the 1941 Taos County Reassessment Survey; and more particularly described by metes and bounds as follows;

BEGINNING at the NE corner of this tract, a 1/2 in. rebar set on the westerly right-of-way of Gusdorf Road, from whence triangulation station "Bosque," a 1973 State Engineer's Office brass cap monument found bears S 65°15'10" E, 5718.58 ft. distant, thence along said right-of-way;

S 29°16'03" W, 935.65 ft. to the SE corner, a 1/2 in. rebar set, thence leaving said right-of-way and along the northerly right-of-way of a drainage corridor;

N 50°28'56" W, 78.29 ft. to a 1/2 in. rebar set, thence;

An arc distance of 298.07 ft. along a 560.00 ft. radius curve to the right through a 30°29'50" central angle, the chord of which bears N 35°14'01"W, 294.57 ft. to a 1/2 in. rebar set, thence;

N 19°59'07" W, 247.81 ft. to a 1/2 in. rebar set, thence;

An arc distance of 269.02 ft. along a 340.00 ft. radius curve to the left through a 45°20'05" central angle, the chord of which bears N 42°39'09"W, 262.06 ft. to a 1/2 in. rebar set, thence;

N 65°19'11" W, 49.06 ft. to the SW corner, a 1/2 in. rebar set, thence leaving said drainage corridor right-of-way and along the easterly right-of-way of State Road 68;

N 29°17'59" E, 29.23 ft. to a 1/2 in. rebar set, thence leaving said right-of-way;

N 75°22'58" E, 61.85 ft. to a 1/2 in. rebar found, thence;

N 68°35'13" E, 166.41 ft. to a 1/2 in. rebar set, thence;

N 71°47'13" E, 56.27 ft. to a 1/2 in. rebar set, thence;

S 60°39'55" E, 62.00 ft. to a 1/2 in. rebar found, thence;

N 29°16'14" E, 129.91 ft. to the NW corner, a 1/2 in. rebar found, thence;

S 60°39'38" E, 209.38 ft. to a 1/2 in. rebar found, thence;

N 29°33'43" E, 182.05 ft. to a 1/2 in. rebar set, thence;

S 61°00'50" E, 368.28 ft. to the POINT AND PLACE OF BEGINNING.

This tract contains 10.789 acres, more or less; all as shown on a survey plat entitled "Weimer, Brown, Weimer to Mitchell G. Feldman," RGSS survey no. L4576-2, by Scott B. Crowl, NMLS no. 12441, dated 03/29/2005.



C-1 to C-2 - Zone Change



Disclaimer: The Town of Taos is providing this map as a public service. The Town is not responsible for any error, omission, or liability associated with the use of this map. The Town is continually updating the information included in the GIS database.

Source: This map was produced by the Public Works Department. Information provided by the Town of Taos GIS Program.

R-14



Zone Change Application
Goose 24, LLC

Summary of All Existing Uses in Proposed Affected Area

The 8.789 acres is currently vacant

Summary of All Existing Uses on Adjacent Properties

On the north side of the property is the Town of Taos Command Center and the side yard of the Quality Inn Hotel.

On the east side is Gusdorf Road and across it is the Taos Middle School.

On the south side is the Town of Taos drainage canal and a vacant lot across that.

On the west side is Paseo del Pueblo Sur and the small commercial strip center with the Oil and Lube change .

Documentation of Benefits to the Neighborhood if Amendment was to be Approved.

The property is in the center of town and future development of this infill property has many uses.

Documentation on Adverse Affect to Neighborhood if Amendment was to be Approved

There would be no adverse affect except for minor additional traffic in the area that already has an excess of capacity.

Documentation Showing that the Zone Change is Justified

(1)The original zoning may have been in error as it has created a split zone on this property. It is difficult to develop following two sets of rules.

(3) The Town of Taos development policy encourages better planning and this is needed to further a better planning platform

Documentation or narrative showing that the proposed zone change is consistent with the direction and intent of the existing Town of Taos Master Plan

The Town of Taos master plan encourages development in areas where all the infrastructure and roadways are fully developed. This parcel is in the population center of the community. Half of the population lives north and half live south of this intersection. (from Mark Cowan and Associates).

Documentation or narrative showing that the proposed zone change is consistent with the purpose and intent of the Town of Taos Zoning Regulations.

The Town of Taos allows a zone change for properties if it is consistent with overall growth and the Town's master plans. In this case the property has a split zone and is difficult to develop this way.

Documentation or narrative showing that the proposed zone change is consistent with the existing land use in the affected neighborhood

The affected neighborhood is mostly commercial, especially on Paseo del Pueblo Sur.

Documentation or narrative establishing that the proposed zone change will not create a danger to the public health, safety, or welfare, nor cause an extraordinary public expense or create a nuisance

Creating a consistent zone on this infill property, with all utilities in the area, will not create a danger to the public health nor will it cause or create a public nuisance.

Property Code 1073147450145

RANCHO PARK DEVELOPMENT CO.
FRIDAY, LARRY
1040 PASEO DEL PUEBLO SUR
TAOS NM 87571

Property Code 1073147500140

TAOS LODGE RESORTS, INC.
1043 PASEO DEL PUEBLO SUR
TAOS NM 87571

Property Code 1073147479131

LUCERO, ALFONSO DEGODOI
PO BOX 2200
RANCHOS DE TAOS NM 87557

Property Code 1073147502167

MARTINEZ, MOISES
PO BOX 1258
TAOS NM 87571

Property Code 1073147527095

KIT CARSON ELECTRIC COOP, INC.
PO BOX 578
TAOS NM 87571

Property Code 1074147010133

BENT LODGE NO. 42 A F & A M
SMITH, GREG (TREASURER)
PO BOX 0556
TAOS NM 87571

Property Code 1074147047097

ST JAMES EPISCOPAL CHURCH
208 CAMINO DE SANTIAGO
TAOS NM 87571

Property Code 1073147511142

COMMUNITY AGAINST VIOLENCE INC
A NEW MEXICO NONPROFIT CORP
PO BOX 169
TAOS NM 87571

Property Code 1073147401125

UNITED STATES POSTAL SERVICE
SOUTHWEST FACILITIES SERV OFFICE
7800 NORTH STEMMONS FREEWAY SUITE 400
DALLAS TX 75247

Property Code 1074147051105

NICHOLS, RICHARD A SR & NICHOLS, PHYLLIS
5818 NCD BU
TAOS NM 87571

Property Code 1074147050110

HAYETT, ANDREW & HAYETT, PAULA OXOBY
PO BOX 2301
RANCHOS DL TAOS NM 87557

Property Code 1074147060067

SCHOCH LIVING TRUST
SCHOCH, GARY & SHARON A & TERRY SCHOCH, STACYLPHILUPS TRUSTEES
1872 POOL FROG
LANCASTER PA 17601

Property Code 1074146060500

TAOS MUNICIPAL SCHOOLS
310 CAMINO DE LA PLACITA TAOS NM 87571

Property Code 1073147472010

WARNER, BILL & JOAN TRUSTEES OF THE WARNER TRUST &
WFIITNEY, JOHN W & SANDRA W
PO BOX 454
ARROYO SECO NM 87514

Property Code 1073147452010

FRANK LIVING TRUST FRANK, ROBERT &
FRANK, BARBARA TRUSTEES
1272 LARKIN DRIVE
SONOMA CA 95476

Property Code 1073147440010

CHIN, ROSE SO-JAN TRUSTEE OF THE CHIN, POO FOON &
SO-JAN, ROSE TRUST
3517 SCOTT ST
SAN FRANCISCO CA 94123

Property Code 1073147430032

POLK TAOS PROPERTIES LTD CO
1221 PASEO DEL ONATE
ESPANOLA NM 87532

Property Code 1073147485040

THINK NEW MEXICO
1227 PASEO DE PERALTA
SANTA FE NM 87501

Property Code 1073147467057

TOWN OF TAOS
400 CAMINO DE LA PLACITA
TAOS NM 87571

Property Code 1073147383071

CANON WEST LLC
100 SOUTH PLAZA D
TAOS NM 87571

Property Code 1073147385066

LEWIS, KENT & LEWIS, ANGELA
PO BOX 444
ARROYO HONDO NM 87513

Property Code 1073147429166

COHN, AMOS & SUZETTE REVOC TRUST COHN, AMOS H &
COHN, SUZETTE TRUSTEES
1039 REED IN
TAOS NM 87571



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June 10, 2014

Title:

Resolution 14-25 Restricting Sale and Use of Certain Fireworks

Summary:

Consideration and possible approval of Resolution 14-25 of the Town of Taos Council restricting the sale and use of certain fireworks within Town limits, consistent with NMSA 1978 60-2c-8.1.

Background:

Attachments:

Click to download

- 📄 [Resolution 14-25](#)
- 📄 [NM Drought Manager](#)
- 📄 [§ 60-2C-8.1. Extreme or severe drought conditions; restricted sale and use](#)



RESOLUTION 14-25

A RESOLUTION BY THE TOWN OF TAOS COUNCIL RESTRICTING THE SALE AND USE OF CERTAIN FIREWORKS WITHIN TOWN LIMITS, CONSISTENT WITH NMSA 1978 60-2C-8.1

WHEREAS, the Town Council is the duly authorized governing body of the Town of Taos, a New Mexico municipality; and

WHEREAS, the Town of Taos and the majority of Taos County, NM as of June 3, 2014 have been determined by the US Department of Agriculture (USDA), the National Drought Mitigation Center, the National Oceanic and Atmospheric Administration (NOAA), and the US Department of Commerce (Attachment1), as well as the US Department of the Interior's US Forest Service (USFS) and Bureau of Land Management (BLM) as being in a "D2", or Severe Drought condition; and

WHEREAS, the dry, windy conditions that currently exist within the Town of Taos requires increased awareness and preventative measures; and

WHEREAS, such drought conditions pose a public health and safety danger to the public through an increased structural, brush and wildfire risk; and

WHEREAS, under such drought conditions the sale or use of fireworks within the municipality increases the risk of structural, brush and wildfires; and

WHEREAS, the State constitution empowers local governments to act on behalf of the public in the protection of the public's health and safety; and

WHEREAS, consistent with the above, NMSA 1978 60-2C-8.1, titled "Extreme or severe drought conditions; restricted sale and use (of fireworks)" empowers a municipality to hold a public hearing to determine if fireworks restrictions should be imposed within the municipality;

NOW, THEREFORE, the Council, pursuant to NMSA 1978, §60-2C-8.1 of the Fireworks Licensing and Safety Act, does hereby resolve that fireworks restrictions should be imposed within the boundaries of the Town of Taos due to severe drought conditions;

IT IS, THEREFORE, PROCLAIMED that, with the exception of the Town's annual fireworks display, the sale and use of fireworks that are missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are prohibited in the Town of Taos, New Mexico, and that fireworks of a type not prohibited herein shall be limited to use in paved or barren areas

or areas that have a readily accessible source of water for use by the homeowner or the general public; and

IT IS FURTHER PROCLAIMED that this proclamation regarding fireworks shall remain in effect for a period of thirty (30) days from its adoption or until the weather conditions have improved to such an extent that there is further proclamation of the Council.

PASSED, ADOPTED AND APPROVED THIS 10th day of June, 2014 at the Regular Meeting of the Town Council by the following vote:

Mayor Pro Tem Fred Peralta	_____
Councilmember Andrew Gonzales	_____
Councilmember Fritz Hahn	_____
Councilmember Judith Cantu	_____

TOWN OF TAOS

Dan Barrone, Mayor

ATTEST:

APPROVED AS TO FORM

Renee Lucero, Town Clerk

Jacob Caldwell, Town Attorney

U.S. Drought Monitor New Mexico

June 3, 2014

(Released Thursday, Jun. 5, 2014)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	95.58	84.65	35.57	0.69
Last Week <i>5/27/2014</i>	0.09	99.91	95.58	84.50	35.64	0.69
3 Months Ago <i>3/4/2014</i>	0.41	99.59	96.50	66.65	23.27	0.00
Start of Calendar Year <i>12/31/2013</i>	0.39	99.61	75.21	32.68	3.96	0.00
Start of Water Year <i>10/1/2013</i>	1.66	98.34	74.92	37.81	3.39	0.00
One Year Ago <i>6/4/2013</i>	0.00	100.00	100.00	98.69	82.10	44.77

Intensity:

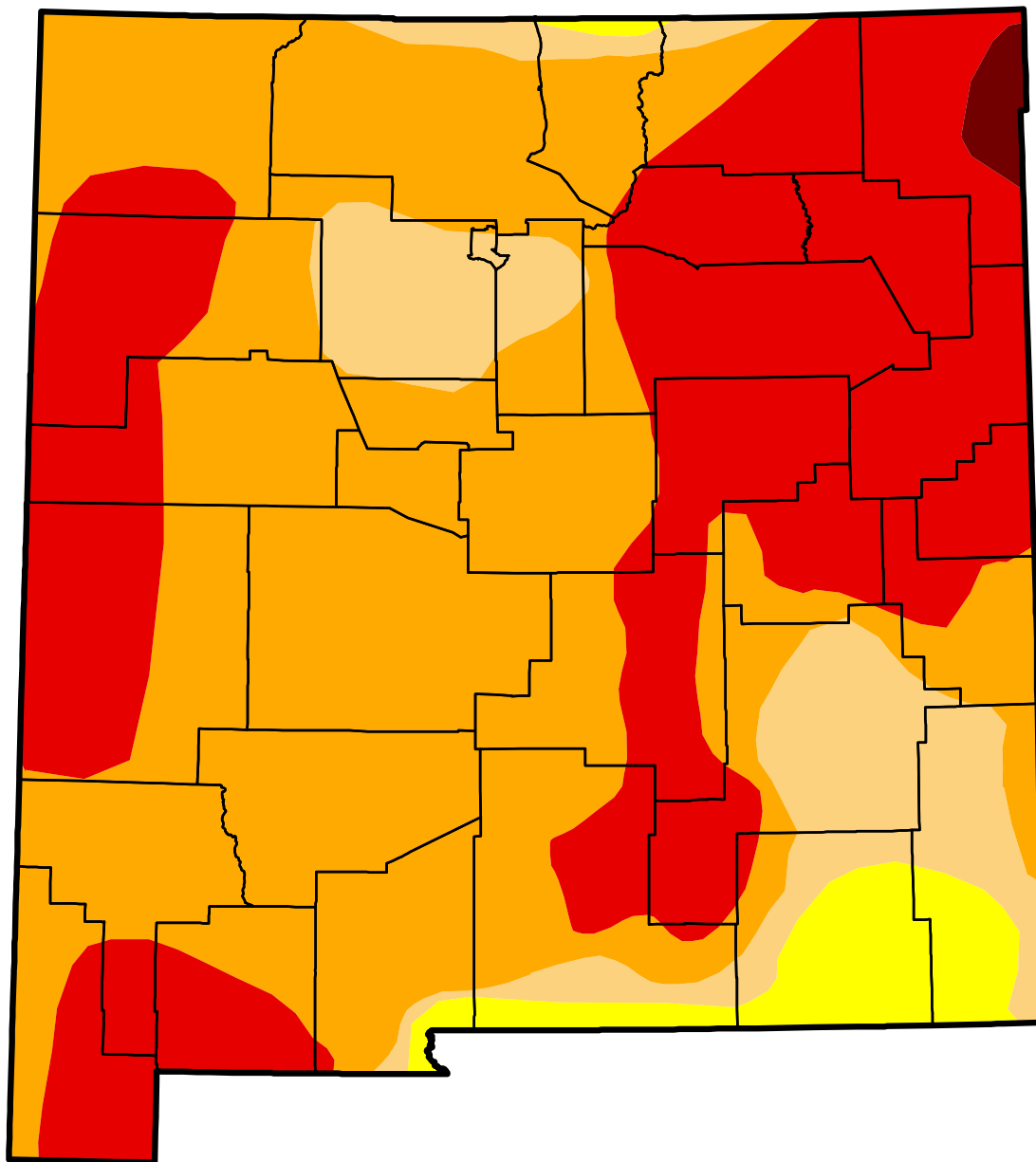
 D0 Abnormally Dry	 D3 Extreme Drought
 D1 Moderate Drought	 D4 Exceptional Drought
 D2 Severe Drought	

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:

Richard Tinker

CPC/NOAA/NWS/NCEP



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<http://droughtmonitor.unl.edu/>

West's New Mexico Statutes Annotated

Chapter 60. Business Licenses

Article 2C. Fireworks Licensing and Safety (Refs & Annos)

N. M. S. A. 1978, § 60-2C-8.1

§ 60-2C-8.1. Extreme or severe drought conditions; restricted sale and use

Currentness

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions. The findings of the governing body

shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within the unincorporated portions of the county if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

Credits

[L. 1997, Ch. 17, § 9, eff. March 18, 1997; L. 1999, Ch. 58, § 3, eff. March 17, 1999.](#)

NMSA 1978, § 60-2C-8.1, NM ST § 60-2C-8.1

Current through laws of the 2nd Regular Session of the 51st Legislature (2014), effective May 21, 2014



June 10, 2014

Title:

Resolution 14-26 Open Meetings Resolution Amendment

Summary:

Consideration and possible approval of Resolution 14-26 which amends Resolution 14-01 - Open Meetings Resolution.

Background:

Attachments:

Click to download

 [Resolution](#)



Resolution 14-26 OPEN MEETINGS RESOLUTION

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act, NMSA 1978 Section 10-15-1 et seq., states that, except as may be otherwise provided in the constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, commission, administrative adjudicatory body, or other policymaking body of any state agency or any agency or authority of a municipality (including its Governing Body), held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of, or the delegated authority of, such body, are declared to be public meetings open to the public at all times; and,

WHEREAS, pursuant to Section 10-15-1.D of the Open Meetings Act, any meetings of a quorum of such a public body at which the discussion or adoption of any proposed resolution, rule, regulation, ordinance or formal action occurs, and any closed meeting, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D), of the Open Meetings Act requires the Governing Body of Town of Taos, its Town Council, to determine annually what constitutes reasonable notice of its public meetings:

NOW, THEREFORE, BE IT RESOLVED that:

1. Commencing July 1, 2014, the Regular Meetings of the Town Council shall be scheduled as follows:

The Regular meetings of the Town Council shall be held on the first and third Tuesday of each month at the Town Council Chambers, Coronado Hall, 120 Civic Plaza, Taos, New Mexico.

The meeting to be held on the first Tuesday shall be held at 6:00 pm and the meeting to be held on the third Tuesday shall be held at 1:00 pm.

2. In the event that the date, time or place of a scheduled Regular Meeting is to be changed or the meeting cancelled, notice thereof shall be given in accordance with Paragraph 8.B, below.
3. Special meetings and **work sessions** of the Town Council may be called by the Mayor or by request of a majority of the Council upon seventy-two hour notice to the Mayor,

members of the Council and the public. Special meetings and **work sessions** shall be held at the date, time and place set forth in the notice of the special meeting.

5. Emergency meetings of the Town Council will be called by the Mayor or by request of majority of the Council under unforeseeable circumstances which require immediate action by the Town to protect the health, safety and /or property of the Town or persons within the Town, or which require immediate action by the Town to prevent substantial financial loss to the town. Emergency meetings may be called upon twenty-four (24) hours notice to the members of the Council, unless threat of personal injury, property damage or financial loss requires less notice. Said meetings shall be held at the date, time and place set-forth in the call of said emergency meeting.
6. Meetings of boards, committees, commissions, agencies or other policy-making advisory bodies of the Town of Taos shall establish their own individual meeting schedule and publish notice in accordance with this resolution to the extent required by the Open Meetings Act.
7. In the event that a quorum of the Governing Body is physically present at the location of the Council Meeting, a member of the Governing Body may participate in a meeting of the Town Council by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
8. Reasonable notice of meetings is hereby declared to exist when:
 - A. Notice of the Schedule of Regular Meetings and stated in this Resolution is published in the Taos News, a newspaper of general circulation in the Town and County. Such publication shall occur during the first week of February, 2014. Copies of the 2014 Annual Calendar showing the scheduled meetings set forth in this Resolution will be provided to the news media in January, 2014; and
 - B. Notices of each regular and special meeting shall also be provided by delivery, telephone, fax or e-mail to local newspaper, radio or television media (that have made a written request for notice of public meetings), and by posting notice of the meeting on the glass-enclosed bulletin board by the front door of Town Hall, in the Town Clerk's office, and on the Town's website (www.taosgov.com) seventy-two hours before the regular or special meeting, and
 - C. Notices of Emergency meetings as defined in Section 10-1-15-1.F of the Open Meetings Act shall be provided by delivery, telephone, fax or e-mail to local newspaper, radio or television media (that have made a written request for notice of public meetings), and by posting notice of the meeting on the Town's website (www.taosgov.com) and at Town Hall twenty-four hours prior to the emergency meeting, or with as much time as practical in advance of the emergency meeting; and

- D. In addition to the local media, notice shall also be provided to any licensed media (newspaper, radio or television) that has made a written request for notice of public meetings; and
 - E. The proposed agenda of a meeting shall be posted and available at Town Hall and on the Town's website (www.taosgov.com) seventy-two hours prior to a regular or special meeting. For Emergency Meetings the proposed agenda shall be posted and available at Town Hall twenty-four hours prior to the emergency meeting, or with as much time as practical in advance of the emergency meeting. An agenda may be combined with a notice of meeting in a single document. An agenda may be amended at any time before or during the meeting. Any amended agenda that is amended prior to a meeting shall be posted and available at Town Hall. Except for emergency matters, the Council shall take action only on items appearing on the agenda (or amended agenda) posted and available seventy-two hours in advance of the meeting. Copies of the agenda shall be available within the time periods set forth above at the Town Clerk's office and also shall be available at the meeting.
9. Individuals with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting must contact the Town Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agendas and minutes, can be provided to individuals with disabilities upon proper request. Please contact the Town Clerk at (575) 751-2005 if you have questions or require additional information.
10. A meeting or a portion of a meeting may be closed to the public only if the subject matter of such discussion is exempted from the open meeting requirements under Section 10-15-1.H of the Open Meetings Act.
- A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Council or other policymaking body, taken during the open meeting. The authority for the closure and the subject(s) to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.
 - B. If the decision to hold a closed meeting is made when the Council or other body is not in an open meeting, the closed meeting shall not be held until reasonable public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subject(s) to be discussed, is given to the members and the general public.
 - C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

- D. Except as otherwise allowed under NMSA 1978 §10-15-1(H), any action taken as a result of discussion in a closed meeting shall be made by vote in an open public meeting.

11. **Meeting Minutes.** The Town Council shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the Town Council. The Town Clerk shall also maintain audio and audio-visual recordings of open Council meetings, which shall constitute true records of the meetings and shall be available for public inspection.

PASSED, ADOPTED AND APPROVED THIS 29th DAY OF JANUARY, 2014.

Mayor Pro Tem Fredrick A. Peralta _____
 Councilmember Andrew Gonzales _____
 Councilmember Fritz Hahn _____
 Councilmember Judith Cantu _____

TOWN OF TAOS

Daniel R. Barrone, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Jacob Caldwell, Town Attorney



June 10, 2014

Title:

Mayor's Update

Summary:

Background:

Attachments:

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No Attachments Available



June 10, 2014

Title:

Council Reports

Summary:

Background:

Attachments:

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No Attachments Available