

FIRST DRAFT

Minutes of August Board Meeting

Upper Las Colonias Neighborhood Association

August 8, 2023 4:05PM

Quail Ridge Tennis Facility and Zoom at Residences

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

Members Present – Martha Grossman, Gary Vest, Henry Hornberger, Mike and Charlotte Wylie, Adam Vining, Cardinal Rieger, Margaret Chipman, Jack Jacobs, Kevin Wood, Sue Huddy, Kim Treiber, Bonnie Thomas, Debra Phillips, Bambi Sturbois, Kay McNair,

Members On Zoom – Participating either for part or the entire call- Dianne McKenzie, Gary Ferguson, Ken Littlejohn, Tanya Urick, Nick Salerno, Diane Enright, Terry White Williamson, and Charlie Schmidt.

1. Treasurer's Report – In absentia, John Mahoney indicated current balance is \$3,211.75.

2. Minutes from the July 11th Meeting were tabled. Very late changes were included without all board members having had an opportunity to review them.

3. Short Term Rentals – As agreed at the July meeting, Susan drafted a letter suggesting a new ordinance for the county. The board members were provided copies to review and comment. Kurt discussed the concept of "taking." Case law favors property owners who have the permitted right to rent even after new regulation is enacted. He explained that the County's proposed STR ordinance may present legal challenges due to its similarity to the City of Austin's STR Ordinance, which was recently thrown out by the Texas Court in *Zaatari v. City of Austin*, Tex. App., Nov. 27, 2019. Like the County's Ordinance, the City of Austin's regulation attempted to retroactively eliminate existing STRs. It also regulated "assembly" such as weddings and parties at STRs. The Texas court found this type of regulation unconstitutional. The county's proposed draft ordinance is overly burdensome. Jeff suggested the county's goal of reducing STR's

would be reached if the proposed ordinance is approved. Property owners would be reluctant to spend the time and effort required to file the application to be able to rent their property. Even the current STR permit requirements are burdensome. It was also suggested that the Taos draft in its current form and if passed, would be very difficult to enforce in the county without sufficient funding. Number of county (about 1,000) and Assn. rentals (80-90, which does not include QR and Casas), were noted, the latter by Cardinal who surveyed the internet for an area between 150, 522, 230 and Valencia. Phil indicated the 80-90 units are about 25% of the properties in the neighborhood.

It is believed the draft ordinance is scheduled to go before the Planning Commission on August 31 at 10:30 AM and that the draft has been revised.

4. TREV – Mike indicated that the TREV team has been working on remaining TREV responses to questions/issues raised by three agencies. New Mexico Department of Transportation (NMDOT) has 30 days to complete its review. The Army Corps of Engineers needs to walk the property and the Taos County Soil & Water group review is still outstanding.

5. Road Committee -Phil gave a brief review of the latest Gavilan enter/exit solution, which comes through the 12 acre Tarleton partnership properties along 150. Discussion ensued. Bambi was concerned about traffic and safety through the 12 acres when fully populated. Mike noted that vehicles on Gavilan will not be able to enter TREV and that the 3 entrances were granted upon the establishment of the neighborhood association in 2003.

The TREV submittal includes 3 Entrances, Cielo/Market Street (TREV's north entrance), Tarleton Ranch Road (TREV's main Entrance) and Cherry Street (TREV's south entrance). Emergency only access will also be provided at Gavilan and Valencia. A roundabout, rather than a traffic light at the TREV main entrance, has been suggested in the traffic study.

5. KTAOS – The new management was unable to come to the meeting today. It was mentioned that the bar at KTAO was now open.

6. Songwriter – An appeal of the BofA's decision on the variance has been scheduled before the County Commissioners on August 15th at 9AM. We

did not receive notice nor the basis for the appeal. We also did not see notification in the newspaper. There was notice at the property. A motion was adopted to send a letter (email) to our county commissioner, Anjanette Brush, stating we did not receive notice, that we didn't receive the grounds for the appeal and that the hearing should be delayed.

7. For the record – although not mentioned at the meeting – A No Objection Letters was issued for a business license – at 5 Mirlo for DeeAnne Lowe to be able to continue STRs.

8. Meeting was adjourned at 5:45PM. Next regular meeting is scheduled for September 12th.