

SECOND DRAFT

Minutes of July Board Meeting

Upper Las Colonias Neighborhood Association

July 11, 2023 4:06PM

Quail Ridge Tennis Facility and Zoom at Residences

Board Attendance - Present - Kurt Edelbrock, Eugenia Hauber, John Halley, John Red Horse, Jeff Tetenbaum, David Nielson, Mike Tarleton, Kent Kobakoff. John Mahoney, Phil Caston, Steve Turner and Jonathan Stuart(on zoom).

PERFECT ATTENDANCE

Members Present – Martha Grossman, Gary Vest, Robert Todd, Henry Hornberger, Janet Littlejohn, Honore Maloney, Lynn Jones, Ann Craig, Mike Breier

Members On Zoom – Participating either for part or the entire call- Dianne McKenzie, , Kevin Wood, Roger Pattison, Eleanor Walther, Jim Fell, Caroline Hornberger, Kay McNair, Sandy Edmondson, Cardinal Rieger, George Schaub, Tom Ottinger, Zachary Lowe and Gary Ferguson.

Susan Baker – ULCNA Counsel

1. Treasurer's Report – John Mahoney indicated current balance is unchanged at \$3,231.75. During the meeting, John wrote a check to Jeff who had paid \$20 to register and file the Annual Report of the Association with the Secretary of State.

2. Minutes from the May 2nd Meeting were approved.

3. Short Term Rentals – Susan's presentation was far ranging. She discussed the concept of "taking." Case law favors property owners who have the permitted right to rent even after new regulation is enacted. She discussed the developing of a Taos county ordinance which is similar to the Austin, Texas regs. Susan commented the Taos draft is overly burdensome in its current form and if passed, without sufficient funding in the county, would be very difficult to enforce. The requirements for a permit for a STR are currently burdensome. Number of county and Assn. rentals were mentioned without anyone really knowing if accurate.

Discussion followed of what the Association might want to do prior to the ordinance's adoption. Should the Assn. try to include our own STR regs in the zoning being worked on at the county? Should we try to have the county consider our 2003 master plan a Planned Unit Development (PUD) by issuing a new ordinance or resolution? Would it be possible to enact Covenants, Conditions and Restrictions (CC&R) in the Assn? Almost impossible as 100% would need to agree. The letter drafted by the STR committee has yet to be forwarded to the county. A motion was passed to have Susan research case law and the status of the county's efforts on this matter and recommend what the Assn. should consider – do nothing or provide a position for the county to consider. Susan will

work on this as a priority and a draft will be circulated and an executive board meeting will be scheduled to consider our next steps.

Although not specific to STRs, Susan indicated the county's insurance does not include coverage for zoning litigation. Eugenia was happy.

4. TREV – In addition to the State traffic study, John indicated 2 different agencies, Army Corp of Engineers and a county environmental group have yet to complete their reviews. Once done, John believes the application will be approved and hearings scheduled. Kurt provided a letter to be submitted to the traffic engineer regarding the desire of the neighborhood property owners to have in and out access to Gavilan. It appears this will now be considered in the TREV traffic study, which was undertaken during ski season. The Road Committee will review the most recent iteration of how the ins and outs at Gavilan will work. There are expected to be three entrances into TREV. (Cielo, Main and Cherry). The plan submitted for the Main entrance includes a Roundabout.

5. KTAOS – The building has been rented and is controlled by a couple (Chrystal Elizabeth?) The bar has reopened and the renters are expected to come to our next board meeting.

6. Songwriter – John R summarized his communications with Rudy on the variance and other matters that would have had to be considered in order for the developer to have gotten a green light to go forward. In Summary:

(a) The 1/4 acre minimum lot size does not apply in the Upper Las Colonias Neighborhood, per Ordinance 2003-1, even for areas served by community water systems.

(b) The Songwriter Homes would still be constrained by the maximum of two buildings per acre specified in 2003-1, since they didn't include a request for relief from this in their variance application to the County. They would also be constrained by the maximum coverage specification of 50 percent in that ordinance.

7. For the record – although not mentioned at the meeting – Two No Objection Letters were issued from the last meeting for garage construction – at 128 Upper Colonias Rd for Debra Saunders and at 8 Camino Alfonso for Alfonso Vigil's new home.

8. Meeting was adjourned at 5:46PM. Next regular meeting is scheduled for August 8th.