

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**PLANNING & ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, NOVEMBER 14, 2007**

This meeting was called to order at 5:30 p.m. at Council Chambers, Coronado Hall located at 120 Civic Plaza Drive. This is the scheduled regular meeting of the Town of Taos Planning and Zoning Commission.

1. ROLL CALL

The following were present:

Planning Commission: Jim Thompson, Chairman
Luis Reyes, Vice-Chairman
Josepha Cruz
Mark Gonzales
Cipriano Medina
James J. Pollard

Historic Commission: Merlinda James
Fred Robbins
Zeke Tapia

Absent Michael Silva

Planning Department Staff present:

Rudy Perea, Planner
Matthew Foster, Planner
Renee Barela-Gutierrez, Town Attorney
Melinda Vasquez, Admin. Asst.

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Thompson called for any changes to the agenda as presented.

Rudy Perea noted amendments to the Agenda, would like the Commission to consider the continuance of applications, item 7. A. P&Z2007-20 in the October meeting this was scheduled to be heard in December; and item 8. C. P&Z2007-21 the applicants request a continuance recommends these cases be removed from the agenda this evening.

No other amendments noted.

Commissioners voted unanimously to approve the Agenda as amended.

1 **4. APPROVAL OF MEETING MINUTES OF OCTOBER 3, 2007**

2
3 **Chairman Thompson** called for any changes to the minutes as presented.

4
5 **No corrections noted.**

6
7 **Commissioner Cruz** made motion to approve the minutes as presented.

8
9 **Commissioner Tapia** seconded the motion.

10
11 **Commissioners voted yes verbally on the motion.**

12
13 **Motion carried unanimously.**

14
15
16
17 **5. UPDATE FROM MATTHEW FOSTER, Long Range Planner**

18
19 **Matt Foster** gave the Commissioners a brief report, explained that he will have copies
20 of the charette draft from PlaceMakers available for the Commission, gave a brief report
21 on his trip with Rudy and Jim Pollard to Miami to attend the SmartCode conference-
22 workshop. Has met with the LUDC revisions Committee- will work with them and
23 PlaceMakers on a presentation to the Council within the next 2-3 weeks.

24
25
26
27
28 **Rudy Perea read the rules for public hearings.**

29
30
31
32 **6. PRELIMINARY PUBLIC HEARINGS**

33
34 **A. Case No. P&Z 2007-22**

35 **Andrew & Joetta Arguello, property owners, requesting Variances**
36 **on lot size, setbacks, width and lot coverage, for new construction on**
37 **a 0.02 acre property located at 107 Archuleta Lane; within the C-2**
38 **(General Commercial) Zone of the Town of Taos.**

39
40
41 **Mr. Andrew Arguello** is sworn in, stated he is requesting variances on the lot size and
42 setbacks on a substandard lot about 20' by 40' the variances are needed, will answer any
43 questions from the Commission.

44
45 **Commissioner Pollard** asked how did this got built.

46
47 **Mr. Arguello** stated this started out as a greenhouse then ended up being a recreation
48 room-greenhouse.

49
50 **Commissioner Pollard** stated that there is no survey in his packet. So you say this is a
51 lot that is 20 by 40.

1 **Mr. Arguello** stated the area of the greenhouse is 20 by 40.
2
3 **Commissioner Pollard** asked what the lot looks like.
4
5 **Mr. Arguello** referred the Commission to a survey done of the general area it is exact of
6 the neighborhood.
7
8 **Commissioner Cruz** asked how long the building has been there.
9
10 **Mr. Arguello** stated that he converted it and built it in 2006.
11
12 **Commissioner Pollard** asked if this was built without a building permit.
13
14 **Mr. Arguello** stated that he built without a permit, the foundation was down and thought
15 a greenhouse didn't need permit.
16
17 **Commissioner Pollard** asked how this was brought before the Commission, why is he
18 here.
19
20 **Mr. Arguello** stated that his neighbor was building and received a stop work order,
21 when it was determined that this was adjacent he also received a stop order.
22
23 **Commissioner Pollard** asked if the architect is a local architectural firm.
24
25 **Mr. Arguello** stated that Miguel Pena is a local designer.
26
27 **Commissioner Cruz** asked what the lot size is and what is the building size.
28
29 **Mr. Arguello** stated that part of it is 20 by 40, referred the Commission to look at sheet
30 from the tax map, lot 84 looks like an "L" shape, the rest is part of an easement that goes
31 on lots 83, 82 a circle drive area, the whole area is not a straight line, the neighborhood
32 uses the easement.
33
34 **Commissioner Pollard** stated that looking at lot 84, where is the structure on his
35 property, is there a house attached to this 20 by 40 building.
36
37 **Mr. Arguello** stated that it is not attached to the building, the neighborhood survey map
38 shows five residences, lots 80, 83, 82, 82 is considered a community plan, part of tract 84
39 was part of this, but some of those buildings have rotted away and since then when it was
40 purchased there was an easement created to part of tract 84 and 87 which is his property
41 adjacent.
42
43 **Commissioner Pollard** asked if lot 84 and 87 have been combined.
44
45 **Mr. Arguello** stated yes, they are one lot.
46
47 **Commissioner Pollard** asked if 84 and 87 and the little "L" are all one property.
48
49 **Mr. Arguello** stated that is correct they are.
50

1 **Commissioner Pollard** asked if he had a deed, the only one he sees is a 1973 date to
2 Epimenia Arguello.
3
4 **Mr. Arguello** stated that is correct he now owns the property and has a deed, he just
5 purchased it last month if the Commission wants to see it.
6
7 **Commissioner Pollard** stated that he would like to see it in the packet at the next
8 meeting if this continues, so there is no other survey other than a copy of the county tax
9 map that exists when you put the properties together.
10
11 **Mr. Arguello** stated that he has his own survey, what he submitted was a neighborhood
12 survey.
13
14 **Commissioner Pollard** stated that as part of the information a copy of a survey should
15 be submitted, neighborhood diagrams are not surveys of deeded property, one of the parts
16 of the process in the application is that you demonstrate that you do in fact own the
17 property, so that then findings of fact can be prepared.
18
19 **Mr. Arguello** stated he now understands.
20
21 **Commissioner Pollard** asked if what is before the Commission is this 20 by 40 section
22 you built a structure and it covers all the 20 by 40 feet, and it right up to the property line.
23
24 **Mr. Arguello** stated that it is a 20 by 40 feet, it is in the property lines, there is about a
25 two difference, and that is the reason for the setback variance.
26
27 **Commissioner Pollard** asked if the foundation or building is at the property line.
28
29 **Mr. Arguello** stated the foundation is right up to the line, there is a footer inside the
30 property.
31
32 **Commissioner Pollard** asked how he intends to maintain the property without going
33 onto someone else's property.
34
35 **Mr. Arguello** stated that he has two feet, there is a railroad tie from the footings out and
36 then the fence line, about two feet.
37
38 **Commissioner Pollard** asked if this was discussed with any of the neighbors.
39
40 **Mr. Arguello** stated that he discussed this only with the adjacent property owner.
41
42 **Commissioner Pollard** asked how the neighbor felt about going onto his property to
43 maintain the building.
44
45 **Mr. Arguello** stated that he has a letter from him confirming the buildings close by.
46
47 **Commissioner Pollard** stated that it would be in his best interest to acquire written
48 easement that allows him to enter his property to perform maintenance.
49
50 **Mr. Arguello** stated there are two sides of the structure that are wooden, the third side
51 adjacent to his neighbor who has no problem with his structure.

1 **Commissioner Cruz** stated that in looking at the property, she couldn't understand how
2 the corner of the structure was built.

3
4 **Mr. Arguello** stated that it was difficult and his neighbor was aware of how close he
5 was.

6
7 **Commissioner Cruz** stated that he should get written easement from the neighbor,
8 because you need to get on someone else's property for those two corners and the overlap
9 from the roof also.

10
11 **Commissioner Pollard** stated that it looks like part of the structure is on the other
12 neighbors property.

13
14 **Mr. Arguello** stated that he did submit photos showing the proximity of the structures.

15
16 **Commissioner Pollard** stated that he would like to see a survey that describes who
17 owns which property, the line shown indicates the building is built on the neighbors
18 property, can you bring something that shows you haven't.

19
20 **Mr. Arguello** stated that he is in agreement with his neighbor there was an existing
21 structure at that site, the foundation was there the fence line was there, his survey shows
22 that he is within his property.

23
24 **Commissioner Pollard** stated that such an agreement needs to be in writing and the
25 survey should show the building and indicate all surrounding properties.

26
27 **Commissioner Medina** asked if the staff has reviewed this application, staff should
28 have found that a survey has not been submitted.

29
30 **Rudy Perea** stated that he did review the application and believed that it was enough
31 information for a preliminary hearing before the Commission.

32
33 **Commissioner Medina** stated that a survey should have been presented, the information
34 submitted is questionable, an improvement survey would have even been sufficient.

35
36 **Commissioner Cruz** asked to clarify if the structure is on his property or on the
37 neighbors.

38
39 **Mr. Arguello** stated that is the question, his survey shows he is within his property.

40
41 **Commissioner Cruz** asked what can be done at this time.

42
43 **Rudy Perea** stated that Commissioner Pollard's recommendation for an improvement
44 location report will be the best possible solution; it was his understanding from the
45 information he saw at the time of stop order Mr. Arguello was intruding onto Mr.
46 Bigbees property. Stated to the Commission for some background information, Mr.
47 Arguello was taken to court on this matter and the Judge directed him to work with the
48 Commission to resolve. Rudy stated he also has a few concerns about the letter from
49 Jack Nottingham, specifically, on the last sentence "structurally the building appeared to
50 be very sound and had been constructed in a conventional method" would like Mr.
51 Nottingham to revise that, it doesn't seem to him that Mr. Nottingham did a thorough job

1 inspecting the building, because as Mr. Arguello stated he built on an existing foundation
2 and that was never inspected by staff to determine if that was structurally sound to add to
3 it. Has a concern with this letter the foundation is not addressed.
4

5 **Mr. Arguello** stated that the foundation was there, and he did add more footings on top
6 of that foundation.
7

8 **Rudy Perea** stated he is concerned with the old foundation.
9

10 **Commissioner Pollard** stated that one of the things the Commission does in allowing
11 the case to move forward, is to verify if the application is in fact complete, and that the
12 party representing it is in fact entitled to do that, does not see any of that information
13 here now, this is an incomplete application, it appears this is not just a question of
14 setbacks, does not see anything that the Town can do which would allow him to keep his
15 building on someone else's property. Unless he can prove that he has a right to have that
16 building on that property, it ought to come down, but since no one wants it to come down
17 this burden is on Mr. Arguello. The Commission should not use more time to see how
18 you can make this work, it's not a matter of forgiveness, and you are on the wrong
19 property.
20

21 **Commissioner Medina** stated that he agrees, the application is incomplete.
22

23 **Commissioner Robbins** stated that the Town inspector should inspect the buildings
24 footings and everything, so that they are satisfied, you should also get together with the
25 neighbors and hire one surveyor to have the all property surveyed and that way you know
26 what you have and you know who is encroaching. You could get an ILR, but that would
27 be up to the surveyor you may need a boundary survey, but if you get together with the
28 neighbors you could share the cost. Get a survey established, get an inspection
29 established and then go from there with the town staff and that will help you submit a
30 complete package for the Commissioners to understand. You need a new survey with
31 agreements recorded to encroach if needed on the other property.
32

33 **Mr. Arguello** stated he will try to get a survey and talk to his neighbor.
34

35 **Commissioner Robbins** told him to keep in touch with staff and let them know what is
36 needed and schedule the application to come back to the Commission.
37

38 **Commissioner Pollard** stated that the applicant needs professional advice, it can't come
39 from the Commission, you need someone experienced in these matters, you have some
40 serious problems on this property and at this point in time you are not ready to come
41 before the Commission, you can't demonstrate that you own the property, you can't
42 demonstrate that you haven't built on someone else's property, you need an attorney or
43 someone, this Commission cannot do that work for you.
44

45 **Chairman Thompson** asked for public comment to proceed with the application.
46

47 **No public comment noted.**
48

49 **Chairman Thompson** closed the public hearing and returned to the Commission for
50 motion.
51

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

Commissioner Pollard made motion that in case no. P&A2007-22, based on the facts presented made motion that the application for preliminary hearing be denied on the basis that the application in not complete.

Commissioner Medina seconded the motion.

Rudy Perea recommended the motion be modified, that the Commission consider to table the application until the application is complete, that way he does not have to reapply.

Commissioner Pollard modified the motion to table the application for 60 days to complete the application.

Commissioner Medina accepted the modification of the motion.

Commissioners voting yes on the motion: Medina, Gonzales, Cruz, Pollard, Reyes.

Motion carried unanimously.

**B. Case No. P&Z 2007-23
Aeacus Real Estate-Kim Goodyear, property owner, Living Design Group-
Doug Patterson, agent; requesting Variances on lot size, setbacks and
parking, for lot line adjustment, the 0.1128 acre property is located at 114
Padre Martinez Lane; in the R-14 (multi-family) Zone within the Historic
Overlay Zone of the Town of Taos.**

Mr. Doug Patterson is sworn in, explained the application for variance on lot size, setback and parking, the issues revolve around the proposed adjustment of lot lines, the adjusted lot lines will accommodate the required setbacks will not make any new setbacks that are less than the requested businesses-those businesses are existing; the property is on Padre Martinez Lane; explained in detail the application package he submitted for review.

Chairman Thompson asked if the variances requested exist now.

Mr. Patterson stated that the lots have non-conforming existing conditions; explained the existing and proposed lot lines as shown in the packet, the new lot lines proposed are based around the uses of the existing buildings.

Commissioner Reyes asked if the driveway on Padre Martinez is in use.

Mr. Patterson stated the driveway is in use, and with the proposed lot lines, tract A will have to grant easement to tract B and C.

Commissioner Cruz asked on tract A, does not see the fenced area on the plat.

1 **Mr. Patterson** stated that is correct, this is a boundary survey from 1990, will do an
2 updated ILR survey that will indicate the existing structures.
3
4 **Rudy Perea** asked how wide the easement is going through that property, it has to be at
5 least 16 feet wide and needs to be designated on the plat.
6
7 **Chairman Thompson** asked the reason to change the lot line boundaries.
8
9 **Mr. Patterson** stated the reason for the lot line adjustments is that the adobe building
10 and the shed have become one combined art studio and share the use, the intent is to get
11 them to act as one piece of property, would basically through the use, update the lot lines
12 to accommodate the use, thought it would be best to adjust all the lines and to keep the
13 reduction on the non-conformity.
14
15 **Commissioner Tapia** asked if the realignment would make the property more
16 marketable.
17
18 **Mr. Patterson** stated that it probably would, but the intent is to realign the lot lines
19 based on the uses of the structures as evolved over time.
20
21 **Commissioner Pollard** asked Rudy to ask the Town Attorney to clarify for him, does
22 the Commission have the authority or the empowerment to add to the non-conformity.
23
24 **Rudy Perea** stated that the Code heavily discourages increasing non-conformities, but
25 will ask the Attorney for clarification.
26
27 **Commissioner Reyes** asked about the generators located on the property, are those still
28 in use or able to be interconnected into the grid, if not does the fire department know they
29 are located there.
30
31 **Mr. Patterson** stated that the generators have been there since 2000, can't confirm if
32 they are active or in use, can't confirm that the fire department knows about them.
33
34 **Commissioner Reyes** stated that they need some sensing to know when to turn on and if
35 they do the first thing is to take the electric meter off so that the fire department doesn't
36 put water on an electrical fire, the safety of the fire department is a concern.
37
38 **Mr. Patterson** stated he will check the status of those generators.
39
40 **Rudy Perea** stated that the Commission does have the authority to have issues like these
41 addressed.
42
43 **Chairman Thompson** opened the application for public comment.
44
45 **No public comment noted.**
46
47 **Chairman Thompson** closed the public comment and returned to the Commission for
48 motion.
49
50 **Commissioner Pollard** stated that the application is complete, except for a few issues,
51 based on that, made motion to schedule 2007-23 for public hearing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

Commissioner Gonzales seconded the motion.

Commissioners voting yes on the motion: Medina, Gonzales, Cruz, Pollard, Reyes.

Motion carried unanimously.

Mr. Doug Patterson asked for permission to make a statement on the Simon Bell Case.

Chairman Thompson allowed Mr. Patterson to ask his question.

Mr. Patterson asked Rudy if he would make a brief statement to the Commission in regard to the Simon Bell project on La Loma Plaza.

Rudy Perea stated that at this point, he has taken the applicants proposal to the state historic preservation office and they had concerns, basically, how it would affect the existing church during the course of the new construction, with vibrations and everything else because it is such an old building, what the applicants are doing is that they are talking with the archdiocese of Santa Fe to get a letter from them stating that it would be ok for them to build on that lot. Additionally, the state historic preservation office is looking at potentially making the applicants do an archeological survey because as you know history with old churches you usually have cemeteries within the church yard, even though that hasn't been proven the case here, they were concerned with that and that is one of the issues they are looking at. He will be speaking with them tomorrow in a phone conference and they will again give him all the issues on this project. At this point SHPO does have a lot of concerns, but will get them in detail tomorrow.

Chairman Thompson thanked Rudy for the update and continued with the agenda.

8. PUBLIC HEARINGS

- A. Case No. P&Z 2007-15
Robert Willette, property owner; requesting a *Zone Change*, from R-A (Residential-Agricultural) to R-14 (multi-family residential), the 1.07 acre property is located at 124 Upper Ranchitos Road, within the R-A Zone of the Town of Taos.**

Mr. Robert Willette is sworn in, stated that he had spoken with Rudy earlier to have the thought he would change this property to R-4, not R-14 as stated, was asked to come with a signed survey from the County, which is in the meeting packet, was told to get a letter for sewer service capability for expansion and will need further review for any future development; does not have any plans for development; was in Santa Fe with the State Engineers office and received confirmation of water capability on his well; was asked to meet with Alex Abeyta in regard to the bridge on the property and Mr. Abeyta stated there is not a code specific for any zone; but used the existing bridge on the 35 condos development down the street and that measured a 24 foot wide access and the neighbor on the west side is 11 feet wide with two homes; his bridge existing is 9 ft. 6" wide and will need to be widened should he decide to develop. The reason for the R-14 zone

1 change is to be consistent with the surrounding properties. But spoke with Rudy earlier
2 to change to R-4, which is less density, less impact. Was asked for this information at the
3 last meeting and hopes it is sufficient.
4

5 **Commissioner Cruz** stated that the survey submitted this month is the same thing
6 brought last time, except that it is recorded, it still states that tract A may not have
7 reasonable legal and physical access.
8

9 **Mr. Willette** stated that those changes will not be made until another survey is
10 completed, that survey was done when he purchased the property, and his survey is
11 recorded.
12

13 **Commissioner Cruz** stated the survey submitted is for a Lewellen-Haggerton and that is
14 dated 1994.
15

16 **Mr. Willette** stated he got that from Rio Grande and he asked them to change the access
17 but they don't change that until a new survey is done, the survey you have is the recorded
18 survey for the property.
19

20 **Commissioner Cruz** stated that this survey was completed in 1994 for Lewellen-
21 Haggerton, we know that you purchased the land and you should have a survey in your
22 name that has been recorded.
23

24 **Mr. Willette** stated that he did go to Rio Grande and that is what is recorded, he does
25 have a recorded easement, and is not aware that he needs a survey, could get it from the
26 title company.
27

28 **Commissioner Cruz** stated that he should have a survey plat with the easement shown
29 in your name.
30

31 **Mr. Willette** stated the easement came four years after he purchased the property in
32 1997.
33

34 **Commissioner Medina** stated that when you purchased the property in 1997 you should
35 have done a current survey and recorded the plat of the property that you bought.
36

37 **Mr. Willette** stated that he understood that he just needed to record the easement he has.
38

39 **Chairman Thompson** asked Mr. Willette where he got this survey from, it is something
40 recorded before the property changed hands, if you are receiving a property tax bill,
41 there should be another recorded deed and survey that has your name as property owner,
42 which is what the Commission needs to see.
43

44 **Commissioner Medina** stated that Staff should have reviewed the information
45 submitted by the applicant, it is insufficient and incomplete, believes staff has dropped
46 the ball again on this application.
47

48 **Rudy Perea** stated the he understood from the last meeting that the applicant needed to
49 bring in a recorded survey, which he has done and that he needed to bring a letter form
50 the State Engineers office and a letter from the public utilities director, which he has
51 done. He did speak with Mr. Abeyta about the bridge and as stated in the staff report that

1 will be taken into consideration through the DRC review. As far as the survey plat, he
2 recorded that legal access.

3
4 **Mr. Willette** stated that he did record the letter from the Pueblo with the title company.

5
6 **Rudy Perea** stated that what he would recommend now as a condition of approval, that
7 the applicant provide an updated survey reflecting that he does have legal access onto the
8 property, now that he has that letter from Taos Pueblo that confirms their position,
9 recommends this be done.

10
11 **Commissioner Robbins** stated that the meeting minutes to reflect what the Commission
12 asked for last month, on page 18 and 19, it indicated the requested information, in fact he
13 stated what needed to be done, an updated survey and recorded easement on the survey
14 and deed, but that hasn't been submitted.

15
16 **Mr. Willette** stated he did record the easement, he can get it form the title company.

17
18 **Commissioner Robbins** stated the survey submitted is not in his name and there is not a
19 recorded deed, in 1997 you should have received a survey with easement indicated and
20 everything recorded. The title company, if you have title insurance, must have your
21 survey and easement recorded in you name, and if you have those things, you don't need
22 to go back to the title company, if you have those items they should have been submitted
23 with the application.

24
25 **Mr. Willette** stated he is confused, asked if he needs to bring a survey when he bought
26 the property and then you have the recorded easement.

27
28 **Commissioner Robbins** stated that he should bring in your survey and that should
29 indicates your easements.

30
31 **Commissioner Medina** asked for the Commission to proceed, this is obviously an
32 incomplete application.

33
34 **Rudy Perea** asked for clarification on what the Commissioner Robbins is requesting,
35 you're talking about an easement in 1997, Mr. Willette just received a letter from Taos
36 Pueblo that they have no issues with him using the current access, is confused, do you
37 want that recorded or what he got in 1997.

38
39 **Commissioner Robbins** stated the survey should indicate the easement he has to his
40 property, is he has an easement, does it state the width of the easement, does it state the
41 length of easement, generally, easements are on surveys and they survey easements, not
42 just a letter that you can get from point A to point B.

43
44 **Mr. Willette** stated that the Commission does have the easement onto the property.

45
46 **Commissioner Medina** stated that he does not have the information from the last
47 packet, but there again staff is dropping the ball on submitting the necessary paperwork.

48
49 **Mr. Willette** stated he has different documents and there is an easement to the property.

50

1 **Chairman Thompson** stated that he would like to proceed and opened the application
2 for public comment.

3
4 **No public comment noted.**

5
6 **Chairman Thompson** closed the application for public comment and returned to the
7 Commission for motion.

8
9 **Commissioner Cruz** recommended a continuance until the Commission receives the
10 information necessary to make a decision.

11
12 **Rudy Perea** asked for clarification, what exactly he needs to bring that he has not
13 already shown to the Commission.

14
15 **Commissioner Robbins** asked to see the easement on a quit claim deed, that needs to be
16 shown on the survey.

17
18 **Chairman Thompson** stated a survey is needed for the property purchased, not in some
19 other name and that survey needs to show the easement on it the quit claim deed, the
20 Sally Howell easement recorded on there.

21
22 **Commissioner Cruz** stated that at the first hearing, Councilman Abeyta stated the
23 property was land locked because there was no legal access, to date we still don't have
24 that documented.

25
26 **Rudy Perea** stated that was clarified with the letter from Taos Pueblo.

27
28 **Commissioner Medina** asked Mr. Willette if all this information was recorded with the
29 County.

30
31 **Mr. Willette** stated he got the survey from the survey company, he didn't get it from the
32 title company, but they do have all the information.

33
34 **Commissioner Pollard** asked if he has asked the title company to update the survey on
35 your behalf, why do you say the title company is updating your survey if nobody orders
36 it, who is going to do it, your survey is your survey, it resides at the survey company and
37 its recorded at the County, its an instrument that the title company uses, it doesn't reside
38 at the title company, it is on you to ask a survey company to update your survey, if you
39 go to the title company they will wonder why you are there. There is a survey update
40 available for three things, when you bought the property, for the Sally Howell easement
41 and the Taos Pueblo easement, it is standard practice, when you order it, for a survey
42 company to update that document for you when you ask them to do that for you.

43
44 **Chairman Thompson** stated that what is needed is a survey with your name on it, with
45 an easement on it, no easement documents or other documents, but a survey that
46 summarizes all the conditions associated with the property as it exists today.

47
48 **Commissioner Robbins** stated the surveyor should indicate in the surveyors notes the
49 Taos Pueblo issue on the access.

50

1 **Commissioner Medina** made a motion to continue the application to the next meeting
2 so that Mr. Willette can submit that information at that time.

3
4 **Commissioner Cruz** seconded the motion, and asked if the request is for R-4 or R-14.

5
6 **Rudy Perea** stated that the application is now for R-4 not R-14 and apologized to the
7 Commission and applicant for his misunderstanding of the Commission's requests.

8
9 **Commissioners voting yes on the motion: Medina, Gonzales, Cruz, Pollard, Reyes.**

10
11 **Motion carried unanimously.**

12
13
14 **B. Case No. P&Z2007-19**
15 **Carol Wells, property owner, requesting a Conditional Use Permit,**
16 **for professional office, to allow a private counseling practice in her**
17 **home, located at 205 Lund Street; within the R-14 zone of the Town**
18 **of Taos.**

19
20 **Ms. Carol Wells** is sworn in, at the last meeting the Commission requested the hedges
21 be trimmed at the driveway access, that was done, which staff reviewed, also the building
22 inspector saw that the smoke detectors were in the house, one issue he brought up was for
23 handicap access the Commission didn't ask for it, but has a letter from a person who lets
24 her use her office when she does have a handicap client.

25
26 **Rudy Perea** stated that if she uses that location off site from her house she will need to
27 register that business location.

28
29 **Commissioners do not have any questions of the applicant.**

30
31 **Chairman Thompson** opened the application for public comment.

32
33 **No public comment noted.**

34
35 **Chairman Thompson** closed the public comment and entertained a motion.

36
37 **Commissioner Pollard** stated in regard to case number 2007-19, based upon the
38 findings of fact in the staff report and with the conditions that one, Any complaints from
39 adjacent property owners regarding excess noise or traffic generated from the applicant's
40 business will be investigated by the Town of Taos Code Enforcement Officer and if
41 warranted may be grounds for the revocation of the proposed conditional use permit; two,
42 that in the event the applicant needs to see a person requiring handicap access she will
43 inform the Town of the location she will conduct such business and lastly, that she will
44 obtain a business license at that off site location; based on the findings and those
45 condition, moves that this application be approved.

46
47 **Commissioner Reyes** seconded the motion.

48
49 **Commissioners voting yes on the motion: Medina, Gonzales, Cruz, Pollard, Reyes.**

50
51 **Motion carried unanimously.**

