



AGENDA
October 12, 2010
Regular Meeting
Town Council Chambers - 120 Civic Plaza Drive
1:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES

A. September 14, 2010 Regular Meeting Minutes

B. September 27, 2010 Special Meeting Minutes

6. AWARDS AND RECOGNITIONS

A. Loretta Trujillo, Human Resources Director

New Hires - September 2010

09/30/2010 Chris Cordova - Recreation Specialist, Y&F Center -
Temporary assignment through April 15, 2010.

B. Loretta Trujillo, Human Resources Director

Retirement

The Mayor and Town Council are pleased to proclaim the retirement of
Ray Martinez, Transit Operator effective October 1, 2010.

7. CITIZENS FORUM

The items in the Consent Agenda below have been reviewed and discussed in detail by the Mayor and Town Manager and they agree to place these items on the Consent Agenda for the purpose of voting on all items with one vote.

8. CONSENT AGENDA

A. Loretta Trujillo, Human Resources Director

Consideration and approval of Resolution 10-60; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town of Taos employee. The Town proposes to hire Christopher Lucero as a Recreation Specialist at the Youth and Family Center. Mr. Lucero is the son of Town Employee, Claudette Lucero who works within the Judicial Department. The employment of Christopher Lucero would not create a direct or indirect supervisor/subordinate relationship nor a conflict of interest. Christopher Lucero previously worked for the Town as a Recreation Specialist on a temporary basis from July of 2004 through August of 2009.

B. Marietta Fambro, Finance Director (with Carol Valade, Fixed Assets Clerk)

Consideration and approval of Resolution 10-57; Approving the intergovernmental transfer of a fertilizer bagging and scales system to the City of Hobbs, N.M. This property is no longer usable to the Town.

C. Rick Anglada, Chief of Police

Consideration and approval to lease a Workcentre 7755 MFD from Xerox which will replace the two copiers at the police department. The Workcentre 7755 will be leased for 48 months at \$717.21 a month and print charges will be \$.0095 over 5000 prints (black) and \$.0742 (color). Line item # 11-14-43005 and 11-14-43001.

9. MATTERS FROM STAFF

A. Amos Torres, Public Utilities Director

Consideration and approval of Resolution 10-58; Authorizing the Mayor and staff to apply for grant funding in the amount of \$1,650,000 through the Water Trust Board for the purpose of the continuation of the Regional Water System Upgrade project.

B. Amos Torres, Public Utilities Director

Consideration and approval of Resolution 10-59; Authorizing the Mayor and staff to apply for grant funding in the amount of \$2.5 million through the Water Trust Board for the purpose of the continuation of the Wastewater Treatment Plan Rehabilitation project.

C. Marietta Fambro, Finance Director

Consideration and approval of Resolution 10-61; Budget Adjustment Request: **1) 1/4 Municipal GRT Fund (32)** - Increase revenues and interfund transfer out to Fund 59 in the amount of \$29,213 to cover a portion needed to award Morgan Road Improvements project; **2) Capital Improvements Fund (51)** - Increase revenues and interfund transfer out to Fund 59 in the amount of \$21,909 to cover a portion needed to award Morgan Road Improvements project; **3) 1999 Gas Tax Construction Fund (59)** - **a.** Increase interfund transfer in from Fund 32 in the amount of \$29,213 and \$21,909 from Fund 51 to cover a portion needed to award Morgan Road Improvements project; **b.** Transfer \$219,462 from underrun of Reed/Alexander and \$10,406 from

Bedford design project and increase expenditures to Morgan Road Improvements - Town Match in the amount of \$260,990; \$10,406 from Bedford, \$51,122 from additional GRT revenues and \$199,462 from underrun Reed/Alexander; **c.** Transfer \$20,000 from Reed/Alexander to NM 68 Enhancement to cover final quantities.

D. Francisco Espinoza, Public Works Director

Recommendation to award Bid 10-11-02 to Road Construction Southwest, Inc. and authorization for the Mayor in enter into a contract with Road Construction Southwest, Inc. in the amount of \$552,207.30 Base Bid plus additive alternate #2 in the amount of \$36,710.15 plus GRT (8.1875%) in the amount of \$48,217.61 for a total contract amount of \$637,135.07.

10. PUBLIC HEARINGS

A. Manuel L. Pacheco, Buildings & Grounds Director

Consideration and approval of Ordinance 10-24; Flood Damage Prevention Ordinance. The purpose of consideration is for the implementation of the new FIRM ((Flood Insurance Rate Maps) which will go into effect on October 6, 2010. The new maps supersede the most current FIRM maps dated January 5, 1989, along with the flood insurance study for Taos County and the Town of Taos.

B. Matthew Spriggs, Community Economic Development Director

Public hearing regarding the adoption of Ordinance 10-25 amending title 16 of the Taos Town Code with respect to height limitations in the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) zones and set backs, lot sizes, lot coverage, and lot widths of the HCPD, CBD, C-2, C-1, R-14, and R-6 zoning districts to achieve a greater density of development. The ordinance further makes minor alterations to the permitted principal and accessory uses of the CBD zoning district.

11. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

12. EXECUTIVE SESSION

Executive Session

The Council will adjourn to go into Executive Session to discuss limited personnel matters involving the duties of individual employees and their assignment, reassignment, classification or reclassification, in the context of and in relation to the potential effects of the implementation of any previously discussed reorganization proposals pursuant to NMSA 1978 10-15-1(H)(2). No action will be taken at this time.

13. ADJOURNMENT

APPROVED:

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

- *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.*



October 12, 2010

Title:

September 14, 2010 Regular Meeting Minutes

Summary:

Background:

Attachments:

Click to download

 [Minutes](#)

APPROVALS:

Date/Time:

10/4/2010 9:06 AM

Approval:

Approved

Department:

Town Clerk



MINUTES
September 14, 2010
Regular Meeting
Town Council Chambers - 120 Civic Plaza Drive
1:30 PM

1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 1:36 p.m.

Mayor Cordova welcomed Taos Pueblo Lieutenant Governor Richard Aspenwind, Lieutenant War Chief Harold Cordova, War Chief Scott Fields and Blue Lake Committee Chair Linda Yardley to the Town Council Meeting.

2. ROLL CALL

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

Those present were:

Mayor, Darren M. Cordova
Mayor Pro Tem, Rudy C. Abeyta
Councilmember, A. Eugene Sanchez
Councilmember, Amy J. Quintana
Councilmember, Michael A. Silva

Also present were:

Town Manager, Daniel Miera
Assistant Town Manager, Abigail Adame
Town Clerk, Renee Lucero
Town Attorney, Allen Ferguson

3. PLEDGE OF ALLEGIANCE

Councilmember Quintana led the audience in the pledge of allegiance.

4. APPROVAL OF AGENDA

Delete Item 8.C. Rick Anglada, Chief of Police - Consideration and approval of Contract # TT-11-119 to enter into a 48 month lease with Xerox at \$449.26 per month for the Police Department. The lease includes 7,000 copies per month; excess copies will be billed separately at \$.0085 per copy. State Contract #90-00086. Line Item # 11-14-43001 - Supplies; Line item # 11-14-43005 - Rentals.

Add Executive Session before Matters from Mayor and Council to discuss limited personnel matters regarding the Town Attorney pursuant to NMSA 1978-10-15-1-H.2.

Mayor Pro Tem Abeyta made a motion to approve the Agenda as presented. Councilmember Silva seconded the motion. The motion carried unanimously.

5. APPROVAL OF MINUTES

A. August 10, 2010 Regular Meeting Minutes

Councilmember Silva made a motion to approve the Minutes of August 10, 2010 as presented. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

B. August 19, 2010 Workshop Meeting Minutes

Councilmember Quintana made a motion to approve the Minutes of August 19, 2010 as presented. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez and Quintana. Mayor Pro Tem Abeyta and Councilmember Silva abstained as they were both absent from the meeting on August 19th.

C. August 24, 2010 Regular Meeting Minutes

Councilmember Sanchez made a motion to approve the Minutes of August 24, 2010 as presented. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Councilmembers Sanchez, Quintana and Silva. Mayor Pro Tem Abeyta abstained as he was absent from the meeting on August 24th.

D. September 3, 2010 Special Meeting Minutes

On page 3 of 4, line 13, delete first sentence and replace with "For discussion Councilmember Abeyta stated the Town needs to be drawn down through attrition."

Councilmember Silva made a motion to approve the Minutes of September 3, 2010 as amended. Mayor Pro Tem Abeyta seconded the motion. The motion was approved by an affirmative vote. Those voting AYE

were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

6. AWARDS AND RECOGNITIONS

A. Presentation of Certificates of Appreciation

Mayor Cordova presented Certificates of Appreciation to Officer David Weaver and Officer Lloyd Garcia for their professionalism, hard work and dedication.

B. Presentation of Proclamation for Taos Pueblo- Return of Blue Lake Commemoration Days

Mayor Cordova presented a proclamation declaring September 17 and 18, 2010 as "Taos Pueblo Return of Blue Lake Commemoration Days".

Lieutenant War Chief Cordova invited the community to join Taos Pueblo in commemorating the 40th Anniversary of the Return of Blue Lake to Taos Pueblo.

Mayor Cordova stated the Town of Taos is committed to supporting the preservation of Taos Pueblo as a World Heritage Site.

C. Recognition of Volunteers of the 53rd Annual New Mexico Municipal League Annual Conference

In recognition of the outstanding efforts of the volunteers in making the New Mexico Municipal League 53rd Annual Conference such a success; the Mayor and Council recognized the individuals and volunteers.

Mayor Cordova stated there were 1,000 visitors in the community during the event. He received a lot of positive comments regarding the professional and friendly conduct of the volunteers during the event and thanked the volunteers for their outstanding work.

****There was a break for a brief reception honoring the volunteers.***

7. CITIZENS FORUM

* Jeff Northrup - Spoke about unchaining dogs, allegations at the Secretary of State's Office, the Town's Energy Audit and Councilmember Quintana.

* Allison Arney - Lives next to the Wastewater Treatment Plant and complained about the smell from the composting facility. She stated she dreads coming home from work, cannot go outside or open her windows and finds it difficult to enjoy life due to the awful smell.

Mayor Cordova asked Daniel Miera, Town Manager, to follow up on this complaint and also evaluate the alternatives to composting. Mr. Miera stated there were numerous public notices about the expansion of Wastewater Treatment Plant; however, he will continue to mitigate the issues.

Councilmember Silva stated he recently visited the Wastewater Treatment Plant and agrees that the smell is very bad and asked Mr. Miera to do what he can to address the

problem.

Councilmember Sanchez stated he is concerned because he does not believe that anyone's quality of life should be at stake and reiterated that the problem needs to be addressed.

8. CONSENT AGENDA

A. Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

Authorization and approval to accept Grant Agreement No. 11-1241 from the State of New Mexico Children, Youth and Families Department in the amount of \$131,000 to provide cost effective services and temporary, non-secure alternatives to detention in the Town of Taos for those youth who have been arrested or referred to juvenile probation and parole or are at risk of such referral. The Town of Taos acts as the fiscal agent for the Taos County Juvenile Justice Program.

B. Mark G. Fratrack, Airport Manager

Authorization and approval to enter into a Professional Services Agreement with Armstrong Consultants, Inc (Airport Engineer Firm), Contract TT-11-115, with a term for four one-year periods.

C. Rick Anglada, Chief of Police

Consideration and approval of Contract TT-11-116 for confinement of prisoners at the Taos County Detention Center. The agreement is for a term of one year from July 1, 2010 to July 1, 2011. The Town of Taos, under the agreement, shall pay Taos County the total amount of \$100 per prisoner per day; Line Item # 25-14-44005.

Councilmember Silva made a motion to approve the Consent Agenda as presented. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

9. MATTERS FROM STAFF

A. Amos Torres, Public Utilities Director

Consideration and approval of Contract TT-11-123 to Advantage Asphalt & Seal Coating, LLC in the amount of \$558,842 plus NMGRT (7.125%) for a total contract price of \$598,659.49. The contract is for the construction of a water and sewer line on Este Es Road from NM 68 to Maestas Road. Advantage Asphalt & Seal Coating was the low bidder for Bid # 10-11-01. Bids were opened publicly on September 7, 2010.

Councilmember Silva informed the Council that he will abstain from voting; however, he will not recuse himself from the discussion. He stated he would like to see projects such as this one be bid out separately in an effort to give locals an opportunity to bid.

Mayor Cordova directed Daniel Miera, Town Manager, to analyze

Councilmember Silva's concerns and while taking procurement into account. He further directed Mr. Miera to ensure that Town's best interest is considered. Mayor Cordova made it clear to the community that the direction of the Town Council is to purchase locally. He asked Mr. Miera to provide pros and cons of separating bids as well as cost differences of having an engineer separate bids.

Councilmember Silva stated he believes it would be in the best interest of the Town to separate bids because the money will be spent locally if local bidders are awarded.

Mayor Cordova stated for the record that Advantage Asphalt does operate a business locally.

Councilmember Quintana made a motion to approve Contract TT-11-123 to Advantage Asphalt & Seal Coating, LLC in the amount of \$558,842 plus NMGR (7.125%) for a total contract price of \$598,659.49. Mayor Pro Tem Abeyta seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, and Quintana. Councilmember Silva abstained because his family business bid on the project.

B. Cathy Connelly, Public Relations Director

Ms. Connelly gave an update and overview of the events regarding the commemoration of the 40th Anniversary of the Return of Blue Lake to Taos Pueblo which has been scheduled for September 17 and 18, 2010.

C. Cathy Connelly, Public Relations Director

Ms. Connelly gave an update regarding two new community/tourism initiatives - the Taos Master Calendar, www.TaosSacredPlaces.com/calendar, and the Historic District Shopping map. Part of this review is to continue with community outreach for everyone to take advantage of these new, free services.

D. Marietta Fambro, Finance Director

Approval of the Annual Operating Budget for FY 2010-2011 by Department of Finance and Administration (DFA) and to be made a part of the minutes of the governing body with adjustments by DFA to the Fire Protection Fund and the Law Enforcement Protection Fund as noted in the attachment.

Councilmember Silva made a motion to approve the Annual Operating Budget for FY 2010-2011 by Department of Finance and Administration (DFA). Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

E. Matthew Spriggs, Community and Economic Development Director

Mr. Spriggs gave an update regarding the Artspace project and the pending Pre-Development Services contract with Artspace for the construction of an Artspace affordable live/work building in Taos.

F. Marietta Fambro, Finance Director

Consideration and approval of Resolution 10-50 Budget Adjustment Request: 1) Water Rights Fund (64) - Decrease unreserved fund balance and increase interfund transfer out to Fund 81 in the amount of \$132,323 to cover balance for a total construction amount of the Water only portion of Este Es Infrastructure improvements. 2) Utility Improvements Fund (81) Increase interfund transfer in from Fund 64 and Capital Outlay expenditures for the Este Es Infrastructure project (81-new) to cover the balance needed for the Water only portion of this project.

Mayor Pro Tem Abeyta made a motion to approve Resolution 10-50 as presented. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

10. PUBLIC HEARINGS

A. Allen Ferguson, Town Attorney

Consideration and approval of proposed amendments to Sign Code Ordinance 10-17, continued from July 23, 2010 and August 24, 2010 Town Council Meetings.

Allen Ferguson, Town Attorney, proposed three additional changes to the sign code to solidify its constitutional base. The proposed changes are as follows:

On page 7 under 15.08.260 No. 7, after the first sentence add: "This prohibition is for the purposes of traffic and pedestrian safety and avoidance of visual clutter."

On page 3 under 15.08.100 at the end of the third paragraph add: "This sign code imposes no restriction on, or regulation of, the content of the messages on signs."

On page 19 under 15.08.410 add a new paragraph "f": "Regardless of any other provision of this Sign Code, non-commercial signs shall not be restricted more severely than commercial signs or prohibited where commercial signs are permitted, and any particular type of non-commercial sign shall not be restricted more severely than another type of non-commercial sign, or prohibited where another type of non-commercial sign is permitted."

Public Opinion

Mayor Cordova opened the public hearing.

* Helen South was sworn in and referenced words spoken by Benjamin Franklin regarding rights to freedom of speech. She asked the Mayor and Council to be very careful when approving the sign code.

* Erich Kuerschner was sworn in and expressed his concern with his rights to free speech. He also commended the Town Council and staff for their efforts to clean up the sign code; however, he has concerns about the size of signs as

1 stated on page 19, paragraph b. of the draft sign code where it indicates off-site
2 signs shall not exceed three square feet in over-all dimension.
3

4 Mr. Ferguson stated the over-all dimension of three square feet is incorrect in
5 the sign code and should be changed to six square feet instead. Mr. Ferguson
6 also recommended adding a sentence at the end of paragraph as follows: "In
7 addition, up to one banner, not to exceed twenty-four (24) square feet in size,
8 will be permitted per property."

9 * Jeanne Green was sworn in and expressed her concerns about the size limit of
10 signs and wants to be sure that her rights are protected.
11

12 Mayor Cordova assured Ms. Green that her rights are more protected under the
13 proposed sign code than the current sign code.
14

15 * Jeff Northrup was sworn in and stated the government's purpose is to promote
16 free speech and he has concerns about how signs must be held in order to be in
17 a person's control. He believes a sign may be in a person's control by anchoring
18 them securely.

19 Mr. Ferguson stated in order for a sign to be in a person's control it must be
20 hand held. Mr. Miera also clarified that there is not a limit as to how many signs
21 may be held by an individual so long as they are controlled.
22

23 *Marilyn Hoff was sworn in and referred to the use of the word "aesthetic"
24 throughout the sign code and stated some photos that may be placed on signs
25 may not be "aesthetically" correct because the photo may be offensive to some
26 people. She believes the word "aesthetic" should be specifically defined.

27 Mayor Cordova stated the Town cannot regulate the content of the sign and
28 reasonable judgment must be used.

29 Mr. Ferguson stated the word "aesthetic" regulates the size and number of
30 signs.
31

32 After closing the public hearing, Mayor Cordova asked for questions from the
33 Council.
34

35 Councilmember Sanchez stated he strongly supports freedom of speech and
36 believes a person has a right to free speech as long as it does not interfere with
37 the safety of other citizens. He knows that Mr. Ferguson conducted thorough
38 research in order to make the code fair; however, he believes the word
39 "aesthetic" is too broad and believes individuals should have the right to have up
40 to twelve signs if they so choose.

41 Mr. Ferguson stated the sign code states that no sign should be placed in public
42 right of way and the way the code is being proposed is constitutional and
43 defensible.
44

Matthew Spriggs, Community and Economic Development Director, stated it

would be very difficult to be in control of twelve signs. He is concerned that if a heavy gust of wind came through the area where the signs are located it would create a safety hazard.

There was an extensive discussion regarding placing signs in public right of way while protecting free speech. After thorough discussion between the Mayor, Councilmembers and staff the following amendments were proposed (in addition to the amendments made by Mr. Ferguson earlier in the meeting):

On page 8, delete paragraphs 18 and 19 and add item 20 "Signs shall not be affixed to public property except for banners and other signs placed with permission of the Town or other governmental entity that owns the property at locations where rental of space for such banners or signs is permitted, and except for signs affixed by the governmental entity that owns the public property."

On page 10, paragraph A.b., replace the paragraph with the following: " Each business may elect to use a banner or portable sign instead of any of the three permanent signs."

On page 13, at the top of the page delete the sentence: "Portable signs with wheels attached are not permitted."

On page 15, delete paragraphs 1.c. and 1.e. and under paragraph 1.d. change "sixty (60) square feet" to "one hundred (100) square feet."

On page 18, under paragraph 1.a. delete the following "until such time that said signage is altered, improved, or replaced." with "until such time as signage is replaced".

On page 18, delete paragraph 2. entitled PRE-EXISTING PERMAMENT SIGNS - CHANGE IN OWNERSHIP.

On page 22, paragraph 11, add the following at the end of the paragraph: "The national flag must be flown in accordance with applicable federal regulations."

On page 23, after paragraph 16. add "17." before the next paragraph.

Mayor Pro Tem Abeyta made a motion to approve Ordinance 10-17 as amended by the Town Attorney and Mayor and Councilmembers. Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Quintana and Silva. Voting NAY was Councilmember Sanchez.

11. MATTERS FROM THE MAYOR AND COUNCIL

12. EXECUTIVE SESSION

The Council will adjourn to go into Executive Session to discuss limited personnel matters regarding the Town Attorney pursuant to NMSA

1978-10-15-1-H.2.

Councilmember Sanchez made a motion to go into Executive Session to discuss limited personnel matters regarding the Town Attorney pursuant to NMSA 1978-10-15-1-H.2..

Councilmember Quintana seconded the motion. The motion was confirmed by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

At 6:40 p.m., Councilmember Quintana made a motion to come out of Executive Session and stated discussion in the Executive Session was limited to the item as it was called for. Mayor Pro Tem Abeyta seconded the motion. The motion was confirmed by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

13. ADJOURNMENT

A motion was made by Councilmember Quintana and seconded by Mayor Pro Tem Abeyta to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 6:40 p.m.

APPROVED:

Darren M. Cordova, 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 recordings and \$10.00 for video recordings.



October 12, 2010

Title:

September 27, 2010 Special Meeting Minutes

Summary:

Background:

Attachments:

Click to download

 [September 27](#)

APPROVALS:

Date/Time:

10/7/2010 4:18 PM

Approval:

Approved

Department:

Town Clerk



MINUTES

**September 27, 2010
Special Meeting
Taos Town Council
Don Fernando Hall – 124 Civic Plaza Drive
Taos, New Mexico
6:30 p.m.**

1. CALL TO ORDER: The Special Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 6:46 p.m.

2. Those present were:

Mayor	Darren M. Cordova
Mayor Pro Tem	Rudy C. Abeyta
Councilmember	A. Eugene Sanchez
Councilmember	Amy J. Quintana
Councilmember	Michael A. Silva

Also present were:

Town Manager	Daniel Miera
Assistant Town Manager	Abigail Adame
Town Attorney	Allen Ferguson
Town Clerk	Renee Lucero

Mayor Cordova welcomed those in attendance and stated the Town of Taos adamantly opposes the proposed flyovers. In addition, he has been informed by the Air Force that the public comment period has been extended to November 15, 2010. He also expressed his gratitude for the efforts of the Peaceful Skies Coalition.

Daniel Miera, Town Manager, read the proposed Resolution 10-49 for the record.

1 **3. CITIZENS PUBLIC FORUM – To discuss the United States Air Force**
2 ***establishing a Low Altitude Tactical Navigation Training Area in Northern***
3 ***New Mexico.***
4

5 Cliff Bain and Carol Miller informed the citizens of the importance of staying
6 involved and reviewed the background of the proposed flyovers.
7

8 The following citizens came forward:
9

- 10 • Butchie Denver - opposed
- 11 • Judah Botzer – opposed
- 12 • Gerard McDonald - opposed
- 13 • Roberta Flowers - opposed
- 14 • Katherine Bensusen - opposed
- 15 • David Patton - opposed
- 16 • Hanson Scott – supports (retired Air Force)
- 17 • Gary Van Valin – neither supports nor is opposed (retired Air Force)
- 18 • Joanne Baek – supports training but in the right location
- 19 • Pat Leahan - opposed
- 20 • Erich Kuerschner - opposed
- 21 • Lynette Leardi - opposed
- 22 • Bill Blackmore - opposed
- 23 • Adele Zimmerman - opposed
- 24 • Bruce Brown - opposed
- 25 • Ariana Kramer - opposed
- 26 • Seth Brown - opposed
- 27 • Nyna Matysiak - opposed
- 28 • Giovanna Paponetti - opposed
- 29 • Liz Cunningham - opposed
- 30 • Sandra Richardson - opposed
- 31 • Jim Sanborn - opposed
- 32 • Matt Spriggs - opposed
- 33 • Barbara Thorn - opposed
- 34 • Kathleen Dudley - opposed
- 35 • Don Hamilton - opposed
- 36 • Jennifer Furlow - opposed
- 37 • Barbara Arnold - opposed
- 38 • Marilyn Hoff - opposed
- 39 • Lucia Morales - opposed
- 40 • Linda Degeest - opposed
- 41 • Rhonda Layden - opposed
- 42 • Ethan Genauer - opposed
- 43 • Barbara Jones - opposed
- 44 • Brian Shields - opposed

Town of Taos Special Meeting Minutes

September 27, 2010

- Clyde Romero - opposed
- Andy Romero - opposed

Mr. Bain thanked the Mayor and Council for their leadership in this endeavor.

4. MATTERS FROM THE MAYOR AND COUNCIL

Consideration and approval of Resolution 10-49; A Resolution opposing the United States Air Force establishing a Low Altitude Tactical Navigation Training Area in Northern New Mexico.

Mayor Cordova directed Allen Ferguson, Town Attorney, to incorporate language in the resolution taking into account comments from the audience.

Mr. Ferguson stated he will include language to address the following issues that could result from the proposed flyovers; danger of forest fires; negative affect on agriculture and wildlife; negative affect on human health including special needs individuals; sparsely populated areas are still populated; increase in greenhouse gas emissions; environmental injustice; risk of avalanches; and danger to historic adobe houses. Mr. Ferguson will also add language to address the natural serenity of Taos and how people come here for spiritual healing. Furthermore, Mr. Ferguson will include language that the Council is adamantly opposed, not only to Low Altitude Tactical Navigation Training flights, but to any other training flights in this region.

Councilmember Quintana made a motion to approve Resolution 10-49 as amended. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

5. ADJOURNMENT

A motion was made by Councilmember Silva and seconded by Mayor Pro Tem Abeyta to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 9:05 p.m.

APPROVED:

Darren M. Cordova, Mayor

ATTEST:

Renee Lucero, Town Clerk

Town of Taos Special Meeting Minutes

September 27, 2010

1
2
3
4
5

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 recordings and \$10.00 for video recordings.



October 12, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

New Hires - September 2010

09/30/2010 Chris Cordova - Recreation Specialist, Y&F Center - Temporary assignment through April 15, 2010.

Background:

Attachments:

[Click to download](#)

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
10/4/2010 9:02 AM	Approved	Town Manager
10/4/2010 9:08 AM	Approved	Town Clerk



October 12, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Retirement

The Mayor and Town Council are pleased to proclaim the retirement of ***Ray Martinez, Transit Operator*** effective October 1, 2010.

Background:

Attachments:

[Click to download](#)

No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:
10/4/2010 9:04 AM	Approved	Town Manager
10/4/2010 9:08 AM	Approved	Town Clerk



October 12, 2010

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Resolution 10-60; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town of Taos employee. The Town proposes to hire Christopher Lucero as a Recreation Specialist at the Youth and Family Center. Mr. Lucero is the son of Town Employee, Claudette Lucero who works within the Judicial Department. The employment of Christopher Lucero would not create a direct or indirect supervisor/subordinate relationship nor a conflict of interest. Christopher Lucero previously worked for the Town as a Recreation Specialist on a temporary basis from July of 2004 through August of 2009.

Background:

Attachments:

Click to download

 [Resolution No. 10-60](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/5/2010 1:18 PM	Approved	Town Manager
10/5/2010 1:19 PM	Approved	Town Clerk



Resolution 10-60

A Resolution of the Town of Taos Council waiving the Provisions of Town Ordinance Title 3, Section 3.80.070.

WHEREAS, Title 3, Section 3.80.070(B) states that no one in the immediate family of any other town employee shall be considered for employment in the Town; and

WHEREAS, Title 3, Section 3.80.070(B) also provides for a waiver by the Mayor, with the advice and consent of the Town Council, when it is in the best interest of the Town and does not present a conflict; and

WHEREAS, The Town of Taos has recommended for hire within the Recreation Department, Christopher Lucero, who is the son of Town employee Claudette Lucero, who works in the Judicial Department; and

WHEREAS, employment of Christopher Lucero would not create a direct or indirect supervisor/subordinate relationship nor create an actual conflict of interest or the appearance of a conflict or interest and it is in the best interest of the Town to accept the recommendation for hire.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council that Section 3.80.070 be waived in the instance.

PASSED, APPROVED and ADOPTED, this 12th day of October, 2010, at the Regular Meeting of the Town Council.

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



October 12, 2010

Title:

Marietta Fambro, Finance Director (with Carol Valade, Fixed Assets Clerk)

Summary:

Consideration and approval of Resolution 10-57; Approving the intergovernmental transfer of a fertilizer bagging and scales system to the City of Hobbs, N.M. This property is no longer usable to the Town.

Background:

The Town is no longer in need of this equipment and whereas as the City of Hobbs could use it at their current facility and are willing to pay for any charges associated with dismantling and hauling expense.

Attachments:

Click to download

📄 [Resolution No. 10-57](#)

📄 [Letter from Hobbs for request of equipment](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/6/2010 12:12 PM	Approved	Town Clerk



Resolution 10-57

A Resolution of the Town of Taos Council approving the Intergovernmental Transfer of a Fertilizer Bagging and Scales System to City of Hobbs

WHEREAS, the Town of Taos owns certain personal property which the Town is no longer in need of; and

WHEREAS, the Town of Taos has specifically identified such property herein; and

WHEREAS, the Town of Taos believes it is in the best interest of the Town to dispose of said property pursuant to state and local requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Taos:

The items of property identified herein with current resale value of \$2500 or less each are:

1. 2 floor scales with monitors and control panels - sn: (267447, 267448, 266133 & 266134)
2. Large bagging funnel and associated parts; has capacity to bag in 1 ton bags or 50 lb bags

NOW, THEREFORE, BE IT RESOLVED that the property:

1. is no longer usable to the Town; and
2. will be disposed by intergovernmental transfer to the City of Hobbs.

PASSED, APPROVED and ADOPTED, this 12th day of October, 2010 at the Regular Meeting of the Town Council.

Councilmember Rudy C. Abeyta
Councilmember A. Eugene Sanchez
Councilmember Amy J. Quintana
Councilmember Michael A. Silva

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



October 12, 2010

CITY MANAGER'S OFFICE

200 E. Broadway

Hobbs, New Mexico 88240

Phone 575-397-9206

Fax 575-397-0379

ERIC HONEYFIELD

City Manager

September 13, 2010

Mr. Amos Torres, Public Utilities Director
Town of Taos
400 Camino de la Placita
Taos, NM 87571

Dear Mr. Torres:

On behalf of the City of Hobbs, I wish to express my gratitude to the Town of Taos for considering our inquiry concerning your used biosolids bagging equipment located at the Town's wastewater treatment facility.

Currently, stabilized biosolids from the City of Hobbs Wastewater Treatment Facility are handled in the bulk form with front-end loaders and dump trucks before being applied to the City's parks and golf course using commercial equipment. In addition to supplying beneficial nutrients, the organic matter within this material increases the moisture holding capacity of native soils. Our desire is to make this material readily available to City residents for use in a bagged form.

It is my understanding that the Town of Taos no longer has a use for this bagging equipment and that the Town is seriously considering donating this equipment to the City of Hobbs. Following a brief inspection of the equipment, the City of Hobbs would agree to accept all of the bagging equipment, as is, with no guarantee or warranty applied. The City of Hobbs would be responsible for all associated dismantling and hauling expenses. Such a donation is allowable under the State of New Mexico Procurement Code and would be appreciated by the community of Hobbs.

If this is agreeable, I will direct the City of Hobbs staff to coordinate through you the necessary arrangements for this transaction to occur.

Respectfully,

THE CITY OF HOBBS

ERIC HONEYFIELD
City Manager

cc: Darren Cordova, Mayor



October 12, 2010

Title:

Rick Anglada, Chief of Police

Summary:

Consideration and approval to lease a Workcentre 7755 MFD from Xerox which will replace the two copiers at the police department. The Workcentre 7755 will be leased for 48 months at \$717.21 a month and print charges will be \$.0095 over 5000 prints (black) and \$.0742 (color). Line item # 11-14-43005 and 11-14-43001.

Background:

The new copier will be replacing the WCP225 and WC7335P from the police department.

Attachments:

Click to download

 [Lease agreement with Xerox](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/5/2010 1:25 PM	Approved	Town Manager
10/5/2010 1:25 PM	Approved	Town Clerk

Lease Agreement

Customer: TOWN OF TAOS

BillTo: TOWN OF TAOS
POLICE DEPT
107 Civic Plaza Dr
Taos, NM 87571-6401

Install: TOWN OF TAOS
POLICE DEPT
107 Civic Plaza
Taos, NM 87571-6401

State or Local Government Negotiated Contract : 072164800

Solution

Item	Product Description	Agreement Information	Trade Information	Requested Install Date
1. WC7755P (WORKCENTRE 7755 MFD)	<ul style="list-style-type: none"> - Embedded Fax-1 Line - Adv Finisher-2/3hole - Network Scanning Kit - Analyst Services - Customer Ed 	Lease Term: 48 months Purchase Option: FMV	<ul style="list-style-type: none"> - Xerox WCP255 S/N UTV820492 Trade-In as of Payment 48 - Xerox WC7335P S/N FKA631165 Trade-In as of Payment 28 	10/25/2010

Monthly Pricing

Item	Lease Minimum Payment	Print Charges			Maintenance Plan Features
		Meter	Volume Band	Per Print Rate	
1. WC7755P	\$717.21	1: Meter 1	1 - 5,000	Included	<ul style="list-style-type: none"> - Consumable Supplies Included for all prints - Pricing Fixed for Term
			5,001+	\$0.0095	
		2: Meter 2	1 - 250	Included	
			251+	\$0.0742	
Total	\$717.21	Minimum Payments (Excluding Applicable Taxes)			

Authorized Signature

Customer acknowledges receipt of the terms of this agreement which consists of 4 pages including this face page.		Thank You for your business! This Agreement is proudly presented by Xerox and Brian Estes (505)758-0804 For information on your Xerox Account, go to www.xerox.com/AccountManagement	
Signer: Daniel Miera	Phone: (575)751-2000		
Signature: _____	Date: _____		

Lease Agreement



Terms and Conditions

INTRODUCTION:

1. TOTAL SATISFACTION GUARANTEE. If you are not totally satisfied with any Xerox-brand Equipment delivered under this Agreement, Xerox will, at your request, replace it without charge with an identical model or, at Xerox's option, with Xerox Equipment with comparable features and capabilities. This Guarantee applies only to Xerox-brand Equipment that has been continuously maintained by Xerox under this Agreement or a Xerox maintenance agreement. For "Previously Installed" Equipment, this Guarantee will be effective for 1 year after installation. For all other Equipment, this Guarantee will be effective for 3 years after installation unless the Equipment is being financed under this Agreement for more than 3 years, in which event it will expire at the end of the initial Term of this Agreement.

GOVERNMENT TERMS:

2. REPRESENTATIONS & WARRANTIES. This provision is applicable to governmental entities only. You represent and warrant, as of the date of this Agreement, that: (1) you are a State or a fully constituted political subdivision or agency of the State in which you are located and are authorized to enter into, and carry out, your obligations under this Agreement and any other documents required to be delivered in connection with the Agreement (collectively, the "Documents"); (2) the Documents have been duly authorized, executed and delivered by you in accordance with all applicable laws, rules, ordinances and regulations (including all applicable laws governing open meetings, public bidding and appropriations required in connection with this Agreement and the acquisition of the Products) and are valid, legal, binding agreements, enforceable in accordance with their terms; (3) the person(s) signing the Documents have the authority to do so, are acting with the full authorization of your governing body and hold the offices indicated below their signatures, each of which are genuine; (4) the Products are essential to the immediate performance of a governmental or proprietary function by you within the scope of your authority and will be used during the Term only by you and only to perform such function; (5) your payment obligations under this Agreement constitute a current expense and not a debt under applicable state law and no provision of this Agreement constitutes a pledge of your tax or general revenues, and any provision that is so construed by a court of competent jurisdiction is void from the inception of this Agreement; and (6) all payments due and to become due during your current fiscal year are within the fiscal budget of such year and are included within an unrestricted and unencumbered appropriation currently available for the Equipment, and it is your intent to use the Equipment for the entire Term and to make all payments required under this Agreement. If, through no action initiated by you, your legislative body does not appropriate funds for the continuation of this Agreement for any fiscal year after the first fiscal year and has no funds to do so from other sources, this Agreement may be terminated. To effect this termination, you must, at least 30 days prior to the beginning of the fiscal year for which your legislative body does not appropriate funds for such upcoming fiscal year, notify Xerox in writing that your legislative body failed to appropriate funds and that you have made the required effort to find an assignee. Your notice must be accompanied by payment of all sums then owed through the current year under this Agreement. You will return the Equipment, at your expense, to a location designated by Xerox and, when returned, the Equipment will be in good condition and free of all liens and encumbrances. You will then be released from any further payment obligations beyond those payments due for the current fiscal year (with Xerox retaining all sums paid to date).

3. FUNDING. This provision is applicable to governmental entities only. You represent and warrant that all payments due and to become due during your current fiscal year are within the fiscal budget of such year and are included within an unrestricted and unencumbered appropriation currently available for the lease of the Products, and it is your intent to use the Products for the entire lease term and to make all payments required under this Agreement. If (1) through no action initiated by you, your legislative body does not appropriate funds for the continuation of this Agreement for any fiscal year after the first fiscal year and has no funds to do so from other sources, and (2) you have made a reasonable but unsuccessful effort to find a creditworthy assignee acceptable to Xerox in its sole discretion within your general organization who can continue this Agreement, this Agreement may be terminated. To effect this termination, you must, at least 30 days prior to the beginning of the fiscal year for which your legislative body does not appropriate funds, notify Xerox in writing that your legislative body failed to appropriate funds and that you have made the required effort to find an assignee. Your notice must be accompanied by payment of all sums then owed through the current year under this Agreement and must certify that the canceled Equipment is not being replaced by equipment performing similar functions during the

ensuing fiscal year. You will return the Equipment, at your expense, to a location designated by Xerox and, when returned, the Equipment will be in good condition and free of all liens and encumbrances. You will then be released from any further payment obligations beyond those payments due for the current fiscal year (with Xerox retaining all sums paid to date).

SOLUTION/SERVICES:

4. PRODUCTS. "Products" means the equipment ("Equipment"), Software and supplies identified in this Agreement. You agree the Products are for your business use (not resale) in the United States and its territories and possessions ("U.S.") and will not be used for personal, household or family purposes.

5. CONSUMABLE SUPPLIES. If "Consumable Supplies" is identified in Maintenance Plan Features, Maintenance Services will include black toner (excluding highlight color toner), black developer, Cartridges, and, if applicable, fuser agent ("Consumable Supplies"). For full-color Equipment, Consumable Supplies will also include color toner and developer. For Phaser Products, Consumable Supplies may also include, if applicable, black solid ink, color solid ink, imaging units, waste cartridges, transfer rolls, transfer belts, transfer units, belt cleaner, maintenance kits, print Cartridges, drum Cartridges, waste trays and cleaning kits. Consumable Supplies are Xerox's property until used by you, and you will use them only with the Equipment for which "Consumable Supplies" is identified in Maintenance Plan Features. If Consumable Supplies includes Cartridges that are furnished with pre-paid shipping labels, you will return used Cartridges to Xerox for remanufacturing. Upon expiration of this Agreement you will return to Xerox any unused Consumable Supplies that are furnished with pre-paid shipping labels and destroy all other unused Consumable Supplies. If your use of Consumable Supplies exceeds Xerox's published yield by more than 10%, Xerox will notify you of such excess usage. If such excess usage does not cease within 30 days after such notice, Xerox may charge you for such excess usage. Upon request, you will provide an inventory of Consumable Supplies in your possession.

6. CARTRIDGES. If Xerox is providing Maintenance Services for Equipment utilizing cartridges designated by Xerox as customer replaceable units, including copy/print cartridges and xerographic modules or fuser modules ("Cartridges"), you agree to use only unmodified Cartridges purchased directly from Xerox or its authorized resellers in the U.S. Cartridges packed with Equipment and replacement Cartridges may be new, remanufactured or reprocessed. Remanufactured and reprocessed Cartridges meet Xerox's new Cartridge performance standards and contain new or reprocessed components. To enhance print quality, Cartridge(s) for many models of Equipment have been designed to cease functioning at a predetermined point. In addition, many Equipment models are designed to function only with Cartridges that are newly manufactured original Xerox Cartridges or with Cartridges intended for use in the U.S.

7. MAINTENANCE SERVICES. Except for Equipment identified as "No Svc.", Xerox (or a designated servicer) will keep the Equipment in good working order ("Maintenance Services"). Maintenance Services will be provided during Xerox's standard working hours in areas open for repair service for the Equipment. Maintenance Services excludes repairs due to: (i) misuse, neglect or abuse; (ii) failure of the installation site or the PC or workstation used with the Equipment to comply with Xerox's published specifications; (iii) use of options, accessories or products not serviced by Xerox; (iv) non-Xerox alterations, relocation, service or supplies; or (v) failure to perform operator maintenance procedures identified in operator manuals. Replacement parts may be new, reprocessed or recovered and all replaced parts become Xerox's property. Xerox will, as your exclusive remedy for Xerox's failure to provide Maintenance Services, replace the Equipment with an identical model or, at Xerox's option, another model with comparable features and capabilities. There will be no additional charge for the replacement Equipment during the remainder of the initial Term. If meter reads are a component of your Maintenance Plan, you will provide them using the method and frequency identified by Xerox. If you do not provide a meter reading, Xerox may estimate the reading and bill you accordingly.

8. EQUIPMENT STATUS. Unless you are acquiring "Previously Installed" Equipment, Equipment will be (1) "Newly Manufactured", which may contain some reconditioned components; (2) "Factory Produced New Model", which is manufactured and newly serialized at a Xerox factory, adds functions and features to a product previously disassembled to a Xerox predetermined standard, and contains new and reconditioned components; or (3) "Remanufactured", which has been factory produced following disassembly to a Xerox predetermined standard and contains new and reconditioned components.

9. SOFTWARE LICENSE. Xerox grants you a non-exclusive, non-transferable license to use in the U.S.: (a) software and accompanying documentation provided with Xerox-

Lease Agreement



Terms and Conditions

brand Equipment ("Base Software") only with the Xerox-brand Equipment with which it was delivered; and (b) software and accompanying documentation identified in this Agreement as "Application Software" only on any single unit of equipment for as long as you are current in the payment of all applicable software license fees. "Base Software" and "Application Software" are referred to collectively as "Software". You have no other rights and may not: (1) distribute, copy, modify, create derivatives of, decompile, or reverse engineer Software; (2) activate Software delivered with the Equipment in an inactivated state; or (3) allow others to engage in same. Title to, and all intellectual property rights in, Software will reside solely with Xerox and/or its licensors (who will be considered third-party beneficiaries of this Section). Software may contain code capable of automatically disabling the Equipment. Disabling code may be activated if: (x) Xerox is denied access to periodically reset such code; (y) you are notified of a default under this Agreement; or (z) your license is terminated or expires. The Base Software license will terminate; (i) if you no longer use or possess the Equipment; (ii) you are a lessor of the Equipment and your first lessee no longer uses or possesses it; or (iii) upon the expiration or termination of this Agreement, unless you have exercised your option to purchase the equipment. Neither Xerox nor its licensors warrant that Software will be free from errors or that its operation will be uninterrupted. The foregoing terms do not apply to Diagnostic Software or to software/documentation accompanied by a clickwrap or shrinkwrap license agreement or otherwise made subject to a separate license agreement.

10. SOFTWARE SUPPORT. Xerox (or a designated servicer) will provide the software support set forth below ("Software Support"). For Base Software, Software Support will be provided during the initial Term and any renewal period but in no event longer than 5 years after Xerox stops taking customer orders for the subject model of Equipment. For Application Software, Software Support will be provided as long as you are current in the payment of all applicable software license and support fees. Xerox will maintain a web-based or toll-free hotline during Xerox's standard working hours to report Software problems and answer Software-related questions. Xerox, either directly or with its vendors, will make reasonable efforts to: (a) assure that Software performs in material conformity with its user documentation; (b) provide available workarounds or patches to resolve Software performance problems; and (c) resolve coding errors for (i) the current Release and (ii) the previous Release for a period of 6 months after the current Release is made available to you. Xerox will not be required to provide Software Support if you have modified the Software. New releases of Software that primarily incorporate compliance updates and coding error fixes are designated as "Maintenance Releases" or "Updates". Maintenance Releases or Updates that Xerox may make available will be provided at no charge and must be implemented within six months. New releases of Software that include new content or functionality ("Feature Releases") will be subject to additional license fees at Xerox's then-current pricing. Maintenance Releases, Updates and Feature Releases are collectively referred to as "Releases". Each Release will be considered Software governed by the Software License and Software Support provisions of this Agreement (unless otherwise noted). Implementation of a Release may require you to procure, at your expense, additional hardware and/or software from Xerox or another entity. Upon installation of a Release, you will return or destroy all prior Releases.

11. DIAGNOSTIC SOFTWARE. Software used to evaluate or maintain the Equipment ("Diagnostic Software") is included with the Equipment. Diagnostic Software is a valuable trade secret of Xerox. Title to Diagnostic Software will remain with Xerox or its licensors. Xerox does not grant you any right to use Diagnostic Software, and you will not access, use, reproduce, distribute or disclose Diagnostic Software for any purpose (or allow third parties to do so). You will allow Xerox reasonable access to the Equipment to remove or disable Diagnostic Software if you are no longer receiving Maintenance Services from Xerox.

PRICING PLAN/OFFERING SELECTED:

12. TERM. The Term for each unit of Equipment will commence upon: (a) delivery of customer-installable Equipment; or (b) installation of Xerox-installable Equipment. Unless either party provides notice of termination at least thirty days before the expiration of the initial Term, it will renew automatically on a month-to-month basis on the same terms and conditions. During this renewal period, either party may terminate the Equipment upon at least 30 days notice. Upon termination, you will make the Products available for removal by Xerox. At the time of removal, the Equipment will be in the same condition as when delivered (reasonable wear and tear excepted).

13. PAYMENT. Payment (including applicable Taxes) is due within 30 days after the invoice date, with all charges being billed in arrears. This Agreement will not be automatically renewed.

14. LATE CHARGE. If a payment is not received by Xerox within 10 days after the due date, Xerox may charge, and you will pay, a late charge of 5% of the amount due or \$25, whichever is greater.

15. FIXED PRICING. If "Pricing Fixed for Term" is identified in Maintenance Plan Features, the maintenance component of the Minimum Payment and Print Charges will not increase during the initial Term of this Agreement.

16. DELIVERY, REMOVAL & RELOCATION. Equipment prices include standard delivery and removal charges. Non-standard delivery and Equipment relocation must be arranged (or approved in advance) by Xerox and will be at your expense.

17. TAXES. You will be responsible for all applicable taxes, fees or charges of any kind (including interest and penalties) assessed by any governmental entity on this Agreement or the amounts payable under this Agreement ("Taxes"), which will be included in Xerox's invoice unless you timely provide proof of your tax exempt status. Taxes do not include personal property taxes in jurisdictions where Xerox is required to pay personal property taxes, and taxes on Xerox's income. This Agreement is a lease for all income tax purposes and you will not claim any credit or deduction for depreciation of the Equipment, or take any other action inconsistent with your role as lessee of the Equipment.

18. PURCHASE OPTION. If not in default, you may purchase the Equipment, "AS IS, WHERE IS" and WITHOUT ANY WARRANTY AS TO CONDITION OR VALUE, at the end of the initial Term for the "Purchase Option" indicated on the face of this Agreement (i.e., either a set dollar amount or the fair market value of the Equipment at the expiration of the initial Term), plus all applicable Taxes.

19. DEFAULT & REMEDIES. You will be in default under this Agreement if (1) Xerox does not receive any payment within 15 days after the date it is due, or (2) you breach any other obligation in this or any other agreement with Xerox. If you default, Xerox may, in addition to its other remedies (including cessation of Maintenance Services), remove the Equipment at your expense and require immediate payment, as liquidated damages for loss of bargain and not as a penalty, of: (a) all amounts then due, plus interest from the due date until paid at the rate of 1.5% per month; (b) the Minimum Payments (less the Maintenance Services and Consumable Supplies components thereof, as reflected on Xerox's books and records) remaining in the Term, discounted at 4% per annum; (c) the applicable Purchase Option; and (d) all applicable Taxes. You will pay all reasonable costs, including attorneys' fees, incurred by Xerox to enforce this Agreement. If you make the Equipment available for removal by Xerox within 30 days after notice of default, in the same condition as when delivered (reasonable wear and tear excepted), you will receive a credit for the fair market value of the Equipment as determined by Xerox, less any costs incurred by Xerox.

GENERAL TERMS & CONDITIONS:

20. NON-CANCELABLE AGREEMENT. THIS AGREEMENT CANNOT BE CANCELED OR TERMINATED EXCEPT AS EXPRESSLY PROVIDED HEREIN. YOUR OBLIGATION TO MAKE ALL PAYMENTS, AND TO PAY ANY OTHER AMOUNTS DUE OR TO BECOME DUE, IS ABSOLUTE AND UNCONDITIONAL AND NOT SUBJECT TO DELAY, REDUCTION, SET-OFF, DEFENSE, COUNTERCLAIM OR RECOUPMENT FOR ANY REASON WHATSOEVER, IRRESPECTIVE OF XEROX'S PERFORMANCE OF ITS OBLIGATIONS HEREUNDER. ANY CLAIM AGAINST XEROX MAY BE ASSERTED IN A SEPARATE ACTION AND SOLELY AGAINST XEROX.

21. REPRESENTATIONS. The individuals signing this Agreement are duly authorized to do so and all financial information you provide completely and accurately represents your financial condition.

22. LIMITATION OF LIABILITY. Except for liability under the indemnification obligations set forth in this Agreement, Xerox will not be liable to you for any direct damages in excess of \$10,000 or the amounts paid hereunder, whichever is greater, and neither party will be liable to the other for any special, indirect, incidental, consequential or punitive damages arising out of or relating to this Agreement, whether the claim alleges tortious conduct (including negligence) or any other legal theory. Any action you take against Xerox must be commenced within 2 years after the event that caused it.

23. CREDIT REPORTS. You authorize Xerox or its agent to obtain credit reports from commercial credit reporting agencies.

24. FORCE MAJEURE. Xerox will not be liable to you during any period in which its performance is delayed or prevented, in whole or in part, by a circumstance beyond its reasonable control. Xerox will notify you if such a circumstance occurs.

25. PROTECTION OF XEROX'S RIGHTS. You authorize Xerox or its agent to file, by any permissible means, financing statements necessary to protect Xerox's rights as

Lease Agreement



Terms and Conditions

lessor of the Equipment. You will promptly notify Xerox of a change in ownership, or if you relocate your principal place of business or change the name of your business.

26. WARRANTY & FINANCE LEASE DISCLAIMERS. XEROX DISCLAIMS THE IMPLIED WARRANTIES OF NON-INFRINGEMENT AND FITNESS FOR A PARTICULAR PURPOSE. This Agreement is a "finance lease" under Article 2A of the Uniform Commercial Code and, except to the extent expressly provided herein, and as permitted by applicable law, you waive all of your rights and remedies as a lessee under Article 2A.

27. INTELLECTUAL PROPERTY INDEMNITY. Xerox will defend, and pay any settlement agreed to by Xerox or any final judgment for, any claim that a Xerox-brand Product infringes a third party's U.S. intellectual property rights. You will promptly notify Xerox of any alleged infringement and permit Xerox to direct the defense. Xerox is not responsible for any non-Xerox litigation expenses or settlements unless it pre-approves them in writing. To avoid infringement, Xerox may modify or substitute an equivalent Xerox-brand Product, refund the price paid for the Xerox-brand Product (less the reasonable rental value for the period it was available to you), or obtain any necessary licenses. Xerox is not liable for any infringement based upon a Xerox-brand Product being modified to your specifications or being used or sold with products not provided by Xerox.

28. TITLE & RISK OF LOSS. Until you exercise your Purchase Option: (a) title to Equipment will remain with Xerox; (b) Equipment will remain personal property; (c) you will not attach the Equipment as a fixture to any real estate; (d) you will not pledge, sub-lease or part with possession of it, or file or permit to be filed any lien against it; and, (e) you will not make any permanent alterations to it. Risk of loss passes to you upon delivery and remains with you until Xerox removes the Equipment. You will keep the Products insured against loss or damage and the policy will name Xerox as a loss payee.

29. ASSIGNMENT. Except for assignment by Xerox to a parent, subsidiary or affiliate of Xerox, or to securitize this Agreement as part of a financing transaction ("Permitted Assignment"), neither party will assign any of its rights or obligations under this Agreement without the prior written consent of the other party. In the event of a Permitted Assignment: (a) Xerox may, without your prior written consent, release to the proposed assignee information it has about you related to this Agreement; (b) the assignee will have all of the rights but none of the obligations of Xerox hereunder; (c) you will continue to look to Xerox for performance of Xerox's obligations, including the provision of Maintenance Services; (d) you waive and release the assignee from any claim relating to or arising from the performance of Xerox's obligations hereunder; (e) you shall not assert any defense, counterclaim or setoff you may have against an assignee; and (f) you will remit payments in accordance with instructions of the assignee.

30. MISCELLANEOUS. Notices must be in writing and will be deemed given 5 days after mailing, or 2 days after sending by nationally recognized overnight courier. Notices will be sent to you at the "Bill to" address identified in this Agreement, and to Xerox at the inquiry address set forth on your most recent invoice, or to such other address as either party may designate by written notice. You authorize Xerox or its agents to communicate with you by any electronic means (including cellular phone, email, automatic dialing and recorded messages) using any phone number (including cellular) or electronic address you provide to Xerox. This Agreement constitutes the entire agreement as to its subject matter, supersedes all prior oral and written agreements, and will be governed by the laws of the State of New York (without regard to conflict-of-law principles). In any action to enforce this Agreement, the parties agree (a) to the jurisdiction and venue of the federal and state courts in Monroe County, New York, and (b) to waive their right to a jury trial. If a court finds any term of this Agreement unenforceable, the remaining terms will remain in effect. The failure by either party to exercise any right or remedy will not constitute a waiver of such right or remedy. Each party may retain a reproduction (e.g., electronic image, photocopy, facsimile) of this Agreement which will be admissible in any action to enforce it, but only the Agreement held by Xerox will be considered an original. Xerox may accept this Agreement either by signature or by commencing performance. Changes to this Agreement must be in writing and signed by both parties. Any terms on your ordering documents will be of no force or effect. The following four sentences control over every other part of this Agreement. Both parties will comply with applicable laws. Xerox will not charge or collect any amounts in excess of those allowed by applicable law. Any part of this Agreement that would, but for the last four sentences of this Section, be read under any circumstances to allow for a charge higher than that allowed under any applicable legal limit, is modified by this Section to limit the amounts chargeable under this Agreement to the maximum amount allowed under the legal limit. If, in any circumstances, any amount in excess of that allowed by law is charged or received, any such charge will be deemed limited by the amount legally allowed and any amount received by Xerox in excess of that legally allowed will be applied by Xerox to the payment of amounts legally owed under this Agreement, or refunded to you.

31. REMOTE SERVICES. Certain models of Equipment are supported and serviced using data that is automatically collected by Xerox from the Equipment via electronic transmission from the Equipment to a secure off-site location. Examples of automatically transmitted data include product registration, meter read, supply level, Equipment configuration and settings, software version, and problem/fault code data. All such data shall be transmitted in a secure manner specified by Xerox. The automatic data transmission capability will not allow Xerox to read, view or download the content of any Customer documents residing on or passing through the Equipment or Customer's information management systems.

Item	Trade-In Model and Serial Number	Allowance	Total Applied To Equip Balance
1. WC7755P	Xerox Wc7335p S/N FKA631165	\$5,508.00	\$5,508.00

32. TRADE-IN EQUIPMENT. You warrant that you have the right to transfer title to the equipment you are trading in as part of this Agreement ("Trade-In Equipment") and that the Trade-In Equipment is in good working order and has not been modified from its original configuration (other than by Xerox). Title and risk of loss to the Trade-In Equipment will pass to Xerox when Xerox removes it from your premises. You will maintain the Trade-In Equipment at its present site and in substantially its present condition until removed by Xerox. You will pay all accrued charges for the Trade-In Equipment (up to and including payment of the final principal payment number) and all applicable maintenance, administrative, supply and finance charges until Xerox removes the Trade-In Equipment from your premises.



October 12, 2010

Title:

Amos Torres, Public Utilities Director

Summary:

Consideration and approval of Resolution 10-58; Authorizing the Mayor and staff to apply for grant funding in the amount of \$1,650,000 through the Water Trust Board for the purpose of the continuation of the Regional Water System Upgrade project.

Background:

The scope of work for this project will include a water distribution system with fire hydrants in the Weimer Hills area, interconnections with Canon, Talpa and El Valle de Los Ranchos, SCADA upgrades and pressure reducing valves on existing water distribution, relocation of emergency generators and rehabilitation of the existing 200,000 gallon tank.

The Town of Taos has a 20% match which can be met through the financing of a loan with the Water Trust Board.

Attachments:

Click to download

 [Resolution 10-58](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/6/2010 12:11 PM	Approved	Town Clerk



RESOLUTION 10-58

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TAOS, AUTHORIZING THE MAYOR AND STAFF TO APPLY FOR GRANT FUNDING THROUGH THE WATER TRUST BOARD FOR THE PURPOSE OF THE CONTINUATION OF THE REGIONAL WATER SYSTEM UPGRADE PROJECT.

Whereas, the Town of Taos (“Governmental Unit”) is a qualified entity under the New Mexico Finance Authority Act, Section 6-21-1 through 06-21-31, NMSA 1978 (“Act”) and the Town Council (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit: and

Whereas, the Town wishes to submit a project for funding consideration and has identified the Regional Water System Upgrade Projects as the next vital priority project for funding consideration; and

Whereas, the Town recognizes the need for sufficient water and improvements including a water distribution system with fire hydrants in the Weimer Hills area, interconnections with Canon, Talpa and El Valle de Los Ranchos, SCADA upgrades and pressure reducing valves on existing water distribution, relocation of emergency generators and rehabilitation of the existing 200,000 gallon tank; and

Whereas, the cost for the proposed water system upgrade projects is estimated at approximately \$1,650,000.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Town of Taos that the Mayor and Staff are hereby authorized to submit an application for funding to the Water Trust Board for the purpose of long term water projects in the amount of \$1,650,000.

PASSED, APPROVED and ADOPTED, this 12th day of October, 2010, at the Regular Meeting of the Town Council.

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____

Councilmember Michael A. Silva _____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



October 12, 2010

Title:

Amos Torres, Public Utilities Director

Summary:

Consideration and approval of Resolution 10-59; Authorizing the Mayor and staff to apply for grant funding in the amount of \$2.5 million through the Water Trust Board for the purpose of the continuation of the Wastewater Treatment Plan Rehabilitation project.

Background:

This is phase 4 of the Wastewater Treatment Plant Project that has recieved both Water Trust Board and ARRA Funding.

The Town of Taos has a 20% match which can be met through the financing of a loan with the Water Trust Board.

Attachments:

Click to download

 [Resolution 10-59](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/6/2010 12:12 PM	Approved	Town Clerk



RESOLUTION 10-59

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TAOS, AUTHORIZING THE MAYOR AND STAFF TO APPLY FOR GRANT FUNDING THROUGH THE WATER TRUST BOARD FOR THE PURPOSE OF CONTINUATION OF THE WASTEWATER TREATMENT PLANT REHABILITATION PROJECT.

Whereas, the Town of Taos (“Governmental Unit”) is a qualified entity under the New Mexico Finance Authority Act, Section 6-21-1 through 06-21-31, NMSA 1978 (“Act”) and the Town Council (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit: and

Whereas, the Town wishes to submit a project for funding consideration and has identified the Wastewater Treatment Plant Rehabilitation Project Phase 4 as the next vital priority project for funding consideration; and

Whereas, the Town recognizes the need to increase the quantity of wastewater which can be treated and the quality of effluent produced. In addition the Town also recognizes the need to improve ground water quality and conserve the limited water resources of the Taos valley; and

Whereas, the cost for the proposed wastewater treatment plant upgrades project phases 1 - 4 is estimated at approximately \$10.5 million; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Town of Taos that, the Mayor and Staff are hereby authorized to submit an application for funding to the Water Trust Board for the purpose of long term wastewater projects in the amount of \$2.5 million.

PASSED, APPROVED and ADOPTED, this 12th day of October, 2010, at the Regular Meeting of the Town Council.

Mayor Pro Tem Rudy C. Abeyta _____
 Councilmember A. Eugene Sanchez _____
 Councilmember Amy J. Quintana _____

Councilmember Michael A. Silva _____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney



October 12, 2010

Title:

Marietta Fambro, Finance Director

Summary:

Consideration and approval of Resolution 10-61; Budget Adjustment Request: **1) 1/4 Municipal GRT Fund (32)** - Increase revenues and interfund transfer out to Fund 59 in the amount of \$29,213 to cover a portion needed to award Morgan Road Improvements project; **2) Capital Improvements Fund (51)** - Increase revenues and interfund transfer out to Fund 59 in the amount of \$21,909 to cover a portion needed to award Morgan Road Improvements project; **3) 1999 Gas Tax Construction Fund (59)** - **a.** Increase interfund transfer in from Fund 32 in the amount of \$29,213 and \$21,909 from Fund 51 to cover a portion needed to award Morgan Road Improvements project; **b.** Transfer \$219,462 from underrun of Reed/Alexander and \$10,406 from Bedford design project and increase expenditures to Morgan Road Improvements - Town Match in the amount of \$260,990; \$10,406 from Bedford, \$51,122 from additional GRT revenues and \$199,462 from underrun Reed/Alexander; **c.** Transfer \$20,000 from Reed/Alexander to NM 68 Enhancement to cover final quantities.

Background:

Town of Taos Policy requires Council approval on all budget transfers that transfer funds between cost categories, (ie. Personnel, Operating Expenses and Capital Outlay), interfund transfers, budget increases, projects to projects and new projects.

Attachments:

Click to download

[Resolution 10-61](#)

[Project Budgets Morgan - Reed/Alexander](#)

APPROVALS:

Date/Time:

10/7/2010 4:35 PM

Approval:

Approved

Department:

Town Clerk



**TOWN OF TAOS, NEW MEXICO
RESOLUTION 10-61**

WHEREAS the Town of Taos has adopted its operating budget for the fiscal year ending June 30, 2011, and

WHEREAS the governing body of the Town of Taos, meeting in Regular Session this 12th day of October, 2010 wishes to adjust its operating budget for the fiscal year ending June 30, 2011.

NOW, THEREFORE be it resolved that the governing body of the Town of Taos, meeting in Regular Session this 12th day of October, 2010, adopts this budget adjustment and respectfully requests approval from the Local Government Division of the Department of Finance and Administration to effect this budget adjustment.

¼ Municipal GRT Fund (32)

Revenues and Other Sources:

¼ Municipal GRT Revenue	\$ 29,213.00
-------------------------	--------------

Expenditures and other Financing Uses:

Interfund Transfer Out to Fund 59	\$ 29,213.00
-----------------------------------	--------------

(To adjust the ¼ Municipal GRT Fund, this budget adjustment will increase revenues and the transfer out to fund 59 to cover a portion needed to award Morgan Road Improvements project.)

Capital Improvements Fund (51)

Revenues and Other Sources:

GRT – 1/8	\$ 14,606.00
GRT – 1/16	\$ 7,303.00

Expenditures and other Financing Uses:

Interfund Transfer Out to Fund 59	\$ 21,909.00
-----------------------------------	--------------

(To adjust the Capital Improvements Fund, this budget adjustment will increase revenues and the transfer out to fund 59 to cover a portion needed to award Morgan Road Improvements project.)

1999 Gas Construction Fund (59)

Revenues and Other Sources:

Interfund Transfer in from Fund 32	\$ 29,213.00
Interfund Transfer in from Fund 51	\$ 21,909.00
Total	\$ 51,122.00

Expenditures and other Financing Uses:

Capital Outlay – Reed/Alexander Improvements (59-55)	\$(219,462.00)
Capital Outlay – Bedford Design (59-50)	<u>\$(10,406.00)</u>
Total	\$ 229,868.00

Capital Outlay – Morgan Road Improvements (59-11)	\$ 10,406.00
Capital Outlay – Morgan Road Improvements (59-11)	\$ 51,122.00
Capital Outlay – Morgan Road Improvements (59-11)	<u>199,462.00</u>
Total	\$ 260,990.00

Capital Outlay – NM 68 Enhancement – TM (59-46)	\$ 20,000.00
---	--------------

(To adjust the 1999 Gas Construction Fund, this budget adjustment will increase interfund transfer in and expenditures to cover a portion needed to award Morgan Road Improvements project. It will also transfer money from one project to two projects to cover the final amount of construction to NM 68 sidewalk project and award of Morgan Road Improvements.)

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF OCTOBER 2010.

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney

APPROVED:

Department of Finance and Administration

Date: _____

BUDGET LINE ITEMS	PROJECT	ORIGINAL BUDGET	SPENT TO DATE THIS FY	YTD ENCUMBERED
59-10-45003	Morgan Road	\$ 322,593.00	\$ -	
59-11-45003	Morgan Road	\$ 78,962.00	\$ 4,219.31	Abeyta Eng \$ 1,190.07
Required Match		\$ 107,531.00		
<u>AWARD AMOUNT</u>				
Total Base Amount	Road Construction	Grant	Town Match	
Additive Alternate #2	\$ 552,207.30	\$ 322,593.00	\$ 73,552.62	
NMGRT @ 8.1875% - Base Bid	\$ 36,710.15			
NMGRT @ 8.1875% - Additive Alternate #2	\$ 45,211.97			
TOTAL CONSTRUCTION AMOUNT	\$ 3,005.64			
	\$ 637,135.07	\$ 322,593.00	\$ 73,552.62	
Unencumbered Amount 59-10	\$ 322,593.00			
Unencumbered Amount 59-11	\$ 73,552.62			
Amount needed to Award Contract	\$ 240,989.45			
Contingencies	\$ 20,000.00			
Amount needed to complete project	\$ 260,989.45			
Transfer from Reed Alexander Balance	\$ 199,462.00			
Transfer in from Bedford Eng. Design (Fund 59-50)	\$ 10,405.45			
Available from additional GRT for Capital projects received for the first three months of the fiscal year	\$ 51,122.00			
Total amount identified to cover shortage	\$ 260,989.45			
Balance to cover project - All funded	\$ (0.00)			

BUDGET LINE ITEMS	PROJECT	ORIGINAL BUDGET	SPENT TO DATE	YTD ENCUMBERED	UNENCUMBERED BALANCE
59-54-45003	Reed/Alexander CDBG	\$ 500,000.00	\$ -		\$ 500,000.00
59-55-45003	Reed/Alexander Town Matcl	\$ 329,000.00	\$ 22,898.00	JM Consulting \$ 19,024.66	\$ 287,077.34
Required Match		\$ 50,000.00			
AWARD AMOUNT	Advantage Asphalt	Grant	Town Match		
Total Base Amount	\$ 510,502.50	\$ 500,000.00	\$ 52,299.89		
NMGRT @ 8.1875%	\$ 41,797.39				
TOTAL CONSTRUCTION AMOUNT	\$ 552,299.89	\$ 500,000.00	\$ 52,299.89		
Unencumbered Amount 59-10	\$ 500,000.00				
Unencumbered Amount 59-11	\$ 287,077.34				
TOTAL AVAILABLE AMOUNT	\$ 787,077.34				\$ 787,077.34
Amount needed to Award Contract	\$ 552,299.89				
3% Contingencies	\$ 15,315.08				
Available Remaining Balance	\$ 219,462.37				
Transfer out to NM 68 Sidewalk project	\$ 20,000.00				
Available to Transfer to Morgan Road	\$ 199,462.37				

updated 10-4-10



October 12, 2010

Title:

Francisco Espinoza, Public Works Director

Summary:

Recommendation to award Bid 10-11-02 to Road Construction Southwest, Inc. and authorization for the Mayor to enter into a contract with Road Construction Southwest, Inc. in the amount of \$552,207.30 Base Bid plus additive alternate #2 in the amount of \$36,710.15 plus GRT (8.1875%) in the amount of \$48,217.61 for a total contract amount of \$637,135.07.

Background:

This request for bid was advertised in the Albuquerque Journal on September 3, 2010 and in the Taos News on September 9, 2010. The procurement officer received four responses. The general contractors responding were A.A.C. Construction, LLC, Advantage Asphalt, Northern Mountain Constructors, and Road Construction Southwest.

Road Construction Southwest, Inc. was the lowest responsive bidder. Road Construction Southwest, Inc. has negotiated the bid amount with the Town of Taos decreasing the bid amount for the base bid in the amount of \$20,000.00, which will bring the total award amount within the funds available for this project.

Attachments:

Click to download

 [Award Letter and Bid Tabulation](#)

APPROVALS:

Date/Time:

10/8/2010 8:40 AM

Approval:

Approved

Department:

Town Clerk

**ABEYTA ENGINEERING, INC.
P.O. BOX 1499
RANCHOS DE TAOS, NM 87557
PHONE: 737-0377 FAX: 737-0373**

September 24, 2010

Ms. Tina Torres, Procurement Officer
Town of Taos
400 Camino de La Placita
Taos, New Mexico 87571

**RE: MORGAN ROAD IMPROVEMENTS PROJECT - AMENDED CERTIFIED BID
TABULATION - RECOMMENDATION TO AWARD PROJECT TO ROAD
CONSTRUCTION SOUTHWEST, INC.**

Dear Ms. Torres:

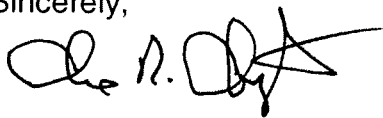
Sealed bids for the Town of Taos Morgan Road Improvements Project were opened at the Town of Taos on September 22, 2010 at 2:00 p.m. Four bids were received with the bid results as shown in the attached certified bid tabulation.

The low bidder is Road Construction Southwest, Inc. with a base bid amount of \$572,207.30.

I recommend that the Mayor and Council award the Morgan Road Improvements Project to the low bidder, Road Construction Southwest, Inc., in the amount of \$572,207.30 plus applicable New Mexico Gross Receipts Tax.

If you have any questions, please call me at 737-0377.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex R. Abeyta', with a stylized flourish at the end.

Alex R. Abeyta, P.E.
President/Civil Engineer

xc: Francisco Espinoza, Town of Taos Public Works Director

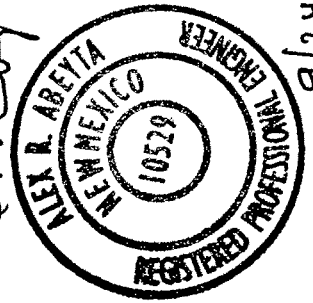
TOWN OF TAOS
MORGAN ROAD IMPROVEMENTS
AMENDED BID TABULATION - PAGE 1 OF 1 - *

ITEM NO.	ITEM DESCRIPTION	QTY.	UNT.	A.A.C. CONSTRUCTION LLC			ADVANTAGE ASPHALT			ROAD CONSTRUCTION SW			NORTHERN MOUNTAIN CONSTRUCTION			ENGINEER ESTIMATE		
				UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL	UNIT	PRICE	TOTAL
1	MOBILIZATION	1	LS	\$10,000.00		\$10,000.00			\$10,000.00			\$10,000.00			\$10,000.00			\$10,000.00
2	CONSTRUCTION STAKING BY CONTRACTOR	1	LS	\$12,500.00		\$12,500.00			\$12,500.00			\$12,500.00			\$12,500.00			\$12,500.00
3	CLEARING AND GRUBBING	1	LS	\$2,500.00		\$2,500.00			\$2,500.00			\$2,500.00			\$2,500.00			\$2,500.00
4	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	1	LS	\$2,500.00		\$2,500.00			\$2,500.00			\$2,500.00			\$2,500.00			\$2,500.00
5	SAMPLING AND TESTING BY THE CONTRACTOR - ALLOWANCE	1	LS	\$8,000.00		\$8,000.00			\$8,000.00			\$8,000.00			\$8,000.00			\$8,000.00
6	EROSION CONTROL (INCLUDES EPA SWPPP)	1	LS	\$3,500.00		\$3,500.00			\$3,500.00			\$3,500.00			\$3,500.00			\$3,500.00
7	TRAFFIC CONTROL BY CONTRACTOR	1	LS	\$4,500.00		\$4,500.00			\$4,500.00			\$4,500.00			\$4,500.00			\$4,500.00
8	UNCLASSIFIED EXCAVATION	3,500	CY	\$4.50		\$15,750.00			\$15,750.00			\$15,750.00			\$15,750.00			\$15,750.00
9	SUBGRADE PREPARATION	20,100	SY	\$0.85		\$17,085.00			\$17,085.00			\$17,085.00			\$17,085.00			\$17,085.00
10	18" PITRUM BASE - **	18,055	SY	\$4.00		\$72,220.00			\$72,220.00			\$72,220.00			\$72,220.00			\$72,220.00
11	BASECOURSE - 6"	17,827	SY	\$6.25		\$111,418.75			\$111,418.75			\$111,418.75			\$111,418.75			\$111,418.75
12	PLANT MIX BITUMINOUS PAVEMENT (PMBP) - 3" (EXCL. MORGAN ROAD STA. 0+00 TO 8+50)	10,160	SY	\$16.00		\$162,560.00			\$162,560.00			\$162,560.00			\$162,560.00			\$162,560.00
13	18" CONCRETE PAVEMENT (INCLUDES REINFORCING)	1,065	SY	\$89.00		\$94,785.00			\$94,785.00			\$94,785.00			\$94,785.00			\$94,785.00
14	4" PITRUM BASE	1,065	SY	\$4.50		\$4,792.50			\$4,792.50			\$4,792.50			\$4,792.50			\$4,792.50
15	6" WIRE ENCLOSED RIPRAP	360	SY	\$25.00		\$9,000.00			\$9,000.00			\$9,000.00			\$9,000.00			\$9,000.00
16	3' X 3' GABION BASKETS (INCLUDES ROCK FILL)	46	LF	\$45.00		\$2,070.00			\$2,070.00			\$2,070.00			\$2,070.00			\$2,070.00
17	CLASS A SEEDING	15	AC	\$2,000.00		\$30,000.00			\$30,000.00			\$30,000.00			\$30,000.00			\$30,000.00
18	CONCRETE CURB & GUTTER	62	LF	\$30.00		\$1,860.00			\$1,860.00			\$1,860.00			\$1,860.00			\$1,860.00
19	18" DIAMETER CORRUGATED METAL PIPE	741	LF	\$16.00		\$11,856.00			\$11,856.00			\$11,856.00			\$11,856.00			\$11,856.00
20	18" DIAMETER FLARED METAL END SECTIONS	40	EA	\$115.00		\$4,600.00			\$4,600.00			\$4,600.00			\$4,600.00			\$4,600.00
21	SAWCUT EXISTING ASPHALT	245	LF	\$2.00		\$490.00			\$490.00			\$490.00			\$490.00			\$490.00
22	STRIPING	1	LS	\$3,700.00		\$3,700.00			\$3,700.00			\$3,700.00			\$3,700.00			\$3,700.00
23	MANHOLE GRADE ADJUSTMENT (INCLUDES NEW CONCRETE COLLAR)	8	EA	\$425.00		\$3,400.00			\$3,400.00			\$3,400.00			\$3,400.00			\$3,400.00
24	RELOCATE USPS MAILBOX CLUSTER (INCLUDES SLABS)	2	EA	\$1,100.00		\$2,200.00			\$2,200.00			\$2,200.00			\$2,200.00			\$2,200.00
25	RELOCATE SIGNAGE	7	EA	\$125.00		\$875.00			\$875.00			\$875.00			\$875.00			\$875.00
26	RELOCATE STANDARD FIRE HYDRANTS (INCLUDES FITTINGS & 6" GATE VALVE)	4	EA	\$1,700.00		\$6,800.00			\$6,800.00			\$6,800.00			\$6,800.00			\$6,800.00
27	6" DIAMETER C-900 PVC PIPE (INCLUDES TRENCHING, BEDDING, BACKFILL, & COMPACTION)	35	LF	\$25.00		\$875.00			\$875.00			\$875.00			\$875.00			\$875.00
28	RELOCATE GAS METER	2	EA	\$1,000.00		\$2,000.00			\$2,000.00			\$2,000.00			\$2,000.00			\$2,000.00
29	1" DIAMETER GAS PIPE (INCLUDES TRENCHING, BEDDING, BACKFILL, & COMPACTION)	25	LF	\$19.00		\$475.00			\$475.00			\$475.00			\$475.00			\$475.00
				TOTAL BASE BID			PERCENT OF ENGINEER ESTIMATE											
				\$574,812.25			83.62%			\$671,753.60			97.72%			\$768,443.50		
				ADDITIVE ALTERNATE #1 - PMBP - 2" (FOR DRIVEWAYS, WALKWAYS, & MAILBOX PULLOUTS)														
				844 SY			\$16.50			\$13,926.00								
				ADDITIVE ALTERNATE #2 - PMBP - 3" (ONLY MORGAN ROAD, STATION 0+00 TO 8+50)														
				3151 SY			\$16.00			\$50,416.00								

I HEREBY CERTIFY THAT THE ABOVE FIGURES WERE RECEIVED AT THE BID OPENING AT 2:00 PM ON SEPTEMBER 22, 2010
AT THE TOWN OF TAOS MUNICIPAL BUILDING (TOWN HALL), "ROOM 109", 400 CAMINO DE LA PLACITA, TAOS, NEW MEXICO 87571

Alex R. Abeyta
ALEX R. ABEYTA, P.E.
REGISTERED PROFESSIONAL ENGINEER

Alex R. Abeyta



9/24/10



October 12, 2010

Title:

Manuel L. Pacheco, Buildings & Grounds Director

Summary:

Consideration and approval of Ordinance 10-24; Flood Damage Prevention Ordinance. The purpose of consideration is for the implementation of the new FIRM ((Flood Insurance Rate Maps) which will go into effect on October 6, 2010. The new maps supersede the most current FIRM maps dated January 5, 1989, along with the flood insurance study for Taos County and the Town of Taos.

Background:

Originally adopted June 2 1987, the Flood Damage Prevention Ordinance (a) 87-2 Town of Taos along with the current set of FIRM (Flood Insurance Rate Maps) dated January 5 1989 were the most up to date documents pertaining to flood plain issues in the municipality of the Town of Taos.

This updated ordinance will reflect a more balanced ordinance (b) along with the adoption of the newest set of FIRM maps which will take effect the 6th of October 2010 and will include more defined AOC's (Area Of Concern) within the the Town of Taos and surrounding areas.

Attachments:

Click to download

 [Ordinance 10-24](#)

 [Flood Insurance Study](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/5/2010 1:11 PM	Approved	Town Manager
10/5/2010 1:21 PM	Approved	Town Clerk



ORDINANCE NO. 10-24

60.3(c)

FLOOD DAMAGE PREVENTION ORDINANCE

Be it ordained by the Governing Body of the Town of Taos meeting this 12th day of October, 2010 and after having held a public hearing on the matter.

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A: STATUTORY AUTHORIZATION

The Legislature of the State of New Mexico has in 3-18-7 N.M.S. A. 1978 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town of Taos, NM, does ordain as follows:

SECTION B: FINDINGS OF FACT

(1) The flood hazard areas of Town of Taos are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C: STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR

SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the

extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such

as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A: LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Town of Taos.

SECTION B: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "Flood Insurance Study for Taos County, New Mexico and Incorporated Areas," FEMA flood Insurance Study No. 35055CV000A dated October 6, 2010 with the most effective Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated October 6, 2010, Panels 790, 800, 955 and 975 of 1250, along with Map Index No. 35055CIND0E.

SECTION C: ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D: COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E: ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance

and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F: INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G: WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Certified Floodplain Manager, Manuel L. Pacheco is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B: DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is New Mexico Department Homeland Security and Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface

elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION C: PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B) (1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D: VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, the Town of Taos Planning and Zoning Commission shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision first to the Governing Body of the Town of Taos, then to the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A: GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B: SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a

registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C: STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as

sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E: SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION F: PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a petty misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 1000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues is considered a separate violation. Nothing herein contained shall prevent Town of Taos from taking such other lawful action as is necessary to prevent or remedy any violation.

ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session, this 12th day of October, 2010, and after having held a public hearing on the matter, that this ordinance is hereby adopted, approved and ratified:

This Ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, APPROVED, AND RATIFIED this 12th day of October, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney

FLOOD INSURANCE STUDY

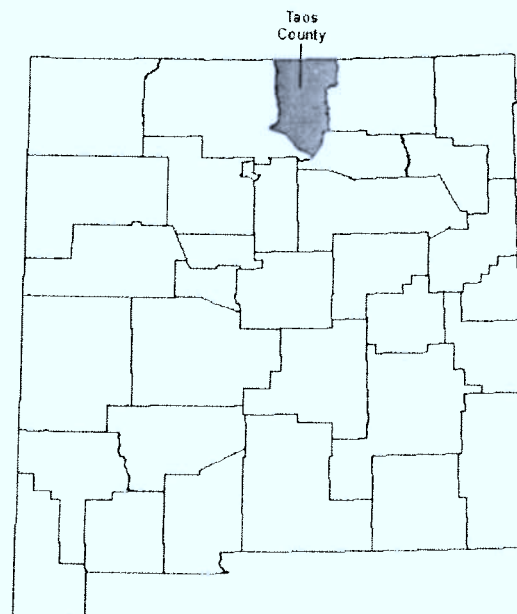


TAOS COUNTY, NEW MEXICO AND INCORPORATED AREAS

Community Name

Community Number

PICURIS PUEBLO	350058
QUESTA, VILLAGE OF	350116
RED RIVER, TOWN OF	350079
TAOS PUEBLO	350015
TAOS, TOWN OF	350080
TAOS COUNTY	350078
(UNINCORPORATED AREAS)	



EFFECTIVE: _____

PRELIMINARY

APR 28 2009



Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER
35055CV000A

NOTICE TO FLOOD INSURANCE STUDY USERS

Communities participating in the National Flood Insurance Program have established repositories of flood hazard data for floodplain management and flood insurance purposes. This Flood Insurance Study (FIS) may not contain all data available within the repository. It is advisable to contact the community repository for any additional data.

Selected Flood Insurance Rate Map panels for the community contain information that was previously shown separately on the corresponding Flood Boundary and Floodway Map panels (e.g., floodways, cross-sections). Former flood hazard zone designations have been changed as follows:

<u>Old Zone</u>	<u>New Zone</u>
A1 through A30	AE
B	X
C	X

Part or all of this FIS may be revised and republished at any time. In addition, part of this FIS may be revised by the Letter of Map Revision process, which does not involve republication or redistribution of the FIS. It is, therefore, the responsibility of the user to consult with community officials and to check the community repository to obtain the most current FIS components.

TABLE OF CONTENTS

1.0 INTRODUCTION.....	1
1.1 Purpose of Study.....	1
1.2 Authority and Acknowledgments.....	1
1.3 Coordination.....	2
2.0 AREA STUDIED	3
2.1 Scope of Study.....	3
2.2 Community Description:.....	4
2.3 Principal Flood Problems	6
2.4 Flood Protection Measures	7
3.0 ENGINEERING METHODS	7
3.1 Hydrologic Analyses	8
3.2 Hydraulic Analyses	11
3.3 Vertical Datum	14
4.0 FLOODPLAIN MANAGEMENT APPLICATIONS.....	15
4.1 Floodplain Boundaries.....	16
4.2 Floodways.....	16
5.0 INSURANCE APPLICATION.....	18
6.0 FLOOD INSURANCE RATE MAP	18
7.0 OTHER STUDIES	19
8.0 LOCATION OF DATA.....	19
9.0 BIBLIOGRAPHY AND REFERENCES.....	21

FIGURES

Figure 1 – Floodway Schematic	17
-------------------------------------	----

TABLES

Table 1 – Initial and Final CCO Meetings.....	2
Table 2 – Scope of Study - Redelineated Flooding Sources.....	3
Table 3 – Summary of Discharges.....	11
Table 4 – Manning’s “n” Values	14
Table 5 – Vertical Datum Conversion	15
Table 6 – Community Map History	20

EXHIBITS

Exhibit 1 – Flood Profiles

Bitter Creek

Mallette Creek

Red River

Rio Lucero

Rio Pueblo de Taos

Panel 01P

Panel 02P

Panels 03P-05P

Panels 06P-07P

Panels 08P-09P

Exhibit 2 – Flood Insurance Rate Map Index

Flood Insurance Rate Map

FLOOD INSURANCE STUDY

TAOS COUNTY, NEW MEXICO AND INCORPORATED AREAS

1.0 INTRODUCTION

1.1 Purpose of Study

This Flood Insurance Study (FIS) revises and supersedes the FIS reports and Flood Insurance Rate Maps (FIRMs) in the geographic area of Taos County, including the Towns of Red River and Taos; the Village of Questa; the Pueblos of Picuris and Taos; and the unincorporated areas of Taos County (referred to collectively herein as Taos County), and aids in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. This study has developed flood risk data for various areas of the community that will be used to establish actuarial flood insurance rates and to assist the community in its efforts to promote sound floodplain management. Minimum floodplain management requirements for participation in the National Flood Insurance Program (NFIP) are set forth in the Code of Federal Regulations at 44 CFR 60.3.

In some States or communities, floodplain management criteria or regulations may exist that are more restrictive or comprehensive than the minimum Federal requirements. In such cases, the more restrictive criteria take precedence, and the State (or other jurisdictional agency) will be able to explain them.

1.2 Authority and Acknowledgments

The sources of authority for this FIS are the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.

This FIS was prepared to include all jurisdictions within Taos County in a countywide FIS. The authority and acknowledgments prior to this countywide FIS were compiled from the previously identified FIS reports for flood prone jurisdictions within Taos County and are shown below:

Taos County, Unincorporated Areas: The hydrologic and hydraulic analyses included in the January 5, 1989, FIS report (Reference 1) were performed by the U.S. Geological Survey (USGS) for the Federal Emergency Management Agency (FEMA), under Inter-Agency Agreement No. EMW-85-E-1823. That work was completed in April 1987.

Town of Red River: The hydrologic and hydraulic analyses included in the June 6, 2001, FIS report (Reference 2) were performed by the U.S. Army Corps of Engineers (USACE), Albuquerque District, Flood Plain Management Services Program, for the Town of Red River. That work was completed in January 1998.

The authority and acknowledgments for the Town of Taos; the Village of Questa; and the Pueblos of Picuris and Taos are not available because FIS reports were not previously published for these communities.

Countywide Revision: For this first-time countywide FIS, Mapping Alliance Partnership VI (MAPVI), for FEMA, under Contract No. EMT-2002-CO-0052, redelineated all previous flooding sources studied by detailed methods and conducted approximate studies, using automated hydrology and hydraulics, on all streams previously studied by approximate methods and all streams identified by local communities as flood problems. This work, which was completed in April 2009, covered all significant flooding sources affecting Taos County. Also during this revision, MAPVI converted both the FIS and FIRM for Taos County, New Mexico and all jurisdictions to countywide formats.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the United States Geological Survey, 1989 and 2007; the National Geodetic Survey, 2007; U.S. Bureau of Land Management, 2007; U.S. Census Bureau, 2000; and the Town of Taos, NM, 1996.

The projection used in the preparation of this FIRM was New Mexico State Plane Central Zone (FIPS 3002). The horizontal datum was North American Datum of 1983 (NAD83), Geodetic Reference System 1980 (GRS80) spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

1.3 Coordination

An initial Consultation Coordination Officer's (CCO) meeting is held with representatives from FEMA, the community, and the study contractor to explain the nature and purpose of a FIS, and to identify the streams to be studied by detailed methods. A final CCO meeting is held with representatives from FEMA, the community, and the study contractor to review the results of the study. All problems raised in the meeting have been addressed in this study.

The dates of the initial and final CCO meetings held for Taos County and the incorporated communities within its boundaries are shown in Table 1, "Initial and Final CCO Meetings."

Table 1 – Initial and Final CCO Meetings

<u>Community</u>	<u>Initial CCO Date</u>	<u>Final CCO Date</u>
Town of Red River	*	June 30, 2000
Taos County, Unincorporated Areas	November 28, 1984	February 18, 1988

* Data not available

Countywide Revision: For this countywide FIS, an initial CCO meeting was held on May 2, 2008, and was attended by representatives of the community, the study contractor and FEMA. The final CCO meeting was held on _____, and was attended by representatives of the community, the study contractor and FEMA.

2.0 AREA STUDIED

2.1 Scope of Study

This FIS covers the geographic area of Taos County, New Mexico. The areas studied by detailed and approximate methods were selected with priority given to all known flood hazards and areas of projected development.

All or portions of the flooding sources listed in Table 2, "Scope of Study -- Redelineated Flood Sources," were previously studied by detailed methods. Those limits of detailed study are indicated on the Flood Profiles (Exhibit 1) and on the FIRM (Exhibit 2).

All flooding sources that had been previously studied by detailed methods were redelineated. This process consisted of updating the floodplain boundaries based on the most current topographic data. New hydrologic and hydraulic analyses were not performed on the redelineated flooding sources.

Table 2 – Scope of Study - Redelineated Flooding Sources

<u>Stream Name</u>	<u>Downstream Limit</u>	<u>Upstream Limit</u>
Bitter Creek	Confluence with Red River	Approximately 1,075 feet upstream of East High Street
Mallette Creek	Confluence with Red River	Approximately 660 feet upstream of Mallette Canyon Park Road
Red River	Approximately 50 feet downstream of High Cost Trail	Approximately 1,550 feet upstream of Fishing Pond Bridge
Rio Lucero	Confluence with Rio Pueblo de Taos	Approximately 2,875 feet upstream of Paseo Del Pueblo Norte
Rio Pueblo de Taos	Approximately 1,600 feet downstream of the confluence of Rio Lucero.	Approximately 1,450 feet upstream of Upper Ranchitos Road

In addition to the redelineated flooding sources listed in Table 2, new automated approximate analyses were conducted on all streams previously studied by approximate methods and all streams identified by local communities as flood problems.

No Letters of Map Change were obtained or incorporated into this countywide revision.

2.2 Community Description:

Taos County: The County has a total area of 2,300 square miles. It is bordered by Colfax County to the east, Mora County to the south, Rio Arriba County to the west, and the state of Colorado to the north. The population of the County, according to the 2000 U.S. Census, was 29,979 (Reference 3).

Taos County is located within three geologic physiographic provinces: the Taos Plateau, the Costilla Plains, and the Sangre de Cristo Mountain provinces. The Rio Grande gorge cuts through the center of Taos County separating the Taos Plateau and Costilla Plains provinces. West of the gorge, the Taos Plateau is a basalt-capped mesa with numerous extinct volcanoes. East of the gorge, the Costilla Plains province consists of alluvial-fan and valley-fill sediments that slope gently down from and were derived from the Sangre de Cristo Mountains to the east. The Sangre de Cristo Mountains province spans the eastern side of the County. This province is an upthrown fault block composed of Precambrian granite, gneiss, schist, quartzite and pegmatites, with Paleozoic-age sedimentary rocks in the south (Reference 4).

Taos County is semiarid with mild summers and cold winters. The majority of the precipitation occurs as summer thundershowers. In the Sangre de Cristo Mountains, about one-third of the annual precipitation occurs as snowfall during December to March. Runoff from snowmelt in the Sangre de Cristo supplies much of the water supply for acequias in the region (Reference 4).

Temperatures range from an average minimum of approximately 23°F in Red River to an average maximum of approximately 63°F in Taos. Average annual temperatures in the region range between 39°F in Red River to 47°F in Taos. Precipitation ranges from an average minimum of 6 inches in Taos to an average maximum of 290 inches in Red River. Average annual precipitation in the region ranges between 12 inches in Taos to 20 inches in Red River (Reference 4).

Vegetation on the Taos Plateau is primarily desert scrub. The vegetation in the Sangre de Cristo Mountains consist primarily of subalpine coniferous forests with a smaller portion of montane coniferous forests, and vegetation in the Costilla Plains is a mix of juniper savanna, coniferous forest, and mixed woodland (Reference 4).

Town of Red River: The Town of Red River lies in a narrow mountainous valley in the Sangre de Cristo Mountains. It is completely surrounded by the Carson National Forest. The population of the Town of Red River, according to the 2000 U.S. Census, was 484 (Reference 3).

The Town of Red River is located at an elevation of 8,750 feet with average winter daytime temperatures of 40°F and nighttime temperatures of 12°F and average summer daytime temperatures of 75°F and nighttime temperatures of 38°F. The average snowfall is 188 inches per year with an average annual precipitation of approximately 20 inches (References 5 and 6).

The Red River flows through the town and discharges to the Rio Grande approximately 20 miles to the west. The study incorporates the Red River watershed from its headwaters to the western limits of the Town of Red River. The watershed ranges from an elevation from 13,161 feet at its tributary headwater to 8,640 feet at the downstream limit of the Town of Red River (Reference 2).

The principal runoff in the watershed originates from three sources: snowmelt, rainfall, and snowmelt augmented by rainfall. Major rain floods along the Red River generally result from large general summer storms occurring between May and October; however, the thunderstorms cover comparatively small areas and are usually a factor in the flooding of the smaller tributaries of the Red River. The change from summer to winter is characterized by the sudden disappearance of thunderstorm activity followed by the clear winter weather that dominates this area between frontal passages. During the winter months, heavy snowfall occurs in the mountainous areas of the watershed. Snow usually remains in the mountains from the beginning of heavy snows in December until early April when snowmelt runoff begins (Reference 2).

Town of Taos: The Town of Taos is located 70 miles north of Santa Fe, NM, on State Highway 68 which turns into US Highway 84/285. It is located within the Rio Grande valley at the base of the Sangre de Cristo Mountains at an elevation of 6,950 feet. The 2000 census population was 4,700 (Reference 3).

Based on records from 1892 to 2007, average maximum temperatures range from 40.2° F in January to 85.7° F in July. Average minimum temperatures range from 10.1° F in January to 51.0° F in July. Precipitation averages about 12.8 inches per year. Yearly snowfall averages 31.1 inches, most of which occurs in the months of December, January, February and March (Reference 7).

Village of Questa: The Village of Questa is located in the central portion of Taos County, approximately 24 miles north of Taos along State Highway 522. The 2000 census population was 1,864 (Reference 3).

Based on records from 1910 to 2007, average maximum temperatures range from 36.4° F in January to 81.7° F in July. Average minimum temperatures range from 7.0° F in January to 49.3° F in July. Precipitation averages about 12.8 inches per year. Yearly snowfall averages 56.0 inches, most of which occurs in the months of December, January, February and March (Reference 7).

Pueblo of Picuris: The Picuris Pueblo is located approximately 24 miles southeast of Taos along State Highway 68 in the Sangre de Cristo Mountains. Once the largest, today Picuris is one of the smallest Tiwa Pueblos, with a 2000 census population of 86 (Reference 3).

Based on records from 1901 to 1976, precipitation averages about 15.0 inches per year. Yearly snowfall averages 46.9 inches, most of which occurs in the months of December, January, February and March (Reference 7). There was insufficient

climate station data to determine the average monthly maximum and minimum temperatures ranges.

Pueblo of Taos: The Taos Pueblo is the only living Native American community designated both a World Heritage Site by UNESCO and a National Historic Landmark. It is located approximately 3 miles northeast of the Town of Taos along Bureau of Indian Affairs (BIA) Highway 701. The land base is 99,000 acres with an elevation of 7,200 at the village. The 2000 census population was 1,264 (Reference 3).

Similar to the Town of Taos, the average maximum temperatures for the Pueblo of Taos range from 40.2° F in January to 85.7° F in July. Average minimum temperatures range from 10.1° F in January to 51.0° F in July. Precipitation averages about 12.8 inches per year. Yearly snowfall averages 31.1 inches, most of which occurs in the months of December, January, February and March (Reference 7).

2.3 Principal Flood Problems

Floods in Taos County result from general rainstorms, snowmelt sometimes augmented by rain and from cloudburst storms. Flooding typically occurs during the months between May and October due to prolonged heavy rainfall over tributary areas and is characterized by high peak flows of moderate duration. Flooding is more severe when antecedent rainfall has resulted in saturated ground conditions, or when the ground is frozen and infiltration is minimal.

Taos County, Unincorporated Areas: Concern over stream flooding in the unincorporated areas of Taos County centers on two streams: Rio Lucero and Rio Pueblo de Taos. Recent years have witnessed a varying degree of damage wrought by flooding on these two streams. County officials feel that development will increase along these streams in the future, increasing the potential for damage.

Town of Red River: Local residents of Red River recall two large flood events: one occurring in the late 1960s and one in 1979. Residents reported minimal damage during these events (Reference 6). However, the Town of Red River is concerned about the effects of high flows from the Red River and its tributaries and the existence and severity of flood hazards in the area and the potential for development in or near flood-prone areas.

The following flash flood events were recorded by the National Climatic Data Center within Taos County (Reference 8):

August 13, 1993 – Town of Taos. Heavy rains resulted in several homes flooded in Taos. Heavy rains also caused rock slides which blocked the entrance to Taos Canyon on Highway 64.

June 21, 1994 – Town of Red River. Brief heavy rain produced mud and rock slides which closed State Highway 38 for several hours near Red River.

Additionally, on August 30, 2006, Taos County was designated in Presidential Disaster Declaration FEMA-1659-DR allowing the County to receive public assistance due to severe storms and flooding which occurred on July 26 and continued intermittently through September 18, 2006.

2.4 Flood Protection Measures

No flood protection was documented in Taos County other than that found in the Town of Red River. Private dams and other structures were visible from available orthophotography at the time of the analysis.

Town of Red River: Two hydraulically-engineered water retention structures located on Bitter Creek are used for recreational purposes (Reference 9). These dams are located adjacent to each other and are approximately two river miles upstream from the Red River confluence. Both dams are privately-owned and are on file with the New Mexico State Engineer's Office.

The dam farthest upstream is Beaver Park Dam Number 2. This dam controls a drainage area of approximately eight square miles with a maximum storage capacity of 15 acre-feet. The structure has a 12-inch conduit outlet pipe with a maximum flow capacity of 8.3 cubic feet per second (cfs). In flood conditions, the spillway will also be used for water conveyance. The dam immediately downstream on Bitter Creek is Beaver Park Dam Number 1. This dam controls the same drainage area of eight square miles in addition to Beaver Park Dam Number 2. The maximum storage capacity is 16 acre-feet. This structure also has a 12-inch conduit outlet pipe with a maximum flow capacity of 8.3 cfs. In flood conditions, the spillway will also be used for water conveyance. Both dams are rated as low downstream hazards.

3.0 ENGINEERING METHODS

For the flooding sources studied by detailed methods in the community, standard hydrologic and hydraulic study methods were used to determine the flood-hazard data required for this study. Flood events of a magnitude that is expected to be equaled or exceeded once on the average during any 10-, 50-, 100-, or 500-year period (recurrence interval) have been selected as having special significance for floodplain management and for flood insurance rates. These events, commonly termed the 10-, 50-, 100-, and 500-year floods, have a 10-, 2-, 1-, and 0.2-percent chance, respectively, of being equaled or exceeded during any year. Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 1-percent-annual-chance flood in any 50-year period is approximately 40 percent (4 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

3.1 Hydrologic Analyses

Hydrologic analyses were carried out to establish the peak discharge-frequency relationships for floods of the selected recurrence intervals for each flooding source studied in detail affecting the county.

For each community within Taos County that had a previously printed FIS report, the hydrologic analyses described in those reports have been compiled and are summarized below.

Taos County, Unincorporated Areas: Equations developed by Waltemeyer, for estimating peak flows for the 1-percent annual chance flood on streams in New Mexico (Reference 10), were used to adjust flood discharges on the Rio Lucero from a gaging station to the stream mouth.

The 1-percent annual chance flood discharge for the study reach on the Rio Pueblo de Taos was computed based on drainage area ratio adjustments made to discharge records collected at two stream flow gaging stations: No. 08269000 on Rio Pueblo de Taos near Taos and No. 08275300 on Rio Pueblo de Taos near Ranchito. The seeming discrepancy between the relatively large increase in drainage areas between the two gages and the small increase in the 1-percent annual chance flood discharges was verified by the 1979 flood event. During that event, the discharge increased from 1,050 cfs at the gage near Taos to 1,290 cfs at the gage near Ranchito.

A USGS gaging station, operated since 1933 on the Rio Lucero near Arroyo Seco, recorded a maximum discharge of 310 cfs on June 8, 1979 (a 4-percent annual chance flood discharge).

A maximum discharge of 1,290 cfs (a 2-percent annual chance flood discharge) was recorded at a stream flow gaging station operated on the Rio Pueblo de Taos near Ranchito by the USGS. This discharge occurred on May 26, 1979. The gage was operated from 1957 to 1980.

Peak discharge-drainage area relationships for flooding sources studied by detailed methods within the unincorporated areas of Taos County are shown in Table 3, "Summary of Discharges."

Town of Red River: The computer program HEC-1, developed by the USACE Hydrologic Engineering Center (Reference 11) was used to model the Red River watershed from its headwaters to the Town of Red River. The model uses a general summer storm to compute the 1-, 2- and 10-percent annual chance flood hydrographs for the area. The discharges derived from this model were used to develop the water-surface profiles along the Red River. The model was calibrated to USGS stream flow data and computed peaks from USGS regression equations using infiltration rates.

USGS 1:24,000-scale, 7.5-minute quadrangle topographic maps (Reference 12) served as the basis for drainage area delineation and measurement of basin parameters necessary for the HEC-1 hydrologic model. The USGS topographic maps also served to estimate channel cross sections. The HEC-1 model uses eight station-elevation points to represent typical cross sections on stream reaches where routing occurs.

The Snyder's synthetic method served as the basis for computing unit hydrograph parameters to use in the HEC-1 model. The USACE engineering manual EM 1110-2-9021, *Flood Runoff Analysis* (Reference 13), describes Snyder's unit hydrograph method and provides the following equation to compute the time to peak (t_p):

$$(t_p) = C_t \times (L \times L_{ca})^{0.3}$$

L	=	Total travel length in miles
L _{ca}	=	Travel length to the centroid of the basin in miles
C _t	=	Coefficient depending on basin characteristics
C _p	=	Regional value of Snyder's C _p coefficient based on drainage basin characteristics

The C_t-versus-slope curve generated by the USACE, Albuquerque District, for the Santa Fe, New Mexico, area served as the basis for development of the C_t and C_p coefficients (Reference 14).

To determine the general summer rainstorm, point rainfall for the 1-, 2-, and 10-percent annual chance frequency storms was developed based on National Oceanic and Atmospheric Administration (NOAA) Atlas 2, *Precipitation-Frequency Atlas of the Western United States*, Volume IV - New Mexico (Reference 15).

To determine rainfall amounts to apply uniformly to the approximately 65-square mile Red River watershed, the point rainfall was reduced in accordance with the depth-area-duration curves presented in NOAA Hydrometeorological Report 40 (HYDRO-40), *Depth-Area Ratios in the Semi-Arid Southwest United States*, (Reference 16). HYDRO-40 proposes that reductions of point rainfall for area size in the semi-arid southwest are greater than the previously published nationwide-average depth-area-duration curves presented in NOAA Atlas 2. The results of HYDRO-40 are based on data obtained from recording gages located in Arizona and western New Mexico; thus, the report is appropriate for the Red River watershed.

The watershed model incorporated a 24-hour rainfall distribution pattern with the maximum intensity occurring at 1.4 hours and the remaining rainfall ascending in magnitude to the peak and descending in magnitude to the end of the storm. Guidelines set forth in the *City of Albuquerque's Development Process Manual* (Reference 17) describe the rainfall distribution as one of several patterns appropriate for storms in New Mexico. The rainfall was applied uniformly to the entire watershed.

Stream flow data exist at two locations in the Red River watershed above the Town of Red River: *Red River near Red River, New Mexico*, stream gage (USGS No. 08264000) and *Red River below Zwergle Dam site near Red River, New Mexico*, stream gage, (USGS No. 08264500). The third gage used for calibration is the *Cabresto Creek near Questa, New Mexico*, stream gage (USGS No. 08266000).

To analyze the stream flow records for the Red River and Cabresto Creek gages, frequency-discharge curves were developed using the HEC-FFA *Flood Frequency Analysis* computer program (Reference 18) developed by the USACE Hydrologic Engineering Center, and the Log-Pearson Type-III distribution. The frequency-discharge curves were adjusted for expected probability based on the length of the gage record in accordance with Bulletin 17B, *Guidelines for Determining Flood Flow Frequency* (Reference 19).

The Muskingum-Cunge procedure in the HEC-1 program was used to model channel routing in the Red River watershed. Routing along the Red River and associated tributaries incorporated typical eight-point cross sections and channel slopes obtained from USGS 1:24,000-scale topographic maps.

Discharge-frequency peaks for Bitter Creek and Mallette Creek were determined from the regional regression equations for high elevation watersheds (Region 1) presented in USGS Water-Resources Investigations Report 93-419, *Methods for Estimating Magnitude and Frequency of Floods in the Southwestern United States* (Reference 20). The computed peaks are representative of those resulting from a storm critical to the individual tributary watersheds. The discharge peaks were increased by a bulking factor of 20 percent to account for sediment.

To determine appropriate infiltration rates, computed flood peaks in the Red River watershed HEC-1 model were calibrated to correspond with a blending procedure (Reference 6) using both a gage analysis and USGS regression equations (References 10 and 20).

Initial and uniform infiltration rates for the 1-, 2-, and 10-percent annual chance frequency storms were used for all subareas. The calibration was considered complete, and the discharges adopted, when the HEC-1 peak discharge resulted in a value that fell within the range of the two discharge peaks computed for each location using the gage analysis method blended and weighted with the regional regression equations. For each subarea and for all frequency storms, the calibration analysis furnished a uniform infiltration rate of 0.25 inches per hour. The initial infiltration rate was varied in the HEC-1 model until a match was obtained to the blended frequency peaks.

Peak discharge-drainage area relationships for flooding sources studied by detailed methods are shown in Table 3, "Summary of Discharges."

Countywide Revision: For this countywide revision, new automated approximate analyses were conducted on all streams previously studied by approximate methods

and all streams identified by local communities as flood problems. The USGS rural regression equations for New Mexico, northern mountain region, were used for the analysis (Reference 21). Additionally, the flood frequency analysis for the Rio Grande was performed utilizing the USGS computer program PeakFQ (Reference 22).

Table 3 – Summary of Discharges

FLOODING SOURCE AND <u>LOCATION</u>	DRAINAGE AREA (sq. miles)	PEAK DISCHARGES (cfs)			
		10% Annual Chance	2% Annual Chance	1% Annual Chance	0.2% Annual Chance
BITTER CREEK					
At Confluence with Red River	10.73	186	297	345	*
MALLETTE CREEK					
At Confluence with Red River	7.10	134	217	253	*
RED RIVER					
At Town of Red River	66.65	600	1,031	1,152	*
RIO LUCERO					
At Confluence with Rio Pueblo De Taos	20.3	*	*	449	*
Near Arroyo Seco, at Station No. 08271000	16.6	*	*	412	*
RIO PUEBLO DE TAOS					
Near Ranchito at Station No. 08275300	199	*	*	1,435	*
At Cross Section A	110	*	*	1,294	*
Near Taos at Station No. 08269000	66.6	*	*	1,270	*

*Data not available

3.2 Hydraulic Analyses

Analyses of the hydraulic characteristics of flooding from the sources studied were carried out to provide estimates of the elevations of floods of the selected recurrence intervals. Users should be aware that flood elevations shown on the FIRM represent rounded whole-foot elevations and may not exactly reflect the elevations shown on the Flood Profiles or in the Floodway Data tables in the FIS report. Flood elevations shown on the FIRM are primarily intended for flood insurance rating purposes. For

construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS in conjunction with the data shown on the FIRM.

Flood profiles were drawn showing computed water-surface elevations to an accuracy of 0.5 foot for floods of the selected recurrence intervals (Exhibit 1). Locations of selected cross sections used in the hydraulic analyses are shown on the Flood Profiles (Exhibit 1). For stream segments for which a floodway is computed, selected cross sections locations are also shown on the Flood Insurance Rate Maps (Exhibit 2).

For each community within Taos County that had a previously printed FIS report, the hydraulic analyses described in those reports have been compiled and are summarized below:

Taos County, Unincorporated Areas: For the backwater analyses of Rio Lucero, eight cross sections were obtained from a field survey and one was synthesized. Structural geometry and elevation for seven bridges were also obtained from field survey. Bridge No. 2 was not used in the analysis. It was determined that this bridge could be washed away by the 1-percent annual chance flood, thus having no effect on the stream flow. Additional cross sections were located above and below bridges in order to compute the backwater effects of these structures.

For the backwater analyses on Rio Pueblo de Taos, seven cross sections were obtained from field survey. Structural geometry and elevation for three bridges were also obtained from field survey. Additional cross sections were located above and below bridges in order to compute the backwater effects of these structures.

Roughness coefficients (Manning's "n" values) were obtained by field inspection and engineering judgment. For streams studied by detailed methods, "n" values are listed in Table 4, "Manning's "n" Values".

Water surface elevations for the 1-percent annual chance flood were computed by WSPRO, a step-backwater computer program developed by the USGS for the Federal Highway Administration (Reference 23). The final flood profile for the stream reach between cross sections A and B on the Rio Lucero were modified to reflect backwater inundation by the Rio Pueblo de Taos. The starting elevations at cross section A for each stream reach studied in detail were determined using a series of synthesized cross sections below cross section A.

Town of Red River: Red River, Bitter Creek, and Mallette Creek were studied by detailed hydraulic methods to calculate the water-surface elevations and the floodplain delineations using the water-surface profile computer model HEC-RAS (Reference 24). The computer analysis uses the mixed flow regime method which computes both subcritical and supercritical solutions. The solution which has the greater specific force is considered the correct solution.

The cross sections used in the hydraulic model were developed from digital topographic mapping and digital terrain models produced by Thomas R. Mann and Associates, Inc. (Reference 25). The digital mapping was based on controlled aerial photography flown May 4, 1994. Thomas R. Mann and Associates, Inc., produced the topographic mapping at a scale of 1 inch = 100 feet with 2-foot contour intervals.

The average Red River cross section measures approximately 1,000 feet in length, with cross sections located at 100-foot intervals, depending on the topography of the particular river reach. For Mallette and Bitter Creeks, the average cross-section length measures approximately 600 feet, with cross sections placed at 50-foot intervals.

Personnel from the USACE, Albuquerque District, conducted a site visit in February 1996, to measure the bridges and culverts represented in the HEC-RAS model. In addition, personnel from the Town of Red River provided or verified additional bridge data.

Because flow existed in the Red River when the photography for the mapping was generated, the digital terrain model cross sections were adjusted to account for the underwater geometry. A template, representing a channel 2-feet deep and 10-feet wide, with side slopes measuring 0.5 horizontal to 1.0 vertical, was incorporated along the river alignment to model the underwater geometry. Channel adjustments were not made for Bitter Creek and Mallette Creek because minimal flow existed in the tributary channels on the date of photography.

The cross-sectional data from the digital terrain model were modified to include Manning's roughness coefficients, reach lengths, and bridge dimensions. Roughness coefficients (Manning's "n" values) were obtained by field inspection and engineering judgment. For streams studied by detailed methods, "n" values are listed in Table 4, "Manning's "n" Values".

The starting water-surface elevations were computed for each frequency event using the normal depth (slope-area) method.

The cross sections were modified to include encroachments at some locations. The encroachment allows all of the water to be contained in the channel until the water-surface elevation exceeds the defined left or right overbank elevation. At this overflow elevation, the model allows the flow to spread out beyond the overbanks, resulting in overbank flooding. By initially confining the water to the channel, flow conditions are more accurately modeled.

Cross-section locations were adjusted at road crossings to more accurately represent actual high water flows. Most road crossings are somewhat perched, and cross sections were "bent" to retain a 90-degree relationship between flow direction and cross section. Cross section lengths were also adjusted at road crossings to more accurately represent each road crossing using the HEC-RAS four-cross-section-model recommendation.

Table 4 – Manning’s “n” Values

<u>Flooding Source</u>	<u>Study Date</u>	Roughness Coefficients	
		<u>Channel</u>	<u>Overbank</u>
Bitter Creek	2001	0.040-0.055	0.027-0.100
Mallette Creek	2001	0.040-0.055	0.027-0.100
Red River	2001	0.040-0.055	0.027-0.100
Rio Lucero	1989	0.033-0.035	0.034-0.039
Rio Pueblo de Taos	1989	0.033-0.035	0.034-0.039

Interpolated cross sections were added at various locations to model high energy changes due to the steepness of the creek and geometry changes in the channel and overbanks.

Countywide Revision: For this countywide revision, new automated approximate analyses were conducted on all streams previously studied by approximate methods and all streams identified by local communities as flood problems. These hydraulic analyses were conducted using WISE and HEC-RAS software (References 26 and 24, respectively) and were done in accordance with the FEMA Guidelines and Specifications for Flood Hazard Mapping Partner (Reference 27).

The hydraulic analyses for this study were based on unobstructed flow. The flood elevations shown on the profiles are thus considered valid only if hydraulic structures remain unobstructed, operate properly, and do not fail.

3.3 Vertical Datum

All FIS reports and FIRMs are referenced to a specific vertical datum. The vertical datum provides a starting point against which flood, ground, and structure elevations can be referenced and compared. Until recently, the standard vertical datum used for newly created or revised FIS reports and FIRMs was the National Geodetic Vertical Datum of 1929 (NGVD29). With the completion of the North American Vertical Datum of 1988 (NAVD88), many FIS reports and FIRMs are now prepared using NAVD as the referenced vertical datum.

All flood elevations shown in this FIS report and on the FIRM are referenced to NAVD88. Structure and ground elevations in the county must, therefore, be referenced to NAVD88. It is important to note that adjacent counties may be referenced to NGVD29. This may result in differences in BFEs across the county boundaries between the counties.

Countywide Revision: For this countywide revision the flood profiles and BFEs were revised to reflect the new datum values. Due to the statistically significant range in conversion factors, an average conversion factor could not be established for the entire county. The elevations shown in the FIS report and on the FIRM were, therefore, converted to NAVD88 using a stream-by-stream approach. In this method, an average conversion was established for each flooding source and applied accordingly. The conversion factor for each flooding source in the community may be found in Table 5, "Vertical Datum Conversion."

Table 5 – Vertical Datum Conversion

<u>Location</u>	<u>Conversion Factor (ft)</u>
Bitter Creek	+4.60
Mallette Creek	+4.63
Red River	+4.61
Rio Lucero	+3.76
Rio Pueblo de Taos	+3.75

The BFEs shown on the FIRM represent whole-foot rounded values. For example, a BFE of 102.4 will appear as 102 on the FIRM and 102.6 will appear as 103. Therefore, users that wish to convert the elevations in this FIS to NGVD29 should apply the stated conversion factor to elevations shown on the Flood Profiles and supporting data tables in the FIS report, which are shown at a minimum to the nearest 0.1 foot.

For more information regarding conversion between the NGVD and NAVD, visit the National Geodetic Survey website at www.ngs.noaa.gov, or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(310) 713-3191

Temporary vertical monuments are often established during the preparation of a flood hazard analysis for establishing local vertical control. Although these monuments are not shown on the FIRM, they may be found in the Technical Support Data Notebook associated with the FIS report and FIRM for this community. Interested individuals may contact FEMA to access these data.

4.0 FLOODPLAIN MANAGEMENT APPLICATIONS

The NFIP encourages State and local governments to adopt sound floodplain management programs. To assist in this endeavor, each FIS report provides 1-percent annual chance

floodplain data, which may include a combination of the following: 10-, 2-, 1-, and 0.2-percent annual chance flood elevations; delineations of the 1- and 0.2-percent annual chance floodplains; and a 1-percent annual chance floodway. This information is presented on the FIRM and in many components of the FIS report, including Flood Profiles, Floodway Data tables, and Summary of Stillwater Elevation tables. Users should reference the data presented in the FIS report as well as additional information that may be available at the local community map repository before making flood elevation and/or floodplain boundary determinations.

4.1 Floodplain Boundaries

To provide a national standard without regional discrimination, the 1-percent annual chance (100-year) flood has been adopted by FEMA as the base flood for floodplain management purposes. The 0.2-percent annual chance (500-year) flood is employed to indicate additional areas of flood risk in the community. For each stream studied in detail, the 1-percent and 0.2-percent annual chance floodplains have been delineated using the flood elevations determined at each cross section. For the previous studies, between cross sections, the boundaries were interpolated using topographic maps at a scale of 1:24,000, with a contour interval of 20 feet (Reference 28) and a scale of 1 inch = 100 feet, with a contour interval of two feet (Reference 25).

Countywide Revision: For this countywide revision, 30-meter DEM topographic data was provided by the USGS. This data was used to determine the floodplain boundaries of approximate analyses areas.

The boundaries of the 1-percent and 0.2-percent annual chance floods are shown on the FIRM (Exhibit 2). On this map, the 1-percent annual chance floodplain boundary corresponds to the boundary of areas of special flood hazards (Zone A, AE, and AO); and the 0.2-percent annual chance floodplain boundary corresponds to the boundaries of moderate flood hazards. In cases where the 1-percent and 0.2-percent annual chance floodplains are close together, only the 1-percent annual chance floodplain boundary has been shown. Small areas within the flood boundaries may lie above the flood elevations and, therefore, not be subject to flooding; owing to limitations of the map scale, such areas are not shown.

For the streams studied by approximate methods, only the 1-percent annual chance floodplain boundary is shown on the FIRM. New approximate analyses were conducted to delineate the 1-percent annual chance floodplain boundaries and were delineated using the terrain data discussed previously.

4.2 Floodways

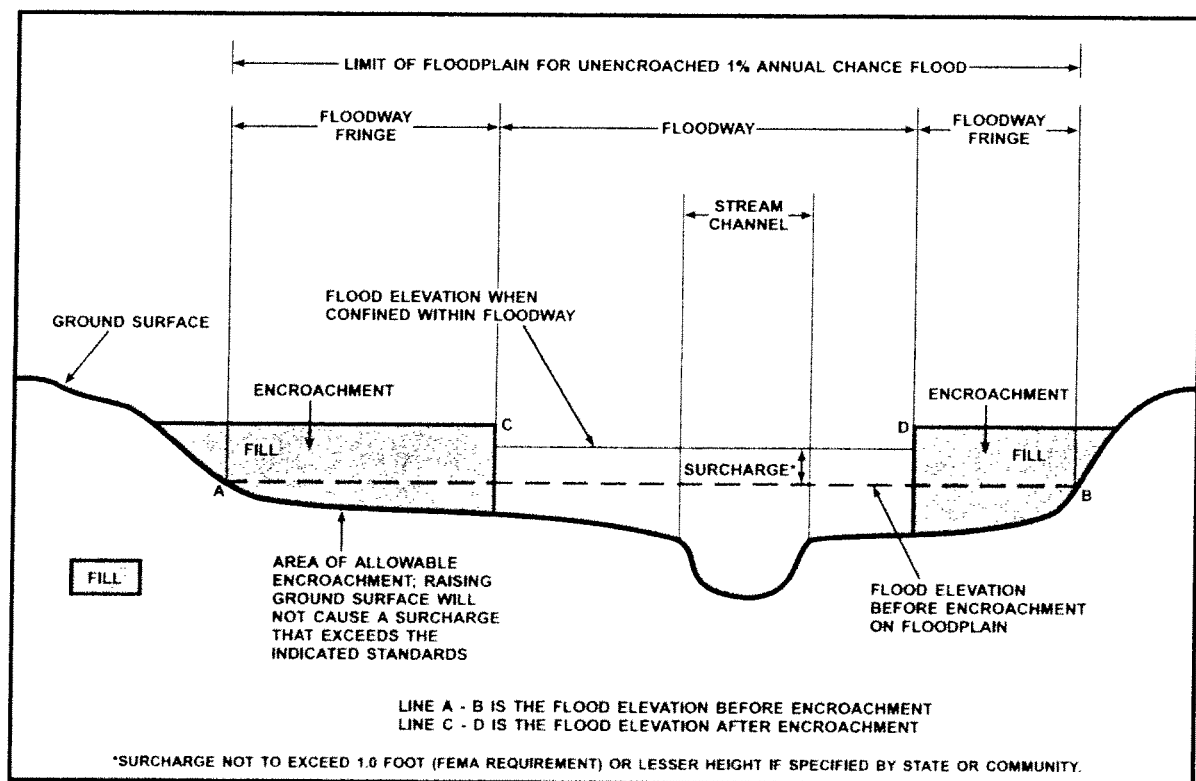
Encroachment on floodplains, such as structures and fill, reduces flood-carrying capacity, increases flood heights and velocities, and increases flood hazards in areas beyond the encroachment itself. One aspect of floodplain management involves balancing the economic gain from floodplain development against the resulting

increase in flood hazard. For purposes of the NFIP, a floodway is used as a tool to assist local communities in this aspect of floodplain management. Under this concept, the area of the 1-percent-annual-chance floodplain is divided into a floodway and a floodway fringe. The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the base flood can be carried without substantial increases in flood heights. Minimum Federal standards limit such increases to 1 foot, provided that hazardous velocities are not produced. The floodways in this study are presented to local agencies as minimum standards that can be adopted directly or that can be used as a basis for additional floodway studies.

The area between the floodway and 1-percent annual chance floodplain boundaries is termed the floodway fringe. The floodway fringe encompasses the portion of the floodplain that could be completely obstructed without increasing the water-surface elevation (WSEL) of the base flood more than 1 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to floodplain development are shown in Figure 1, "Floodway Schematic."

No floodways were calculated for any previous studies or for this countywide study.

Figure 1 – Floodway Schematic



5.0 **INSURANCE APPLICATION**

For flood insurance rating purposes, flood insurance zone designations are assigned to a community based on the results of the engineering analyses. The zones are as follows:

Zone A

Zone A is the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the FIS by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base (1-percent annual chance) flood elevations (BFEs) or depths are shown within this zone.

Zone AE

Zone AE is the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the FIS by detailed methods. In most instances, whole foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

Zone AO

Zone AO is the flood insurance risk zone that corresponds to the areas of 1-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot base flood depths derived from the detailed hydraulic analyses are shown within this zone.

Zone X

Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2-percent annual chance floodplain, areas within the 0.2-percent annual chance floodplain, areas of 1-percent annual chance flooding where average depths are less than 1 foot, areas of 1-percent annual chance flooding where the contributing drainage area is less than 1 square mile (sq.mi.), and areas protected from the base flood by levees. No BFEs or depths are shown within this zone.

Zone D

Zone D is the flood insurance rate zone that corresponds to unstudied areas where flood hazards are undetermined, but possible.

6.0 **FLOOD INSURANCE RATE MAP**

The FIRM is designed for flood insurance and floodplain management applications.

For flood insurance applications, the map designates flood insurance rate zones as described in Section 5.0 and, in the 1-percent annual chance floodplains that were studied by detailed methods, shows selected whole-foot BFEs or average depths. Insurance agents use zones and BFEs in conjunction with information on structures and their contents to assign premium

rates for flood insurance policies.

For floodplain management applications, the map shows by tints, screens, and symbols, the 1- and 0.2-percent annual chance floodplains, floodways, and the locations of selected cross sections used in the hydraulic analyses and floodway computations.

The current FIRM presents flooding information for the entire geographic area of Taos County. Previously, separate FIRMs were prepared for each identified flood-prone incorporated community and the unincorporated areas of the county. This countywide FIRM also includes flood hazard information that was presented separately on Flood Boundary and Floodway Maps (FBFM's), where applicable. Historical data relating to the maps prepared for each community, up to and including this countywide FIS are presented in Table 6, "Community Map History."

7.0 OTHER STUDIES

This FIS report either supersedes or is compatible with all previous studies published on streams studied in this report and should be considered authoritative for the purposes of the NFIP (References 1 and 2).

Studies are underway concurrently in Colfax and Rio Arriba counties. This study is in agreement with those studies (References 29 and 30).

8.0 LOCATION OF DATA

Information concerning the pertinent data used in the preparation of this study can be obtained by contacting:

FEMA Region VI
Federal Insurance and Mitigation Division
800 North Loop 288
Denton, Texas 76209

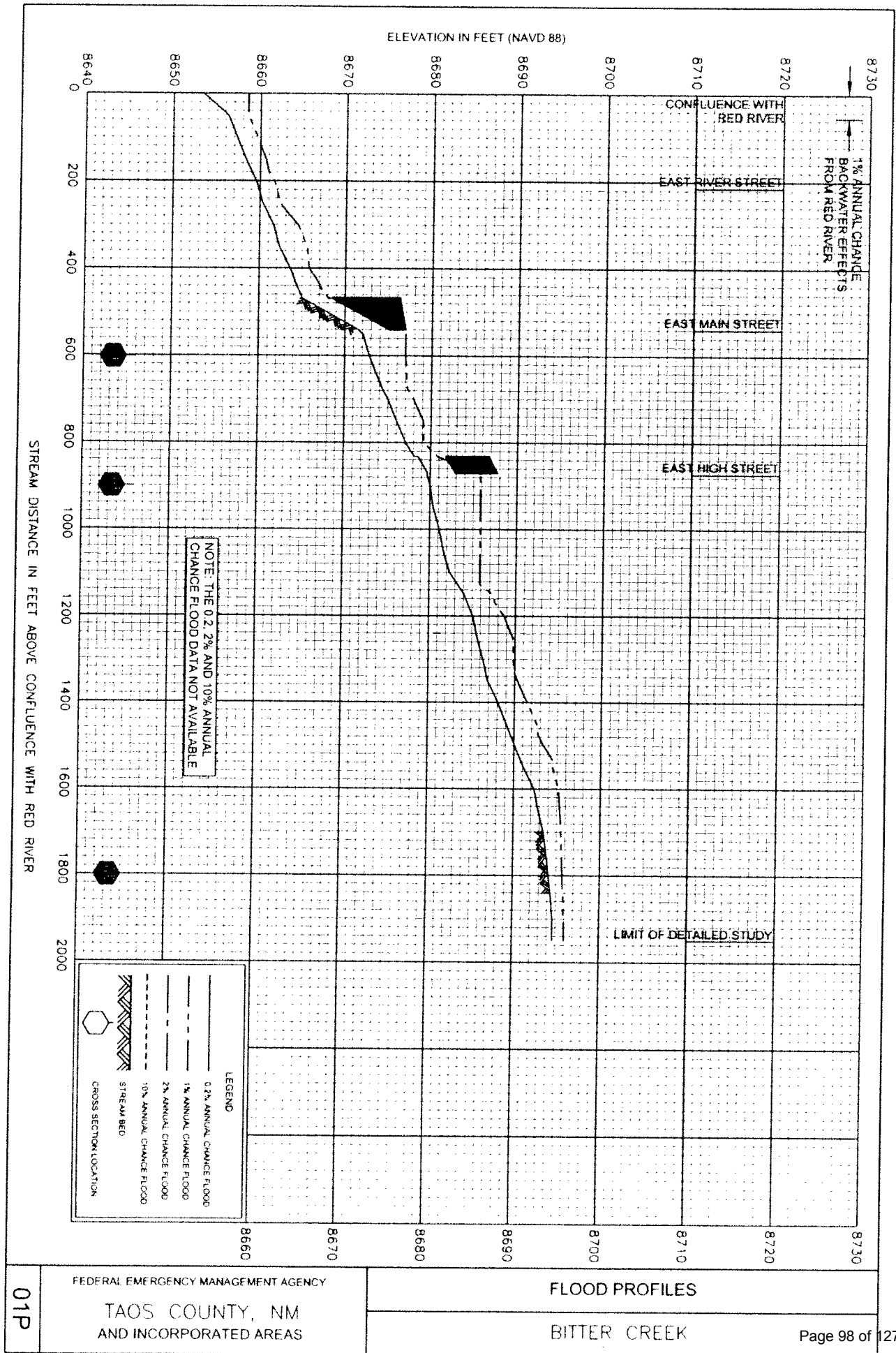
COMMUNITY NAME	INITIAL IDENTIFICATION	FLOOD HAZARD BOUNDARY MAP REVISION DATE(S)	FLOOD INSURANCE RATE MAP EFFECTIVE DATE	FLOOD INSURANCE RATE MAP REVISION DATE(S)
Picuris Pueblo	<Effective Date>	None	<Effective Date>	None
Village of Questa	January 17, 1975	None	<Effective Date>	None
Town of Red River	May 10, 1974	January 2, 1976	July 1, 1987	June 6, 2001
Taos Pueblo	<Effective Date>	None	<Effective Date>	None
Town of Taos	May 17, 1974	May 28, 1976 September 5, 1978	August 4, 1987	December 15, 1989
Taos County (Unincorporated Areas)	August 30, 1974	May 31, 1977 March 27, 1979	January 5, 1989	None
FEDERAL EMERGENCY MANAGEMENT AGENCY TAOS COUNTY, NM AND INCORPORATED AREAS		COMMUNITY MAP HISTORY		

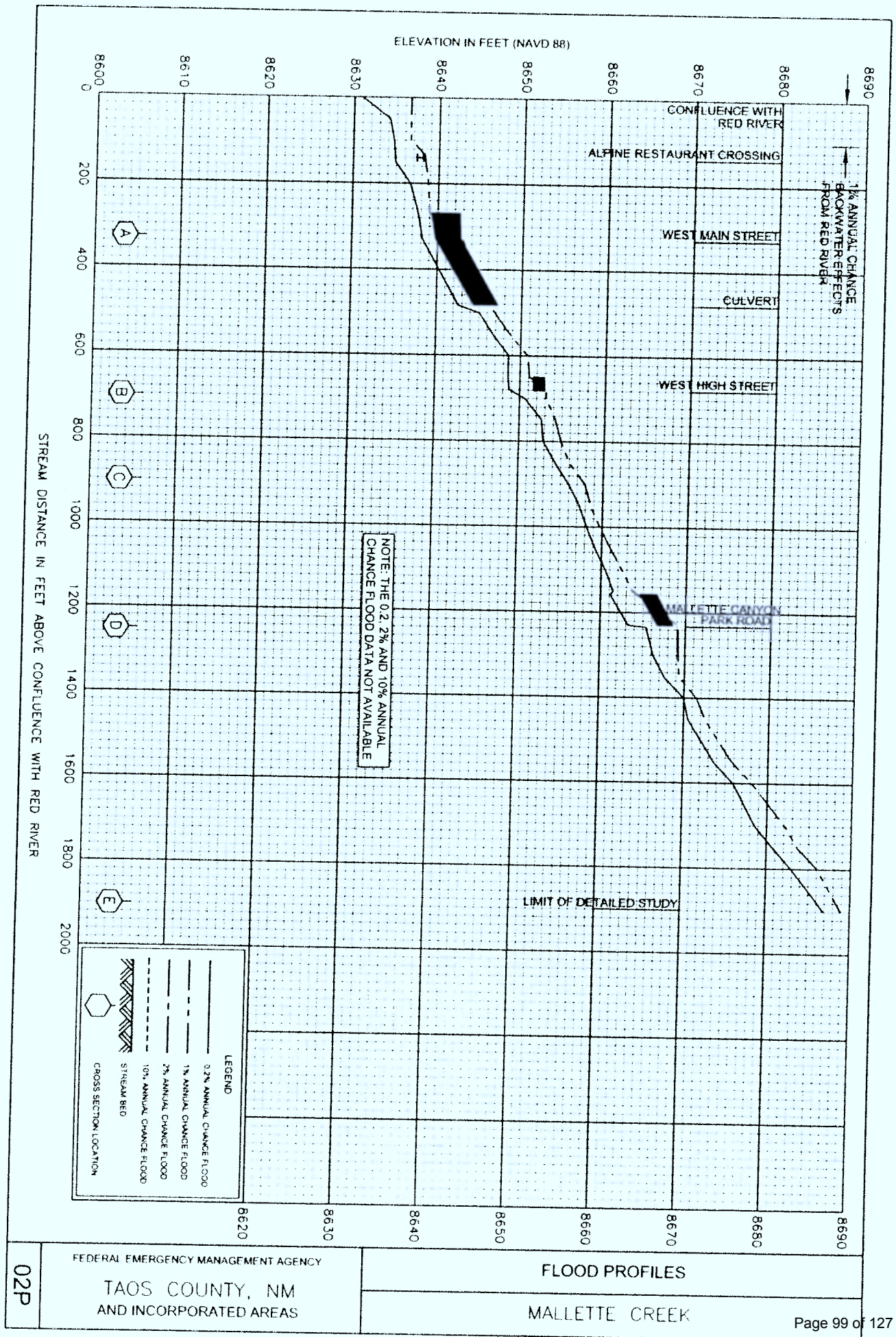
9.0 BIBLIOGRAPHY AND REFERENCES

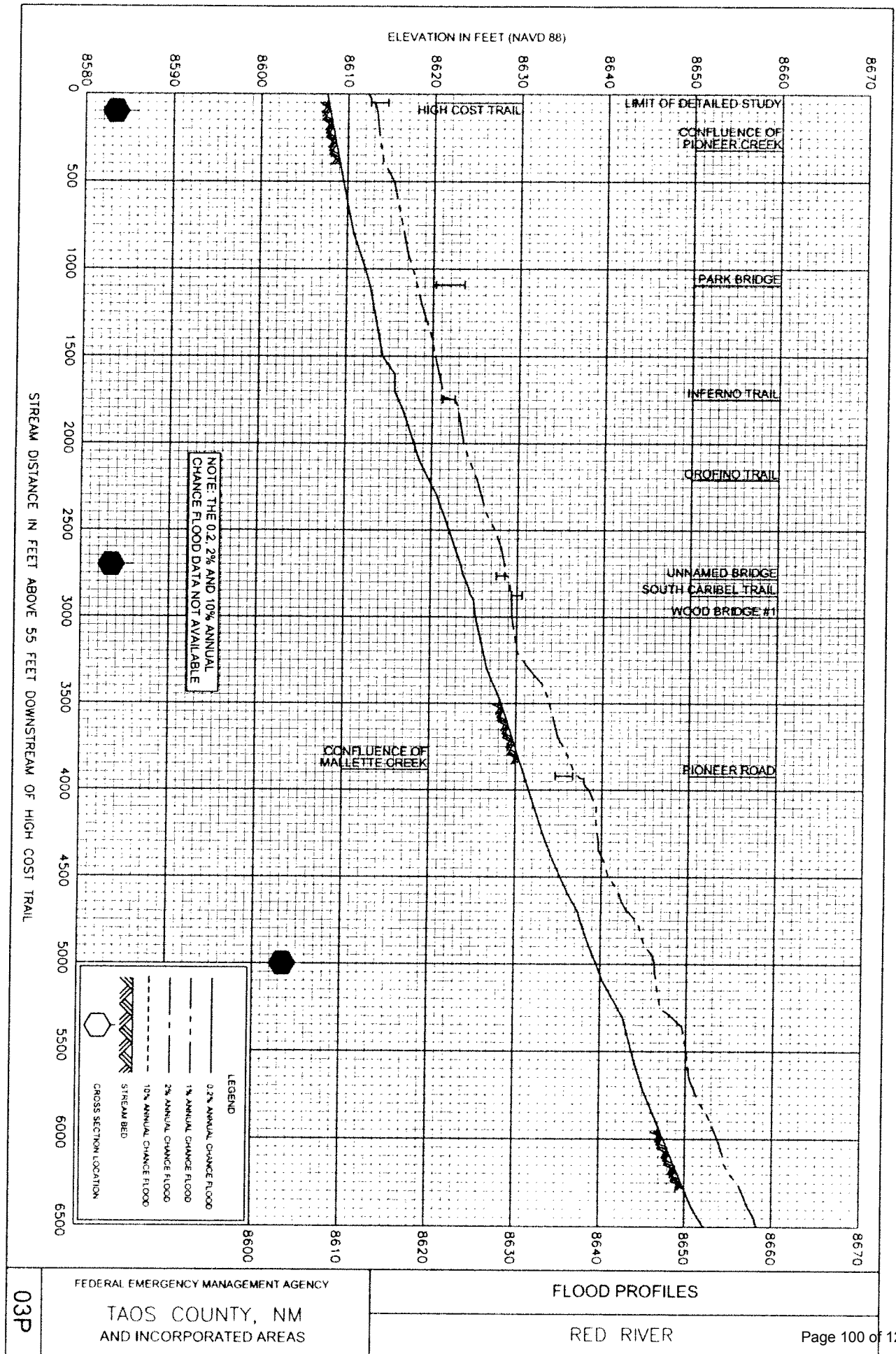
1. Federal Emergency Management Agency, Flood Insurance Study, Taos County Unincorporated Areas, New Mexico, Washington, D.C., January 5, 1989.
2. Federal Emergency Management Agency, Flood Insurance Study, Town of Red River, Taos County, New Mexico, Washington, D.C., June 6, 2001.
3. U.S. Census Bureau, Census 2000 Summary File 1, Taos County, New Mexico – County Subdivision and Place; GCT-PH1. Population, Housing Units, Area, and Density: 2000, <http://factfinder.census.gov> accessed November 24, 2008.
4. Daniel B. Stephens and Associates, Inc., Taos Regional Water Planning Steering Committee, Taos Regional Water Plan, Volume 1: Water Plan, April 2008.
5. Town of Red River, New Mexico, <http://www.redriver.org/facts-maps>; accessed December 2, 2008
6. U.S. Department of the Army, Corps of Engineers, Albuquerque District, Flood Plain Delineation Study, Red River, Taos County, New Mexico, Albuquerque, New Mexico, January 1998.
7. Western Regional Climate Center. Western U.S. Climate Historical Summaries, <http://www.wrcc.dri.edu/summary/Climsmnm.html>, Desert Research Institute, Reno, NV, 2006.
8. U.S. Department of Commerce, National Climatic Data Center, Storm Event Database, <http://www4.ncdc.noaa.gov/cgi-win/wwwcgi.dll?wwEvent~Storms> accessed December 1, 2008.
9. New Mexico State Engineers Office, New Mexico Inventory of Dams, NATUM Database, pg.479.
10. U.S. Department of the Interior, Geological Survey, Water Resources Investigations 86-4104, Techniques for Estimating Flood-Flow Frequency for Unregulated Streams in New Mexico, by S. D. Waltemeyer, 1986.
11. U.S. Department of the Army, Corps of Engineers, Hydrologic Engineering Center, HEC-1 Computer Program and User's Manual, Flood Hydrograph Package, Davis, California, September 1990.
12. U.S. Department of the Interior, Geological Survey, 7.5-Minute Series Topographic Maps, "Red River, NM, 1995; Red River Pass, NM, 1995", scale 1:24,000, contour interval 40 feet.
13. U.S. Department of the Army, Corps of Engineers, Engineering Manual EM 110-2-9021, Flood Runoff Analysis, October 11, 1991.

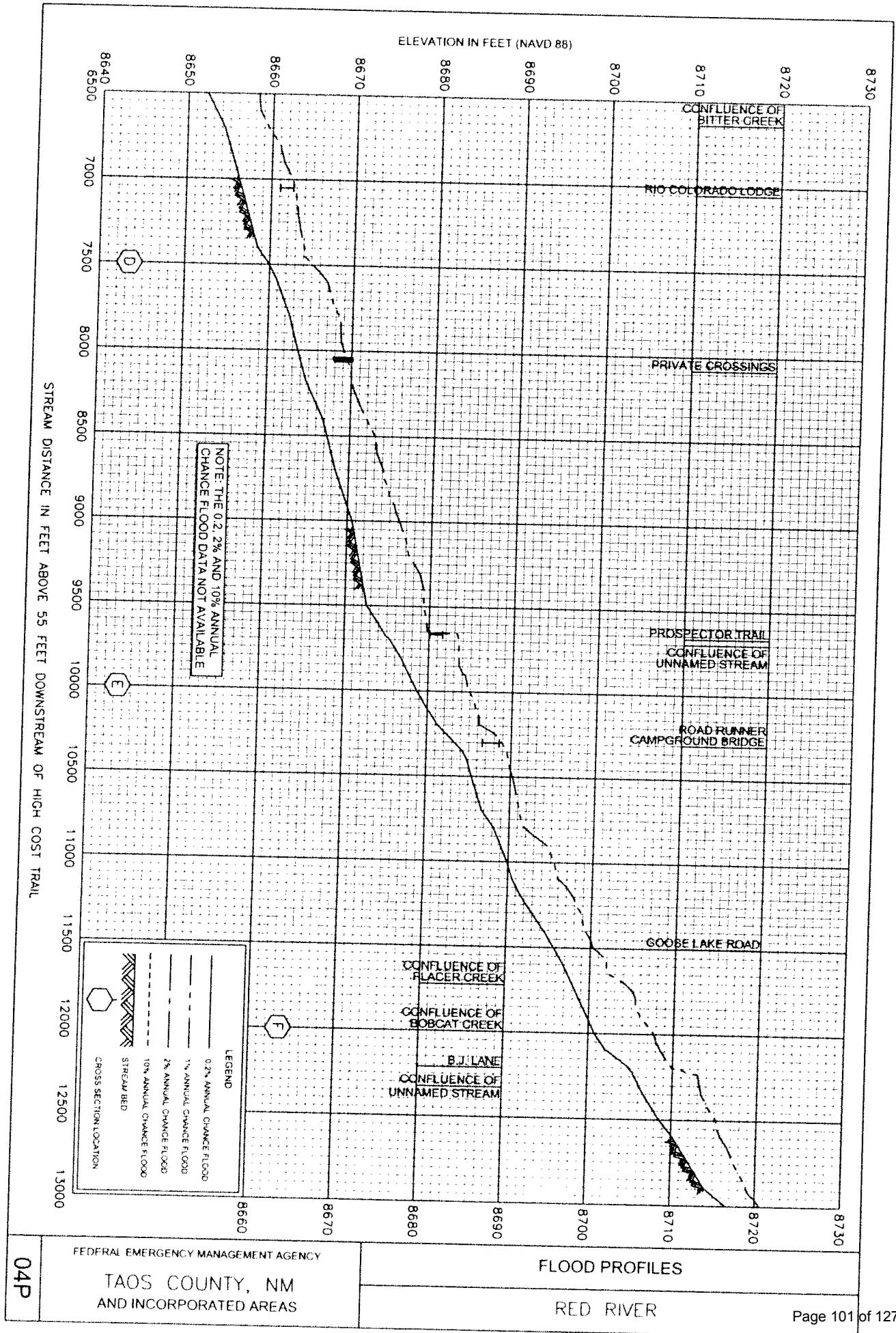
14. U.S. Department of the Army, Corps of Engineers, Albuquerque District, Hydrology - Santa Fe River and Arroyo Mascaras, Santa Fe, NM, Design Memorandum No.1, September 1979.
15. Miller, J.F., Frederick, R.H., and Tracey, R.J., Precipitation - Frequency Atlas of the Western United States, NOAA Atlas 2, Volume IV - New Mexico, prepared for the U.S. Department of Agriculture, Silver Spring, Maryland, 1973.
16. Miller, J.F., Frederick, R.H., and Tracey, R.J., Depth - Area Ratios in the Semi-arid Southwest United States, Hydrometeorological Report 40, Silver Springs, Maryland, August 1984.
17. D.P.M. Drainage Criteria Committee, Development Process Manual, Volume 2, Design Criteria, Section 22, Hydrology for the City of Albuquerque, in cooperation with the Albuquerque Metropolitan Arroyo Flood Control Authority and Bernalillo County, New Mexico, August 1991.
18. U.S. Department of the Army, Corps of Engineers, Hydrologic Engineering Center, HEC-FFA Computer Program and User's Manual, Flood Frequency Analysis, Davis, California, May 1992.
19. U.S. Department of the Interior, Geological Survey, Interagency Advisory Committee on Water Data, Guidelines for Determining Flood Flow Frequency, Bulletin 17B of the Hydrology Subcommittee, Reston, Virginia, revised September 1981, editorial corrections March 1982.
20. U.S. Department of the Interior, Geological Survey, Thomas, B. E., Hjalmarsen, H.W., and Waltemeyer, S.D., Open-file Report 93-419, Methods for Estimating Magnitude and Frequency of Floods in the Southwestern United States, 1994.
21. U.S. Department of the Interior, Geological Survey, The National Flood-Frequency Program – Methods for Estimating Flood Magnitude and Frequency in Rural Areas in New Mexico, Fact Sheet 055-00, October 2000.
22. U.S. Department of the Interior, Geological Survey, PeakFQ Computer Program – Flood Frequency Analysis Based on Bulletin 17B, Version 5.2, November 1, 2007.
23. Federal Highway Administration, FHWA/RD-86/108, Bridge Waterways Analysis Model/Research Report, by J.O. Shearman, W.H. Kirby, V.R. Schneider, and H.N. Flippo, Jr., 1985.
24. U.S. Department of the Army, Corps of Engineers, Hydrologic Engineering Center, HEC-RAS River Analysis System Computer Program, Version 2.2, Davis, California, September 1998.
25. Thomas R. Mann and Associates, Inc., Digital Topographic Mapping, photography date: May 4, 1994, Albuquerque, New Mexico.

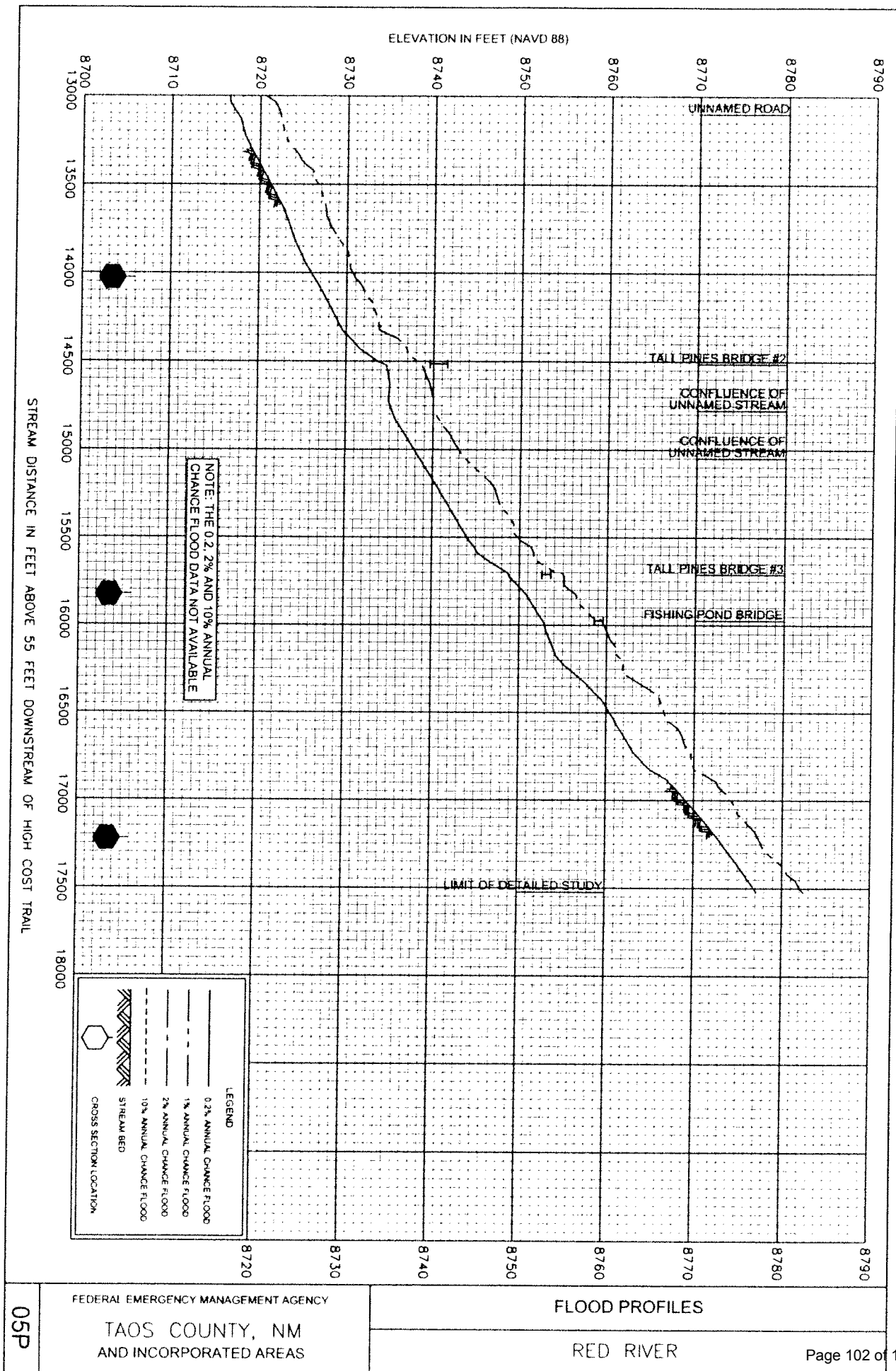
26. Watershed Concepts, Using the WISE Hydraulics Module, A User Guide for the Watershed Information System (WISE) and software Version 2.0.9 SP2. Roanoke, VA, May 2006.
27. Federal Emergency Management Agency, Guidelines and Specifications for Flood Hazard Mapping Partners, Washington, D.C., 2003.
28. U.S. Department of the Interior, Geological Survey, 7.5-Minute Series Topographic Map, "Taos, NM", scale 1:24,000, contour interval 20 feet.
29. Federal Emergency Management Agency, Flood Insurance Study and Flood Insurance Rate Maps, Colfax County, New Mexico, in process.
30. Federal Emergency Management Agency, Flood Insurance Study and Flood Insurance Rate Maps, Rio Arriba County, New Mexico, in process.











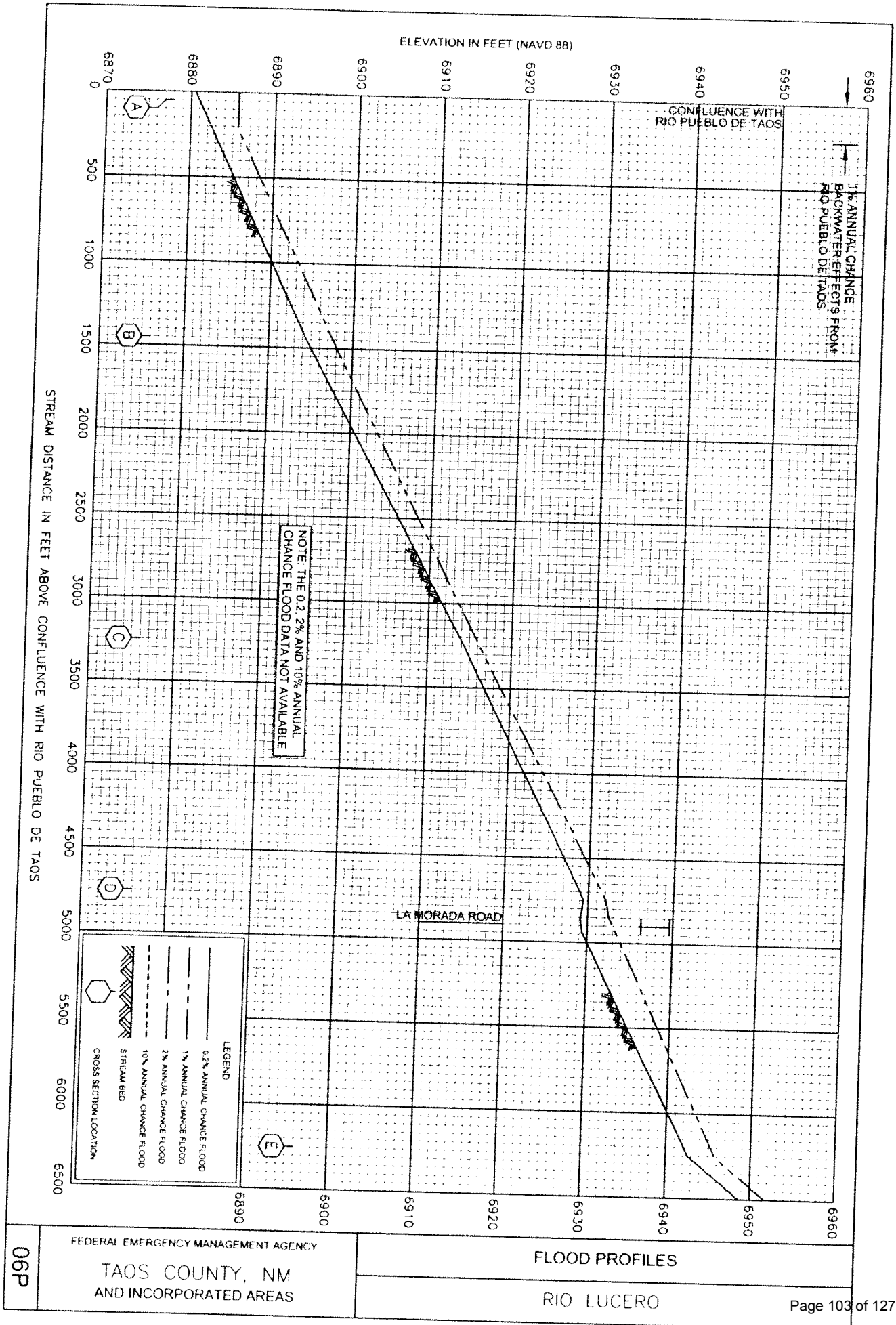
05P

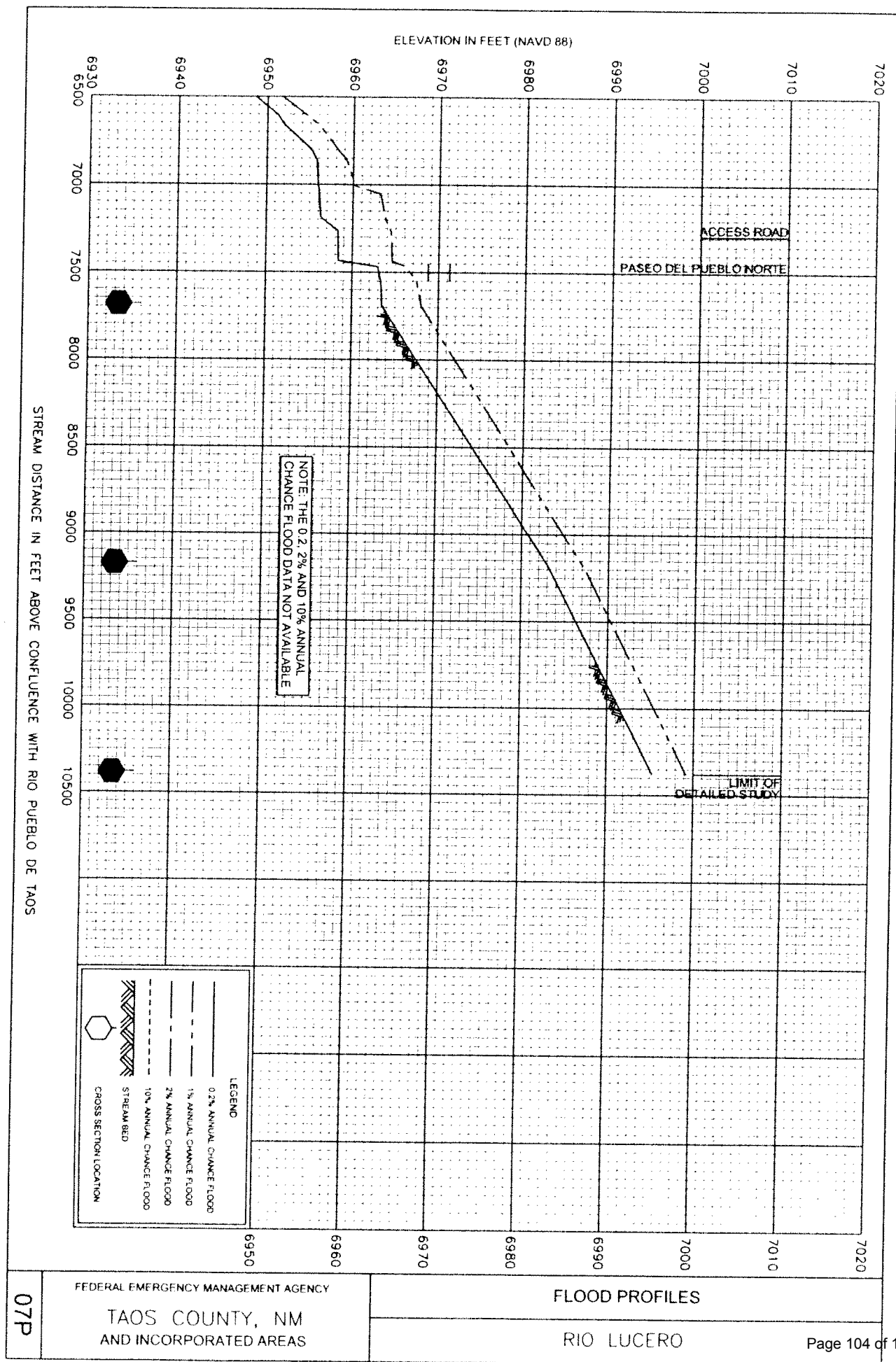
FEDERAL EMERGENCY MANAGEMENT AGENCY

TAOS COUNTY, NM
AND INCORPORATED AREAS

FLOOD PROFILES

RED RIVER







October 12, 2010

Title:

Matthew Spriggs, Community Economic Development Director

Summary:

Public hearing regarding the adoption of Ordinance 10-25 amending title 16 of the Taos Town Code with respect to height limitations in the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) zones and set backs, lot sizes, lot coverage, and lot widths of the HCPD, CBD, C-2, C-1, R-14, and R-6 zoning districts to achieve a greater density of development. The ordinance further makes minor alterations to the permitted principal and accessory uses of the CBD zoning district.

Background:

Attachments:

Click to download

📄 [Ordinance](#)

📄 [P&Z Resolution](#)

APPROVALS:

Date/Time:	Approval:	Department:
10/4/2010 9:04 AM	Approved	Town Manager
10/4/2010 9:08 AM	Approved	Town Clerk



ORDINANCE 10-25

AN ORDINANCE AMENDING SECTIONS 16.20.030.3 HEIGHT LIMITATIONS; 16.16.160.5 HIGHWAY CORRIDOR PROTECTION DISTRICT (HCPD) DEVELOPMENT STANDARDS; 16.16.150.2 PERMITTED PRINCIPAL USES, 16.16.150.3 PERMITTED ACCESSORY USES, 16.16.150.5 DEVELOPMENT STANDARDS OF THE CENTRAL BUSINESS DISTRICT (CBD); 16.16.140.5 GENERAL COMMERCIAL DISTRICT (C-2) DEVELOPMENT STANDARDS; 16.16.130.5 NEIGHBORHOOD COMMERCIAL (C-1) DEVELOPMENT STANDARDS; 16.16.120.6 MULTI-FAMILY RESIDENTIAL (R-14) DEVELOPMENT STANDARDS; AND 16.16.110.5 RESIDENTIAL ZONE (R-6) DEVELOPMENT STANDARDS OF THE TAOS TOWN CODE

This ordinance amends the Taos Town Code with respect to height limitations in the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) zones and set backs, lot sizes, lot coverage, and lot widths of the HCPD, CBD, C-2, C-1, R-14, and R-6 zoning districts to achieve a greater density of development. The ordinance further makes minor alterations to the permitted principal and accessory uses of the CBD zoning district.

WHEREAS, the Community Economic Development and Planning and Zoning Departments of the Town of Taos have determined that an amendment to sections 16.20.030.3, 16.16.160.5, 16.16.150.2, 16.16.150.3, 16.16.150.5, 16.16.140.5, 16.16.130.5, 16.16.120.6, and 16.16.110.5 of the Town of Taos Code; Land Use Development Title is necessary to provide the ability for land to be developed with the appropriate density and thereby preserving open space, utility costs, and lowering the cost of housing; and

WHEREAS, The Town of Taos Land Use Development Review Committee has reviewed and recommended approval of the proposed amendments to the Taos Town Code, Land Use Development Title; and

WHEREAS, the Planning and Zoning Commission at their regularly scheduled October 6, 2010 meeting has approved Planning and Zoning Commission Resolution 10-04 recommending said changes to the Taos Town Code, Land Use Development Title.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session, this October 12, 2010, and after having held a public hearing

on the matter, and after having reviewed Planning and Zoning Commission Resolution 10-04 the following Ordinance is hereby amended, adopted, and approved:

Taos Town Code, Land Use Development Title, originally adopted as LAND USE DEVELOPMENT CODE; Ordinance 99-05 is amended in the following specific locations and otherwise remains unchanged:

LEGISLATIVE FORMAT VERSION

16.20.030.3: HEIGHT LIMITATIONS:

- A. Maximum Building Height: The maximum building height shall be ~~two (2) stories, but in no case more than~~ twenty seven feet (27') from **the average grade of the site. Within the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) Zoning Districts the maximum building height may be increased to a maximum height of forty feet (40') if approved at a public hearing by the Planning and Zoning Commission as an exception.**
 - a. **An exception to the twenty seven foot (27') height limitation within the CBD and HCPD Zones shall be approved by the Planning and Zoning Commission at a public hearing and may be approved only if the Commission can answer the following affirmatively:**
 - i. **Is the construction adequately protected from fire?**
 - ii. **Is there adequate protection of the existing viewshed of adjacent properties?**
 - iii. **Is there adequate protection of solar access for adjacent properties?**
 - iv. **Is the increase in height in keeping with the Land Use Element of the Town of Taos Comprehensive Plan?**
 - v. **If the property is located within the Historic Overlay Zone, has it been approved by the Town of Taos Historic Preservation Commission?**
- B. ~~except for~~ Flagpoles, cellular towers and antennas ~~which~~ are limited to a maximum ~~allowed~~ height of fifty feet (50').

16.16.120.5: SPECIAL USES:

In addition to the special uses listed in section 16.16.210 of this chapter, higher **dwelling** unit density than fourteen (14) units per acre shall be allowed in the R-14 zone **and higher dwelling unit density than twenty-nine (29) units per acre in the Central Business District (CBD) zone** in order to provide affordable housing in ~~this~~ **these** zones, with the condition that all setbacks, lot coverage and performance standards (including parking) are followed. The minimum lot size shall be waived for developments which have been approved for higher density in the R-14 zone. Higher **dwelling** unit density than fourteen (14) units in the R-14 **and twenty-nine (29) dwelling units in the CBD** zones requires a special use permit, a site development plan containing the elements

required in section 16.20.080 of this title, and any other information required by the code administrator. The application procedure shall follow section 16.12.040.5 of this title. **To be considered an affordable housing development the project must be participating in a public affordable housing program such as the Town of Taos Affordable Housing Program, New Mexico Mortgage Finance Authority's Low Income Housing Tax Credit Program, or USDA Rural Housing.** (Ord. 03-07, 2003: Ord. 99-05, 1999)

Highway Corridor Protection District (HCPD)

16.16.160.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the HCPD 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 per dwelling unit for single-family dwellings; three thousand five hundred (3,500) square feet per dwelling unit for two-family dwellings; three thousand (3,000) square feet per dwelling unit for multi-family dwellings; and ten thousand (10,000) square feet per commercial unit;~~

C. Minimum Lot Width: Seventy feet (70');

D. Minimum Setback Requirements:

1. Front Yard: Ten feet (10') from the front property line, ~~with the front eight feet (8') of the lot landscaped in accordance with the provisions of the landscaping ordinance;~~
2. Side Yards: **Zero feet (0')** ~~Fifteen feet (15') from the side property lines for all commercial development, and ten feet (10') from the side property lines for all residential development;~~
3. Rear Yard: **Zero feet (0')** ~~Twenty feet (20') from the rear property line;~~
4. Residential Zone: If the rear or side ~~yard~~ **property line** abuts a residential zone, ~~an additional setback is required. This~~ 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, ~~whichever is less.~~ 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 HCPD 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 HCPD zone;

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the HCPD zone governed by this title shall meet or exceed all applicable performance standards²⁰ and criteria as set forth in this title and any other applicable town ordinance or regulation; and

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the HCPD 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.

Central Business District (CBD)

16.16.150.2: PERMITTED PRINCIPAL USES:

The following uses shall be permitted in the CBD zone:

Eating or drinking establishments, excluding clubs.

General merchandise retail, excluding convenience or small grocery store with fuel sales, department store, and discount store.

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

Lodging establishments.

Personal service retail establishments excluding daycare, laundry, motor vehicle service and repair establishment/car wash or fuel sales, **and** personal storage. ~~and photography studio.~~

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

Single-family, two-family and multi-family dwellings, including apartments, condominiums, and townhouses.

Specialty retail establishments **but** excluding **businesses which require exterior inventory storage for** automobile/pleasure craft dealerships, ~~hardware store~~, large equipment sales and rentals, **and** ~~machine shop~~, manufactured home sales, **and construction materials.** ~~and service, and package liquor sales.~~

Theaters.

Wholesaling operation, provided that no manufacturing or storage for distribution shall be permitted on the premises.

16.16.150.3: PERMITTED ACCESSORY USES:

The following accessory uses shall be permitted in the CBD zone:

Guesthouse, ~~so long as it is used only~~ as an accessory ~~use~~ to a ~~primary~~ single-family residence and is not an accessory to a two-family attached, semi-attached or multi-family residence.

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 CBD zone.

Exterior inventory storage of plants for sale to the general public is permitted as an accessory use.

Sidewalk sales and dining are permitted provided the business maintains thirty six inches (36") of continuous clear passage for pedestrians.

16.16.150.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the CBD zone:

A. Maximum Overall Density: ~~Fourteen (14)~~ **Twenty nine (29)** dwelling units per acre **without density bonuses from an approved Planned Unit Development (PUD), §16.16.190 *et. seq.* or a special use permit for higher density¹⁵, §16.16.120.5** ~~for two-family attached, semi-attached or multi-family residence.~~

B. Minimum Lot Size: ~~Seven thousand (7,000) square feet per dwelling unit for single-family dwellings; three thousand five hundred (3,500) square feet per unit for two-family dwellings; three thousand (3,000) square feet per unit for multi-family dwellings; and One thousand five hundred (1,500) square feet per guestroom for lodging establishments.~~

C. Off Street Loading: Any use in the CBD zone requiring loading space for normal operations shall provide adequate loading space, so that no vehicles being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

D. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the CBD zone governed by this title shall meet or exceed all applicable performance standards¹⁹ and criteria as set forth in this title and any other applicable town ordinance or regulation.

E. Minimum Lot Width: ~~Seventy feet (70')~~ **Twenty feet (20')**.

F. Minimum Setback Requirements:

1. When a lot in the CBD zone is developed with ~~a single-family dwelling~~, **residential use up to a triplex**, the setback requirements ~~of the R-2 zone shall apply~~ **are as follows;** and

a. Front Yard: Ten feet or in keeping with the setback of the adjoining parcels

b. Side Yard: Seven feet (7') or a minimum of ten feet between buildings on adjoining lots, whichever is less

c. Rear Yard: Ten feet (10') – note that ½ of the width of any alleyway may be counted toward the rear setback

2. When a lot in the CBD zone is developed with ~~two-family dwellings and multi-family dwellings~~, the setback requirements of the ~~R-14 zone shall be applicable;~~ and **All commercial development within the CBD including multi-family housing, may be constructed to the lot line and no setbacks are required. However, construction of a commercial building on a property that shares a side property line or lines with a residential use (single-family to triplex) or zone shall have a front yard setback in keeping with the adjoining residential use and a side yard setback of five feet (5') from the side or sides shared with a residential use or zone. The side yard setback shall be used to screen the residential use 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;**

3. The planning and zoning commission may grant variances to the above minimum width and setback requirements after careful consideration of existing adjacent properties and uses in the immediately surrounding CBD neighborhood.

G. Maximum Lot Coverage: ~~Sixty~~ **Up to one hundred percent (60%100%)** by all structures **provided that it receives approval from the Code Administrator specifically regarding the ability of emergency services ability to access the property.**

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the CBD 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.

I. Historic Overlay Zone: Properties within the central business district that are also within the historic overlay zone shall also comply with section [16.16.220](#) of this chapter. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

General Commercial District (C-2)

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, semi-attached or multi-family residence.

B. Minimum Lot Size: Seven thousand (7,000) square feet ~~per unit for single family dwellings; three thousand five hundred (3,500) square feet per unit for two family dwellings; three thousand (3,000) square feet per unit for multi-family dwellings; three thousand five hundred (3,500) square feet per guestroom for lodging establishments; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

C. Minimum Lot Width: Seventy feet (70').

D. Minimum Setback Requirements:

1. Front yard: Ten feet (10') ~~from the front property line, with the front eight feet (8') of the lot landscaped in accordance with the provisions of the landscaping ordinance;~~
2. Side Yards: **Zero feet (0')** ~~Fifteen feet (15') from the side property lines for all commercial development, and ten feet (10') from the side property lines for all residential development;~~
3. Rear Yard: **Zero feet (0')** ~~Twenty feet (20') from the rear property line;~~
4. Residential Zone: If the rear or side **yard property line** abuts a residential zone, ~~an additional setback is required. This~~ 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, ~~whichever is less.~~ 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

Neighborhood Commercial District (C-1)

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, semi-attached or multi-family residence.

B. Minimum Lot Size: Seven thousand (7,000) square feet ~~per unit for single family dwellings; three thousand five hundred (3,500) square feet per unit for two-family dwellings; three thousand (3,000) square feet per unit for multi-family dwellings; three thousand five hundred (3,500) square feet per guestroom for bed and breakfast inns or boarding houses; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

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** dwellings, the setback requirements of the R-~~26~~ 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 ~~of the R-14 zone~~ shall be **applicable:**

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: ~~Forty-Fifty~~ percent (~~40~~**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. 04-06, 2004; Ord. 03-07, 2003; Ord. 99-05, 1999)

Multi-Family Residential District (R-14)

16.16.120.6: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the R-14 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units without **density bonuses or** a special use permit for higher density¹⁵ and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: Seven thousand (7,000) square feet ~~per unit for single-family dwellings; three thousand five hundred (3,500) square feet per dwelling unit for two-family dwellings; three thousand (3,000) square feet per dwelling unit for multi-family dwellings; two thousand five hundred (2,500) square feet per guestroom for bed and breakfast inns and boarding houses; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: ~~Fifteen~~ Ten feet (15~~10~~') from the rear property line.

E. Maximum Lot Coverage: ~~Forty~~ Fifty percent (40~~50~~%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and

6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-14 zone governed by this title shall meet or exceed all applicable performance standards¹⁶ and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-14 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

Residential Zone (R-6)

16.16.110.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the R-6 zone:

A. Maximum Overall Density: Six (6) dwelling units and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: ~~Seven Six~~ thousand ~~two hundred fifty~~ (7,250 **6,000**) square feet.

C. Minimum Lot Width: ~~Sixty~~ **Fifty** feet (~~60~~**50**').

D. Minimum Setback Requirements:

1. Front yard: ~~Thirty~~ **Twenty** feet (~~30~~**20**') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: ~~Twenty-Ten~~ feet (~~20~~**10**') from the rear property line.

E. Maximum Lot Coverage: ~~Forty~~ **Fifty** percent (~~40~~**50**%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-6 zone governed

by this title shall meet or exceed all applicable performance standards¹⁴ and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-6 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

ADOPTION VERSION

16.20.030.3: HEIGHT LIMITATIONS:

- A. Maximum Building Height: The maximum building height shall be twenty seven feet (27') from the median grade of the site. Within the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) Zoning Districts the maximum building height may be increased to a maximum height of forty feet (40') if approved at a public hearing by the Planning and Zoning Commission as an exception.
 - a. An exception to the twenty seven foot (27') height limitation within the CBD and HCPD Zones shall be approved by the Planning and Zoning Commission at a public hearing and may be approved only if the Commission can answer the following affirmatively:
 - i. Is the construction adequately protected from fire?
 - ii. Is there adequate protection of the existing viewshed of adjacent properties?
 - iii. Is there adequate protection of solar access for adjacent properties?
 - iv. Is the increase in height in keeping with the Land Use Element of the Town of Taos Comprehensive Plan?
 - v. If the property is located within the Historic Overlay Zone, has it been approved by the Town of Taos Historic Preservation Commission?
- B. Flagpoles, cellular towers and antennas are limited to a maximum height of fifty feet (50').

16.16.120.5: SPECIAL USES:

In addition to the special uses listed in section 16.16.210 of this chapter, higher dwelling unit density than fourteen (14) units per acre shall be allowed in the R-14 zone and higher dwelling unit density than twenty-nine (29) dwelling units per acre in the Central Business District (CBD) zone in order to provide affordable housing in these zones, with the condition that all setbacks, lot coverage and performance standards (including parking) are followed. The minimum lot size shall be waived for developments which have been approved for higher density in the R-14 zone. Higher dwelling unit density than fourteen (14) units in the R-14 and twenty-nine (29) dwelling units in the CBD zones requires a special use permit, a site development plan containing the elements required in section 16.20.080 of this title, and any other information required by the code administrator. The application procedure shall follow section 16.12.040.5 of this title. To be considered an affordable housing development the project must be participating in a public affordable housing program such as the Town of Taos Affordable Housing Program, New Mexico Mortgage Finance Authority's Low Income Housing Tax Credit Program, or USDA Rural Housing. (Ord. 03-07, 2003; Ord. 99-05, 1999)

Highway Corridor Protection District (HCPD)

16.16.160.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the HCPD zone:

A. Minimum Lot Size: Seven thousand (7,000) square.

B. Minimum Lot Width: Seventy feet (70');

C. Minimum Setback Requirements:

1. Front Yard: Ten feet (10') from the front property line 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 HCPD 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 HCPD zone;

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the HCPD zone governed by this title shall meet or exceed all applicable performance standards²⁰ and criteria as set forth in this title and any other applicable town ordinance or regulation; and

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the HCPD 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.

Central Business District (CBD)**16.16.150.2: PERMITTED PRINCIPAL USES:**

The following uses shall be permitted in the CBD zone:

Eating or drinking establishments, excluding clubs.

General merchandise retail, excluding convenience or small grocery store with fuel sales, department store, and discount store.

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

Lodging establishments.

Personal service retail establishments excluding daycare, laundry, motor vehicle service and repair establishment/car wash or fuel sales, and personal storage.

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

Single-family, two-family and multi-family dwellings, including apartments, condominiums, and townhouses.

Specialty retail establishments but excluding businesses which require exterior inventory storage for automobile/pleasure craft dealerships, large equipment sales and rentals, manufactured home sales, and construction materials.

Theaters.

Wholesaling operation, provided that no manufacturing or storage for distribution shall be permitted on the premises.

16.16.150.3: PERMITTED ACCESSORY USES:

The following accessory uses shall be permitted in the CBD zone:

Guesthouse, as an accessory use to a single-family residence.

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 CBD zone.

Exterior inventory storage of plants for sale to the general public is permitted as an accessory use.

Sidewalk sales and dining are permitted provided the business maintains thirty six inches (36") of continuous clear passage for pedestrians.

16.16.150.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the CBD zone:

A. Maximum Overall Density: Twenty nine (29) dwelling units per acre without density bonuses or a special use permit for higher density¹⁵.

B. Minimum Lot Size: One thousand five hundred (1,500) square feet.

C. Off Street Loading: Any use in the CBD zone requiring loading space for normal operations shall provide adequate loading space, so that no vehicles being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

D. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the CBD zone governed by this title shall meet or exceed all applicable performance standards¹⁹ and criteria as set forth in this title and any other applicable town ordinance or regulation.

E. Minimum Lot Width: Twenty feet (20').

F. Minimum Setback Requirements:

1. When a lot in the CBD zone is developed with a residential use up to a triplex, the setback requirements are as follows;

a. Front Yard: Ten feet or in keeping with the setback of the adjoining parcels

b. Side Yard: Seven feet (7') or a minimum of ten feet between buildings on adjoining lots, whichever is less

c. Rear Yard: Ten feet (10') – note that ½ of the width of any alleyway may be counted toward the rear setback

2. All commercial development within the CBD including multi-family housing, may be constructed to the lot line and no setbacks are required. However, construction of a commercial building on a property that shares a side property line or lines with a residential use (single-family to triplex) or zone shall have a front yard setback in keeping with the adjoining residential use and a side yard setback of five feet (5') from the side or sides shared with a residential use or zone. The side yard setback shall be used to screen the residential use 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;

3. The planning and zoning commission may grant variances to the above minimum width and setback requirements after careful consideration of existing adjacent properties and uses in the immediately surrounding CBD neighborhood.

G. Maximum Lot Coverage: Up to one hundred percent (100%) by all structures provided that it receives approval from the Code Administrator specifically regarding the ability of emergency services ability to access the property.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the CBD 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.

I. Historic Overlay Zone: Properties within the central business district that are also within the historic overlay zone shall also comply with section [16.16.220](#) of this chapter. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

General Commercial District (C-2)

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, semi-attached 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

Neighborhood Commercial District (C-1)

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, semi-attached 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 dwellings, 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

Multi-Family Residential District (R-14)

16.16.120.6: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the R-14 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units without density bonuses or a special use permit for higher density¹⁵ and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: Seven thousand (7,000) square feet.

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: Ten feet (10') from the rear property line.

E. Maximum Lot Coverage: Fifty percent (50%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-14 zone governed by this title shall meet or exceed all applicable performance standards¹⁶ and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-14 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

Residential Zone (R-6)

16.16.110.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the R-6 zone:

A. Maximum Overall Density: Six (6) dwelling units and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: Six thousand (6,000) square feet.

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: Ten feet (10') from the rear property line.

E. Maximum Lot Coverage: Fifty percent (50%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-6 zone governed by this title shall meet or exceed all applicable performance standards¹⁴ and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-6 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. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

This ordinance shall become effective as provided by law.

ORDAINED, ADOPTED, APPROVED, AND RATIFIED this **12th** day of **October, 2010** by the following vote:

Councilman Rudy Abeyta _____

Councilwoman Amy Quintana _____

Councilman Eugene Sanchez _____

Councilman Michael Silva _____

DARREN M. CORDOVA
MAYOR

ATTEST:

RENEE LUCERO
TOWN CLERK

APPROVED AS TO LEGAL FORM:

ALLEN FERGUSON
TOWN ATTORNEY



**TOWN OF TAOS
PLANNING & ZONING COMMISSION
RESOLUTION NO. 10-04**

ENDORISING TOWN OF TAOS ORDINANCE 10-25

WHEREAS, the Town of Taos Planning and Zoning Commission finds it necessary to amend the Land Use Development Title of the Taos Town Code with respect to height limitations in the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) zones and set backs, lot sizes, lot coverage, and lot widths of the HCPD, CBD, C-2, C-1, R-14, and R-14 zoning districts, and extends the affordable housing density bonus to the CBD zone to achieve a greater density of development. The ordinance further makes minor alterations to the permitted principal and accessory uses of the CBD zoning district.

NOW THEREFORE, BE IT RESOLVED, that the Planning & Zoning Commission endorses the Town of Taos Ordinance 10-25 amending title 16, Land Use Development of the Taos Town Code together with the Commission's recommended changes, if any.

Passed by the Planning and Zoning Commission, meeting in regular session, this 6th day of October, 2010.

Planning & Zoning Commission

By:

Jim Thompson, Chair

Attest:

Clerk for the Commission

Vote: For: _____ Against: _____ Abstain: _____



October 12, 2010

Title:

Executive Session

Summary:

The Council will adjourn to go into Executive Session to discuss limited personnel matters involving the duties of individual employees and their assignment, reassignment, classification or reclassification, in the context of and in relation to the potential effects of the implementation of any previously discussed reorganization proposals pursuant to NMSA 1978 10-15-1(H)(2). No action will be taken at this time.

Background:

Attachments:

Click to download

No Attachments Available

APPROVALS:

Date/Time:

Approval:

Department:

10/6/2010 10:32 AM

Approved

Town Clerk